

A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF PHYSICAL ASSET AND INFRASTRUCTURE MANAGEMENT OF NIGERIA, TO PROVIDE FOR THE ADVANCEMENT OF THE AWARENESS AND PRACTICE OF PHYSICAL ASSET AND INFRASTRUCTURE MANAGEMENT IN NIGERIA, DELIVER VALUABLE SERVICES TO MEMBERS THROUGH TRAINING AND DEVELOPMENT AS WELL AS COLLABORATE WITH ALL STAKEHOLDERS IN THE ECONOMY IN SUSTAINING GOOD ASSET MANAGEMENT FOR COMMUNITY DEVELOPMENT AND FOR RELATED MATTERS

Sponsored by Hon. Marcus I. Onobun

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as Follows:

1 PART 1 - ESTABLISHMENT, FUNCTIONS, MEMBERSHIP OF GOVERNING
 2 COUNCIL ETC. OF THE CHARTERED INSTITUTE OF PHYSICAL ASSET AND
 3 INFRASTRUCTURE MANAGEMENT OF NIGERIA, ETC.

4 1.-(1) There shall be established a body to be known as the
 5 Chartered Institute of Physical Asset and Infrastructure Management of
 6 Nigeria (in this Act referred to as "the Institute").

Establishment
of the Chartered
Institute of Physical
Asset and
Infrastructure
Management

7 (2) The Institute-
 8 (a) Shall be a body corporate with perpetual succession;
 9 (b) Shall have a common seal which shall be kept in such custody
 10 as the Council may from time to time, authorize; and
 11 (c) May sue or be sued in its corporate name.

12 2. The functions of the Institute shall be to-
 13 (a) Determining what standards of knowledge and skill are to be
 14 attained by persons seeking to become key participants in the field of
 15 Physical Asset and infrastructure management;

Functions of the
Institute

1 (b) Secure, in terms of this Act, the establishment and maintenance of
2 a register of fellows, Associates, Chartered Physical Asset and Infrastructure
3 Managers and Honoris Physical Asset and Infrastructure Managers of the
4 Institute, and the publication from time to time of a list to those members,

5 (c) Set standard of knowledge, skills and competence level of gaining
6 the relevant status of membership of the institute, and raising those standards
7 from time to time,

8 (d) License and register members entitled to practice as chartered
9 Physical Asset and Infrastructure Managers in Nigeria with the respective
10 faculty in which the member is identified,

11 (e) Perform all other functions which may be incidental to, associated
12 with or related to duties of the institute as the council may deem appropriate,

13 (f) Establish and run a training institution to offer education and
14 training facilities to students and members towards attaining the requisite level
15 of competence for gaining membership of the institute,

16 (g) Undertake training project for public and private sector
17 organizations,

18 (h) Promote the culture of Physical Asset and Infrastructure
19 Management and implementation of projects, to achieve the set goals
20 individually institutionally, nationally and internationally,

21 (i) Create awareness and educate the users and public about the
22 significance and relevance of Physical Asset and Infrastructure Management
23 in modern operating environment,

24 (j) Promote researches in Physical Asset and Infrastructure
25 Management to develop skills and techniques of Physical Asset and
26 Infrastructure Management and application, to facilitate efficiency in resource
27 management and the achievement of maximum result, and

28 (k) Do such other things that are incidental or supplementary to the
29 foregoing objects of the Institute.

1 3.-(1) Subject to the provisions of this Act, persons admitted into
2 the Institute, shall possess knowledge, experience and qualifications in the
3 science of management and information technology and other related
4 disciplines determined from time to time by the Council, and may be
5 enrolled in the category of-

Membership
of the Institute

6 (a) fellows;

7 (b) associate;

8 (c) Chartered Physical Asset and Infrastructure Managers; or (d)
9 honours Physical Asset and Infrastructure Managers.

10 (2) Without prejudice to the last foregoing provisions of this Act,
11 persons registered as members of the Institute, in terms of this Act, shall be
12 entitled to be enrolled-

13 (a) as fellows, if they satisfy the Council that for the period of not
14 less than five years immediately preceding the date of their application in
15 that behalf, that they-

16 (i) are fit and proper persons,

17 (ii) are holders of approved academic qualifications,

18 (iii) have satisfied the Council in their dissertations,

19 (iv) have been continuously active professionally in the field of
20 Physical Asset and Infrastructure management in the public and private
21 sections of the economy and as members of the institute;

22 (b) as associate, if for the period of not less than three years
23 immediately preceding the date of their application in that behalf, that they
24 have been enrolled as graduate member and are otherwise fit and proper
25 persons, and as may be approved in the discretion of the Council; (c) as
26 Chartered Physical Asset and Infrastructure Managers, if they satisfy the
27 Council that they have passed the mandatory examinations conducted by the
28 Institute, hold equivalent qualifications from recognized institutions of
29 higher education and are otherwise however ever found to be fit and proper
30 persons by the Council;

1 (d) as Honoris Physical Asset and Infrastructure Managers if they
2 satisfy the Council that they have passed the mandatory examinations
3 conducted by the Institute, hold equivalent qualifications from recognized
4 institution of higher education and are otherwise however found to be fit and
5 proper persons by the Council.

6 (3) the following are the other of precedence and designated titular
7 abbreviations for-

8 (a) a Fellow of the Chartered Institute of Physical Asset and
9 Infrastructure Management of Nigeria who shall have the right to use the
10 designatory letters FCPAIMN immediately after his names;

11 (b) an Associate Member of the Chartered Institute of Physical Asset
12 and Infrastructure Management who shall have the right to use the designatory
13 letters ACPAIMN immediately after his names; and

14 (c) a Chartered Physical Asset and Infrastructure Manager of the
15 Chartered Institute of Physical Asset and Infrastructure Management, who
16 shall have the right to use the designatory letter MCPAIMN immediately after
17 his names.

