

A BILL

FOR

AN ACT TO REPEAL THE CHARTERED INSTITUTE OF PROJECT MANAGERS OF NIGERIA (ESTABLISHMENT) ACT NO. 3 OF 2018; AND TO ENACT THE CHARTERED INSTITUTE OF PROJECT MANAGEMENT OF NIGERIA ACT CHARGED WITH THE RESPONSIBILITY FOR REGULATION OF THE PROJECT MANAGEMENT SECTOR AND THE REGISTRATION, LICENSING AND DISCIPLINE OF ITS MEMBERS; AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

Co-Sponsors:

Hon. Akin Rotimi Jr.	Hon. Nasiru Shehu
Hon. Nnolim Nnaji	Hon. Joshua Audu Gana
Hon. Lawan Ali Shetima	Hon. Ehriatake Ibori-Suenu

[] Commencement

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

PART I - ESTABLISHMENT AND FUNCTIONS OF THE CHARTERED INSTITUTE OF PROJECT MANAGEMENT OF NIGERIA

1 **1.**-(1) There is hereby established the Chartered Institute of Project
2 Management of Nigeria (in this Act referred to as "the Institute") which-
3 (a) shall be a body corporate with perpetual succession, and a
4 common seal which shall be kept in such custody as the Council may direct;
5 (b) may sue and be sued in its corporate name; and
6 (c) may acquire, hold and dispose of any property, moveable or
7 immovable.
8 (2) The Institute shall be charged with the general duty of-
9 (a) determining and reviewing, from time to time, the academic
10 standards, knowledge and skills that shall be attained by persons seeking to
11 qualify as registered members of the Institute (in this Act referred to as "the

Establishment and functions of the Chartered Institute of Project Management of Nigeria

- 1 Professionals");
- 2 (b) securing in accordance with the provisions of this Act, the
- 3 establishment and maintenance of registers of persons entitled to practice as
- 4 members of the Institute and the publication from time to time of lists of those
- 5 persons;
- 6 (c) reviewing and preparing, from time to time, a statement as to the
- 7 code of conduct which the Council considers desirable for the practice of the
- 8 profession in Nigeria;
- 9 (d) supervising and controlling the practice of project management in
- 10 Nigeria;
- 11 (e) responsible for the regulation and licensing of project delivery
- 12 institutions in Nigeria;
- 13 (f) providing for the training, education and examination of persons
- 14 desiring to become professional project managers or consultants according to
- 15 the provisions of this Act whether in Nigeria or abroad;
- 16 (g) making regulations for the licensing, discipline and professional
- 17 conduct of its members and other practicing project management professionals
- 18 in Nigeria;
- 19 (h) licensing all companies directly involved in managing and
- 20 delivering projects in Nigeria;
- 21 (i) arranging conferences, seminars, symposia and meetings for
- 22 discussion of project management and related matters, reading of papers and
- 23 delivery of lectures, publishing copies of abridgement of papers, books,
- 24 lectures, records and other memoranda instilling high standard of professional
- 25 ability and knowledge by means period issue of journals of the Institute and to
- 26 organize post qualification courses for its members; and
- 27 (j) performing such functions as are incidental to the objects of the
- 28 Council as may deem necessary for the attainment of all or any of objects.

Establishment
and composition
of the Governing
Council of the
Institute

29 **2.-(1)** There is established for the Institute a Governing Council (in
30 this Act referred to as "the Council") which shall consist of-

- 1 (a) the President, who shall be the Chairman of the Council;
- 2 (b) two Vice-Presidents;
- 3 (c) a representative each of the Federal Ministry of-
- 4 (i) Industry, Trade and Investment,
- 5 (ii) Finance,
- 6 (iii) Education, and
- 7 (iv) Works and Housing;
- 8 (d) two representatives of the Nigerian Association of Chambers of
- 9 Commerce, Industry, Mines and Agriculture (NACCIMA);
- 10 (e) a representative of the-
- 11 (i) Council for the Regulation of Engineering in Nigeria (COREN),
- 12 (ii) Nigerian Content Monitoring and Development Board
- 13 (NCMDB), and
- 14 (iii) Real Estate Development Association of Nigeria (REDAN);
- 15 (f) one members of the Institute, in the categories of Fellows or Full
- 16 Members, from each of the six geopolitical zones;
- 17 (g) the immediate past President of the Institute; and
- 18 (h) the Registrar-General, who shall be the Secretary of the
- 19 Council.

20 (2) Members of the Council shall be members of the Institute in the

21 category of Fellows except those listed under subsection (1)(c), (d) and (e)

22 or in some cases under subsection (1)(f) of this section.

23 (3) The Minister shall inaugurate the Council at the

24 commencement of the tenure of each Council.

25 (4) The provisions set out in the First Schedule to this Act shall

26 have effect with respect to the qualifications and tenure of office of members

27 of the Council and other matters mentioned in it.

28 3.-(1) There shall be a President, two Vice-Presidents and Council

29 members under section 2(1)(f) of this Act, who shall be outstanding Fellows

30 (and in some case, Full Members) of the Institute and shall be elected at the

Election of President
and Vice-President,
etc.

1 Annual General Meeting of the Institute and shall each hold office for a term of
2 two years and shall be eligible for re-election for a further term of two years and
3 no more.

4 (2) The President shall preside at all meetings of the Institute, so
5 however that, in the event of the death, incapacity or inability for any reason of
6 the President, the First Vice-President shall act in his stead for the unexpired
7 portion of the term of office.

8 (3) The President shall be Chairman of the Council.

9 (4) If the President, or the Vice-President, or any member of the
10 Council, except ex-officio member, ceases to be a member of the Institute, he
11 shall ipso facto cease to hold any of the offices designated under this Act.

