



FEDERAL REPUBLIC OF NIGERIA
HOUSE OF REPRESENTATIVES

A BILL

FOR

**AN ACT TO ESTABLISH THE CHARTERED INSTITUTE
OF AUCTIONEERS TO PROVIDE FOR THE CONTROL
OF ITS MEMBERSHIP AND TO PROMOTE THE
PRACTICE OF AUCTIONEERS IN NIGERIA AND FOR
OTHER PURPOSE CONNECTED THERE WITH, 2019
(HB. 599)**

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**CHARTERED INSTITUTE OF AUCTIONEERS OF
NIGERIA BILL 2019 (HB.599)**



Sponsored by: Hon. Austine Chukwukere I.

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CHARTERED INSTITUTE OF AUCTIONERS OF NIGERIA BILL 2019

FIRST SCHEDULE

Commencement

A BILL FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF AUCTIONERS TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE THE PRACTICE OF AUCTIONERS IN NIGERIA AND FOR OTHER PURPOSES CONNECTED THEREWITH, 2019 (HB.599)

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

PART I – ESTABLISHMENT OF THE CHARTERED INSTITUTE OF AUCTIONEERS OF NIGERIA

1. – (1) There shall be established a body to be known as the Establishment of Chartered institute of Auctioneers of Nigeria (in this Act referred to as “Institute”) Establishment of the Chartered Institute of Auctioneers of Nigeria

The institute:

- (a) Shall be a body corporate with perpetual succession;
- (b) Shall have common seal which shall be kept in such custody as the council may, from time to time, authorize; and
- (c) may sue or be sued in its corporate name

2. The powers and objectives of the institute shall be:

Functions of the Institute.

- (a) Determining, examining and set the standards of knowledge and skills to be attained by persons seeking to become Licensed and Chartered Auctioneers and raising those standards from time to time as circumstances may permit;
- (b) Securing in accordance with the provision of the bill the establishment and maintenance of a register of members, and the publication from time to time list of those persons; and
- (c) unite all holders of and/or foreign qualification(s) in auctioneering and related disciplines in the public and private sector.
;
- (d) ensure that the practice of Auctioneering is done professionally in Nigeria.
- (e) provide consultancy services on auctioneering allied matters to the public as well as the private sector;

- (f) hold conferences, workshops, seminars and symposia on contemporary auctioneering issues; and
 - (g) perform any other duties as the council may deem fit time to time.
- (3) (1) The Council may enrolled qualified individuals as auctioneers in the following category of: Membership of the Institute.
- (a) Fellow
 - (b) Full Member
 - (c) Associate Member; or
- (2) Without prejudice to the last forgoing provision of this Act, Persons registered as member of the Institute, in terms of this Act shall be Entitled to be enrolled
- (a) as Fellows, if they satisfy the council that for the period of not less than five year immediately preceding the date of their applications in that behalf that they:
 - (i) are fit and proper persons;
 - (ii) are holders of approved academic qualifications;
 - (iii) have satisfied the council in their dissertation; and
 - (iv) have satisfied the continuously active in the practice auctioneering in the public and private sections of the economy and as member of the institute.
 - (b) as Full Members, if for period of not less three years immediately preceding the date of their application in that behalf that they have been enrolled as associate members and are otherwise fit and proper persons. And as may be approved in the discretion of the Council.
 - (c) as associate members, if they satisfy the council that they have passed the mandatory examination conducted by the Institute, hold equivalent qualifications from recognized institutions of higher education and are otherwise however found it be fit and proper persons by the Council
- (3) The following are the order of precedence and designations for:
- (a) a Fellow of the Chartered Institute of Auctioneers who shall have their right to use the designator letters FCAI immediately after his names;

(b) a Full Members of the Chartered Institute of Auctioneers who shall have the right to use designator letters of MCAI immediately after his names; and

(c) Associate member of the Chartered Institute of Auctioneers who shall have the right to use the designator letters of ACAI immediately after his name

(4) The Principal offices of the Institute shall be.

