

CHAPTER C22

COMPUTER PROFESSIONALS (REGISTRATION COUNCIL OF NIGERIA) ACT

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CHAPTER C22

COMPUTER PROFESSIONALS (REGISTRATION COUNCIL OF NIGERIA) ACT

An Act to establish the Computer Professionals (Registration Council of Nigeria) and make provisions for determining the standards of knowledge and skill to be attained by persons seeking to become members of the profession and for matters connected therewith.

[1993 No. 49.]

[10th June, 1993]

[Commencement.]

PART I

Establishment, etc., of the Computer Professionals (Registration Council of Nigeria)

1. Establishment of the Computer Professionals (Registration Council of Nigeria)

(1) There is hereby established a body to be known as the Computer Professionals (Registration Council of Nigeria) (in this Act referred to as "the Council") which shall have the objective of advancing the knowledge of computer science and the use of computational machinery and techniques related thereto.

(2) Subject to this Act, the Council shall have the control and supervision of the profession.

(3) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Functions of the Council

(1) It shall be the duty of the Council to—

- (a) determine what standards of knowledge and skills are to be attained by persons seeking to become members of the profession and improving those standards from time to time as circumstances may permit;
- (b) secure, in accordance with the provisions of this Act, the establishment and maintenance of a register of persons seeking to be registered under this Act to practise the profession and the publication, from time to time, of the lists of those persons;
- (c) perform through the Council established by this Act the functions conferred on it by this Act.

(2) Subject to the provisions of this Act persons admitted to membership of the profession shall be registered as members of the profession in the category of—

- (a) fellows; or
- (b) distinguished fellows; or
- (c) honorary fellows; or
- (d) members; or
- (e) honorary members; or
- (f) associates; or
- (g) students; or
- (h) affiliate members; or
- (i) corporate members.

(3) A person accorded by the Council established under this Act status as a member of the profession shall be entitled to be registered as—

- (a) a fellow if—
 - (i) he is at least thirty years of age and has had not less than ten years' relevant professional working experience, at least five of which must have been in positions of managerial responsibility;
 - (ii) his professional activities and achievements justify his acceptance as an authority in the profession;
 - (iii) he is otherwise considered by the Council to be a fit and proper person to be so recognised;
 - (iv) his application in that behalf is sponsored in writing and in such manner as the Council may, from time to time, prescribe by two fellows;

(b) a member if—

- (i) he is at least 25 years of age and has had not less than five years' relevant professional working experience, and he is the holder of a certificate of an examination recognised by the Council;
- (ii) he is otherwise considered by the Council to be a fit and proper person to be so registered;
- (iii) his application in that behalf is sponsored in such manner as the Council may, from time to time, prescribe by two fellows or by one fellow and one full member:

Provided that the Council shall have power, from time to time, in its discretion to waive the requirement of age specified in sub-paragraph (i) of this paragraph;

(c) an associate if—

- (i) he is at least 21 years of age and has had not less than three years' relevant professional working experience, and he is the holder of a certificate of an examination recognised by the Council;
- (ii) he is otherwise considered by the Council to be a fit and proper person to be so registered;

(d) a student if he is undergoing a course of study in computer science in any institution approved for that purpose by the Council; and

(e) an affiliate member if he is a person having an interest in computer science and has been so admitted as such by a resolution of the Council.

(4) The designatory letters of the—

- (a) Fellow of the Computer Professionals (Registration Council of Nigeria) shall be "FCPN";
- (b) Member of the Computer Professionals (Registration Council of Nigeria) shall be "MCPN";
- (c) Associate of the Computer Professionals (Registration Council of Nigeria) shall be "ACPN".

3. Election of President and Vice-President of the Council

(1) There shall be a President and a Vice-President of the Council, who shall be fellows of the profession, to be elected by the registered members and shall each hold office for a term of two years from the date of election.

(2) The President shall be the chairman at meetings of the Council, so however that in the event of the death, incapacity or inability, for any reason of the President, the Vice-President shall act in his stead for the unexpired portion of the term of office, or as the case may require, and references in this Act to the President shall be construed accordingly.

(3) The President and the Vice-President shall respectively be chairman and vice-chairman of the Council and of meetings of the registered members.

(4) If the President or the Vice-President ceases to be a registered member of the profession he shall *ipso facto* cease to hold any office designated under this section.

