

**CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC
ADMINISTRATION ACT, 2017**

EXPLANATORY MEMORANDUM

This Act establishes the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure professionalism in the system.

CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC
ADMINISTRATION ACT, 2017

Arrangement of Sections

Section:

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF LOCAL
GOVERNMENT AND PUBLIC ADMINISTRATION OF NIGERIA

- 1 Establishment of Chartered Institute of Local Government and Public Administration of Nigeria.
- 2 Functions of the Institute.
- 3 Powers of the Institute.
- 4 Establishment and composition of Governing Council.

PART II — APPOINTMENT OF REGISTRAR AND PREPARATION OF REGISTER.

- 5 Appointment of Registrar and preparation of register.
- 6 Functions of the Registrar.
- 7 Other staff.
- 8 Content of the register.
- 9 Regulations.
- 10 Publication of the register and list of correction.
- 11 Evidence of registration.

PART III — REGISTRATION OF MEMBERSHIP

- 12 Qualification for membership.
- 13 Publication in the Gazette.
- 14 Designation of members.
- 15 Designatory letters.
- 16 Approval for qualification.
- 17 Supervision of instructions.
- 18 Signatory to certificates.

PART IV — FUND OF THE INSTITUTE

- 19 Funds of the Institute.
- 20 Expenditure.
- 21 Auditing of accounts.
- 22 Publication of regulations.

PART V — PROFESSIONAL DISCIPLINE

- 23 Establishment of Investigating Panel.
- 24 Establishment of Disciplinary Committee.
- 25 Penalties for unprofessional conduct.

PART VI — OFFENCES AND PENALTIES

- 26 Offences and penalties.
- 27 Limitation of suits against the Council and its staff.
- 28 Interpretation.
- 29 Citation.

Schedule

CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC
ADMINISTRATION ACT, 2017

A Bill

For

An Act to establish the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure professionalism in the system; and for related matters.

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Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

ART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF LOCAL GOVERNMENT AND PUBLIC ADMINISTRATION OF NIGERIA

(1) There is established the Chartered Institute of Local Government and Public Administration of Nigeria (in this Act referred to as “the Institute”).

Establishment of Chartered Institute of Local Government and Public Administration of Nigeria.

(2) The Institute —

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) may acquire, hold and dispose of movable and immovable property; and
- (c) may sue or be sued in its corporate name.

The Institute shall —

Functions of the Institute.

- (a) determine the standards of knowledge and skills attained by persons seeking to become members of the Institute and improve those standards from time to time;
- (b) secure a register of members of the Institute;
- (c) promote research and development of curricula of training of local government employees and public administrators;
- (d) provide consultancy services in appropriate cases;
- (e) arrange conferences, seminars, symposia and meetings; and

(f) carry out such functions that are intended to facilitate the achievement of the objects contained in this Act.

(1) The Institute has power to do all things necessary and convenient to be done in connection with the performance of its functions and in particular, may — Powers of the Institute.

(a) enter into contracts;

(b) charge fees for its services;

(c) make regulations for the conferment of charter; and

(d) make penal regulations.

(2) The Institute has the power to award honorary membership of the Institute to persons it deems worthy of such honour on terms and conditions prescribed by the Council and approved by the Institute in a general meeting.

(1) There is established for the Institute a Governing Council (in this Act referred to as "the Council") charged with the administration and management of the Institute, whose membership consists of - Establishment and composition of Governing Council.

(a) the President, elected by Council members amongst themselves;

(b) the Vice-President, elected by Council members amongst themselves;

(c) two persons appointed by the Minister;

(d) 6 persons elected by the Institute; and

(e) an immediate past President of the Institute who is entitled to serve for a further maximum term of three years from the expiration of his tenure as President.

(2) The President and the Vice-President shall hold office for a term of two years from the date of their elections.

(3) The President shall preside at meetings of the Council, and in his absence, the Vice-President shall preside.

(4) The provisions set out in the Schedule to this Act shall have effect with respect to operation, qualification, tenure of office of members of the Council and other matters mentioned in it. Schedule.

PART II — APPOINTMENT OF REGISTRAR AND PREPARATION OF REGISTER.

- (1) The Council shall appoint the Registrar who shall be the Chief Executive Officer of the Institute.
- (2) A person appointed as the Registrar shall have served the Institute for a period of at least two years preceding the date of his appointment.
- (3) The Registrar shall prepare and maintain, in accordance with the rules and regulations made by the Council, a register of —

Appointment of Registrar
and preparation of
Register.

- (a) names,
- (b) addresses,
- (c) approved qualifications, and
- (d) other particulars,

of all persons who are entitled to be enrolled as fellows, members, associates or registered students and who, in the manner prescribed by such rules, apply to be so registered.

- (1) The Registrar shall be the Secretary to the Council and shall keep minutes of proceedings at all meetings of the Council.