Election of
Principal Officers
of the Institute

(a) The President

(b) The Vice-Presidents 1st Vice President 2nd Vice President

(c) The Registrar / National Secretary

(d) The Assistant National Secretary;

(e) The Public Relations Officer

(g) National Welfare Officer

(i) Ex-officio

(2) The Principal officers listed under subsection (1) of this section shall be financial members of the Institute in the grades of fellows and full members and shall be elected to office biennially at

the second Council meeting after another term of two years, and no more

(3) The President shall be the chairman of the meetings of the institute, but in the event of his incapacity, death or inability to perform the duties reposed on him under this subsection, the first Vice-President shall perform such duties for the unexpired portion of the office of that president

(4) If any of the officers listed under subsection (1) of this sections shall cease to hold any of the offices designated thereof

COUNCIL

(5) There shall be for the Institute, a governing body to be known as the Council” which shall have responsibility for the administration and General management of the institute

Establishment and
Composition of the
Governing Council.

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

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

(b) The First Vice-president of the Institute who shall be the deputy Chairman;

(c) The Registrar;

- (d) Twelve members nominated by the Institute from the six geopolitical zones of the Federation;
 - (e) Two persons who shall be members of the Institute, to represent Institution of higher education in Nigeria offering courses leading to an Approved qualifications, to be appointed in rotation;
 - (f) two representatives appointed by the Nigerian Institution of Estate Surveyors and Valuers;
 - (g) two representatives of National association of Auctioneers
 - (h) the Founding Directors of the Institute;
 - (i) one person each not below the rank of a Director to represent the following Federal Ministries, that is:
 - (i) Finance;
 - (ii) Trade and Investment;
 - (iii) Education
- (3) The provision of the first schedule to this act shall have effect with respect to the supplementary provision of the council and the qualifications and tenure of the office or members of the council. and the matters therein mentioned

BOARD OF FELLOWS

- (6) There shall be appointed annually a Board of Fellows, to Coordinate the activities of fellows of the Institute and to recommend to the council on yearly basis admission of full members into the fellowship grade. Appointment of Board of Fellows.
- (2) The Board of Fellows shall consist of persons who have been duly elected as fellows of the Institute, and shall have a Chairman who shall preside over the activities of the Board subject to the approval of the council.

PART II FINANCIAL PROVISIONS

- 7. (1) The Council shall establish and maintain a fund for the Institute, the management and control of which shall be under the authority of the Council, into which shall be paid: Establishment of the fund and expenditure.
 - (a) All monies received by the Council in pursuance of this Act;
 - (b) All subscriptions, fees by members in pursuance of this Act;
 - (c) Such monies as may be provided by the federal, state or local Government from time to time by way of grants and subventions or loans, and

- (d) All monies raised for the purposes of the institute by way of gifts, donations, grants-in-aid, testamentary dispositions from individuals, bodies corporation or philanthropic organizations, non-otherwise however.
 - (2) The Council shall, from time to time, apply the proceeds of the funds of the Institute to:
 - (a) All expenditure incurred by the Institute in the course of the discharged of its functions under the Act;
 - (b) The remunerations and allowances of the Registrar and other staff of the Institute to;
 - (c) The maintenance of the premises and property owned and vested in the Institute;
 - (d) The payment of traveling allowance and such stipend for members of the council as may be approved by the Council; and
 - (e) The payment of such other charges as may be reasonably incurred in the performance of the functions of the Institute and the Council.
 - (3) For the purpose of the Companies Income tax, any donation made by any company in Nigeria to the Institute shall be a deductible donation within” the meaning of the Act.
- (8) (1) The Council, with the general consent of its members or in accordance with the general guidelines or authority given by the government of the federation, borrow, on behalf of the Institute, by way of loan or overdraft from any source, any monies’ required by the Council to meet the obligations of the Institute in other to perform its functions under this Act, so however, that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the institute in any particular year. Power to borrow
- (2) The Council may, subject to the provisions of the Act and conditions of trust in respect of funds held or any property owned by the Institute, invest any but not all its funds with the same consent or general authority.
- (9) (1) The Chairman of the Council shall cause to be prepared not later than six months before the end of the year, estimates for the recurrent and capital expenditure (if any) and income of the Institute during the next succeeding financial year which shall be presented to the Annual General Meeting of the Institute by the Council for approval. Annual estimates, account and audit
- (2) The Council shall keep proper accounts and records in relation thereto, and of shall prepare in respect of each financial year, a statement of account in such form as the chairman or the council shall direct.