4. Membership of the Council

(1) The Council shall consist of the following members, being fellows, members, and associate members appointed, or elected as the case may be, as follows, that is—

- (a) a President, who shall be the chairman;
- (b) Vice-President, who shall be the vice-chairman;
- (c) the Executive Secretary, National Board for Technical Education;
- (d) five persons to be appointed by the Minister;
- (e) three persons to be appointed from the Computer Association of Nigeria (in this Act referred to as "the Association") and such other association of computer professionals as may be incorporated, from time to time, to represent institutions involved in training members of the profession in rotation for two years at a time;
- (f) twelve persons to be elected by the Association in the manner for the time being provided in its constitution;
- (g) the Provost of the College of Fellows; and
- (h) the immediate past President of the Association.

(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 Council and the other matters therein mentioned.

[First Schedule.]

(3) Regulations made by the Council with the approval of the Minister may provide for an increase or reduction in the membership of the Council and may make such amendments of subsection (1) of this section and the First Schedule to this Act as the Minister considers expedient for the purposes of or in consequence of the increase or reduction.

PART II

Financial provisions

5. Fund of the Council

(1) There shall be established for the Council a fund which shall be managed and controlled by the Council.

(2) There shall be paid and credited into the fund established pursuant to subsection (1) of this section—

- (a) all fees and other moneys payable to the Council in pursuance of this Act; and
- (b) such moneys as may be provided by way of grant or loan or otherwise.

(3) There shall be paid out of the fund established pursuant to subsection (1) of this section—

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

- (b) the remuneration and allowances of the Registrar and other employees of the Council; and
- (c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.

(4) The Council shall keep proper accounts in respect of each year and proper records in relation to those accounts; and the Council shall cause the accounts to be audited by an auditor and when audited, the account shall be submitted to the registered members of the profession for approval by them at their general meeting.

(5) The auditor, appointed for the purposes of this section, shall not be a member of the Council.

(6) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter, a report on its activities during the last preceding year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditor's report thereon.

PART III

The Registrar and the register

6. Registrar and other staff of the Council

(1) It shall be the duty of the Council to appoint a fit and proper person, who shall be a registered member with not less than ten years' post-call experience, to be the Registrar for the purposes of this Act, and such other persons as the Council may, from time to time, think necessary.

(2) The Registrar shall, in addition to his other functions under this Act, be the Secretary to the Council and shall on the instructions of the President 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 as the case may be.

(3) The Council may, whenever the Registrar is absent or for any other reason is unable to discharge the functions of his office, appoint an acting Registrar to discharge those functions.

(4) An acting Registrar appointed pursuant to subsection (3) of this section shall have the same qualifications as prescribed in subsection (1) of this section.

(5) The Council may, if it thinks fit, appoint such other staff as it considers necessary to assist the Registrar in the discharge of his duties.

(6) The Registrar and other staff of the Council shall hold office on such terms and conditions as the Council may determine.

7. Registration of members

(1) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council, a register of names, addresses and approved qualifications and of such other particulars as may be specified in the rules of all persons who are entitled, in accordance with the provisions of this Act, to be registered as members of the profession.

(2) The register shall consist of nine parts of which—

- (a) the first part shall be in respect of fellows;
- (b) the second part shall be in respect of distinguished fellows;
- (c) the third part shall be in respect of honorary fellows;
- (d) the fourth part shall be in respect of members;
- (e) the fifth part shall be in respect of honorary members;
- (f) the sixth part shall be in respect of associates members;
- (g) the seventh part shall be in respect of students;
- (h) the eighth part shall be in respect of affiliate members; and
- (i) the ninth part shall be in respect of corporate members.

(3) Subject to the following provisions of this section, the Council may make rules with respect to the form of 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 such 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) specifying the fees, including any annual subscription, 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 on the register until any fee specified for the entry has been paid; and
- (d) specifying anything failing to be specified under the foregoing provisions of this section.

(4) Any rules made for the purposes of paragraph (c) of subsection (3) of this section, shall not come into force until they are confirmed at a special meeting of the Council.

(5) It shall be the duty of the Registrar—

- (a) to correct, in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;
- (b) to make, from time to time, any necessary alterations to the registered particulars of registered persons;

- (c) to record the names of the registered members who are in default for more than six months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.

(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 the 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 register but the Council 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.

8. Publication of register and lists of corrections

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

- (a) to cause the register to be printed, published and put out on sale to members of the public not later than two years from the coming into force of this Act;
- (b) thereafter, 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 or a list of corrections made to the register since it was last printed;
- (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 Council; and
- (d) to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.