18 (d) a Honoris Physical Asset and Infrastructure Manager of the
19 Chartered Institute of Physical Asset and Infrastructure Management, who
20 shall have the right to use the designatory letters HCPAIMN immediately after
21 his names.

Election of
Principal Officers
of the Institute

22 **4.-(1)** The principal officers of the Institute shall be-

23 (a) the president;

24 (b) the Vice President;

25 (c) the National Secretary;

26 (d) the Assistant National Secretary;

27 (e) the National Treasurer; and

28 (f) the Public Relations Officer

29 (2) The principal officers listed under subsection (1) of this section
30 shall be financial members of the Institute in the grades of fellow's, associates,

1 and Chartered Physical Asset and Infrastructure Managers. and shall be
2 elected to office biennially at the second Council meeting after another term
3 of two years, and no more.

4 (3) The President shall be the chairman at the meeting of the
5 Institute, but in the event of his incapacity, death or inability to perform the
6 duties reposed on him under this subsection, the Vice-President shall
7 perform such duties for the unexpired portion of the term of office of that
8 president.

9 (4) If any of the officers listed under subsection (1) of this section
10 ceases to be a member of the Institute, he shall cease to hold any of the
11 offices designated thereof.

12 5.-(1) There shall be for the Institute, a governing body to be
13 known as "the Council" which shall have responsibility for the
14 administration and general management of the Institute.

Establishment
and Composition
of the Council

15 (2) The Council established pursuant to subsection (1) of this
16 section shall consist of the following members, that is-

17 (a) the President of the Institute, who shall be the chairman;

18 (b) the Vice-President of the Institute, who shall be the Deputy-
19 Chairman;

20 (c) the Registrar;

21 (d) twelve members nominated by the Institute from the six
22 geopolitical zones of the Federation;

23 (e) two persons who shall be members of the Institute, represent
24 institutions of higher education in Nigeria offering courses leading to an
25 approved qualification, to be appointed in rotation;

26 (f) the immediate past President of the Institute;

27 (g) one person each not below the rank of a director to represent the
28 following Federal Ministries, that is-

29 (i) Works;

30 (ii) Science and Technology;

1 (iii) Education,

2 (3) The provisions of the first schedule to this Act shall have effect
3 with respect to the supplementary provisions of the Council and the
4 qualifications and tenure of the office of members of the council, and the
5 matters therein mentioned.

Appointment
of Board of
Fellows

6 6.-(1) There shall be appointed annually a Board of Fellows, to
7 coordinate the activities of fellows of the Institute and to recommend to the
8 Council on yearly basis admission of members to the fellows.

9 (2) The Board of fellows shall consist of persons who have been duly
10 elected as fellows of the Institute, and shall have a chairman who shall preside
11 over the activities of the Board.

12 PART II - FINANCIAL PROVISIONS

Establishment
of fund and
expenditure

13 7.-(1) The Council shall establish and maintain a fund for the
14 Institute, the management and control of which shall be under the authority of
15 the Council, into which shall be paid (a) all monies received by the Council in
16 pursuance of this Act;

17 (b) all subscriptions, fees and Council in pursuance of this Act;

18 (c) all monies raised for the purposes of the Institute by way of gifts,
19 donations, grants-in aid, testamentary dispositions from individuals, bodies
20 corporate or philanthropic organizations, nonotherwise however.

21 (2) The Council shall, from time to time, apply the proceeds of the
22 funds of the Institute to-

23 (a) all expenditure incurred by the Institute in the course of the
24 discharge of its functions under this Act;

25 (b) the remunerations and allowances of the Registrar and other staff
26 of the Institution;

27 (c) the maintenance of the premises and property owned and vested in
28 the Instituted;

29 (d) the payment of traveling allowance and such stipend for members
30 of the Council as may be approved by the Council; and

1 (e) the payment of such other charges as may be reasonably
2 incurred in the performance of the functions of the Institute and the Council.

3 (3) For the purpose of the Companies Income Tax, and donation
4 made by any company in Nigeria to the Institute shall be a deductible
5 donation within the meaning of that Act

6 **8.**-(1) the Council may, with the general consent of its members or
7 in accordance with the general guidelines or authority given by the
8 government of the Federation, borrow, on behalf of the Institute, by the way
9 loan or overdraft from any source, any monies required by the Council to
10 meet the obligations of the Institute in other to perform its functions under
11 this act, so however that such consent or authority shall be required where
12 the sum or aggregate of the sums involved at any time does not exceed such
13 amount as is for the time being projected in relation to the Institute in any
14 particular year.

Power to borrow
money

15 (2) The Council may, subject to the provision of this Act and
16 conditions of trust in respect of funds held or any property owned by the
17 Institute, invest any but not all of its funds with the same consent or general
18 authority.

19 **9.**-(1) The chairman of the Council shall cause to be prepared not
20 later than six months before the end of the year, estimates of recurrent and
21 capital expenditure (if any) and income of the Institute during the next
22 succeeding financial year which shall be presented to the annual general
23 meeting of the Institute by the by the Council for approval.

Annual estimates,
account and audit

24 (2) The Council shall keep proper accounts and records in relation
25 thereto, and of shall prepare in respect of each financial year, a statement of
26 account in such form as the chairman or the Council shall direct.

27 (3) The Council shall as soon may be after the end of a financial
28 year, cause the accounts of the Institute and those of the Council to be
29 audited by qualified auditors appointed from the list of auditors and in

1 accordance with the guidelines laid down by the Auditor-General for the
2 Federation.

3 (4) The auditors appointed pursuant to subsection (3) of this section
4 shall, on completion of the audit of the accounts of the institute and the Council
5 for each financial year, prepared and submit to the Council two reports, that is
6 to say-

7 (a) a general report setting out the observations and recommendations
8 of the said auditors on the financial affair of the Institute and the Council for
9 that year, and on any important matters which the auditors may consider
10 necessary to bring to the notice of the Council; and

11 (b) a detailed report containing the observations and
12 recommendations of the auditors on all aspects of the operations of the Institute
13 and the Council.