(3) The Council shall as soon as may be after the end of a financial year, cause the accounts of the Institute and those of the Council to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor – General for the Federation.

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

- (a) A general report setting out the observations and recommendations of the said auditors on the financial affairs of the institute and the Council for the year, and on any important matters which the auditors may consider necessary to bring to the notice of the Council; and
- (b) A detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Institute and the Council.

PART III – THE REGISTRAR

- (10)(1) The council shall appoint a fit and proper person to be the Registrar of the Institute. Appointment and Duties of the Registrar.
- (2) The Registrar appointed in terms of subsection (1) of this section shall be head of the Administration of the Institute and Secretary to the Council.
- (3) The Register shall consist of three parts of which the first part shall be in respect of fellows, the second part shall be in respect of full members, and the third part shall be in respect Associates.
- (4) Subject to the following provisions of this subsection, the Council may make rules with respect to the form and keeping of the Register and making of entries therein and in particular:
- (a) The making of application for enrolment or registration, as the case may be;
 - (b) Providing for notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars.
 - (c) Authorizing a registered person to have any qualification which is in relation to the relevant discipline of the profession for the purpose of the Act, registered in relation to this name in addition to, as he may elect, in substitution for other qualifications so registered;
 - (d) Specifying from time to time the fees including subscription to be paid to the institute in respect of the entry of names on the Register for the entry has been paid; and

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

(5) The Registrar shall:

- (a) Correct, in accordance with the Council's directives, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
- (b) Remove from the Register the name of any registered person who had died;
- (c) Record the names of the members of the Institute who are in default in the payment of the annual subscription, dues or other charges for more than twelve months, and take such action in relation thereto (including removal of the names of the defaulters from the Registers) as the council may determine or direct; and
- (d) Make from time to time any necessary alteration in the registered particulars of registered persons.
- (e) send by post to any registered persons a letter addressed to him at his address on the Register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting, and
- (f) upon the expiration of the period specified in paragraph (a) of this subsection, sends in like manner to the person in question a second similar letter and received no reply to the letter within three months from the posting it, then the Registrar, may remove the particular relating to the person in question from the register, and the council may direct the Registrar to restore to the appropriate part of the Register any particulars removed there from under this subsection.

(11) (1) The Registrar shall:

- (a) Cause the Register to be printed, published and put on sale to members of the public later than two years from the commencement of this Act; Publication of registers and list of corrections
- (b) Thereafter in each year to cause to be printed, published and put on sale as aforesaid, rather a corrected edition

a print of each of the Registers and of each list of correction to be deposited at the principal offices of the institute and the Council shall keep the Register and the list so deposited available at all reasonable times for inspection by members of the Institute

tion of the Register since it was last printed; and

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

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

(12) (1) Subject to the rules made by the Council pursuant to section 10(5) of this bill, a registration person whether or not a member of a professional Auctioneers body recognized by an Act of National Assembly shall be entitled to be enrolled or registered as a Member of Chartered Institute of Auctioneers Nigeria, if: Registration.

- (a) He possesses a minimum of a recognized diploma qualifications or its equivalent from an approved and or recognized higher institutions in addition to;
- (b) He passes the institute qualifying examinations for membership conducted by the Council under this Bill and complete the practical training prescribed; or
- (c) He hold qualification granted outside Nigeria and for time being accepted by the Institute and, if the Council so requires, satisfies the Council that he had sufficient practical experience as an Auctioneer.