Minister's powers
to supervise the
Council

12 4. The Minister may supervise the activities of the Council and may
13 give directions, were necessary, of a general character or relating generally to
14 particular matters (but not any individual persons or case) with regard to the
15 exercise by the Council of its instructions under this Act and it shall be the duty
16 of the Council to comply with the reactions.

Membership
of the Institute

17 5.-(1) Subject to the provisions of this Act, a person or body admitted
18 to the Institute shall possess adequate knowledge of project management and
19 be registered as a member of the Institute in the category of-

20 (a) Fellow;

21 (b) Honorary Fellow;

22 (c) Chartered Member;

23 (d) Graduate Member;

24 (e) Associate Member;

25 (f) Corporate Member; or

26 (g) Student Member.

27 (2) A person or body accorded by the Council the status of a member
28 shall be enrolled as-

29 (a) a Fellow, if he is-

30 (i) a member of high professional or administrative standing who has

1 served the Institute and had at least seven years' experience in a senior
2 project management post in a private or public organization at the time of his
3 application or enrolment, or

4 (ii) not currently engaged in project management but has been
5 employed in senior management position in private or public organization
6 for at least seven years;

7 (b)a Chartered Member, if he-

8 (i) has passed all the examinations prescribed by the Council, and
9 has a minimum of three years continuous working experience in project
10 management in any private or public organization,

11 (ii) is a chartered member of a foreign project management
12 professional body, recognized by the Council and his class of the
13 membership is in the opinion of the Council equivalent to that of
14 membership of the Institute and he has a minimum of one year working
15 experience in any private or public organization in Nigeria, and shall have
16 passed a stipulated examination before enrolment,

17 (iii) has updated his professional knowledge at least once in a year
18 through the Institute's mandatory proficiency programme, or

19 (iv) is eligible for election into any position in the Institute and has
20 paid his fees for four consecutive years immediately preceding the year of
21 election;

22 (c) a Graduate Member, if he is in possession of requisite academic
23 qualification and has passed all the examinations prescribed by the Council;

24 (d) an Associate Member, if he is in possession of requisite
25 qualifications from other fields of study as may be determined from time to
26 time by the Council and he shall not be eligible to vote or be voted for at
27 elections of the Institute;

28 (e) an Honorary Fellow, if he is a person of distinction in the field of
29 project management, law, accounting, politics, economy, management,
30 engineering or any similar discipline, but he shall not be eligible to vote or be

1 voted for at any election of the Institute;

2 (f) a Corporate Member, if it is an employer of labour in the private or
3 public sectors and meets the criteria set by the Council for registration in that
4 category; and

5 (g) a Student Member, if he is pursuing a course in project
6 management in any institution approved by the Council but-

7 (i) he shall not be eligible to vote or be voted for at elections of the
8 Institute, and

9 (ii) his name shall not appear in the membership register.

10 (3) For the purpose of subsection (2)(f) of this section, all Corporate
11 Members shall secure for themselves the Institutes clearance and license to
12 deliver project and cause their staff performing project management functions
13 to register with the Institute to foster their ethical standards and self-regulation
14 in the project management profession.

15 (4) A person who desires to be admitted into the Institute shall make a
16 formal application to the Registrar on the appropriate form as shall, from time
17 to time, be prescribed by the Council and shall state under what class of
18 membership he seeks admission.

19 (5) A person applying for membership shall, in addition to evidence of
20 qualification, satisfy the Council that-

21 (a) he is of good character; and

22 (b) he has not been convicted by any court or tribunal in Nigeria or
23 elsewhere of an offence involving fraud or dishonesty, or such other offences
24 as, in the opinion of the Council, would render the applicant unfit to be a
25 member of the Institute.

26 (6) The Registrar shall place before the Council all applications for
27 admission stating in each case whether the applicant is qualified for
28 registration in the class under which he seeks admission and if not so qualified,
29 whether he qualifies for admission under other class.

1 (7) Where the Council is satisfied that the person is qualified for
2 admission-

3 (a) under the class for which he applied, the Registrar shall, upon
4 payment of the prescribed fees by the applicant, enroll the person in that
5 class, and issue him a certificate of membership appropriate for that class;
6 and

7 (b) into another class other than for which he applied, the Registrar
8 shall, upon the person's application, amend his application to state the class
9 under which he is qualified and the Registrar shall, after the amendment and
10 upon payment of the prescribed fees by the applicant, register him and issue
11 a certificate of membership appropriate for that class.

12 (8) Fellows or Chartered Members of the Institute shall be entitled
13 to use after their names the initials-

14 (a) "CFPM" for Fellows; and

15 (b) "CMPM" for Chartered Members.

16 (9) The Institute shall by regulation provide for additional classes
17 or sub-classes of professional membership, where it deems necessary.

18 (10) At the completion of the Institute's final professional
19 examination an eligible student shall proceed for the National Youth Service
20 in line with the relevant law establishing it.

21 (11) holder of the final professional certificate of the Institute shall-

22 (a) be entitled to employment in private and public service on the
23 same rank applicable to members of other chartered professional bodies in
24 Nigeria; and

25 (b) after three years of graduation, be eligible for a practicing
26 certificate as a Chartered Project Manager on satisfying the Institute's
27 requirement by attending two consecutive mandatory professional
28 assessment courses, at least once in a year and the certificate is subject to
29 renewal every year, on a fee to be determined by the Council.