14 PART III - THE REGISTRAR

Appointment
and Duties of
the Registrar, etc.

15 **10.**-(1) The Council shall appoint a fit and proper person to be the
16 Registrar of the Institute.

17 (2) The registrar appointed in terms of subsections (1) of this section
18 shall be the head of the administration of the Institute and Secretary to the
19 Council.

20 (3) The Register shall consist of four parts of which the first part shall
21 be in respect of fellows, the second part shall be in respect of associates, and the
22 third part shall be in respect of Chartered Physical Asset and Infrastructure
23 Managers and the fourth in respect of Honoris Physical Asset and
24 Infrastructure Managers.

25 (4) Subject to the following provisions of this subsection, the Council
26 may make rules with respect to the form and keeping of the Register and
27 making of entries therein and in particular-

28 (a) the making of applications for enrolment of registration, as the
29 case may be;

30 (b) providing for notification to the Registrar, by the person to whom

1 any registered particulars relate, of any change in those particulars;

2 (c) authorizing a registered person to have any qualification which
3 is in relation to the relevant discipline of the profession of commercial
4 administration, either an approved qualification or an accepted qualification
5 for the purposes of this Act, registered in relation to his name in addition to,
6 as he may elect, in substitution for other qualifications so registered;

7 (d) specifying from time to time the fees including subscription to
8 be paid to the Institute in respect of the entry of names on the Register
9 authorizing the Registrar to refuse to enter a name on the Register until the
10 fee specified for the entry has been paid; and

11 (e) specifying anything falling to be specified under this section,
12 but rules made for the purpose of paragraph (5) of this subsection shall not
13 come into force until they are confirmed at a special meeting of the Institute
14 convened for that purpose, or at the next annual general meeting of the
15 Institute, as the case may be.

16 (5) The Registrar shall-

17 (a) correct, in accordance with the Council's directives, any entry
18 in the register which the Council directs him to correct as being in the
19 Council's opinion an entry which was incorrectly made;

20 (b) remove from the Register the name of any Register's person
21 who has died;

22 (c) record the names of the members of the Institute who are in
23 default in the payment of annual subscription, dues or other charges for more
24 than twelve months, and take such action in relation thereto (including
25 removal of the names of the defaulters from the Register) as the Council may
26 determine or direct; and

27 (d) make from time to time any necessary alternations in the
28 registered particulars of registered persons.

29 (7) if the Registrar-

30 (a) sends by post to any registered person a letter addressed to him

1 at his address on the Register enquiring whether the registered particulars
2 relating to him are correct and receives no reply to the letter within the period of
3 six months from the date of position; and

4 (b) upon the expiration of the period specified in paragraph (a) of this
5 subsection, sends in like manner to the person in question a second similar
6 letter and received no reply to the letter within three months from the posting it,
7 then the Registrar, may remove the particulars relating to the person in question
8 from the Register, and the Council may direct the Registrar to restore to the
9 appropriate part of the Register any particulars removed there from under this
10 subsection.

Publication of
Registers and
list of corrections

11 **11.-(1)** The Registrar shall-

12 (a) cause the Register to be printed, published and put on sale to
13 members of the public not later than two years from the commencement of this
14 Act;

15 (b) thereafter in each year to cause to be printed, published and put on
16 sale as aforesaid, rather a corrected edition of the Register since it was last
17 printed; and

18 (c) cause a print of each edition of the Registers and of each list of
19 correction to be deposited at the principal offices of the Institute, and the
20 Council shall keep the Register and the list so deposited available at all
21 reasonable times for inspection by members of the Institute.

22 (2) A document purporting to be print of an edition of the Register
23 published under and pursuant to this section by authority of the Registrar, or
24 documents purporting to be prints of an edition so printed, shall (without
25 prejudice to any other mode of proof) be admissible in any proceeding as
26 evidence that any person specified in the document, or the documents read
27 together, as being registered was so registered at the date of the edition or of the
28 list of corrections, as the case may be, and that any person not so specified was
29 not so specified was not so registered.

30 (3) Where in accordance with subsection (2) of this section, a person

1 is, in any proceeding, shown to have been, or not to have been, registered at a
2 particular date, he shall, unless the contrary is proved, be taken for the
3 purpose of those proceedings as having at all material times thereafter
4 continued to be, or not to be, so registered.

5 12.-(1) Subject to the rules made by the Council pursuant to section
6 10 (5) of this Act, a person shall be entitled to be enrolled of registered as a
7 professional of the Institute if-

Registration of
Chartered Physical
Asset and
Infrastructure
Managers

8 (a) he passes the qualifying examination for membership
9 conducted' by the Council under this Act and completes the practical
10 training prescribed; or

11 (b) he holds as qualification granted outside Nigeria and for the
12 time being accepted by the Institute and, if the Council so requires, satisfies
13 the Council that he had sufficient practical experience as a Chartered
14 Physical Asset and Infrastructure Manager.

15 (2) Subject to section 16 of this Act and to rules made pursuant to
16 section 10 (5) of this Act, a person shall be entitled to be registered as a
17 Chartered Physical Asset and Infrastructure Manager if he satisfies the
18 Council that immediately before the appointed day he had not less than five
19 years experience as a Physical Asset and Infrastructure Manager.

20 (3) An applicant for registration shall, in addition to evidence of
21 qualification, satisfy the Council-

22 (a) that he is of good character;

23 (b) the he has attained the age of twenty-one years; and

24 (c) he has not been convicted of a criminal offence involving fraud
25 or dishonesty in Nigeria or elsewhere.

26 (4) The Council may in its discretion provisionally accept a
27 qualification presented in respect of an application for registration under
28 this section, or direct that the application be renewed within such period as
29 may be specified in the direction.