(2) (Subject to the rules made by the Council pursuant to section 10(5) of this bill, a person shall be entitled to be registered as an auctioneer if he satisfies the council that immediately before the appointed day he had not less than five years experience as an inspector and internal auditor of the affairs of a company as defined under the provision of the Companies and Allied Matters Act.

(3) An application for registration shall, in addition to evidence of qualification, satisfy the council:

- (a) That he is of good character;
- (b) That he has attained the age of twenty-one year; and
- (c) He has not been convicted of a criminal offence involving fraud or dishonesty in Nigeria or elsewhere.

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

(5) Any entry directed to be made in the Register in terms of subsection (2) of this section shall indicate that the Registration is provisional, and no entry made in con
sequence thereof shall be converted to, construed as, full registration without explicit consent of the Council made in writing in that behalf.

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

13. (1) The council may approve an institution for the purpose of this Act and may for those purposes approve:

Approval of qualification.

(a) Any course of training at any institution which for persons who are seeking to become or are already auctioneer, and which the council considers as necessary to confer on persons completing the course, sufficient knowledge and skill for admission to the institute;

(b) Any qualification which, as a result of an examination taken in conjunction with a course of training approved by the council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the council that the candidates have sufficient knowledge and skill to practice as auctioneer.

(2) The council may, if it thinks it fit withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval, the council shall:

(a) Give notice that it proposes to do so to person in Nigeria appearing to the council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case, may be;

(b) Afford each such an opportunity of making representations to the council with regard to the proposal; and

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

(3) where the approval of the council under this section for a course, qualification or institution is withdrawn; the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of any such approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(4) The given or withdrawer of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the given or withdrawal of the approval, as the council may specify in that instrument, and the council shall:

- (a) publish as soon as possible a copy of such instrument in the Federal Government Gazzette; and
- (b) Not later than seven days before its publication, send a copy of the instrument to the minister.

14. (1) It shall be the duty of the members of the council of the institute to keep themselves informed of the nature of:
- (a) The instructions given at approved institutions to persons attending Approved training; and
 - (b) The examination as a result of which approved qualifications are granted, and for the purpose of performing that duty, the Council of the institute may appoint, either from among its own members or otherwise, person to visit approved institutions, or to attend such examination.

Supervision of instruction, etc leading to approved qualifications.

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

- (a) The sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) The conduct and the adequacy of the examination observed by him;and
- (c) Any other matters relating to the instructions or examinations on

Which the council may, either generally or in particular case, request him to report, but no visitor shall interfere with the given of any instruction or the conduct of any examination.

(3)On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and if so required by the Institution, send a copy of the report to the person appearing before the council to be in charge of the Institution or which the disciplinary Tribunal has Cognizance under the following provisions of the Act responsible for the examination of which report relates requesting that person to make an Observation on the report on the council within such perio as may be specified in the request, not being less than one month beginning with the date of the request.

PART IV – PROFESSIONAL DISCIPLINE

15. (1) There shall be a tribunal to be known as the chartered institute of Auctioneers Discipline Committee (in the Act, referred to as “the Disciplinary Committee”) which shall be charged with t he duty of considering and determining any case referred to it by the investigating panel established pursuant to subsection (3) of this section, and any other case of panel, which the Disciplinary Committee has organizance under the following provisions of this Act.

Establishment, Composition, etc Of the disciplinary committee and of the investigating panel.

(2) The Disciplinary Committee shall consist of the chairman of the council and six other members of the council.

(3) There shall be a body known as Chartered Institute of Auctioneers Investigating Panel (in this Act, referred to as “the Investigating panel”) which shall be charged the duty of:

(a) conducting a preliminary investigation into my case where is alleged that a member has misbehaved in his capacity as an auctioneer or should for any other reason be the subject of proceeding before the Disciplinary Committee.