PART II - FINANCIAL PROVISIONS

Fund of the Institute

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Investment

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Power to borrow

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6.-(1) There is established for the Institute a Fund into which shall be paid all monies appropriated by the National Assembly, including a take-off grant, and other all monies accruing to the Institute and from which shall be defrayed all expenses incurred by the Institute in the discharge of its duties under this Act.

(2) There shall be paid into the Fund established under subsection (1) of this section-

(a) all fees and other money payable to the Institute;

(b) such money as may be payable to the Institute whether in the course of the performance of its functions or otherwise; and

(c) any monies given as grant or subvention from the Government to the Institute.

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

(a) all expenditure incurred by the Council in the performance of its functions under this Act;

(b) the salaries and allowances of the Registrar-General and other employees of the Institute; and

(c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on official.

7. Subject to guidelines issued by the Council from time to time, the Institute's funds and assets shall be invested in any bond, bill or other securities issued or guaranteed by the Federal Government or the Central Bank of Nigeria.

8.-(1) The Council may, borrow money for the purposes of the Institute and may mortgage or charge the property and assets of the Institute or any part of it and may issue debenture and other duties of the Council, as the Council may determine.

(2) Securities, whether outright or as securities for any debt, liability or obligation of the account and Institute and any interest or charge payable on

1 money so borrowed shall be paid out of the Fund of the Institute.

2 9.-(1) The Council shall keep proper accounts on behalf of the Account and
3 Institute in respect of each year and proper records in relation to those audit
4 accounts to be audited by an auditor and in accordance with the guidelines
5 supplied by the Auditor-General for the Federation.

6 (2) The auditor, appointed for the purpose of this section shall not
7 be a member of the Council.

8 10. The Council shall prepare and submit to the Minister of Annual Report
9 Industry, Trade and Investment, not later than 12 months after its
10 establishment and once in each year thereafter, a report of the activities of
11 the Council in the previous year and shall include in the report, a copy of the
12 auditor's report.

13 11. As from the commencement of this Act, all assets and liabilities Transfer to the
14 held or incurred immediately before the commencement date, by or on Institute of certain
15 behalf of the Incorporated Institute shall vest in the Institute and be held by it property
16 for the purpose of the Institute.

17 (2) The Incorporated Institute shall cease to exist and any act,
18 matter or thing made or done by the Incorporated Institute shall be deemed
19 to have been done by the Institute.

20 (3) The provisions of the Second Schedule to this Act shall have
21 effect with respect to the matters arising from their transfer by this section to
22 the Institute of the properties of the Incorporated Institute and with respect to
23 other matters mentioned in that schedule.

24 PART III - APPOINTMENT OF REGISTRAR-GENERAL AND OTHER

25 STAFF AND THEIR DUTIES

26 12.-(1) The Council shall appoint-
27 (a) a person who shall be a member of the Institute to be the Appointment of
28 Registrar-General (in this Act referred to as "Registrar")for the purpose of Registrar-General
29 this Act; and and other staff and
their duties

30 (b) such other persons as the Council may, from time to time, deem

1 necessary to assist the Registrar in the performance of his functions under this
2 Act.

3 (2) The tenure of the Registrar shall be 4 years, renewable for another
4 4 years and no more.

5 (3) A person shall be qualified to be appointed to the office of the
6 Registrar if he-

7 (a) is a citizen of Nigeria;

8 (b) possesses a relevant qualification from a recognized institution of
9 higher learning;

10 (c) has at least 12 years cognate experience; and

11 (d) possesses professional Project Management qualification or
12 membership from any internationally recognize Project Management body
13 and must have held at least a position similar of a Deputy Registrar in any
14 recognized institution.

15 (4) The Registrar shall-

16 (a) implement all policies of the Institute in a lawful manner and in
17 accordance with generally accepted business, financial principles and report to
18 the Council concerning these affairs; and

19 (b) prepare and maintain, in accordance with rules made by the
20 Council, a register of names, addresses and approved qualifications and of such
21 particulars, as may be specified in the rules, of all persons who are entitled, in
22 accordance with the provisions of this Act, to be registered as members of the
23 profession in the categories of Fellows, Chartered Members, Associate
24 Members or Honorary Fellows and who, in the manner prescribed by such
25 rules, apply to be so registered.

26 (5) The register shall consist of six parts, one for each class of
27 membership-

28 (a) Fellows;

29 (b) Chartered Members;

30 (c) Graduate Members;

- 1 (d) Associate Members;
- 2 (e) Corporate Members; and
- 3 (f) Honorary Fellows.
- 4 (6) Subject to this section, the Council shall make rules necessary
- 5 for-
- 6 (a) professional forms, keeping of the register and the making of
- 7 entries of particulars into the register-
- 8 (b) regulating the making of applications for enrolment or
- 9 registration, and providing for the nature of evidence to be produced in
- 10 support of applications;
- 11 (c) providing for the notification to the Registrar by the person to
- 12 whom registered particulars concern, of any change in those particulars;
- 13 (d) authorizing a registered member to have any qualification
- 14 which is in relation to the relevant division of the profession, for the purpose
- 15 of this Act;
- 16 (e) specifying the fees, including annual subscriptions, to be paid
- 17 in the Institute; and
- 18 (f) specifying anything not specified under this section.
- 19 (7) Rules for the purpose of subsection (6) shall not come into force
- 20 until they are confirmed at a special meeting of the Institute convened for the
- 21 purpose at the next annual general meeting.
- 22 (8) The Registrar shall-
- 23 (a) correct, in accordance with the directions of the Council, any
- 24 entry in the register which the Council directs him to correct as being, in the
- 25 opinion of the Council, an entry which was incorrectly made;
- 26 (b) make from time to time, any necessary alteration to the registered
- 27 particulars of registered persons;
- 28 (c) delete from the register the name of any registered member who
- 29 died or ceased to be a member or any member convicted of professional
- 30 misconduct; and

1 (d) record the names of members of the Institute who are in default for
2 more than six months in the payment of annual subscriptions and take such
3 action in relation to the default as the Council may direct or require.

