

QUANTITY SURVEYORS (DISCIPLINARY COMMITTEE) RULES
[S.I. 20 of 1992.]

under paragraph 2, Second Schedule

[21st October, 1992]

[Commencement.]

1. Reference to the Committee

In any case where in pursuance of section 12 (3) of the Act the Panel is of the opinion that a *prima facie* case is shown against a practitioner, the Panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the Panel.

2. President to convene the Committee

The secretary shall refer the report and the charges to the president of the Quantity Surveyors Registration Board of Nigeria who shall convene a meeting of the Committee, as set up in accordance with rule 3 of these Rules.

3. Composition of the Committee

(1) Whenever any case of professional misconduct against a quantity surveyor is referred to the Committee by the Panel such a case shall be heard by the President of the Board and eight other members of the Board appointed by the Board, and shall include not less than four members of the Board holding office by virtue of paragraph (c) of subsection (1) of section 2 of the Act, or where the number of those members is for the time being less than four, all those members.

(2) The President of the Board or in his absence anyone appointed in that behalf shall be chairman of the Committee.

(3) Five members of the Committee, including the chairman, shall form a quorum.

(4) An assessor appointed by the Board on the nomination of the Attorney-General of the Federation in accordance with paragraph 4 of the Second Schedule to the Act shall sit with the Committee and it shall be the duty of such assessor to advise the Committee on questions of law arising in proceedings before it.

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

(6) Where the advice of the assessor is tendered while the Committee is deliberating in private, the assessor personally shall, as soon as may be, inform each party or his representative in writing of the question which has been put to him by the Committee and of his advice thereon.

(7) Every party or his representative shall be informed whenever the advice tendered by the assessor has not been accepted.

4. Parties to the proceedings before the Committee

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

(a) the chairman of the Panel;

(b) the practitioner whose conduct is the subject matter of the proceedings; and

(c) if the Committee so directs, the complainant, who may be represented by a legal practitioner.

(2) The practitioner whose conduct is the subject matter of the proceedings may appear either in person or be represented by a legal practitioner and the Committee may also employ the services of a legal practitioner to present the case before it.

5. Fixing of hearing day and service of notice, etc., thereof by the secretary

(1) On the direction of the chairman of the Committee the secretary shall fix a day for the hearing of the case and shall serve notice thereof on each party to the proceedings.

(2) The secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the Panel and all the documents considered by the Panel. Service of any document on the practitioner whose conduct is the subject matter of the proceedings may be affected either by handing the documents to him personally or by sending it by registered post to the address recorded in the register maintained under section 5 of the Act.

6. Hearing in absence of parties

(1) If any party fails to appear at the hearing, the Committee may upon proof of service on such party of the notice of hearing, proceed to hear and determine the case in his absence.

(2) Any party to a proceeding before the Committee, who fails to appear at the hearing, may within one calendar month from the pronouncement of the findings and directions of the Committee and upon giving notice to every other party and to the secretary, apply to the Committee for a rehearing. The Committee, if satisfied that it is just that the case should be re-heard, may grant the application on such terms and costs or otherwise as it thinks fit.

7. Hearing of witnesses and reception of documents

The Committee may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the allegations of misconduct referred to it by the Panel.

8. Amendment of charges before the Committee

If in the course of the proceedings it appears to the Committee that the charges forwarded to it by the Panel require to be amended or added to, the Committee may permit such amendments or additions, as it shall think fit.

9. Holding of proceedings in public

The proceedings of the Committee shall be held, and its findings and direction shall be pronounced, in public.

10. Adjournment

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

11. Penalty for giving false evidence

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

12. Findings of not guilty

If, after the hearing, the Committee adjudges that the allegations of infamous conduct in a professional respect have not been proved, the Committee shall record a finding that the practitioner is not guilty of such conduct in respect of the matter to which the allegation relates.

13. Costs

The Committee may without finding any misconduct proved against a practitioner, nevertheless order any party to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Committee shall think fit so to order.

14. Publications of directions of Committee

Subject to the provisions of section 13 of the Act (relating to the lodging of appeal against the direction of the Committee) any direction given by the Committee in accordance with section 13 (1) of the Act shall be published in the *Gazette* as soon as such direction takes effect.

15. Record of proceedings

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

(2) The secretary shall supply to any person entitled to be heard upon an appeal

against the direction of the Committee and to the Board, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.

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

16. Dispensing with provisions

The Committee may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Committee to be just to do so.

17. Extension of time

The Committee may in any given case extend the time to do any thing under these Rules.

18. Exhibits and books

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

19. Interpretation

In these Rules, unless the context otherwise requires-
"Act" means the Quantity Surveyors (Registration, etc.) Act;

[Cap. QI.]

"complainant" means any person who makes allegation of professional misconduct against a quantity surveyor;

"Panel" means the Quantity Surveyors Investigating Panel;

"practitioner" means a person registered as a quantity surveyor;

"secretary" means a person appointed to act as the Registrar of the Quantity Surveyors Registration Board of Nigeria.

20. Citation

These Rules may be cited as the Quantity Surveyors (Disciplinary Committee) Rules.

SCHEDULE

Notice of hearing by the Committee

In the Matter of A.B., a quantity surveyor

and

In the matter of the Quantity Surveyors (Registration, etc.) Act.

TAKE NOTICE that the report and charges prepared by the Quantity Surveyors Investigating Panel in the above matter are fixed for hearing by the Quantity Surveyors Disciplinary Committee at .

..... on the..... day of..... 20

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Secretary to the Committee