30 (5) Any entry directed to be made in the Register in terms of

1 subsection (4) of this section shall indicate that the Registration is provisional,
2 and no entry made in consequence thereof shall be converted to, construed as,
3 full registration without explicit consent of the Council made in writing in that
4 behalf.

5 (6) The Council shall from time to time publish in the Federal
6 Government Gazette particulars of qualifications for the time being accepted
7 as aforesaid.

Approval of
Qualificationx, etc.

8 **13.**-(1) The Council may approve an institution for the purposes of
9 this Act and may for those purposes approve-

10 (a) any course of training at any approved Institution which for
11 persons who are seeking to become or are already Chartered Physical Asset and
12 Infrastructure Manager, and which the Council considers as necessary to
13 confer on persons completing the course, sufficient knowledge and skill for
14 admission to the Institute;

15 (b) any qualification which, as a result of an examination taken in
16 conjunction with a course of training approved by the Council under this
17 section, is granted to candidates reaching a standard at the examination
18 indicating in the opinion of the members of the Council that the candidates
19 have sufficient knowledge and skill to practice as chartered Physical Asset and
20 Infrastructure Managers.

21 (2) The Council may, if it thinks it fit withdraw any approval given
22 under this section in respect of any course, qualification or institution, but
23 before withdrawing such as approval, the Council shall-

24 (a) give notice that it proposes to do so to persons in Nigeria appearing
25 to the Council to be persons by whom the course is conducted or the
26 qualification is granted or the institution is controlled, as the case may be;

27 (b) afford each such an opportunity of making representations to the
28 Council with regard to the proposal; and (c) take into consideration any
29 representation made as respects the proposal in pursuance of paragraph (b) of
30 this subsection.

1 (3) Where the approval of the Council under this section for a
2 course, qualification or institutions is withdrawn, the course, qualification
3 or institution shall not be treated as approved under this section, but the
4 withdrawal of any such approval shall not prejudice the registration or
5 eligibility for registration of any person who by virtue of the approval was
6 registered or eligible for registration immediately before the approval was
7 withdrawn.

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

12 (a) publish as soon as possible a copy of every such instrument in
13 the Federal Government Gazette; and

14 (b) not later than seven days before its publication, send a copy of
15 the instrument to the Minister.

16 **14.-(1)** It shall be the duty of the members of the Council of the
17 Institute to keep them informed of the nature of-

Supervision of
instructions, etc.
leading to approved
qualifications

18 (a) the instructions given at approved institutions to persons
19 attending approving training; and

20 (b) the examinations as a result of which approved qualifications
21 are granted, and for the purposes of performing that duty the Council of the
22 Institute may appoint, either from among its own members or otherwise,
23 person to visit approved institutions, or to attend such examination.

24 (2) It shall be the duty of the visitor appointed in term off the
25 foregoing subsection of this section to report to the Council on-

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

28 (b) the conduct and adequacy of the examinations observed by
29 him; and

30 (c) any other matters relating to the instruction or examinations on

1 which the Council may, either generally or in particular case, request him to
2 report, but no visitor shall interfere with the giving of any instruction or the
3 conduct of any examination.

4 (3) On receiving a report made in pursuance of this section, the
5 Council may, if it fit, and shall if so required by the Institution, send a copy of
6 the report to the person appearing before the Council to be in charge of the
7 institution or which the Disciplinary Tribunal has cognizance under the
8 following provisions of this Act responsible for the examination to which the
9 report relates requesting that person to make an observation on the report the
10 Council within such period as may be specified in the request, not being less
11 than one month beginning with the date of the request.

12 PART V- PROFESSIONAL DISCIPLINE

Establishment,
Composition, etc.
of the Disciplinary
Tribunal and
Investigating
Panel

13 **15.**-(1) There shall be a tribunal to be known as the Chartered Institute
14 of Physical Asset and Infrastructure Management disciplinary tribunal (in this
15 Act, referred to as lithe Disciplinary Tribunal") which shall be charged with the
16 duty considering and determining any case referred to it by the Investigating
17 established pursuant to subsection (3) of this section, and any other case of
18 Panel, which the Disciplinary Tribunal has cognizance under the following
19 provisions of this Act.

20 (2) The disciplinary Tribunal shall consist of the Chairman of the
21 Council and six other members of the Council. (3) There shall be a body to be
22 known as the Institute of Chartered Institute of Physical Asset ond
23 Infrastructure Management Investigating Panel (in this Act, referred to as "the
24 Investigating Panel") which shall be charged with the duty of-

25 (a) conducting a preliminary investigation into any case where it is
26 alleged that a member has misbehave in his capacity as a management and
27 information technologist or should for any other reason be the subject of
28 proceedings before the Disciplinary Tribunal; and

29 (b) deciding whether the case should be referred to the Disciplinary
30 Tribunal.

1 (4) The Investigating Panel shall be appointed by the Council and
2 shall consist of four members of the Council and one member who is not a
3 member of the Council.

4 (5) The provisions of the Second Schedule to this Act shall, so far Third Schedule
5 as applicable to the Disciplinary Tribunal and Investigating Panel
6 respectively, have effect with respect to the bodies.

7 (6) The Council may make rules not inconsistent with this Act as to
8 acts which constitute professional misconduct.

9 **16.-(1) Where-**

10 (a) a member is judged by the Disciplinary Tribunal to be guilty of Penalties for
11 infamous conduct in any in any professional respect; or unprofessional
12

13 (b) a member is convicted, by any court or tribunal in Nigeria or
14 elsewhere having power to award imprisonment, of an offence or (whether
15 or not punishable with imprisonment) which in the opinion of the
16 Disciplinary Tribunal is incompatible with the status of a professional
17 management and information technologist; or

18 (c) the Disciplinary Tribunal is satisfied that the name of any
19 person has been fraudulently registered, the Disciplinary tribunal may, if it
20 thinks fit, give a direction reprimanding that person or ordering the Registrar
21 to strike his name off the relevant part of the Register.

