

ESTATE SURVEYORS AND VALUERS (REGISTRATION, ETC.) ACT

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ESTATE SURVEYORS AND VALUERS (REGISTRATION, ETC.) ACT

An Act to establish the Estate Surveyors and Valuers Registration Board of Nigeria as a body corporate and to empower the Board inter alia to determine persons who are to become estate surveyors and valuers and what standards of knowledge and skill are to be attained by such persons and to make provisions for other matters connected therewith.

[1975 No.4.]

[29th August, 1975]

[Commencement.]

Estate Surveyors and Valuers Registration Board

1. Establishment of the Estate Surveyors and Valuers Registration Board of Nigeria

(1) There is hereby established a body to be known as the Estate Surveyors and Valuers Registration Board of Nigeria (in this Act referred to as "the Board").

(2) The Board shall be a body corporate with perpetual succession and a common seal.

2. Functions of the Board

The Board is hereby charged with the general duty of-

- (a) determining who are estate surveyors and valuers for the purpose of this Act;
- (b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as estate surveyors and valuers and reviewing such standards, from time to time, for the purpose of raising them;
- (c) securing, in accordance with the provisions of this Act, the establishment and maintenance of a register of persons entitled to practise as estate surveyors and valuers and the publication, from time to time, of the lists of such persons;
- (d) regulating and controlling the practice of estate surveying and valuation (in this Act referred to as "the profession") in all its aspects and ramifications; and
- (e) performing the other functions conferred on the Board by this Act.

3. Membership of the Board

(1) Subject to the provisions of this Act, the Board shall consist of-

(a) a chairman who shall be a person of distinction in the profession to be appointed by the Minister on the recommendation of the Nigerian Institute of Estate Surveyors and Valuers (in this Act referred to as “the Institute”);

(b) five persons to be appointed by the Minister of whom at least one but not more than two shall be employed by the Ministry under his control and the others not so employed shall be appointed by him from amongst other interests in the field of estate surveying and valuation covered by this Act, which in the opinion of the Minister ought to be adequately represented;

(c) six persons to be appointed by the Minister to represent the States in rotation for two years at a time, no two of whom shall come from one State at anyone time;

(d) six persons elected by the Institute in the manner for the time being provided by its constitution;

(e) four persons nominated by the universities and appointed by the Minister one each from any four of the universities offering courses leading to an approved qualification.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Board, powers and procedure of the Board and the other matters therein mentioned.

[First Schedule.]

(3) The Minister may make regulations to provide for increasing or reducing the membership of the Board, and may make such consequential amendments of paragraph 1 of the First Schedule to this Act as he deems fit.

4. Financial provisions

(1) The Board shall prepare and submit to the Minister not later than the 31st day of December in the year in which this Act comes into force (so however that for that year the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.

(2) The Board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved as respects that year by the Minister.

5. Directions by the Minister

(1) The Minister may give to the Board directions of a general character or relating to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions, and it shall be the duty of the Board to comply with the directions.

(2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Board and shall afford the Board an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification, or with such modifications as appear to him to be appropriate having regard to the representations.

The Registrar

6. Appointment of Registrar, preparation and maintenance of the register

(1) The Board shall appoint a fit and proper person to be the Registrar for the purposes of this Act. (2) The Registrar shall prepare and maintain, in accordance with the rules made by the Board under this section, a register of estate surveyors and valuers (in this Act referred to as "the register") and the register shall contain the names, addresses, approved qualifications and such other particulars as may be specified by the Board, of all persons who are entitled and who apply in accordance with the provisions of this Act to be registered as estate surveyors and valuers.

(3) The register shall consist of two parts of which one shall be in respect of fully registered persons and the other in respect of provisionally registered persons.

(4) Subject to the following provisions of this section, the Board shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

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

(c) authorising a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect, in substitution for, any other qualifications so registered;

(d) specifying the fees to be paid to the Board in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;

(e) specifying anything falling to be specified under the foregoing provisions of this section.

(5) Any rules made for the purpose of paragraph (d) of subsection (4) of this section, shall not come into force until they are confirmed by the Minister.