(c) deciding whether the case be referred to the Disciplinary Committee.

(4) The Investigating Panel shall be appointed by the council and shall consist of four members of the council and one person who is not member of the council.

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

The council may not inconsistency with this Act as to acts which constitute professional.

(16) (1) Where:

(a) A member is judged by the Disciplinary Tribunal to be guilty of infamous conduct in any professional respect;

(b) A member is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence or (whether or not punishable with imprisonment which is the opinion of the disciplinary Committee is incompatible with the status of a professional Auctioneers;

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

(2) The Disciplinary Tribunal may, if it thinks fit, defer its decisions as to the given subsection (1) of this section until a subsequent meeting of the disciplinary Tribunal but:

(a) No decision shall be deferred under this subsection for period exceeding two years on the aggregate; and

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

Penalties for unprofessional conduct.

(3) For the purposes of subsection (1)(b) of this section, a person not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal in pending or may (without extension or time) be brought in connection with the conviction.

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

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

(6) Where a Disciplinary Tribunal gives a direction upon contravention of any provisions of this Act by any organization in any auction sale subject to . Shall pay penalty in the sum that would have accrued to a registered Auctioneer to the account of the institute.

(7) Where the property involved subject to the provisions of this Act in Part 1 Sec 2 (f) is that of the Government of the Federation, State, the institute shall remit to the Account of the Federal Government or State 10% of the penalty and 20% to the state Government where the auction sales took place

PART IV – MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

17 (1) The Council may make rules for:

- (a) The training of suitable persons in Auctioneering; and its practice
- (b) The supervision and regulation of the engagement, training and business of such persons.

Rules as to professional practices and fees

(2) The Council may also make rules:

- (a) prescribing the amount payable as annual subscription, licensing fees and for such purpose different amount may be prescribe by the rules according to whether the person is enrolled as a fellow, full member, and an associate member or student;
 - (b) prescribing the form of license to practice to be issued annually, and
 - (c) Restricting the right to practice in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules
- (3) Rules when made under this section shall, if the chairman of the council so directs, be published in the Federal Government Gazette.

18. The institute shall:

- (1a) Provide and maintain a Library, comprising books and publications for the advancement of knowledge of auctioneering and such other books and publications as the council may think necessary for that purpose;

Provision of library facilities.

(b) Encourage research into auctioneering and allied subjects to the extent that the council may from time to time consider necessary

19. (1) If any person, for the purpose of procuring the registration of any name, be qualification or other matter:

- (a) Make a statement which he believes is false in a material particular, or
- (b) Recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(2) If on or after the relevant date, any person not a member of the Institute practices or holds himself out as an auctioneer for or in expectation of reward or takes or uses any name, title, addition or description implying that he is practicing auctioneer, he shall be guilty of an offence, provided that, in the case of a person failing within section 17 of this Act:

- (a) This subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
- (b) If within that period his duty applies for membership of he Institute, then, unless within the period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or notified as aforesaid.

(3) if the registrar or any other person employed by or on behalf of the institute will fully makes any falsification in any matter relating to the Register, he shall be guilty of an offence.

(4) A person guilty of an offence under this section is liable:

- (a) On summary conviction, to a fine of an amount not less than ₦50,000 Naira and or shall be actionable before the Federal High Court of Justice
- (b) On conviction on indictment, to a fine of an amount not less than

N100, 000 Naira or to imprisonment for a term not exceeding two years or to both such fine and imprisonment

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

(6) In this section, “the relevant date” means the third anniversary of the appointed day or such earlier date as may be prescribed for the purpose of this section by order of the ministry published in the Federal Government Gazette

20.(1) any regulation made under this act shall be published in

The federal Government Gazette as soon as may be after they are made and a copy of any such regulations shall be sent to the Ministry not later than twenty one days they are so published.

