

# **BUILDERS (REGISTRATION, ETC.) ACT**

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## BUILDERS (REGISTRATION, ETC.) ACT

**An Act to establish the Council of Registered Builders of Nigeria as a body corporate with the general duty of determining who shall be builders and the standard of knowledge and skill to be attained by persons to be registered as builders.**

[1989 No.

45.]

[Commencement. ]

[15th

December, 1989]

*Establishment of the Council of Registered Builders of Nigeria, etc.*

### **1. Establishment of the Council of Registered Builders of Nigeria**

(1) There is hereby established a body to be known as the Council of Registered Builders of Nigeria (hereafter in this Act referred to as "the Council").

(2) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and shall be charged with the general duty of-

(a) determining who are builders for the purposes of this Act;

(b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as builders and reviewing those standards, from time to time, as circumstances may permit;

(c) securing in accordance with the provisions of this Act the establishment and maintenance of a register of persons entitled to practice as builders and the publication, from time to time, of lists of those persons;

(d) regulating and controlling the practice of the building technology profession in all its aspects and ramifications; and

(e) performing such other functions conferred on the Council by this Act.

## **2. Membership of the Council**

(1) Subject to the provisions of this Act, the Council shall consist of the following members, that is-

(a) a chairman;

(b) two persons of whom at least one shall be from the Ministry and the other from amongst

other interests in the field of building technology covered by this Act which in the opinion of the Minister are not adequately represented;

(c) four persons to represent the States in rotation for two years at a time, so how-ever that no two of such persons shall come from the same State at any time;

(d) five persons elected by the Nigerian Institute of Building in the manner for the time being provided by the constitution of that body; and

(e) three persons to represent the universities and other institutions of higher education (including colleges of technology and polytechnics) offering courses leading to an approved qualification.

(2) The chairman and members mentioned in paragraphs (a), (b), (c), (d), and (e) of subsection (1) of this section shall be appointed by the President on the recommendation of the Minister.

(3) 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 Council, procedure of the Council and the other matters mentioned therein.

[First Schedule.]

## **3. Powers of the Council**

(1) Subject to subsection (2) of this section and to any directions of the Minister under this Act, the Council shall have powers to do anything which in its opinion is calculated to facilitate the carrying on of its functions under this Act.

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

## **4. Fund of the Council**

(1) The fund of the Council shall consist of-

(a) all fees and other moneys payable to the Council in pursuance of this Act; and

(b) such moneys as may be payable to the Council, whether in the course of the discharge of its functions or otherwise.

(2) There shall be paid out of the fund of the Council established pursuant to subsection (1) of this section-

(a) the remuneration and allowances of the Registrar and other employees of the Council;

(b) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the business of the Council as the Council may, with the approval of the Minister, determine; and

(c) any other expenses incurred by the Council in the discharge of its functions under this Act.

## **5. Financial provisions**

(1) The Council shall prepare and submit to the Minister, not later than September of each year, an estimate of its expenditure and income during the next succeeding year.

(2) The Council shall keep proper accounts in respect of each year, and proper records in relation to those accounts, and shall cause the accounts to be audited within six months after the end of the year to which the accounts relate by a firm of auditors to be appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

## **6. Power of Minister to issue directives to Council**

The Minister may give to the Council directives of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions under this Act and it shall be the duty of the Council to comply with the directives.

*The Registrar, etc.*

## **7. Registrar and other staff of the Council**

(1) The Council shall appoint a registered person of proven integrity to be the Registrar for the purposes of this Act.

(2) The Registrar shall, in addition to his other functions under this Act, be the secretary to the Council and shall, on instructions of the chairman of the Council or of any committee thereof, convene meetings of the Council or of any committee thereof and keep minutes of the proceedings at all such meetings.

(3) The Council may appoint such other persons to be staff of the Council as the Council may determine to assist the Registrar in the exercise of the functions of the Council under this Act.

(4) The Council may, whenever the Registrar is absent or for any reason unable to discharge the functions of his office, appoint an acting Registrar who shall have the same qualifications as in subsection (1) of this section to discharge those functions.

(5) The Registrar and other staff of the Council shall hold office on such terms and conditions as the council may, from time to time, with the approval of the Minister, determine.

*The register***8. Preparation and maintenance of the register**

(1) The Registrar shall prepare and maintain in accordance with rules made by the Council under this section, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified by the Council, of all persons who are entitled in accordance with the provisions of this Act to be registered as builders and who apply in the specified manner to be so registered.