(6) It shall be the duty of the Registrar to-

(a) correct, in accordance with the Board's directions, any entry in the register which the Board directs him to correct as being in the Board's opinion an entry which was incorrectly made;

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

(c) remove from the relevant part of the register the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.

(7) If the Registrar-

(a) sends by post to any registered person a registered 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 it; and

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Registrar may remove the particulars relating to the person in question from the relevant part of the register:

Provided that the Board may for any reason which seems to it to be sufficient, direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

7. Publication of the register and list of corrections

(1) It shall be the duty of the Registrar-

(a) to cause a list of persons whose names and qualifications are indicated in the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Act comes to force;

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

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Board,

and it shall be the duty of the Board to keep the register and lists so deposited open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being fully or provisionally registered, is so registered, and that any person not so specified, is not so registered.

Registration

8. Registration as estate surveyors and valuers

(1) Subject to section 15 and to rules made under section 6 (4) of this Act, a person shall be entitled to be registered as an estate surveyor and valuer if-

(a) he passes the qualifying examination for membership recognised or conducted by the Board under this Act and immediately before the commencement of this Act, he was a member of the Institution; or

(b) he holds a qualification granted outside Nigeria which for the time being is accepted by the Board and he is by law entitled to practise for all purposes as an estate surveyor and valuer in the country in which the qualification was granted and, if the Board so requires, he satisfies the Board that he has had sufficient practical experience as an estate surveyor and valuer.

(2) Subject as aforesaid, a person shall be entitled to be registered under this Act if-

(a) he holds a certificate recognized by the Board and has had not less than two years' post qualification practical experience in the profession; or

(b) he has passed an examination approved by the Board and has had not less than two years' post-qualification practical experience in the profession.

(3) An applicant for registration under this Act shall, in addition to evidence of qualification, satisfy the Board-

(a) that he is of good character;

(b) that he has attained the age of 21 years; and

(c) that he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

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

(5) Any entry directed to be made in the register under subsection (4) of this section shall show that registration is provisional, and no entry so made shall be converted into full registration without the consent of the Board specified in writing in that behalf.

(6) The Board shall, from time to time, publish in the Federal Gazette particulars of the qualifications for the time being accepted for registration under this Act.

9. Approval of institutions, courses of training and qualifications by Board

(1) For the purpose of section 8 of this Act, the Board may approve-

(a) any institution, whether in Nigeria or elsewhere, which the Board considers is properly organised and equipped for conducting a course of training approved by the Board under this section;

(b) any course of training which is intended for persons who are seeking to become, or are already members of the profession and which the Board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession; and

(c) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Board, that they have sufficient knowledge and skill to practise the profession.

(2) The Board shall, from time to time, publish in the Federal Gazette a list of qualifications approved by it, and subject thereto shall not approve any qualification granted by an institution in Nigeria unless such qualification has been included in the list published by the Board.

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

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Board 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 person an opportunity of making to the Board representations with regard to the proposal; and

(c) take into consideration any representations made as respects the proposals in pursuance of paragraph (b) of this subsection.

(4) As respects any period during which the approval of the Board 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 such an 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.

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

(a) as soon as may be, publish a copy of every such instrument in the Federal Gazette; and

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

10. Supervision of instructions and of examinations leading to approved qualifications

(1) It shall be the duty of the Board to keep itself informed of the nature of-

(a) the instructions given at approved institutions to persons attending approved courses of training; and

(b) the examinations as a result of which approved qualifications are granted,

and for the purpose of performing that duty the Board may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under this section to report to the Board on-

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

(b) the sufficiency of the instructions given to persons attended by him; and

(c) any other matter relating to the institutions or examinations on which the Board may, either generally or in particular case, request him to report,

but, no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Board shall, as soon as may be, send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Board within such period as may be specified in the request, not being less than one month beginning with the date of the request.

11. Certificate by the Registrar to be evidence of registration, etc.

A certificate under the hand of the Registrar to the effect that any person was or was not registered as an estate surveyor and valuer under this Act at any time or during any period specified in the certificate, or as to any entry in the register of estate surveyors and valuers or as to any act or proceeding of the Board, shall, until the contrary is proved, be sufficient evidence of the matters therein specified.