Regulations and rules

(2) Rules made for the purposes of this act shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the institute convened for the purpose, and if then annulled shall cause to have effect on the day after the date of annulment, but with prejudice to anything done in pursuance or intended pursuance of any such Rules

21. (1) The body known as the certified Institute of Auctioneers of Nigeria is hereby dissolved.

Dissolution of
Dissolution of the
institute of certified
Institute of
Auctioneers

(2) Accordingly, all the property held by or on behalf of the former Institute shall by virtue of this section and without further assurance, vest in The institute and be held in for the purpose of the institute.

(3) The provisions of the Third Schedule to this section to the effect with to matters arising from the transfer by this section to the Institute of the property; directors and staff of the former institute, and with respect of the other matter mentioned in that schedule.

(4). In this Act, unless the context otherwise requires, the following words and expressions have the meanings respectively assigned to them, that is: “Institute” means Chartered institute of auctioneers established under section

I of this Act;

“Council” means the Council established as the governing body of the institute Under section5 of this Act:

“Disciplinary Tribunal” means the Chartered institute of Auctioneers Disciplinary Tribunal” under section 15 (1) of this Act;

“Enrolled in relation to a Fellow, a Full Member, and Associate Member, As the case may be;

“Fees’ includes annual subscription;

License ; means Chartered institute of Auctioneers Practising License

“Investigating Panel” means “Chartered Institute of Auctioneers Investigating Panel” shall be Construed accordingly;

“Ministry” means the ministry charged with the responsibility for matters Relating to finance”

“President and Vice President” means respectively the officer holder, under Those names in the institute;

“Profession” means the profession of pursuance of section 10(2) of this 1-4

“Register” means register maintained in pursuance of section 10(2) of this Act

23. This Act may be cited as the chartered institute of Auctioneers of Nigeria Bill, 2013.

Short title

SCHIDULES FIRST SCHEDULE

Section 5 (3)

SUPPLEMTATY PROVISIONS RELATIING TO THE COUNCIL

Qualification and tenure o members.

- (1) Subject to the provisions of this paragraph, a member of the council shall hold for a period of two years beginning with the date of his appointment or election.
- (2) Any member of the4 Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the council
- (3) Any elected member may by notice in writing under his hand addressed to the President resign his office, and my appoi8nted member may likewise resign appointment
- (4) A person who retires from or otherwise cease to be elected Member of the Council shall be eligible again to become a member of Council, and any appointed or elected, or elected, and longest in office to entire at that annual general meeting.
- (5) Members of the Council shall at meeting next before the annual general meeting of the Institute arrange for five members of the Council appointed or elected, and longest in office to retire at that annual General meeting
- (6) Elections to the Institute shall be he in such manners as
May be prescribed by rules made by the council, and until so prescribed they Shall be decided in a secret balloting process.
- (7) If for any reason there is an vacation of office by a member and;
 - (a) Such member was appointed by the minster or any other body
 - (a) Corporate, the Minster or any such body corporate shall appoint another fit Person to occupy the office in which the vacancy occurs; or

(b) Such member was elected, the Council may if the period between the unexpired of the tenure of the next general meeting of the institute appears to warrant the prompt filling the vacancy Co-opt some person for such periods aforesaid

Powers of Council

2. The council shall have powers to do anything which in its opinion is calculated to facilitate the carrying on the activities of the institute

Proceeding of the council

3. (1) Subject to the provision of this council may in the name of the Institute make standing orders regulating the proceedings of the institute or of the Council, and in the exercise of its powers under this Act, may set up committees in the general interest of the institute, and make standing orders therefore.
- (2) Standing order shall be provided for decision to be taken by a majority of the members, and, in the event of equality of votes, for the president or the Chairman as the case may be, to have a second or casting vote
- (3) Standing orders made for a committee shall provide the committee report back to the council on any matter not within its competence to be decided upon.
- (4) The quorum of the council including the founding directors shall be nine, and the quorum of a committee of the council shall be as fixed by the Council.