4 (9) Where the Registrar-

5 (a) sends by post, e-mail, telephone or fax to any registered person, a
6 registered letter endorsed to him at his address on the register inquiring
7 whether the registered particulars relating to him are correct and receives no
8 reply to the letter within a period of six months from the date of dispatch; and

9 (b) upon the expiration of that period, sends in like manner to the
10 person in questions a second similar letter and receives no reply to that letter
11 within three months from the date of dispatch, the Registrar may remove the
12 particulars relating to the person from the register but the Council may, for a
13 reason which seems to it to be sufficient, direct the Registrar to restore to the
14 appropriate part of the register, any particulars deleted from it under this
15 subsection.

Publication of
register of Fellows
and Chartered
Members

16 **13.-(1)** The Registrar shall-

17 (a) cause the first edition of the register to be printed, published and
18 put on sale to members of the public within one year from the date of
19 commencement of this Act;

20 (b) cause the first and subsequent editions of the register to be
21 distributed to the members of the Institute and members of the public on such
22 terms as the Council may decide; and

23 (c) cause a print of each edition of the register and of each list of
24 corrections to be deposited at the principal office of the Institute and the
25 Registrar shall make the register and lists so deposited available at all
26 reasonable, times for the inspection by the members of the public.

27 (2) A document purporting to be a print of an edition of the register
28 published under this section by authority of the Registrar, or edition of a
29 register so published and of the list of corrections to that edition so published,
30 shall (without prejudice to any other mode of proof) be documents read

1 together to prove that a member of the Institute was so registered at the date
2 of the edition or the list of corrections, and that any person not so named was
3 not so registered.

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

9 14.-(1) There shall be-

Qualification and
appointment of
Deputy Registrars

10 (a) Deputy Registrar (Academics);

11 (b) Deputy Registrar (Administration);

12 (c) Deputy Registrar (Planning, Research and Development); and

13 (d) Deputy Registrar (Financial Control).

14 (2) A person shall be qualified to be appointed to the office of the
15 Deputy Registrar if he has met the criteria for the post of the Registrar except
16 that the minimum years of experience required shall be 10 years.

17 (3) The tenure of a Deputy Registrar appointed under this section
18 shall be 4 years, renewable for another 4 years and no more.

19 (4) The duties of Deputy Registrars shall be assigned to him by the
20 Council through the Registrar from time to time.

21 PART IV - REGISTRATION OF MEMBERS

22 15.-(1) Subject to section 5 of this Act, a person shall be entitled to
23 be registered as a member of the profession if he satisfies the Council that-

Registration of
members

24 (a) immediately before the commencement of this Act, he holds a
25 qualification approved for membership of the Institute and has the
26 prescribed post qualification experience;

27 (b) he is by law entitled to practice for all purposes as a project
28 management practitioner in the country in which the qualification was
29 granted; and

30 (c) he holds at least one of the qualifications prescribed for the

1 purpose of registration on the register and has complied with the other
2 requirements prescribed under this Act.

3 (2) A person shall be entitled to be registered under this Act, if he
4 holds such certificate as approved by the Council.

5 (3) A person shall be entitled to be accredited as a member of the
6 Institute, if he produces sufficient evidence to the Council that, prior to the
7 commencement of this Act, he has been in active practice continuously for a
8 period of five years as a project manager, provided that his application is
9 sponsored by two members of the Institute who shall have been members for a
10 minimum of five years and the application is made within the period prescribed
11 by this Act.

12 (4) An applicant for registration under this Act shall, in addition to
13 evidence of qualification, satisfy the Council that he-

14 (a) is of good character;

15 (b) has attained the age of 18 years;

16 (c) has not been convicted by any court or tribunal in Nigeria or
17 elsewhere for an offence involving fraud or dishonesty.

18 (5) The Council may, in its discretion, provisionally accept a
19 qualification produced in respect of an application for registration under this
20 section or direct that the application be renewed within such period as may be
21 specified.

22 (6) Any entry directed to be made in the register under subsection (3)
23 shall show that the registration is provisional and no entry so made shall be
24 converted to full registration without the consent of the Council signified in
25 writing in that behalf.

26 (7) The Council shall, from time to time, publish, in the Federal
27 Government Gazette, particulars of qualification for the time being accepted
28 for registration under this Act.

29 (8) The project management professionals from abroad who reside in
30 Nigeria and wish to practice shall, within 12 months after the commencement

1 of this Act, seek registration with the Institute to become members.

2 (9) A person shall not be entitled to be appointed or engaged to head
3 any project management of any organization unless, he is duly registered as
4 a member of the Institute, qualified by examination or approved award.

5 (10) A company shall not be entitled to manage the delivery of
6 projects if it is not duly cleared and licensed by the Institute.

7 **16.-(1)** The Council may approve any qualification for the Approval of
8 purposes of this Act and may for that purpose approve any- qualification

9 (a) course of training of any approved institution which is intended
10 for persons who are seeking to become or are already project management
11 professionals and which the Council considers relevant to confer on persons
12 completing it, sufficient knowledge and skill for admission to the Institute;
13 and

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

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

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

26 (b) afford such persons or institutions an opportunity to make to the
27 Council representations with regards to the proposal; and

28 (c) take into consideration any representation made in relation to
29 the proposal under paragraph (b) of this subsection.