12. Registrar to notify Institution of entries in register

The Registrar shall, as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the Institution of the entry or removal, as the case may be, together with all the particulars relevant thereto.

Professional discipline

13. Disciplinary powers of the Board

(1) There shall be a Tribunal to be known as the Estate Surveyors and Valuers Disciplinary Tribunal (in this Act referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section and any other case of which the Tribunal has cognisance under the following provisions of this Act.

(2) The Tribunal shall consist of the chairman of the Board and eleven other members thereof appointed by the Board of whom not less than four shall be members of the Board holding office by virtue of paragraph (d) of subsection (1) of section 3 of this Act or where the number of those members is for the time being less than four, all those members.

(3) There shall be a body to be known as the Estate Surveyors and Valuers Investigating Panel (in this Act referred to as "the Panel") which shall be charged with the duty of-

(a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as an estate surveyor and valuer, or should for any other reason be the subject of proceeding before the Tribunal; and

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

(4) The panel shall be appointed by the Board and shall consist of seven members thereof.

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

[Second Schedule.]

14. Penalties for unprofessional conduct, etc.

(1) Where-

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

(b) such a person is convicted of an offence in Nigeria or elsewhere by any court having power to impose imprisonment (whether or not such an offence is punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of an estate surveyor and valuer; or

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

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

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

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

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

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

(5) A person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal; and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the Tribunal under subsection (1) of this section shall take effect-

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

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

(c) where an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,

and shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section, shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the 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.

Miscellaneous and general

15. Temporary registration of persons not citizens of Nigeria

(1) Where a person satisfies the Board-

(a) that he has been selected for employment for a specific period in a capacity in which a person registered as an estate surveyor and valuer under this Act is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question; and

(b) that he holds a qualification or has passed examinations necessary for obtaining some qualification granted outside Nigeria which is for the time being accepted by the Board as respects the capacity in which, if employed, he is to serve,

the Board may, if it thinks fit, give a direction that he shall be temporarily registered as an estate surveyor and valuer.

(2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease at the end of the period of the employment specified to the Board under that subsection or on the prior determination of the employment, whichever first occurs:

Provided that nothing in this subsection shall preclude the Board from giving a further direction under subsection (1) of this section in respect of a specified period whose commencement coincides with the termination or prior determination of another such employment.

(3) A person who is temporarily registered shall, in relation to his employment as mentioned in subsection (1) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matters he shall be treated as not so registered.

(4) In case of doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purpose of subsection (2) of this section.

(5) The Registrar, as directed from time to time by the Board, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

16. Offences

(1) Any person, not being a registered estate surveyor and valuer, who-

(a) for or in expectation of reward, practises or holds himself out to practise as such; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a registered estate surveyor and valuer,

shall be guilty of an offence under this Act.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter-

(a) makes a statement which he believes to be 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 under this Act.

(3) If the Registrar or any other person employed by the Board wilfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Act.

(4) A person guilty of an offence under this Act shall be liable-

(a) on conviction in a court lower than the High Court, to a fine not exceeding N100 and, where the offence is a continuing one, to a further fine not exceeding N20 for each and every day that the offence continues;

(b) on conviction in High Court, to a fine not exceeding N 1,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment and, where the offence is a continuing one, to a further fine not exceeding N50 for each and every day that the offence continues.

(5) Where an offence under this section has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary, 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 proceeded against and punished accordingly.

17. Miscellaneous supplementary provisions

(1) Subject to the following provisions of this section, a person not otherwise exempted shall not hold an appointment requiring status as an estate surveyor and valuer under this Act in the public service of the Federation or of a State or in the armed forces of the Federation unless he is an estate surveyor and valuer registered under this Act.

(2) An estate surveyor and valuer shall, but to the extent only of his particular qualifications, be entitled to practise as a registered estate surveyor and valuer throughout the Federation.