Meeting of the Institute

- (4) (1) The council shall convene the annual general meeting of the Institute on a day the council may from time to time appoint any particular year, so however that if the meeting is not held within one year after the Previous annual general meeting, not more than fifteen months shall elapse between the respective dates of the two meetings
- (2) A special meeting of the institute may be convened by the council at any time, and if not less than thirty members of the Institute require it by notice in writing addressed to the General Secretary of the institute setting out
The objects of the proposed meeting shall convene a special meeting of the institute.
- (3) The quorum of any general meeting of the shall be Fifteen members and that of any special meeting of the Institute shall be Twenty-five members

Meeting of the Council

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- (1) subject to the provision of any standing orders of the Council, the council shall whenever it is summoned by the chairman, And by secretary whenever required to do so notice in writing given to him by not less than seven other members, he shall summon a meeting of the council to held within seven days from the date on which the notice is given.

- (2) At any meeting of the council, the Chairman or in his absence the deputy chairman shall preside, but if both are absent the members present at the meeting shall appoint one of their numbers to preside at that meeting.
- (3) Where the council desires to obtain advice of any person on a particular matter the council think fit, but a person who is member by virtue of the provision of this subparagraph shall not be entitled to vote at any meet of the council and shall not towards quorum.
- (4) Notwithstanding anything in the foregoing provision of the paragraph, the first meeting of the council shall be summoned by the minister who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting

Committees

7. (1) The council may appoint one or more committees to carry out on behalf of the institute of person determined by the council, and a person other than a member of the council shall hold office on the committee in accordance With the terms of the instrument by which he is appointed.
- (2) Any recommendations of a committee of the council shall be of no effect until is approved by the council.

Miscellaneous

8. (1) The fixing of the seal of the institute shall be authenticated by the signature of the National president or Secretary to the council or at least 2 founding directors and some other member of the council authorized generally by the institute to act for that purpose
- (2) Any contract or instrument which, if made or executed by a person no being a body corporate, would not be required to e under seal, may be made or executed on behalf of the instate or the council as the case may require, by any person generally or specially authorized to act for the purpose by the council
- (3) Any document purporting to be a document duly executed under the seal of the institute shall be received in evidence shall unless the contrary is proved be deemed to be executed.
- (4) The validity of any proceedings of the institute or council of a committee o the council shall not be affected by any vacancy in membership, or of any defect in the appointment of a member of the institute or of the councilor of person to serve on committee, or by reason that a person not entitled to do so took part in the proceedings

- (5) Any member of the institute or the council, and any person holding office on a committee thereof, shall forthwith disclose his interest to the council, as the case may be and not vote on any question relating to the contract or arrangement.
- (6) A person shall not be reason only of his membership of the Institute be required to disclose any interest relating solely to the audit to the accounts of the Institute.

2013 The Chartered Institute of Auctioneers of Nigeria Bill, 2013

SECOND SCHEDULE

Section 15(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be three of whom at least two shall be professional practicing Auctioneer
2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedures to be followed and the rules of evidence to be observed in proceedings before the Tribunal:
 - (a) For securing that notice of the proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is subject of the proceeding;
 - (b) For determining who in addition to the aforesaid, shall be a party to the proceeding;
 - (c) For securing that any party to the proceedings shall, if he so requires be entitled to be heard by the tribunal;
 - (d) For enabling any party to the proceeding to be represented by a legal practitioner;
 - (e) Subject to the provision of section 16(5) of act as to be cost of proceedings before the tribunal;
 - (f) For requiring in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and

- (g) For publishing in the media notice of any direction of the Tribunal, which has been taken effect provision that a person's name shall be struck off a Register.
3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may sue through the Supreme Court writs of subpoena ad testandum and duces tecum, but no person appearing before the Tribunal shall be compelled:
 - (a) To make any statement before the Tribunal tending to incriminate himself;
 - (b) To produce any document under such a writ which he could not be compelled to produce at the trial of an action.
 4. (1) For the purposes of advising the Tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.
 - (2) The Chief Justice of Nigeria shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing:
 - (a) That where an assessor advises the Tribunal on any question of law as to the evidence, procedure or any matters specified in rules, he shall do so in the presence of every party or person presenting a party to proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or persons as aforesaid;
 - (b) That every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.
 - (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the instrument by which he is appointed.
- The Panel
5. The quorum of the panel shall be two.
 6. (1) The panel may, at any sitting of the Tribunal attended by all members of the panel, make standing orders with respect to the panel.
 - (2) Subject to the provisions of any standing orders, the panel may regulate its procedure.