(2) The register shall consist of three parts-

- (a) one part for fully registered persons;
- (b) one part for provisionally registered persons; and
- (c) one part for temporarily registered persons.

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

- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of any such application;
- (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, in relation to the profession, whether an approved qualification or an accepted qualification for the purpose of section 10 (2) (a) of this Act registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;
- (d) specifying the fees to be paid to the Council in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name in 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.

(4) Rules made for the purposes of paragraph (d) of subsection (3) of this section shall not come into force until they are confirmed by the Minister.

(5) The Registrar shall-

- (a) correct, in accordance with the Council's directions, 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) make, from time to time, any necessary alterations to the registered particulars of registered persons;
- (c) remove from the part of the register which relates to provisionally or temporarily registered person all particulars relating to a person registered in the part of the register for fully registered persons or relating to persons ceasing for any reasons to be entitled to be so provisionally or temporarily registered; and

(d) remove from the register the name of any registered person who has died.

(6) 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; but the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

## **9. Publication of register and lists of corrections**

(1) The Registrar shall-

(a) cause 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 into force;

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

(c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Council, and the Council shall 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, provisionally or temporarily registered is so registered, and that any person not so specified was not so registered.

### *Registration*

## **10. Registration as builders**

(1) Subject to section 22 and to rules made under section 8 (3) of this Act, a person shall be entitled to be fully registered as a builder under this Act if-

(a) he has attended a course of training approved by the Council under section 12 of this Act;

(b) the course was conducted at an institution so approved or partly at one such institution and partly at another or others;

(c) he holds a qualification so approved;

(d) he holds a certificate of experience issued in pursuance to section 14 of this Act; and

(e) he is of good character.

(2) Subject to section 22 and to rules made under section 8 (3) of this Act, a person shall also be entitled to be fully registered under this Act if he satisfies the Council-

(a) that he holds a qualification granted outside Nigeria and for the time being accepted by the Council for the purposes of this subsection as respects the building profession;

(b) that in the country in which the qualification was granted he was under no legal disability in the practice of building;

(c) that he is of good character; and

(d) if the Council so requires, that he has sufficient practical experience in building.

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

(4) A person shall be entitled to be provisionally or temporarily registered under this Act in the cases specified in sections 15 or 18 of this Act, as the case may be.

### **11. Special registration**

Notwithstanding section 10 (1) of this Act but subject to section 22 and to rules made under section 8 (3) of this Act, a person shall be entitled to be fully registered as a builder under this Act if-

(a) he has, by the date of his application for registration, had not less than seven years' practical experience in building;

(b) the level and quality of his practical experience are acceptable to the Council;

(c) by the date of his application, he is not less than 35 years of age;

(d) he is of good character; and

(e) the Council considers that he is otherwise a fit and proper person to be registered.

### **12. Approval of courses, qualifications and institutions**

(1) Subject to subsection (2) of this section, the Council may approve for the purposes of section 10 of this Act-

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

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

(c) any qualification which, as a result of an examination taken in conjunction with the 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 Council, that they have sufficient knowledge and skill to practice building as a profession.

(2) The Council shall, from time to time, publish in the Federal Gazette a list of qualifications, courses and institutions in the profession of building approved by it, and subject thereto, the council shall not approve, for the purposes of subsection (1) of this section, a qualification granted by an institution in Nigeria unless the qualification has been so published by the Council.

(3) The Council 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, the Council shall-

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

(c) take into consideration any representations made in relation to the proposal in pursuance of paragraph (b) of this subsection.

(4) As respects any period during which the approval of the Council under this section for a course, institution or qualification is withdrawn, the course, institution or qualification shall not be treated as approved under this section; and the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of this approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument; and the Council 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 for approval.

### **13. Supervision of instruction and examinations leading to approved qualifications**

(1) The Council shall keep itself informed of the nature of-

(a) the instruction 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 purposes of paragraphs (a) and (b) of this subsection, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

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

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



- (b) the adequacy of the examinations attended by him; and
  - (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report.
- (3) A person appointed under subsection (1) of this section shall not interfere with the giving of any instruction or the holding of any examination.
- (4) On receiving a report made in pursuance of this section, the Council shall, as soon as may be thereafter, send a copy of the report to the person appearing to the Council 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 Council within such period as may be specified in the request, not being less than thirty days beginning with the date of the request.