(3) It shall be the duty of any person in charge of any university or institution in the Federation offering courses leading to an approved qualification intended for persons who are seeking to become registered estate surveyors and valuers under this Act, to furnish to the Registrar, not later than 31st day of March in every year, a list of the names, and of such other particulars as the Board may specify, of all persons who attended any such courses at the university or institution in question at any time during the preceding year.

(4) In this section “**public service**” includes service as a registered estate surveyor and valuer in or with any educational institution, corporation or State-owned company in the Federation.

18. Regulations, rules and orders

The Minister shall have power to make all such regulations, as may, in his opinion, be necessary or expedient for giving full effect to the provisions of this Act and for the administration thereof.

Any power to make regulations, rules and orders under this section shall include power to-

(a) make provision for such incidental or supplemental matters as the person or authority making the instrument considers expedient for the purpose of the instrument; and

(b) make different provision for different circumstances.

19. Interpretation

(1) In this Act, unless the context otherwise requires-

“**approved qualification**” means such qualification which is approved for the time being by the Board;

“**Board**” means the Estate Surveyors and Valuers Registration Board of Nigeria established under section 1 (1) of this Act;

“**estate surveyor and valuer**” means any person registered as such under this Act;

“**Institute**” means the Nigerian Institute of Estate Surveyors and Valuers;

“Minister” means Minister charged with responsibility for matters relating to estate surveying and valuation;

“profession” means the profession of estate surveying and valuation;

“register” means the register maintained under this Act and **“registered”** shall be construed accordingly;

“Registrar” means the Registrar appointed in pursuance of section 6 of this Act.

(2) For the purpose of this Act, a person is registered if his name is for the time being entered in the register.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, but subject to the provisions of rules made under the Second Schedule of this Act, be served by post.

20. Short title

This Act may be cited as the Estate Surveyors and Valuers (Registration, etc.) Act.

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Board

Qualifications and tenure of office of members

1. (1) A person shall not be appointed a member of the Board unless he is a citizen of Nigeria and he is registered as an estate surveyor and valuer under this Act.

(2) Subject to the provisions of this paragraph, a person who is a member of the Board otherwise than by virtue of paragraphs (b) and (c) of subsection (1) of section 3 of this Act, shall hold office for a period not exceeding three years beginning with the date of his appointment or election, as the case maybe:

Provided that a person shall not hold office, whether appointed or elected, for a term of less than two years unless the Minister, after consultation with the Board, otherwise directs.

(3) Any member of the Board holding office otherwise than as mentioned in sub-paragraph (2) of this paragraph may, by notice to the Board, resign his office.

(4) Subject to section 3 of this Act, a person who has ceased to be a member of the Board shall be eligible again to become a member of the Board.

(5) Where a member of the Board ceases to hold office before the date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be, appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that (without prejudice to the powers conferred by paragraph (d) of subsection (1) of section 3 of this Act) the foregoing provisions of this sub-paragraph shall not apply where a person holding office as a member of the Board in pursuance of that paragraph ceases to hold office at a time when the residue of his term does not exceed one year.

(6) The power of appointing a person as chairman of the Board shall-

(a) during the period of three years beginning with the date when this sub- paragraph comes into force, be exercisable by the Minister; and

(b) after the expiration of that period, be exercisable by the Board,

and where an existing member of the Board is appointed chairman, his office as an existing member shall become vacant and his term of office as chairman shall begin on the date of his appointment as chairman.

Powers of the Board

2. (1) Subject to the following sub-paragraph and to any direction of the Minister under this Act, the Board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(2) The Board shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister and it shall not have power to pay remuneration (including pensions) allowances, or expenses to any member, officer or servant of the Board or to any other person, except in accordance with the scales approved by the Minister.

Proceedings of the Board

3. Subject to the provisions of this Act and section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote) the Board may make standing orders regulating the proceedings of the Board or of any committee thereof.

[Cap. 123.]

4. The quorum of the Board shall be eleven and the quorum of any committee of the Board shall be determined by the Board.

5. (1) The Board shall appoint one of its members to be the vice-chairman of the Board for such periods as the Board may determine, so however that a vice-chairman who ceases to be a member shall cease to be a vice-chairman.