22 (2) The Disciplinary Tribunal may, if it thinks if fit, defer its
23 decision as to the giving subsection (1) of this section' until a subsequent
24 meeting of the Disciplinary Tribunal but-

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

27 (b) no person shall be a member of the Disciplinary Tribunal for
28 purposes of reaching a decision which has been deferred or further deferred,
29 unless he was present as a member of the Disciplinary Tribunal when the
30 decision was deferred.

(3) for the purposes of subsection (1) (b) of this section, a person

1 shall not be treated as convicted as therein mentioned unless the conviction
2 stands at a time when no appeal or further appeal is pending or may (without
3 extension or time) be brought in connection with the conviction.

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

7 (5) A person to whom such a direction relates may, at any time within
8 twenty-eight days from the date of the service on him of notice of the direction,
9 appeal against the direction to the Court of Appeal and the Disciplinary
10 Tribunal may appeal as respondent to the appeal and, for the purpose of
11 enabling directions to be given as to the costs of the appeal and of proceedings
12 before the court of Appeal, the Disciplinary Tribunal, shall be deemed to be a
13 party thereto whether or not it appears at the hearing of the appeal.

14 (6) A decision of the Disciplinary Tribunal under subsection (1) of this
15 section, shall take effect where-

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

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

20 (c) an appeal is brought and is not withdrawn or struck out as aforesaid
21 if and when the appeal is dismissed, and shall not take effect except in
22 accordance with the foregoing provisions of this subsection.

23 (7) A person whose name is struck off the Register in pursuance of a
24 direction of the Disciplinary Tribunal under this section, shall not be entitled to
25 be enrolled or registered again except in pursuance of a direction in that behalf
26 given the Disciplinary Tribunal on the application of that person, and a
27 direction under this section for the removal of a person's name from the
28 Register may prohibit an application under this subsection by that person until
29 the expiration of such period from the date of the direction (and where he has
30 duly made such an application, from the date of his last application) as may be

1 specified in the direction.

2 PART VI - MISCELLANEOUS AND SUPPLEMENTARY

3 17. A person shall be deemed to practice as a Chartered Physical
4 Asset and Infrastructure Manager if, in consideration of remuneration
5 receive or to be received, and whether by himself or in partnership with any
6 other person-

When a person is
deemed a Chartered
Physical Asset and
Infrastructure
Manager

7 (a) he engages himself as a Chartered Physical Asset and
8 Infrastructure Manager; or

9 (b) he renders professional service or assistance in or about matters
10 of principle or detail relating to Physical Asset and Infrastructure
11 Management; or (c) he renders any other service which may by regulations
12 made by the Council, with the approval of the ministry, be designed as
13 service constituting practice as a Chartered Physical Asset and
14 Infrastructure Manager.

15 18.=(1) the Council may make rules for-

Rules as to
Professional
Practicing fees

16 (a) the training of suitable persons in Physical Asset and
17 Infrastructure Management methods and practice; and

18 (b) the supervision and regulation of the engagement, training and
19 transfer of such persons.

20 (2) The Council may also make rules-

21 (a) prescribing the amount and the due date for payment of the
22 annual subscription, and for such purpose different amount may be
23 prescribed by the rules according to whether the person is enrolled as a
24 fellow, associate, Chartered Physical Asset and Infrastructure Managers and
25 Honoris Physical Asset and Infrastructure Managers;

26 (b) restricting the right to practice in default of payment of the
27 amount of annual subscription where the default continues for longer than
28 such period as may be prescribed by the rules.

29 (3) Rules when made under this section shall, if the Chairman of
30 the Council so directs,

	1	be published in the Federal Government Gazette.
Provision of Library facilities, etc.	2	19. The Institute shall-
	3	(a) provide and maintain a library, comprising books and publications
	4	for the advancement of knowledge of Physical Asset and Infrastructure
	5	Management, and such other books and publications as the Council may think
	6	necessary for that purpose;
	7	(b) encourage research into Physical Asset and Infrastructure
	8	Management methods and allied subjects to the extent that the Council may
	9	from time to time consider necessary.
Offences	10	20. -(1) if any person, for the purpose of procuring the registration of
	11	any name, qualification or other matter (a) make a statement which he believes
	12	is false in a material particular, or
	13	(b) recklessly makes a statement which is false in a material
	14	particular, he shall be guilty of an offence.
	15	(2) if, on or after the relevant date, any person not a member of the
	16	Institute practices or holds himself out to practice as a Chartered Physical Asset
	17	and Infrastructure Manager for or in expectation of reward or takes or uses any
	18	name, title, addition or description implying that he is in practice as a Chartered
	19	Physical Asset and Infrastructure Manager, shall be guilty of an offence,
	20	provided that, in the case of a person falling within section
	21	17 of this Act-
	22	(a) this subsection shall not apply in respect of anything done by him
	23	during the period of three months mentioned in that section; and
	24	(b) if within that period he duly applies for membership of the
	25	Institute, then, unless within that period he is notified that his application has
	26	not been approved, this subsection shall not apply in respect of anything done
	27	by him between the end of that period and the date on which he is enrolled or
	28	registered or is notified as aforesaid.
	29	(3) if the registrar or any other person employed by or on behalf of the
	30	Institute willfully makes any falsification in any matter relating to the register,

1 he shall be guilty of an offence.

2 (4) A person guilty of an offence under this section be liable-

3 (a) on summary conviction, to a fine of an amount not exceeding N50,000;

4 (b) on conviction on indictment, to a fine of an amount not
5 exceeding N100,000 or to imprisonment for a term not exceeding two years
6 or to both such fine and Imprisonment.

7 (5) Where an offence under this section which has been committed
8 by a body corporate is proven to have been committed with the consent or
9 connivance of, or to be attributable to any neglect on the part of any
10 direction, manager, secretary or other similar officer of the body corporate
11 or any person purporting to act in any such capacity, he as well as the body
12 corporate, shall be deemed to be guilty of that offence and shall be liable to
13 be prosecuted and punished according.