#### **14. Certificate of experience**

- (1) A person who, after obtaining an approved qualification, satisfies the conditions specified in subsection (2) of this section, shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person in charge of the establishment, undertaking or organisation specified in the subsection.
- (2) The conditions referred to in subsection (1) of this section are that-
- (a) the person shall have been employed as a builder for the prescribed period in Nigeria with a view to obtaining a certificate of experience;
  - (b) the person shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered builders for such periods as may be prescribed; and
  - (c) the manner in which the person carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.
- (3) The employer (being a registered builder) supervising the work of a person employed with a view to obtaining a certificate of experience shall ensure that the person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (b) of subsection (2) of this section.
- (4) Where a person, after having served his time as specified in paragraph (a) of subsection (2) of this section, is refused a certificate of experience, he shall be entitled-
- (a) to receive from his employer particulars in writing of the grounds of the refusal; and
  - (b) to appeal from the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought) and on any such appeal the committee shall either dismiss the appeal or itself issue the certificate of experience in question or give such other directions in the matter as it considers just.
- (5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

#### **15. Provisional registration of builders**

(1) A person who has obtained an approved qualification and satisfies the Registrar that he is of good character and he is about to be employed as mentioned in paragraph (a) of section 14 of this Act shall, subject to section 17 and to rules made under section 8 of this Act, be entitled to be provisionally registered as a builder.

(2) A person who is provisionally registered shall, for the purposes of his employment as a builder with a view to obtaining a certificate of experience, but not for any other purposes, be deemed to be fully registered.

### *Professional discipline*

## **16. Establishment of Disciplinary Tribunal and Investigating Panel**

(1) There shall be a tribunal to be known as the Registered Builders Disciplinary Tribunal (hereafter in this Act referred to as "the Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the panel established under subsection (3) of this section and any other case of which the Disciplinary Tribunal has cognisance under the following provisions of this Act.

(2) The Disciplinary Tribunal shall consist of the chairman of the Council and six other members of the Council appointed by the Council which shall include not less than two members of the Council holding office by virtue of paragraph (d) of subsection (1) of section 2 of this Act.

(3) There shall be a body to be known as the Registered Builders Investigating Panel (hereafter in this Act referred to as "the Investigating Panel") which shall be charged with the duty of-

(a) conducting a preliminary investigation into any case where it is alleged that a person fully, provisionally or temporarily registered has misbehaved in his capacity as such, or should for any reason be the subject of proceedings before the Disciplinary Tribunal; and

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

(4) The Investigating Panel shall be appointed by the Council and shall consist of five members of the Council.

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

[Second Schedule.]

## **17. Penalties for unprofessional conduct, etc.**

(1) Where-

(a) a person fully or provisionally registered under this Act is convicted by any court of law or tribunal in Nigeria or elsewhere having power to award imprisonment for an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the status of a registered builder; or

(b) a person temporarily registered under this Act is likewise so convicted in circumstances such that the Disciplinary Committee is satisfied that his name ought to be removed from the register; or

(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 if fully registered, or whether or not fully registered, ordering the Registrar to strike his name off the relevant part of the register.

(2) The Disciplinary 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 Disciplinary 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 Disciplinary Tribunal for the 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.

(3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection, 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 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) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Federal High

Court; and the Disciplinary Tribunal may appear as respondent to the appeal and, for the purposes of enabling directions to be given as to the costs of the appeal and of proceedings before the Disciplinary Tribunal, shall be deemed to be a part thereto, whether or not it appears on the hearing of the appeal.

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

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

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

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

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

*Miscellaneous and general*

**18. Temporary registration of persons not citizens of Nigeria**

(1) Where a person satisfies the Council-

(a) that he has been selected for employment for a specified period in a capacity in which a person fully registered as a builder under this Act would normally be employed and that he is or intends to be in Nigeria temporarily for the purposes of serving for that period in the employment in question; and

(b) that he holds or has passed examinations necessary for obtaining some qualification granted outside Nigeria which is for the time being accepted by the Council for the purposes of this section as respects the capacity in which, if employed, he is to serve, the Council may, if it thinks fit, give a direction that he shall be temporarily registered as a builder.

(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-

(a) on the termination of the period of employment specified by the Council under that subsection; or

(b) on the termination of the said employment before the end of that period, whichever first occurs.