(2) At any time while the office of the chairman is either vacant or the chairman is, in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the vice-chairman shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly.

6. (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members he shall summon a meeting of the Board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman, or in his absence, the vice-chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this

sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister who may give such directions as he thinks fit as to the member who shall preside and as to the procedure which shall be followed at the meeting.

Committees

7. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board, and not more than one third of those persons may be persons who are not members of the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

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

Miscellaneous

8. (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially to act for that purpose by the Board.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by any person generally or specially authorised to act for that purpose by the Board.

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

9. The validity of any proceedings of the Board or of a committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

10. Any member of the Board, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

11. A person shall not, by reason only of his membership of the Board, be treated as holding an office in the public service of the Federation or of any State thereof.

SECOND SCHEDULE

Supplementary provisions relating to the Disciplinary Tribunal

and Investigating Panel

The Tribunal

1. The quorum of the Tribunal shall be four.
2. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
(2) The rules shall in particular provide-
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (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 proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 14 (5) of this Act, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that a person who is the subject of the proceeding 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 matters to which the allegation relates; and
 - (g) for publishing in the Federal Gazette notice of any direction of the Tribunal which has taken effect providing 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 issue out of the registry of the High Court, as the case may require, writs of subpoena ad testificandum and duces tecum; but no person appearing before the Tribunal shall be compelled to-
 - (a) make any statement before the Tribunal tending to incriminate himself; or
 - (b) 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 purpose of advising the Tribunal on questions 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 Board 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 functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that-
 - (a) where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered; and
 - (b) every such party or person as aforesaid shall be informed if the Tribunal does not in any case 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 terms of the instrument by which he is appointed.

The Panel

5. The quorum of the Panel shall be three.

6. (1) The Panel may, at any meeting attended by not less than six members thereof, make standing orders with respect to the Panel.

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

Miscellaneous

7. (1) A person ceasing to be appointed a member of the Tribunal or the Panel shall be eligible for re-appointment 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 member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.

8. 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 body, or (subject to sub-paragraph (2) of paragraph 7 of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The Tribunal and the Panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the Tribunal or the Panel shall be served on the Registrar.

11. Any expenses of the Tribunal or the Panel shall be defrayed by the Board.

12. A person shall not, by reason only of his appointment as an assessor to the Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation or of any State thereof.

ESTATE SURVEYORS AND VALUERS REGISTRATION ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Estate Surveyors and Valuers (Disciplinary Tribunal and Assessors) Rules.

**ESTATE SURVEYORS AND VALUERS (DISCIPLINARY TRIBUNAL
AND ASSESSORS) RULES**

[S.I. 15 of 1980.]

under paragraphs 2 and 4 of the Second Schedule

[27th August, 1980]

[Commencement.]

Proceedings before the Tribunal

1. Reference of case to Tribunal

In any case where in pursuance of section 13 (3) of the Act the Panel is of the opinion that a prima facie case is made against an estate surveyor and valuer, the Panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the Panel.

2. Parties and appearance

(1) The parties to proceedings before the Tribunal shall be-

- (a) the complainant;
- (b) the respondent;
- (c) any other person required by the Tribunal to be joined or joined by leave of the Tribunal.

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner, so however that the Tribunal may order a party to the proceedings to appear in person if of opinion that it is necessary in the interest of justice but without prejudice to his right to counsel.

3. Notice of hearing and service

(1) On the direction of the chairman, the secretary shall fix a day for the hearing of the case and forthwith thereafter shall, in the form set out in the Schedule to these Rules, serve notice thereof on each party to the proceedings.

[Schedule.]

(2) The secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the Panel and all documents considered by the Panel.

(3) It shall be sufficient compliance with this rule if any process required to be served is handed to the party concerned or affected personally or is sent by registered post to the last known place of residence or abode of the party.

4. Hearing in absence of parties

(1) Subject to the next succeeding paragraph, the Tribunal may hear and determine a case in the absence of any party.