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

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

PART IV

Registration

9. Registration of members of the profession

(1) Subject to rules made under section 7 of this Act, a person shall be entitled to be registered as a member of the profession if—

- (a) he passes the qualifying examination for registration recognised or conducted by the Council under this Act and completes the practical training prescribed; or
- (b) he holds a qualification granted and for the time being accepted by the Council and satisfies the Council that he has had sufficient practical experience in the use of computational machinery and the techniques related thereto; or
- (c) not being a Nigerian, he holds a qualification granted outside Nigeria which for the time being is accepted by the Council and he is by law entitled to practise the profession for all purposes in the country in which the qualification was granted: Provided that the other country accords Nigerian professionals the same reciprocal treatment and that he satisfies the Council that he has had sufficient practical experience in the profession.

(2) An applicant for registration under this Act shall, in addition to evidence of qualification, satisfy the Council that—

- (a) he is of good character;
- (b) he had attained the age of eighteen years; and
- (c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

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

(4) Any entry directed to be made in the register under subsection (3) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council, signified in writing in that behalf.

(5) The Council shall, from time to time, publish in the *Gazette* particulars of qualifications for the time being acceptable for registration by the Council.

10. Approval of qualifications, etc.

(1) The Council may approve for the purposes of section 9 of this Act—

- (a) any course of training at any approved institution which is intended for persons seeking to become or are already engaged in computing and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for admission into the profession;

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

(2) 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 representation made as respects the proposal in pursuance of paragraph (b) of this subsection.

(3) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of 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.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the 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, send a copy of the instrument to the Minister.

11. Supervision of instruction, etc.

(1) It shall be the duty of the members of the Council to keep themselves informed of the nature of—

- (a) the instructions given at approved institutions to persons attending approved courses of training in computing; and
- (b) the examination as a result of which approved qualifications are granted.

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

(2) It shall be the duty of the person appointed under subsection (1) of this section to report to the Council on—

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

- (b) the adequacy or otherwise of the examinations conducted at any institution inspected 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,

but no person 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 Council shall, as soon as may be, 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 representations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

(4) Notwithstanding the provisions of this section of this Act, the Council shall have responsibility to conduct its professional examinations.

12. Signatories to certificates

The President and the Registrar shall be joint signatories to a certificate awarded by the Council.

13. Power to grant diplomas, etc.

The Council may arrange for the grant of diplomas, certificates and awards and for the participation in any scheme for the grant thereof jointly with other professional bodies.

PART V

Discipline

14. Establishment of Disciplinary Committee and Investigating Panel

(1) There shall be established a body to be known as the Computer Professionals Disciplinary Committee (in this Act referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established under subsection (3) of this section, and any other case of which the Disciplinary Committee has cognisance under the following provisions of this Act.

(2) The Disciplinary Committee shall consist of the chairman of the Council and six other non-members of the Council appointed by the Council.

(3) There shall be a body, to be known as the Computer Professionals Investigating Panel (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 registered has misbehaved in his capacity as a registered member or should for any other reason be the subject of proceedings before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.

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

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

[Second Schedule.]

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

15. Penalties for unprofessional conduct, etc.

(1) Where—

- (a) a person registered under this Act is adjudged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or
- (b) a person registered under this Act is convicted, in Nigeria or elsewhere by any court or committee having power to award punishment for an offence (whether or not such offence is punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of a member of the profession; or
- (c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered,

the Disciplinary Committee 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 Disciplinary Committee 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 Committee.

(3) No decision of the Disciplinary Committee shall be deferred under subsection (2) of this section for periods exceeding one year in the aggregate.

(4) As far as possible no person shall be a member of the Disciplinary Committee for the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Committee when the decision was deferred.

(5) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned 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.

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

(7) 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 direction, appeal against the direction to the Federal High Court and the Disciplinary Committee may appear as respondent to the appeal and for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Federal High Court, the Disciplinary Committee shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(8) A direction of the Disciplinary Committee given 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 such an appeal, on the expiration of that time; or
- (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,

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

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

(10) A direction under this section for the removal of a person's name from the register, may prohibit an application under subsection (9) of this section 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) or as may be specified in the direction.

PART VI

Miscellaneous and general

16. Application of Act to certain persons

(1) Any person not being a member of the Association who, but for this Act, would have been qualified to apply for and obtain membership of the Association may, within the period of six months from the commencement of this Act, apply to be registered as a member of the profession in such a manner as may be prescribed by the Council.

(2) Where an application under subsection (1) of this section is approved by the Council, the applicant shall be registered, as the case may be, according to his qualification.