30 (3) Where, during a period in which the approval of the Council

1 under this section is given, a course, qualification or institution is withdrawn,
2 the course, qualification or institution shall be related as having been
3 withdrawn under this section, but the withdrawal of such an approval shall be
4 without prejudice to the registration or eligibility for registration immediately
5 before the approval was withdrawn.

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

10 (a) as soon as possible, publish a copy of every such instrument so
11 executed in the Federal Government Gazette; and

12 (b) not later than 14 days before its publication, send a copy of every
13 such instrument so executed in the Federal Government Gazette to the Minister
14 of Industry, Trade and Investment.

Supervision of
instruction and
examinations
leading to approved
qualification

15 **17.**-(1) The Council shall keep itself informed of the nature of-

16 (a) the instruction given by an approved institution to persons
17 attending approved course of training; and

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

22 (2) The Institute shall have powers to accredit any institution of
23 higher learning offering courses leading to the award of Degree, Higher
24 National Diploma and Diploma in project management in order to maintain
25 standard.

26 (3) A person appointed under subsection (1) of this section shall report
27 to the Council on-

28 (a) the adequacy of the instruction given to persons attending
29 approved course of training at institutions visited by him;

30 (b) the examinations conducted in his presence; and

1 © any other matter relating to the institutions or examinations which the
2 Council may, either generally or in a particular case, request him to report,
3 but that shall not interfere with the giving of any instruction or the holding of
4 any examination.

5 (4) On receiving the report made under subsection (3) of this
6 section, the Council may, if it deems fit and if so required by the Institute,
7 send a copy of the report to the person appearing to the Council to be in
8 charge of the institution or responsible for the examination to which the
9 report relates, requesting that person to make observations on the reports to
10 the Council within such period as may be specified in the request, not being
11 less than one month beginning with the date of the request.

12 PART V - PROFESSIONAL DISCIPLINE

13 18.-(1) There is established the Chartered Institute of Project
14 Management Investigating Panel and (in this Act referred to as "the Panel")
15 charged with the duties of-

Establishment of
Investigating Panel
and Disciplinary
Tribunal

16 (a) investigating any matters of concern within the Institute
17 brought to it by its members or any outside party;

18 (b) conducting a preliminary investigation into any case where it is
19 alleged that a member (individual or corporate) has committed an act of
20 professional misconduct, or should for any other reason be the subject of
21 proceedings before the Tribunal; and

22 (c) deciding whether the case shall be referred to the Tribunal after
23 affording such a member an opportunity of being heard either personally or
24 by a legal practitioner of his own choice in Nigeria.

25 (2) The Council shall appoint members of the Panel from members
26 of the Institute who are not members of the Council or the Tribunal.

27 (3) There is established the Chartered Institute of Project
28 Management Disciplinary Tribunal (in this Act referred to as "the Tribunal")
29 charged with the duty of considering and determining any case referred to it
30 by the Investigating Panel established under subsection (1) of this section,

1 and any other case which the Tribunal takes cognizance of under this Act.

2 (4) The Tribunal shall consist of a Chairman and six other members
3 who shall be appointed by the Council from among members of the Institute
4 who are not members of the Council.

5 (5) A person shall not be appointed as a member of the Tribunal or of
6 the Panel unless such person is a Chartered Member or Fellow of the Institute.

7 (6) The provisions of the Third Schedule to this Act shall so far as they
8 are applicable to the Tribunal and Panel, respectively have effect with respect
9 to these bodies.

10 (7) The Council may, make rules consistent with this Act as to acts,
11 conducts or omissions which constitute professional misconduct.

Penalties for
professional
misconduct

12 **19.**-(1) Where-

13 (a) a person enrolled or registered under this Act is adjudged by the
14 Tribunal to be guilty of infamous conduct in any professional respect; or

15 (b) a person enrolled or registered under this Act is convicted by any
16 court or tribunal in Nigeria or elsewhere having power to impose a term of
17 imprisonment for an offence (whether or not punishable with imprisonment)
18 which is in the opinion of the Tribunal incompatible with the status of a project
19 management professional; or

20 (c) the Tribunal is satisfied that the name of any person was
21 fraudulently enrolled or registered,
22 the person commits an offence and is liable on conviction to a term of
23 imprisonment not exceeding five years.

24 (2) The Tribunal may, if it deems fit-

25 (a) give a directive reprimanding that person or ordering the Registrar
26 to strike name off the relevant part of the register; or

27 (b) defer or further defer its decision as to the giving of the directive
28 under this section until a subsequent meeting of the Tribunal but no -

29 (i) decision shall be deferred under this section for periods exceeding
30 one year in the aggregate, and

1 (ii) person shall be a member of the Tribunal for the purposes of
2 reaching a decision which has been deferred or further deferred unless he
3 was present as a member of the Tribunal when that decision was deferred.

4 (3) For the purpose of subsection (1)(b) of this section, a person
5 shall not be treated as convicted unless the conviction stands at a time when
6 no appeal or further appeal is pending or no application for extension of time
7 to appeal is brought in connection with the conviction.

8 (4) When the Tribunal gives a directive under subsection (2) of this
9 section, the Tribunal shall cause the notice of the directive to be served on
10 the person to whom it relates.

11 (5) The person to whom a directive under subsection (2) of this
12 section relates may, at any time within 21 days from the date of service on
13 him of notice of the directives, appeal against the directives to the Federal
14 High Court and the Tribunal may appear as respondent to the appeal and for
15 the purpose of enabling directives to be given as to the costs of the appeal
16 proceedings before the Federal High Court, the Tribunal shall be deemed to
17 be a party to the appeal whether or not it appeals on the hearing of the appeal.