(3) Nothing in subsection (2) of this section shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specified period whose commencement coincides with the termination of another such period.

(4) 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.

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

(6) Nothing in this section shall have effect to exempt any person temporarily registered as a builder pursuant to this section from payment of an annual practising fee.

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

**19. Offences**

(1) Any person, not being a registered builder who-

(a) for or in expectation of reward, practices or holds himself out to practice 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 builder,

commits an offence punishable under this Act.

(2) Any person on the temporary register who, otherwise than in accordance with section 18 of this Act-

(a) for or in expectation of reward, practises or holds himself out to practice as a registered builder; 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 builder,

commits an offence punishable under this Act.

(3) Any person who, 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,

commits an offence punishable under this Act.

(4) If the Registrar or any other person employed by the Council wilfully makes any falsification in any matter relating to the register, he commits an offence punishable under this Act.

(5) A person who commits an offence under this Act shall be liable-

(a) on conviction in a High Court, to a fine not exceeding ₦1,000 or imprisonment for a term not exceeding two years, or to both such fine and imprisonment;

(b) on conviction in any court of inferior jurisdiction, to a fine not exceeding ₦ 500.

(6) Where an offence under this Act which 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 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 proceeded against and punished accordingly.

## **20. Miscellaneous supplementary provisions**

(1) Subject to the following provisions of this section, a person shall not hold any appointment requiring status as a registered builder 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 a builder registered under this Act or otherwise exempted.

(2) A registered builder under this Act shall, but to the extent only of his particular qualifications, be entitled to practise as a registered builder throughout the Federation.

(3) It shall be the duty of the person in charge of each university or other institution of higher education (including colleges of technology and polytechnics) having attached thereto a faculty or department (howsoever called) of building or building technology at which there is held a course of training intended for persons who are seeking to become registered builders under this Act to furnish to the Registrar, not later than 31 March in every year, a list of the names and of such other particulars as the Council may by order

specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

## 21. Recovery of fees

A person other than a fully registered builder shall not be entitled to recover by process of law, fees or other valuable consideration whatsoever in respect of any act, matter or thing done or omitted to be done by him in pursuance of any contract while purporting to act as a registered builder.

## 22. Regulations, rules and orders

Any power to make regulations, rules or orders conferred by this Act shall include power-

- (a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of this Act; and
- (b) to make different provisions for different circumstances.

## 23. Interpretation, etc.

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

**"approved"** means for the time being approved under section 12 of this Act;

**"approved building technology qualification"** means a qualification which is approved in respect of the building profession;

**"builder"** means a person who has received an approved standard of professional training and practice in building and found competent after due examination or holds a qualification acceptable to the Council;

**"certificate of experience"** means a certificate granted in pursuance of section 14 of this Act;

**"Council"** means the Council of Registered Builders of Nigeria established by section 1 (1) of this Act;

**"Disciplinary Tribunal"** has the meaning assigned to it by section 16 (1) of this Act;

**"Investigating Panel"** has the meaning assigned to it by section 16 (3) of this Act;

**"Minister"** means the Minister charged with responsibility for matters relating to building; and

**"Ministry"** shall be construed accordingly;

**"prescribed"** means prescribed by regulations made under this Act;

**"profession"** means the building profession;

**"public service"** means public service of the Federation or of a State, as defined by the Constitution of the Federal Republic of Nigeria, 1999;

[Cap. C23.]

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

**"Registrar"** means the Registrar appointed in pursuance of section 7 of this Act;

**"regulations"** means regulations made by the Minister. (2) For the purposes of this Act-

(a) a person is fully registered if his name is for the time being entered in the part of the register maintained in respect of fully registered persons;

(b) a person is provisionally registered if his name is for the time being entered in the part of the register maintained in respect of provisionally registered persons; and

(c) a person is temporarily registered if his name is for the time being entered in the part of the register maintained in respect of temporarily registered persons,

and **"fully registered"**, **"provisionally registered"** and **"temporarily registered"** shall be construed in accordance with paragraphs (a), (b) and (c) of this subsection.

(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 paragraph 2 of the Second Schedule to this Act, be served by post.

[Second Schedule.]

## 24. Short title

This Act may be cited as the Builders (Registration, etc.) Act.

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## SCHEDULES

### FIRST SCHEDULE

[Section 2 (3).]