14 **21.**-(1) Any regulations made under this Act shall be published in
15 the Federal Government Gazette as soon as may be after they are made and a
16 copy of any such regulations shall be sent to the Ministry not later than seven
17 days before they are so published.

Regulations and
Rules

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

24 **22.**-(1) The Institute of Physical Asset and Infrastructure
25 Management before the commencement date of this new Act cease to exist,
26 hence-

Savings and
Transfer Provisions,
etc.

27 (2) From the commencement of this Act, all assets, funds,
28 resources and other moveable or immovable property which, immediately
29 before the commencement of this Act is vested on the Institute of Physical
30 Asset and Infrastructure Management, is hereby vested in the Institute of

1 Physical Asset and Infrastructure Management established under this Act.

2 (3) From the commencement of this Act:

3 (a) anything made, done and still having effect by the Institute of
4 Physical Asset and Infrastructure Management, shall be treated from the
5 commencement of this Act, as if it were made or done by the Institute of
6 Physical Asset and Infrastructure Management under this Act; and

7 (b) any person who before the commencement of this Act, is
8 appointed or employed by the Institute of Physical Asset and Infrastructure
9 Management, shall continue in office and is deemed appointed or employed by
10 the Institute of Physical Asset and Infrastructure Management under this Act;

11 (c) Any Act, matter, or thing made or done by the Institute of Physical
12 Asset and Infrastructure Management shall cease to have effect, subject to the
13 next following subsection.

14 (4) With regard to the matters arising from the transfer of the Institute
15 of Physical Asset and Infrastructure Management's property by this section to
16 the institute, as well as the other matters specified in that Schedule, the
17 provisions of the Second Schedule to this Act shall take effect.

Interpretation

18 **23.** In this Act, unless the context otherwise requires-

19 "Institute" means the Chartered Institute of Physical Asset and Infrastructure
20 Management established under section 15 (3) of this Act;

21 "Chartered Physical Asset and Infrastructure Managers" means any person
22 who is registered or enrolled to be registered under this Act in any of the
23 categories of membership;

24 "Council" means the Council established as the governing body of the Institute
25 under section 5 of this Act; "Disciplinary Tribunal" means the Chartered
26 Institute of Physical Asset and Infrastructure Management Disciplinary
27 Tribunal under section 15 (1) of this Act;

28 "fees" includes annual subscription;

29 "investigation panel" means the Chartered Institute of Physical Asset and
30 Infrastructure Management Investigation Panel established under section 15

1 (3) of this Act;
2 "Member of the Institute" means an enrolled fellow, associate member or a
3 licentiate member of the Institute; and "membership of the Institute" shall be
4 construed accordingly;
5 "Ministry" means the Ministry charged with the responsibility for matters
6 relating to Physical Asset and Infrastructure Management;
7 "President and Vice President" means respectively the office holder under
8 those names in the Institute;
9 "Register" means the register maintained in pursuance of section 10 (2) of
10 this Act.

11 24. This Bill may be cited as the Chartered Institute of Physical Citation
12 Asset and Infrastructure Management Bill, 2024.

13 SCHEDULES

14 FIRST SCHEDULE

15 *Section 3 (2)*

16 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

17 *Qualification and Tenure of Office of Members*

18 1.-(1) A member of the council shall serve for a term of three years,
19 commencing on the day of his appointment or election, subject to the terms
20 of this paragraph.

21 (2) If a member of the council is also a member of the institute, then
22 he or she will likewise forfeit their position on the council upon leaving the
23 institute.

24 (3) Any appointed member may resign from office with the
25 minister's approval, and any elected member may do the same by sending a
26 written notice of resignation under his hand addressed to the president.

27 (4) Any appointed member may be reappointed, and anyone who
28 resigns from or otherwise stops being an elected member of the council may
29 run for office again.

30 (5) The council members will arrange for the five members who

1 have been appointed or elected to the council and have served the longest to
2 retire at the institute's annual general meeting during their next meeting.

3 (6) The council may set regulations governing the way in which
4 elections are held; if not, a show of hands will be used to decide the results.

5 (2) In the event that a member resigns-

6 (a) if the member was appointed by the minister, the minister shall
7 designate a suitable replacement from the affected territory;

8 (b) if such member was elected and the time between the end of their
9 term and the next institute general meeting seems appropriate for filling the
10 vacancy, the council may co-opt a suitable replacement for the duration of the
11 aforementioned leave.

12 *Powers of the Council*

13 2. The council shall have the authority to take any action that, in its
14 judgment, will make it easier for the institute to continue its operations.

15 3.-(1) Subject to the provisions of this Act, the council may, in the
16 name of the institute, establish standing orders governing the institute's or the
17 council's meetings. In the course of using its authority granted by this Act, the
18 council may also form committees in the institute's best interests and issue
19 standing orders for them.

20 (2) Decisions must be made by a majority of the members, based on
21 the standing orders, and in the event of a tie in the vote, the chairman or
22 president, as applicable, will have the second or casting vote.

23 (3) A committee's standing orders must specify that it must report
24 back to the council on any issues that fall outside of its purview.

25 (4) Five people will constitute the quorum for the council, and the
26 same will apply to a committee of the council.

27 *Meetings of the institute*

28 4.-(1) The institute's annual meeting will be called by the council on
29 April 30 of each year, or on any other day that the council may designate at any
30 time. If the meeting is not held within a year of the previous annual meeting,

1 there must be a maximum of fifteen months between the dates of the two
2 meetings.

3 (2) The council may call a special meeting of the institute at any
4 time, and the chairman of the council will call one if at least twenty members
5 of the institute request it in writing, addressed to the institute secretary and
6 outlining the purpose of the proposed meeting.

7 (3) A quorum of Ten members is required for every ordinary
8 meeting of the institute, and fifteen members are required for any special
9 meeting.