18 (6) A directive of the Tribunal under this section shall take effect
19 where-

20 (a) no appeal under this section is brought against the directive
21 within the time limit for the appeal;

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

24 (c) such appeal is brought and is not withdrawn or struck out, if and
25 when the appeal is dismissed, and shall not take effect except in accordance
26 with foregoing provisions of this subsection.

27 (7) A person whose name is struck off the register in pursuance of a
28 directive of the Tribunal under this section shall not be entitled to be
29 registered again except in pursuance of a directive on that behalf given by
30 the Federal High Court on the application of that person.

1 (8) A directive under this section for the striking off of a person's name
2 from the register may prohibit an application under this subsection by that
3 person, until the expiration of such period from the date of the directive (and
4 where he has recently made such an application from the date of his last
5 application) as may be specified in the directive.

6 PART VI - MISCELLANEOUS

When a person
is deemed to
practice as a
Project
Management
professional

7 **20.**-(1) From the commencement of this Act, any person who was not
8 a member of the Institute and who under this Act, is qualified to apply for and
9 obtain membership of the profession may, within the period of three months
10 beginning with the date of the commencement of this Act, apply for
11 membership of the Institute in the manner prescribed by the Council and if
12 approved, he shall be enrolled or registered, as the case may be, according to
13 the person's qualification.

14 (2) A person is deemed to be a Project Management professional if,
15 for consideration of remuneration to be received whether by himself or in
16 partnership with any other person-

17 (a) he engages in the practice of project management or holds himself
18 out to the public as a project management consultant;

19 (b) he renders professional service or assistance in or about matters of
20 principle or detail relating to project management or data; or

21 (c) renders any other service that may, by regulations made by the
22 Council, be designated as service constituting practice as a project
23 management practitioner or consultant.

Regulation

24 **21.** Any regulation made under this Act shall be published in the
25 Federal Government Gazette and a copy of the regulations shall be forwarded
26 to the Minister not less than seven days before they are published.

Offences

27 **22.**-(1) Where a person for the purpose of procuring the registration of
28 any name, qualification, or other matter makes a statement which he believes to
29 be false in a material particular, or recklessly makes a statement which is false
30 in a material particular, the person commits an offence.

1 (2) Where, on or after the commencement date of this Act, a person
2 who is not a member of the Institute practices or holds himself out as a
3 member in expectation of a reward or takes or uses any name, title, addition
4 or description implying that he is a member, the person commits an offence.

5 (3) Where the Registrar or any other person employed by or on
6 behalf of the Institute willfully makes any falsification in any matter relating
7 to the register, he commits an offence.

8 (4) A person who commits an offence under this section is liable-

9 (a) on summary conviction to a fine not exceeding N150,000;

10 (b) on conviction or indictment to a fine not exceeding N200,000 ;

11 (c) to imprisonment for a term not exceeding two years; or

12 (d) to both fine and imprisonment.

13 (5) Where an offence under this section which has been committed
14 by a body corporate is proved to have been committed with the consent or
15 connivance of or attributable to any shall be deemed to have committed the
16 offence and shall be liable to be prosecuted and punished accordingly.

17 **23.** The Council may make rules for-

Rules

18 (a) membership of the profession or suitable persons in project
19 management methods;

20 (b) for the supervision, regulation, engagement and training of the
21 persons in project management;

22 (c) prescribing the amount and date for payment of the annual
23 subscriptions by members according to the categories of membership;

24 (d) prescribing the form of license to practice to be issued annually
25 or if the Council deems fit, by endorsement on an existing license;

26 (e) restricting the right to practice as a Chartered Member of the
27 profession in default of payment of the amount of the annual subscriptions
28 where the default continues for longer than such period as may be prescribed
29 by the rules;

30 (f) restricting the right to practice as a member of the profession if

1 the qualification granted outside Nigeria does not entitle the holder in practice
2 to be completed before a person qualifies for a license to practice as a member
3 of the profession; and

4 (g) prescribing the period of practical training in the office of a
5 chartered member of the profession in practice to be completed before a person
6 qualifies for a license to practice as a member of the profession.

7 (2) The rules, when made, shall be published in the Federal
8 Government Gazette.

Provision of
library facilities

9 **24.** The Institute shall-

10 (a) provide and maintain a library comprising books and publications
11 for the advancement of knowledge of project management and such other
12 books and publications as the Council may think necessary for the purpose; and

13 (b) encourage research into project management methods and such
14 allied subjects to the extent that the Council may consider necessary.

Interpretation

15 **25.** In this Act-

16 "Chairman" means the Chairman of the Governing Council of the Institute
17 established under section 2(1) of this Act;

18 "Council" means the Council established as the governing body of the Institute
19 under section 2(1) of this Act;

20 "enrolled" means a Fellow or a Chartered or Certified Member as the case may
21 be;

22 "fees" includes annual subscription;

23 "Institute" means the Chartered Institute of Project Management of Nigeria
24 established under section 1(1) of this Act;

25 "Investigating Panel" means the Chartered Institute of Project Management
26 Investigating Panel established under section 18(1) of this Act;

27 "Member" means a Member of the Institute registered in any of the six classes
28 of membership;

29 "Minister" means the Minister of Industry, Trade and Investment;

1 "Project management professional" means any qualified member when into
2 practice;

3 "Registrar-General" means the administrative head and chief executive
4 officer of the Institute appointed under section 12(1) of this Act; and

5 "Tribunal" means the Chartered institute of Project Managers Disciplinary
6 Tribunal established under section 18(3) of this Act.

7 **26.** This Bill may be cited as the Chartered Institute of Project Citation
8 Management of Nigeria Act (Repeal and Enactment) Bill, 2024.