Miscellaneous

- (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for reappointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the Tribunal and the panel, but no person who acted as a member of the panel with respect to any case shall be a member of the Tribunal with respect to that case. The Tribunal or the panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that, or (subject to paragraph 7(2) of this schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of the body. Any document authorized or required by virtue of this Act to be served on the Tribunal or the panel shall be served on the Registrar appointed in pursuance of section 10 of this Act. Any expenses of the Tribunal or the panel shall be defrayed by the Institute.

THIRD SCHEDULE

Section 23(3)

TRANSITIONAL PROVISION AS A PROPERTY, ETC.

1. (1) Every agreement to which the former Institute was a party immediately before the appointment day, whether in writing or not and whether or not of such a nature that the right, liabilities and obligations there under could be assigned by the former Institute shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Act to the Institute, as if:
 - (a) The Institute had been a party to the agreement;
 - (b) For any reference (however worded and whether expressed or implied) to the former Institute they were substituted, as respects anything failing to be done or after the appointed day, a reference to the institute; and
 - (c) For any reference (however worded and whether expressed or implied) to a member of members of the Council of the former Institute or an officer of the former Institute they were substituted, as respects anything falling to be done on or after the appointed day, a reference to members of the Council under this Art or the officers of the former Institute who corresponds as nearly as may be to the member of officer in questions of the former Institute.

- (2) Other documents which refer, whether specially or generally, to the former Institute shall be constructed in accordance with subparagraph of this paragraph so far as applicable.
- (3) Without prejudice to the generally of the foregoing provisions of this schedule, where, by the operation of any of them or of section 23 of this Act, any right, liability or obligation vests in the Institute, the institute and all other persons shall, as from the appointed day, have the same rights as to the making or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligations of the Institute.
- (4) Any legal proceedings or application to any authority pending on the appointed by or against the former Institute and relating to property transferred by this Act the Institute may be continued on or after that day by or against the Institute.
- (5) If the law in force at the place where any, property transferred by this Act is situated (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provided for alterations of a Registered (but not for avoidance of transfer, the payment of fees or any matter) apply with the necessary modifications to the transfer of the property aforesaid, and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of functions, etc.

2. (1) At its first meeting, the Council of the Institute shall fix a date (not late than six months after the appointed day) for the annual general meeting of the Institute.
- (2) The members of the Council of the former Institute shall be deemed to be members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person who, immediately before the appointed day, held offices as the President of the Council of the former Institute shall on that day become the President or, as the case may be, the Vice-President of the Institute, and shall be deemed:
 - (a) To have been appointed to that office in pursuance of the provision of this Act corresponding to the relevant provision in the said articles and bye-laws of the Institute; and
 - (b) To have been appointed on the date on which he took office, or last took office, in pursuance of the relevant provision of those articles.

- (4) The members of the former Institute shall, as from the appointed to the generality of the provisions of this schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the staff of the former institute shall on that day become the holder of such an appointment with the institute with the status, designation and functions which corresponds as nearly as may be to those which appertained to him in his capacity as a member of that staff.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Chartered Institute of Auctioneers to provide for the control of its membership and to promote the practice of Auctioneers in Nigeria.

PASSED BY THE HOUSE OF REPRESENTATIVES ON TUESDAY, 16TH APRIL, 2019.

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SPEAKER
House of Representatives

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Clerk
House of Representatives