*Supplementary provisions relating to the council*

*Qualifications and tenure of office of members*

1. (1) A person shall not be a member of the Council unless he is a citizen of Nigeria and is fully registered, or in the case of the first members of the Council, is eligible for registration as a builder under this Act.

(2) A person who is not a member of the Council by virtue of his election by the Nigerian Institute of Building or of his appointment as a member of any of the public services of the Federation or of a State shall, subject to the following provisions of this paragraph, hold office for the period of four years beginning with the date of his appointment or election as a member.

(3) Persons elected by the Nigerian Institute of Building shall hold office as members of the Council for such term, not less in any event than two years from the date of election,

as may be provided by the constitution of the Institute.

(4) Any member of the Council holding office otherwise than by virtue of his appointment as a member of the public service of the Federation or a State as aforesaid may, by notice to the Council, resign his office.

(5) A person who has ceased to be a member of the Council shall be eligible again to become a member of the Council but shall cease to be a member after a total period of eight years.

(6) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the 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 section 2 (1) of this Act, the foregoing provisions of this sub-paragraph shall not apply where a person holding office as a member of the Council in pursuance of that paragraph ceases to hold office at a time when the residue of this terms does not exceed one year.

#### *Proceedings of the Council*

2. Subject to the provisions of this Act and of section 27 of the Interpretation Act which provides for decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote, the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

[Cap. 123.]

3. The quorum of the Council shall be five if at least one each of the members appointed pursuant to paragraphs (c), (d) and (e) of section 2 (1) of this Act are present; and the quorum of any committee of the Council shall be determined by the Council.

4. (1) The Council shall appoint one of its members to be the vice-chairman of the Council for such period as the council may determine, so however that a vice-chairman who ceases to be a member shall also cease to be vice-chairman.

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

5. (1) Subject to the provisions of any standing orders of the Council, the Council 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 Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council 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 Council desires to obtain the advice of any person on a particular matter, the Council 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 Council and shall not count towards a quorum.



### *Committees*

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

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council, and not more than one-third of those persons may be persons who are not members of 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 letter of his appointment.

(3) A decision of a committee of the Council other than the committee mentioned in section 14 (4) of this Act shall be of no effect until it is confirmed by the Council.

### *Miscellaneous*

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

(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 Council by any person generally or specially authorised to act for that purpose by the Council.

## SECOND SCHEDULE

[Section 16 (5).]

### *Supplementary provisions relating to the disciplinary tribunal and investigating panel*

#### *The Tribunal*

1. The quorum of the Disciplinary Tribunal shall be three.

2. (1) The Attorney-General of the Federation shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary 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 Disciplinary Tribunal;

(d) for enabling any party to the proceedings to be represented by a legal practitioner;

(e) subject to the provisions of section 17 (5) of this Act, as to the costs of proceedings before the Disciplinary Tribunal;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary 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;

(g) for publishing in the Federal Gazette notice of any direction of the Disciplinary 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 Disciplinary Tribunal, any member of the Disciplinary 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 Disciplinary Tribunal shall be compelled-

(a) to make any statement before the Disciplinary Tribunal tending to incriminate himself; or

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

*Assessor*

**4.** (1) For the purposes of advising the Disciplinary Tribunal on questions arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years' standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular, such rules shall contain provisions for securing-

(a) that where an assessor advises the Disciplinary 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 Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered;

(b) that every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) Any assessor may be appointed under this paragraph either generally or specially 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 Investigating Panel*

**5.** The quorum of the Investigating Panel shall be three.

**6.**(1) The Investigating Panel may, at any meeting of the Investigating Panel attended by not less than three of its members make standing orders with respect to the Investigating Panel.

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

*Miscellaneous*

**7.** (1) A person ceasing to be a member of the Disciplinary Tribunal or the Investigating 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 Disciplinary Tribunal and the Investigating Panel; but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.

**8.** The Disciplinary Tribunal or the Investigating Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any vacancy in the membership thereof or by any irregularity in the appointment of a member of that body or, subject to paragraph 7 of this Schedule, by reason that a person not entitled to do so took part in the proceedings.

**9.** The Disciplinary Tribunal and the Investigating 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 Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.

**11.** Any expenses of the Disciplinary Tribunal or the Investigating Panel shall be defrayed by the Council.

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

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BUILDERS (REGISTRATION, ETC.) ACT

**SUBSIDIARY LEGISLATION**

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No Subsidiary Legislation

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