9 SCHEDULES

10 FIRST SCHEDULE

11 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

12 *Qualification and tenure of office of members*

13 1.-(1) Subject to the provisions of this paragraph, a member of the
14 Council shall hold office for a period of two years beginning from the date of
15 his appointment or election and is eligible of an additional two year after
16 which no more.

17 (2) Any member of this Institute who ceases to be a member of the
18 Institute shall, if he is also a member of the Council, cease to hold office on
19 the Council.

20 (3) Any elected member of the Council may, by notice in writing
21 under his hand addressed to the Chairman of the Institute, resign from his
22 office.

23 (4) If for any reason there is a vacation of office by a member and-

24 (a) such member was appointed by the Minister, the Minister shall
25 appoint another person to replace such member, or

26 (b) if such member was elected, the Council may, if the time
27 between the unexpired portion of the term of office and the annual general
28 meeting of the Institute appears to warrant the filling of the vacancy, co-opt
29 some persons.

1 *Power of the Council*

2 2. The Council shall have power to do anything which in its opinion is
3 calculated to facilitate the carrying on of the activities of the Institute.

4 *Orders of the Institute*

5 3.-(1) Subject to the provision of this Act, the Council may in the
6 name of the Institute make orders regulating the proceedings of the Institute,
7 the Council or any of their committees.

8 (2) The standing orders shall provide for decisions to be taken by a
9 majority of the members and in the event of equality of votes, the Chairman,
10 shall have a second or casting vote.

11 (3) The standing orders made for committees shall provide for
12 committees to report back to the Council on any matter referred to it by the
13 Council,

14 (4) The quorum of the Council shall be 10 and the quorum of a
15 committee of the Council shall be determined by the Council.

16 *Meetings of the Institute*

17 4.-(1) The Council shall convene an annual general meeting of the
18 Institute on the 30th of September every year or such other date as the Council
19 may appoint so that if the meeting is not held within one year after the previous
20 meeting, not more than 15 months shall elapse between the respective dates of
21 the two meetings, the President of the Institute shall convene a special meeting
22 of the Institute.

23 (2) A special meeting of the Institute may be convened by the Council
24 at any time, if 20% members of the Institute by notice in writing, addressed to
25 the Registrar of the Institute setting out the objects of the proposed meetings,
26 the Chairman of the Council shall oversee a special meeting of the Institute.

27 (3) The quorum of any meeting of the Institute shall be 25% members
28 and that of any special meeting of the Institute shall be 20% of members.

29 *Meetings of the Council*

30 5.-(1) Subject to the provisions of any standing order, the Council

1 shall meet whenever it is summoned by the Chairman, and if the Chairman is
2 required to do so by notice in writing given to him by not less than seven
3 other members, he shall summon a meeting of the Council to be held within
4 seven days from the day on which the notice is given.

5 (2) At any meeting of the Council, the Chairman or in his absence,
6 any of the Vice-Presidents shall preside as directed by the Chairman, but if
7 both are absent, the members present at the meeting shall appoint one of
8 them to preside at the meeting.

9 (3) Where the Council desires to obtain the advice of any person on
10 particular matter, the Council may co-opt him as a member for such period
11 as the Council deems fit, but a person who is a member by virtue of this
12 subparagraph, shall not be entitled to vote at any meeting of the Council and
13 shall not count towards a quorum.

14 (4) The first meeting of the Council shall be summoned by the
15 Minister who may give such directions as he deems fit as to the procedure
16 which shall be followed at the meeting.

17 *Meetings of the committees*

18 6.-(1) The Council may appoint one or more committees to carry
19 out on behalf of the Institute or the Council, such action as the Council may
20 determine.

21 (2) A committee appointed under this paragraph shall consist of the
22 number of persons determined by the Council of whom not more than one-
23 third may be persons who are not members of the Council and a person other
24 than a member of the Council shall hold office on the committee in
25 accordance with the terms of the instrument by which he is appointed.

26 (3) A decision of a committee of the Council shall be of no effect
27 until it is confirmed by the Council.

28 *Miscellaneous*

29 7.-(1) The fixing of the common seal of the Institute shall be
30 authenticated by the signature of the Chairman or Registrar or any other

1 member of the Council authorized generally or specially by the Institute to act
2 for that purpose.

3 (2) Any contract or instrument which, if made or executed by person
4 not being a body corporate, would not be required to be under seal, may be
5 executed on behalf of the Institute or the Council, as the case may require, by
6 any person generally or specially authorized to act for that purpose by the
7 Council.

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

11 (4) The validity of any proceeding of the Institute or the Council or of
12 a committee of the Council shall not be adversely affected by-

13 (a) any vacancy in membership;

14 (b) any defect in the appointment of a member of the Institute,
15 Council or a person to serve on the committee; or

16 (c) reason that the person is not entitled to do so or took part in the
17 proceedings.

18 (5) Any member of the Institute or Council, and any person holding
19 office on a committee of the Council, who has a personal interest in any
20 contract or arrangement entered into or proposed or be considered by the
21 Council or a committee of the Council shall immediately disclose his interest to
22 the Chairman or Council, as the case may be, and shall not vote on any question
23 relating to the contract or arrangement.