10 *Meetings of the Council*

11 5.-(1) Subject to the standing order of the council, the council shall
12 meet whenever the chairman calls a meeting; If the chairman is asked to call
13 a meeting by at least five other members, he will do so within seven days of
14 receiving the request in writing. This will ensure that the council meets as
15 often as possible.

16 (2) In the event of either of them being absent, the members in
17 attendance will designate one of their number to preside over the meeting.
18 The chairman or, in his absence, the deputy chairman, will chair any council
19 meeting.

20 (3) When seeking advice on a specific issue, the council has the
21 authority to co-opt an individual as a member for a designated period of
22 time. However, a member co-opted under this subparagraph is not eligible to
23 vote during council meetings and does not contribute to the council's
24 quorum.

25 (4) Notwithstanding anything in the preceding sentences of this
26 paragraph, the Minister shall call the council's first meeting and may provide
27 any directives he deems appropriate for the format of the meeting.

28 *Committees*

29 6.-(1) The council may designate one or more committees to

1 perform tasks that the council deems appropriate on behalf of the institute or
2 the council.

3 (2) a committee established under this paragraph will have as many
4 members as the council designates, with no more than one-third of the
5 members being non-council members. Any non-council member will serve on
6 the committee in accordance with the conditions of the instrument that
7 appointed them.

8 (3) Until the council confirms a decision, it is not binding on any
9 committee within the council.

10 *Miscellaneous*

11 7.-(1) The president or another council member who has been
12 generally or specially designated by the institute to operate in that capacity
13 must sign to validate the institute's seal installation.

14 (2) Any agreement or instrument that, if made or executed by a person
15 who is not a body corporate, would not need to be sealed may be made or
16 executed by any person who has been generally or specifically authorized by
17 the council to act in that capacity on behalf of the institute or the council, as the
18 situation may demand.

19 (3) Unless the opposite is demonstrated, any document claiming to be
20 one that has been properly executed under the institute's seal will be admitted
21 into evidence and considered to have been executed.

22 8. Any membership vacancy, error in selecting a member of the
23 institute, council, or committee, or participation in the proceedings by an
24 individual not authorized to do so shall not affect the validity of any institute,
25 council, or committee of the council proceedings.

26 9. Any individual who holds a position on a council committee or is a
27 member of the institute or council and has a personal interest in a contract or
28 arrangement that is being considered by the council on behalf of the institute,
29 the council, or a committee thereof, must immediately disclose this interest to
30 the president or council, as applicable, and they are not permitted to vote on any

1 matter pertaining to the contract or arrangement.

2 10. A person is not obligated to disclose any interest pertaining
3 exclusively to the audit of the institute's accounts just because they are a
4 member of the organization.

5 SECOND SCHEDULE

6 TRANSITIONAL PROVISION AS TO PROPERTY, ETC.

7 *Transfer of Property*

8 1.-(1) All agreements to which the Institute of Physical Asset and
9 Infrastructure Management was party prior to the commencement date of
10 this Act, whether in writing or not, and regardless of whether the rights,
11 liabilities, and obligations thereunder could be assigned by the Institute of
12 Physical Asset and Infrastructure Management, shall take effect on the
13 commencement date of this Act, as far as it relates to property transferred to
14 the institute by this Act, as if - unless its terms or subject matter prevent it
15 from having effect as modified in the manner provided by this
16 subparagraph-

17 (a) the institute had participated in the agreement;

18 (b) the institute was referred to in place of the Institute of Physical
19 Asset and Infrastructure Management in any reference, express or implied,
20 regarding any action not completed by the designated date; and

21 (c) For any reference (in any form, express or implied) to a member
22 or members of the The Institute of Physical Asset and Infrastructure
23 Management's council or an officer, there was replaced, with regard to any
24 action due on or after the designated day, with a reference to a member or
25 members of the council under this Act or the Institute of Physical Asset and
26 Infrastructure Management's officer who, to the greatest extent possible,
27 corresponds to the relevant member or officer of the Institute of Physical
28 Asset and Infrastructure Management.

29 2. Any references to the Institute of Physical Asset and
30 Infrastructure Management in other documents, whether specific or broad,

1 will be interpreted in line with this paragraph's subparagraph (1), to the extent
2 that it applies.

3 3. The general provisions of this Schedule remain unaffected. In cases
4 where the institute is granted a right, liability, or obligation by operation of this
5 Schedule or section 17 of this Act, the institute and any other person shall, as of
6 the commencement date, have the same rights, powers, and remedies
7 (including the ability to pursue or oppose legal action or to file or oppose
8 applications to any authority) for determining, perfecting, or enforcing that
9 right, liability, or obligation as they would have had if it had always been a
10 right, liability, or obligation of the institute.

11 4. Any lawsuits or requests for information to be made to authorities
12 by or against the Institute of Physical Asset and Infrastructure Management
13 regarding property transferred to the institution by this Act that are pending on
14 the designated day may be pursued by or against the institute on or after that
15 day.

16 5. The transfer of the aforementioned property, with the necessary
17 modifications made to avoid transfers, pay fees, or address any other issue. The
18 council will be responsible for providing the relevant details of the transfer to
19 the appropriate officer of the registration authority, who will then register the
20 transfer in accordance with those details.

21 *Transfer of Functions, etc.*

22 2.-(1) The institute's council will determine the date of the annual
23 general meeting during its first meeting; the date must be no later than six
24 months from the designated day.

25 (2) The Institute of Physical Asset and Infrastructure Management
26 council members will be considered the institute's council members until the
27 date of the institute's first annual general meeting, which will be decided in
28 accordance with the previous subparagraph. After that meeting, they will no
29 longer be in office.

30 (3) Anyone who held office as the president or vice-president of the

1 Institute of the Physical Asset and Infrastructure Management Council
2 before the commencement of this Act, on the day of the appointment, as
3 defined by the articles of The Institute of Physical Asset and Infrastructure
4 Management of the Institute of Physical Asset and Infrastructure
5 Management, will that person become the president or vice-president of the
6 institute on that day.