(2) Any party to the proceedings before a Tribunal who fails to appear or be represented, or who has previously appeared before the Tribunal but subsequently fails to appear or be represented, may apply within thirty days after the date when the pronouncement of the findings and directions of the Tribunal were given, for a re-hearing on the grounds of want of notice or other good and sufficient reason; and the Tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

5. Witnesses and evidence

The Tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charge or charges referred to it by the Panel; and in the application of this rule, the provisions of the Evidence Act or Law in force in the State where the Tribunal holds its sittings shall apply to any such proceedings.

[Cap. E14.]

6. Amendment of charges

If in the course of the proceedings it appears to the Tribunal that the charge or charges referred to it by the Panel require to be amended in any respect, the Tribunal may permit such amendment as it thinks fit.

7. Proceedings to be in public

The proceedings of the Tribunal shall be held, and its findings and directions shall be pronounced, in public.

8. Adjournment of hearing

The Tribunal may, of its own motion, or upon application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal may think fit.

9. False evidence

If any person wilfully gives false evidence on oath before the Tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

Findings, etc.

10. Findings and costs

If, after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proved, the Tribunal-

- (a) shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which the charge relates;
- (b) may, nevertheless, order any party (except the complainant) to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Tribunal thinks fit so to order.

11. Publication of Tribunal's findings

Subject to section 14 (4) of the Act (which relates to appeals), any direction given by the Tribunal shall be published in the Federal Gazette as soon as may be after the direction takes effects.

12. Record of proceedings

(1) Shorthand notes of the proceedings may be taken by a person appointed by the Tribunal and any party who appeared at the Tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The secretary shall supply to any person entitled to be heard upon an appeal against the direction of the Tribunal, and to the Estate Surveyors and Valuers Registration Board of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.

(3) If no shorthand notes are taken, the chairman shall take a note of the proceedings and, accordingly, the provisions of these Rules as to inspection and supplying of copies shall apply to such notes.

13. Dispensing with certain provisions

The Tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Tribunal to be just to do so; and the Tribunal may in any appropriate case extend the time to do anything under these Rules.

14. Power to retain exhibits pending appeal

The Tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of.

15. Appointment and duties of assessor

(1) An assessor, when nominated in accordance with paragraph 4 (1) of the Second Schedule to the Act, shall be appointed by the Board by instrument, and the assessor shall hold and vacate office as provided in the instrument; where the appointment is not a general one, it shall have effect only in respect of a particular sitting of the Tribunal.

[Second Schedule. Cap. E13.]

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the secretary not later than three clear days before the date appointed for the meeting; and he shall there advise the Tribunal on questions of law arising in proceedings before it.

(3) Except where the Tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with the Act shall be tendered in the presence of every party or of his counsel.

(4) If the advice by the assessor to the Tribunal is given otherwise than in the presence of all parties, or as the case may be of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice and the reaction thereto of the Tribunal.

(5) Fees to be paid to the assessor shall be such as may be determined by the Board from time to time with the consent of the assessor.

Supplementary

16. Interpretation

In these rules, unless the context otherwise requires-

“**chairman**” means the chairman of the Estate Surveyors and Valuers Disciplinary Tribunal;

“**complainant**” means the Estate Surveyors and Valuers Investigating Panel or any member thereof;

“respondent” means the person required to answer any charge of professional misconduct;

“secretary” means a person appointed to act as the Registrar under section 6 (1) of the Act.

17. Short title

These Rules may be cited as the Estate Surveyors and Valuers (Disciplinary Tribunal and Assessors) Rules.

SCHEDULE

Form (CCB. 1)

Notice of hearing by the Estate Surveyors and Valuers Disciplinary Tribunal

In the matter of the Estate Surveyors and Valuers (Registration, etc.) Act (Cap. E13)

and

In the matter of A.B., a registered estate surveyor and valuer

TAKE NOTICE that the report and charges prepared by the Estate Surveyors and Valuers Investigating Panel in the above matter are fixed for hearing by the Estate Surveyors and Valuers Disciplinary Tribunal

at.....

.....

on the..... day of.....

20..... Copies of:

- (a) the report;
- (b) the charges; and
- (c)

are annexed hereto.

DATED the..... day of.....

20.....

.....

Secretary to the Tribunal