24 **SECOND SCHEDULE**

25 **TRANSITIONAL PROVISIONS AS TO PROPERTIES**

26 *Transfer of properties*

27 1. Every agreement to which the incorporated Institute was a party,
28 immediately before the commencement of this Act, whether it is in writing or
29 not and whether or not it is of such nature that the rights, liabilities and
30 obligations could be assigned by the incorporated Institute, shall, unless the

1 terms or subject-matter is impossible that it shall have effect or been
2 modified in the manner provided by this sub-paragraph would have effect
3 from the appointed day so far as it relates to property transferred by this Act
4 to the Institute as if-

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

6 (b) for any reference (however worded and whether express or
7 implied) to the Incorporated Institute, there were substituted as respects
8 anything failing to be done on or after the commencement of this Act, a
9 reference to the Institute; and

10 (c) for any reference (however worded and whether express or
11 implied) to a member or members of the Council of the Incorporated
12 Institute were substituted, as respects anything failing to be done on or after
13 the commencement of the Act a reference to a member or members of the
14 Council under this Act.

15 (2) Other documents which refer specifically or generally, to the
16 Incorporated Institute shall be constructed in accordance with subparagraph
17 (1).

18 (3) Without prejudice to the generality to the provisions of
19 paragraph 1(1) of this Schedule, where by the operation of section 7 of this
20 Act, any right, liability or obligation shall vest in the Institute and all other
21 persons shall, as from the commencement of this Act, have the same rights
22 as to the taking or resisting of legal proceedings or the making or resisting of
23 applications to any authority for ascertaining, perfecting or enforcing the
24 right, liability or obligation of the Institute.

25 2. On the commencement of this Act, any person holding any paid
26 appointment in the Institute shall hold corresponding appointment in the
27 Institute on the same terms and conditions as to tenure and otherwise. The
28 law in force at the place where any property transferred by this Act is
29 situated provides the registration or transfer of the property in question
30 (whether by reference to instrument transfer or otherwise), the law shall, so

1 far as it provides for alteration of a register (but not avoidance to transfer the
2 payment of fee or any other matter) apply with the necessary modifications to
3 the transfer of the property and the Institute shall transfer to the officer of the
4 registration authority and the officer shall register the transfer according to this
5 Act.

6 **THIRD SCHEDULE**

7 **SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY**

8 **TRIBUNAL AND INVESTIGATING PANEL**

9 *The Tribunal*

10 1. The quorum of the Tribunal shall be four of whom at least two shall
11 be members of the profession.

12 2.-(1) The Council may make rules as to the selection of the Tribunal
13 for the purposes of proceedings and the procedure to be followed and the rules
14 of evidence to be observed in proceedings before the Tribunal.

15 (2) The rules shall in particular provide for-

16 (a) securing that notice of the proceedings is given at such time and in
17 such manner as may be specified by the rules, to the person who is the subject of
18 the proceedings;

19 (b) determining who in addition to the person, shall be a party to the
20 proceedings;

21 (c) securing that any party to the proceedings shall, if he so requires,
22 be entitled to be heard by the Tribunal; and

23 (d) publishing in the Federal Government Gazette notice of any
24 directive of the Tribunal which has taken effect providing that a person's name
25 shall be struck off a register.

26 (3) For the purpose of any member, the Tribunal may administer oaths
27 and any party to the proceedings may issue out of the registry of the Federal
28 High Court writs of subpoena ad testificandum and deuces tecum; but no
29 person appearing before the Tribunal shall be compelled to-

30 (a) make any statement before the Tribunal tending to incriminate

1 himself; or

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

4 (4) For the purpose of advising the Tribunal on questions of law
5 arising in proceedings before it, there shall in all proceedings be an Assessor
6 to the Tribunal who shall be appointed by the Council on the
7 recommendation of the Council and shall be a legal practitioner of not less
8 than seven years standing.

9 (5) The Council shall make rules as to the functions of an Assessor
10 appointed under this paragraph, in particular such rules shall contain
11 provisions for securing-

12 (a) that where an Assessor advises the Tribunal on any question of
13 law as to evidence, procedures or any other than is specified by the rules, he
14 shall do so in the presence of every party or person representing a party to the
15 proceedings who appears or, if the advice is tendered while the Tribunal is
16 deliberating in private, that every party or person shall be informed about the
17 advice the Assessor has tendered; and

18 (b) every such party or person shall be informed if in any case the
19 Tribunal does not accept the advice of the Assessor on such a question.

20 (6) An Assessor may be appointed under this paragraph either
21 generally or for any particular proceeding or class of proceedings and shall
22 hold and vacate office in accordance with the terms of the instrument by
23 which he is appointed.

24 3. The quorum of the Panel shall be three,

25 4.-(1) The Panel may, at any of its meeting attended by all the
26 members of the Panel, make standing orders with respect to the Panel.

27 (2) Subject to the provisions of any such standing orders, the Panel
28 may regulate its own procedures.

29 *Miscellaneous*

30 5.-(1) A person, on ceasing to be a member of the Tribunal or the

1 Panel, shall not be eligible for appointment as a member of that body.

2 (2) An eligible person shall not be a member of both the Tribunal and
3 the Panel, and a person who acted as a member of the Panel, with respect to any
4 matter, shall not act as a member of the Tribunal with respect to that case or any
5 other case.

6 (3) Proceedings of both the Tribunal and the Panel shall not be
7 invalidated by any irregularity in the appointment of any member or vacancy in
8 the membership of the bodies by reason of the fact that any person who was not
9 entitled to do so took part in the proceedings of the body.

10 (4) Any document authorized or required by virtue of this Act to be
11 served on the Tribunal or the Panel, shall be served on the Registrar appointed
12 under section 11 of this Act.

13 (5) Any expenses of the Tribunal or the Panel shall be defrayed by the
14 Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal and enact the Chartered Institute of Project Managers of Nigeria (Establishment) Act No. 3 of 2018 and to enact the Chartered Institute of Project Management of Nigeria Act charged with the responsibility for regulation of the project management sector and the registration, licensing and discipline of its members.