7 They will be deemed-

8 (a) to have been appointed to that position in accordance with the
9 provisions of this Act that correspond to the relevant provisions in the
10 aforementioned articles of The Institute of Physical Asset and Infrastructure
11 Management; and

12 (b) to have been so appointed on the date of his appointment, or the
13 last appointment, in accordance with the relevant provision of those articles.

14 (4) In addition, subject to the general provisions of this Schedule
15 regarding the transfer of property, any individual who was a member of the
16 Institute of Physical Asset and Infrastructure Management staff prior to the
17 appointed day will be registered as an institute member on that day and will
18 have an appointment with the institute with a status, designation, and set of
19 responsibilities that as closely as possible correspond to those that applied to
20 him while he was a staff member.

21 (5) Any person who held an office or was a member of the Institute
22 of Physical Asset and Infrastructure Management's council immediately
23 prior to the scheduled date, and who is then considered by this paragraph to
24 have been appointed to a position akin to that in the institute or on the
25 institute's council, and who subsequently ceased to hold office for any
26 reason other than misconduct, shall be qualified for appointment to an office
27 in the institute or to membership in the council, as applicable.

28 (6) All regulations, rules, and other similar documents created for
29 the Institute of Physical Asset and Infrastructure Management's benefit and
30 in effect on the designated day shall, unless later revoked or amended by

1 anybody with the authority to do so, have the same effect as if duly created for
2 the institute's related goals, subject to any necessary modifications.

3 THIRD SCHEDULE RELATING TO THE DISCIPLINARY TRIBUNAL AND
4 INVESTIGATING PANEL

5 *Section 10 (5)*

6 *The Tribunal*

7 1. The tribunal needs a quorum of four members, with at least two of
8 them needing to be Certified Physical Asset and Infrastructure Mangers.

9 2.-(1) The Nigerian Chief Justice shall establish regulations on the
10 appointment of tribunal members for the duration of any proceedings, as well
11 as the protocol to be adhered to and the evidentiary rules to be respected during
12 tribunal proceedings.

13 (2) The regulations will specifically provide-

14 (a) to ensure that the person who is the subject of the proceedings
15 receives notice of the proceedings at a time and in a manner that may be
16 specified by the rules;

17 (b) to identify who else may be a party to the proceedings;

18 (c) to ensure that any party to the proceedings may, if he so requests,
19 be entitled to have his case heard by the tribunal;

20 (d) to allow any party to the proceedings to be represented by an
21 attorney;

22 (e) subject to the provisions of section 11(5) of this Act regarding the
23 costs of the proceedings before the tribunal;

24 (f) for requiring the tribunal to record a finding that the accused
25 individual is not guilty of infamous conduct with regard to the matters to which
26 the allegations relate, in cases where it is alleged that the individual is the
27 subject of the proceedings is guilty of infamous conduct in any professional
28 respect;

29 (g) for publishing notice of any tribunal order that has gone into
30 effect-which instructs the removal of a person's name from a register-in the

1 Federal Gazette.

2 (3) All parties may file writs of subpoena ad testificandum and
3 duces tecum out of the Supreme Court registry for the purposes of any
4 proceedings before the tribunal. However, no person appearing before the
5 tribunal shall be required-

6 (a) to produce any document under such a writ that he would not be
7 required to produce at the trial of an action;

8 (b) nor will any member of the tribunal be required to administer
9 oaths.

10 (4) There shall be an assessor to the tribunal in all such proceedings
11 who shall be appointed by the council on the nomination of the Chief Justice
12 of Nigeria and shall be a legal practitioner of not less than seven years
13 standing for the purpose of advising the tribunal on questions of law arising
14 in proceedings before 'it.

15 (5) The Nigerian Chief Justice will establish regulations regarding
16 the duties of assessors designated in accordance with this paragraph.
17 Specifically, these regulations will include clauses pertaining to ensuring
18 the following:

19 (a) When an assessor provides legal advice to the tribunal
20 regarding evidence, procedure, or other matters outlined by the rules, he
21 must do so in front of every party or representative present at the
22 proceedings; alternatively, if the advice is provided while the tribunal is
23 meeting in private, the parties and representatives will be informed of the
24 advice the assessor has provided;

25 (b) and the parties and representatives will be informed if the
26 tribunal rejects the assessor's advice on the question raised.

27 (6) An assessor shall hold and resign from office in conformity
28 with the provisions of the instrument by which he is constituted. An assessor
29 may be appointed under this paragraph generally or for any specific
30 proceeding or class of procedures.

1 *The Panel*

2 (7) Three members shall make up the panel's quorum.

3 (8) (a) The panel may establish standing orders pertaining to the panel
4 at any meeting that is attended by every member of the panel;

5 (b) The panel may set its own rules on procedure, subject to the terms
6 of any such standing orders.

7 *Miscellaneous*

8 (9) A person who resigns from the panel or tribunal may be
9 reappointed to the position in that body.

10 (2) If qualified, an individual may serve as a member of both the panel
11 and the tribunal; however, no one who has served on the panel in connection
12 with any case may serve on the tribunal in connection with that case.

13 (10) The tribunal or panel may proceed in spite of a vacancy in its
14 membership, and neither body's proceedings will be rendered invalid by
15 irregularities in the appointment of its members or-with the exception of
16 paragraph 7(2) of this schedule-by the participation of individuals who were
17 not authorized to do so.

18 (11) The registrar designated in accordance with section 6 of this Act
19 shall receive any document authorized or mandated by virtue of this Act to be
20 served on the tribunal or the panel.

21 (12) The institute shall cover all costs incurred by the panel or the
22 tribunal.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Physical Asset and Infrastructure Management of Nigeria, to provide for the advancement of the awareness and practice of Physical Asset and Infrastructure Management in Nigeria, deliver valuable services to members through training and development as well as collaborate with all stakeholders in the economy in sustaining good asset management for community development.