17. When persons are deemed to practise as registered members of the profession

Subject to paragraph (b) of this section, a person shall be deemed to practise as a registered member of the profession if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any person, he—

- (a) engages himself in the practice of computing and holds himself out to the public as a member of the profession; or
- (b) renders professional service or assistance in or about matters of principle or detail relating to the use of computational machinery and the techniques related thereto;
- (c) renders any other service which may by regulations made by the Council, with the approval of the Minister, be designated as service constituting practice as a registered member of the profession.

18. Rules as to articles, etc.

The Council may make rules for—

- (a) the training with registered members of the profession of suitable persons in computing methods and the use of computational machinery and techniques related thereto; and
- (b) the supervision and regulation of the engagement, training and transfer of such persons.

19. Provision of the library facilities, etc.

(1) The Council shall—

- (a) provide and maintain a library comprising books and publications for the promotion and advancement of the knowledge of the profession and such other books and publications as the Council may think necessary for the purpose;
- (b) encourage research into computer science, allied subjects and computational machinery to the extent that the Council may, from time to time, consider necessary.

(2) It shall be the duty of the person in charge of each university or other institution of higher learning in Nigeria having a faculty by whatever name called, at which there is held a course of training in computer science or computer technology for persons who are seeking to become registered under this Act to furnish to the Registrar, not later than the 31st day of March in every year, a list of the names, and such other particulars as the Council may specify, of all persons who attended any such courses at the institution in question at any time during the last preceding year.

20. Powers of the Minister to give directives to the Council

(1) 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 and it shall be the duty of the Council to comply with the directives.

(2) The Council may also make rules—

- (a) prescribing the amount and date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules according to whether the registered member is a fellow, member, associate, student or affiliate member;

- (b) prescribing the form of licence to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence;
- (c) restricting the right to practise as a registered member of the profession in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
- (d) prescribing the period of practical training in the office of a member of the profession in practice to be completed before a person qualifies for a certificate to practice as a member of the profession.

(3) Rules, when made, shall, if the President of the Council so directs, be published in the *Federal Gazette*.

21. Regulations

(1) Any regulations, made under this Act shall be published in the *Federal Gazette* as soon as may be after they are made; and a copy of any such regulations shall be sent to the Minister not later than seven days before they are so published.

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

22. Offences and penalties

(1) 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.

(2) If, on or after the coming into force of this Act, any person who not being a registered member of the profession practises or holds himself out to practise as a member of the profession for or in expectation of a reward or takes or uses any name, title, addition or description implying that he is in practice as a member of the profession, he commits an offence.

(3) In the case of a person falling within section 16 of this Act—

- (a) the provision of subsection (2) of this section shall not apply in respect of anything done by him during the period of six months mentioned in that section; and
- (b) if within that period he duly applies for membership of the profession, then unless within that period he is notified that his application has not been approved, the provision of subsection (2) of this section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.

(4) If the Registrar or any other person employed by or on behalf of the Council willfully makes any falsification in any matter relating to the register, he commits an offence.

(5) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to a fine not exceeding ₦1,000; or
- (b) on conviction or indictment, to a fine not exceeding ₦5,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(6) Where an offence under this section 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 have committed that offence and shall be liable to be proceeded against and punished accordingly.

23. Interpretation

In this Act, unless the context otherwise requires—

“**Association**” means the unincorporated body known as the Computer Association of Nigeria;

“**Council**” means the Computer Professionals (Registration Council of Nigeria) established under section 1 of this Act;

“**Disciplinary Committee**” has the meaning assigned to it by section 14 of this Act;

“**fees**” includes annual subscriptions;

“**Investigating Panel**” has the meaning assigned to it by section 14 of this Act;

“**member**” includes a registered fellow, member, associate, affiliate, corporate member or student member; and “**membership of the profession**” shall be construed accordingly;

“**Minister**” means the Minister charged with the responsibility for matters relating to education;

“**president**” and “**vice-president**” means respectively the office holders under those names in the Council;

“**profession**” means the profession of using computerised machinery and other techniques related thereto; and

“**register**” means the register maintained in pursuance of section 6 of this Act.

24. Short title

This Act may be cited as the Computer Professionals (Registration Council of Nigeria) Act.

SCHEDULES

FIRST SCHEDULE

[Section 4 (2).]

*Supplementary provisions relating to the Council, qualifications
and tenure of office of members*

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his appointment or election.

(2) In the case of a person who is a member by virtue of having been President of the Association, he shall hold office for a period of two years from the date of his having ceased to be President of the Association.

(3) Any member of the Association who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the Council.

(4) Any elected member may, by notice in writing under his hand addressed to the President of the Council, resign his office, and any appointed member may, with the consent of the Minister, in the same manner resign his office.

(5) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council in another capacity and any appointed member may be re-appointed.

(6) A person who ceases to be an elected member of the Council shall be eligible again to be a member of the Council for one more term only in the same capacity; but he may be subsequently eligible for election to the Council in another capacity.

(7) Members of the Council shall at their next meeting before the annual general meeting of the registered members arrange for the five members of the Council appointed or elected and longest in office to retire at that annual general meeting.

(8) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Association, and until so prescribed, they shall be decided by secret ballot.

(9) If for any reason there is a vacation of office by a member and—

(a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person to replace such member; or

(b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the registered member appears to warrant the filling of the vacancy, co-opt some fit and proper persons for such time as aforesaid.

Powers of Council, etc.

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

3. (1) Subject to the provisions of this Act, the Council may in the name of the Council make standing orders regulating the proceedings of the Council, or any of its committees.

(2) Standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, the President of the Council or the Vice-President, as the case may be, shall have a second or casting vote.

(3) Standing orders made for a committee shall provide that the committee shall report to the Council on any matter referred to it by the Council.

4. The quorum of the Council shall be seven and the quorum of a committee of the Council shall be determined by the Council.

Meeting of the registered members

5. (1) The Council shall convene the meeting of the registered members on 30 April in every year or on such other day as the Council may, from time to time, appoint so however that if the meeting is not held within one year after the previous meeting not more than fifteen months shall elapse between the respective dates of the two meetings.

(2) A special meeting of the registered members may be convened by the Council at any time; and if not less than twenty registered members require it by notice in writing addressed to the Registrar of the Council setting out the objects of the proposed meeting, the chairman of the Council shall convene a special meeting of the registered members.

(3) The quorum of any meeting of the registered members shall be thirty members and that of any special meeting of the registered members shall also be thirty members.

Meeting of the Council

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

(2) At any meeting of the Council, the President or in his absence, the Vice-President 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 the Council 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

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

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one third shall 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 instrument by which he is appointed.

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

(4) There shall be a committee of the Council to be known as the College of Fellows Committee consisting of all fellows registered by the Council.

(5) The chairman of the College of Fellows shall be known as the Provost of the College of Fellows.

Miscellaneous

8. (1) The fixing of the seal of the Council shall be authenticated by the signature of the President or of some other member of the Council 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.

(3) Any document purporting to be a document duly executed under the seal of the Council 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 Council or of a committee of the Council shall not be adversely affected by any vacancy in the membership, or by any defect in the appointment of a member of the Council 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 Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the President of the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

SECOND SCHEDULE

[Section 14 (5).]

*Supplementary provisions relating to the Disciplinary Committee
and the Investigating Panel*

1. The quorum of the Disciplinary Committee shall be four of whom at least two shall be members of the profession.

2. (1) The Attorney-General of the Federation may make rules as to the selection of members of the Disciplinary Committee for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

(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 party to the proceedings;
- (c) for securing that any party to the proceedings shall, if so required be entitled to be heard by the Disciplinary Committee;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
- (e) subject to the provisions of section 15 (7) of this Act, as to the costs of proceedings before the Disciplinary Committee;

- (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 Committee 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;
- (g) for publishing in the *Federal Gazette* notice of any direction of the Disciplinary Committee 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 Committee, any member of the Disciplinary Committee may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of *subpoena ad testificandum* and *duces tecum*; but no person appearing before the Disciplinary Committee shall be compelled—

- (a) to make any statement before the Disciplinary Committee 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.

4. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in the proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee 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 ten 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 that—

- (a) where an assessor advises the Disciplinary Committee on any question of law as to evidence, procedure or any other matters 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 Committee is deliberating in private, that every such party or person as aforesaid shall be informed of what advice the assessor has tendered;
- (b) every such party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the 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 of its meetings attended by not less than five members of the Investigating Panel, 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 Committee 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 Committee 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 Committee with respect to that case.

8. The Disciplinary Committee or the Investigating 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 paragraph 7 (2) of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. Any document authorised or required by virtue of this Act to be served on the Disciplinary Committee or the Investigating Panel shall be served on the Registrar appointed in pursuance of section 6 of this Act.

10. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Council.

CHAPTER C22

COMPUTER PROFESSIONALS (REGISTRATION COUNCIL OF NIGERIA) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