Functions of the
Registrar.

- (2) The Registrar shall —

- (a) in accordance with the directions of the Council, correct 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) from time to time, make any necessary alteration to the particulars of registered members;
- (c) record the names of the registered members who are in default for more than six months in the payment of annual subscriptions; and
- (d) remove the names of defaulters from the register as the Council may direct or require.

- (1) The Council may, on the recommendation of the Registrar, appoint such other staff as it may consider necessary to assist the Registrar in the discharge of his duties.

Other staff.

- (2) The appointment of the Registrar and other staff shall be pensionable, in accordance with the terms and conditions of service in the Public Service of the Federation of Nigeria.

8. The register shall be in four parts —

Content of the Register.

- (a) fellows;
- (b) members;
- (c) associates; and
- (d) registered students.

9. The Council may, by regulations, provide for the —

Regulations.

- (a) manner of making entries in the Register;
- (b) manner of application for enrolment or registration in the Register; and
- (c) fees, including annual subscriptions payable to the Institute.

10. The Registrar shall —

Publication of the register and list of correction.

- (a) cause the register to be printed and published not later than two years from the coming into force of this Act;
- (b) thereafter in each year after the register is first published under paragraph (a) cause to be printed, published and put on sale a corrected edition of the register;
- (c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute; and
- (d) make the register and lists so deposited available at all reasonable times for inspection by members of the public.

11. A print of an edition of the register published under this section by the registrar (without prejudice to any other mode of proof) shall be admissible in any proceeding as evidence that any person specified in the register was so registered at the date of the edition, and that any person not so specified was not so registered.

Evidence of registration.

PART III — REGISTRATION OF MEMBERSHIP

Qualification for membership.

1. (1) A person is entitled to be registered as a member of the Institute if he —

- (a) passes the qualifying professional examination conducted by the Council and completes the practical training prescribed;
- (b) holds a qualification accepted by the Council as sufficient practical experience in local government and public administration; or

(c) holds a qualification granted outside Nigeria which is recognised by the Council and he is by law entitled to practise the profession for all purpose in the country in which the qualification was granted.

(2) An applicant for registration shall, in addition to evidence or qualification, satisfy the Council that he —

(a) is of good character;

(b) had attained the age of 18 years; and

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

(3) The Council may 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) An entry made under subsection (3), shall show that the registration is provisional and such entry may only be converted to full registration with the consent of the Council signified in writing.

3. The Council shall periodically publish in the Federal Government Gazette particulars of qualifications acceptable for registration. Publication in the Gazette.

4. (1) Members admitted to the Institute shall be registered as Chartered Local Government and Public Administrators in the categories of - Designation of members.

(a) fellows;

(b) members;

(c) associate; or

(d) registered students

(2) Persons accorded by the Council, the status of Chartered Local Government and Public Administrators are entitled to the use of that name and shall be enrolled as—

(a) fellows, if they are at least 35 years of age and —

(i) have 10 years relevant working experience in a public organisation,

(ii) have, for at least three years in the past 10 years, held in relevant senior appointments in a public organisation,

(iii) are holders of the professional qualifying certificate of the Institute, and

(iv) are otherwise considered by the Council to be fit to be so enrolled;

(b) members, if they are at least 30 years and —

(i) have passed a professional qualifying examination of the Institute, or

(ii) have at least eight years relevant working experience in a public organisation;

(c) associates, if they are at least 21 years and —

(i) have passed the professional qualifying examination of the Institute or any equivalent examination recognised by the Institute, or

(ii) have at least five years relevant working experience in a public organisation; and

(d) registered students, if they are at least 18 years and have passed with credits in West African School Certificate or General Certificate Examination Ordinary Level or Senior Secondary Certificate Examination in five papers at no more than two sittings.

The designatory letters of the —

Designatory letters.

(a) fellows of the Institute shall be "FCPA";

(b) members of the Institute shall be "MCPA"; and

(c) associates of the Institute shall be "ACPA".

The Council may approve any course of training at any approved Institute which is intended for persons seeking to become or are already engaged in local government and public administration and which the Council considers as being designed to confer on persons completing it sufficient knowledge and skill for admission into the Institute.

Approval for qualification.

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

Supervision of instructions.

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

(b) examination, the result of which qualifications are granted, and for the purpose of discharging that duty, the Council may appoint, either from among its own members or otherwise,

persons to visit approved institutions to observe such instructions or examinations.

(2) Persons appointed under subsection (1) shall report to the Council on the sufficiency or otherwise of the instructions given to persons attending approved courses of training at institutions visited by them.

8. The President and Registrar shall be the joint signatory to certificates awarded by the Institute. Signatory to certificates.

PART IV — FUND OF THE INSTITUTE

9. (1) The Council shall establish and maintain a fund (in this Act referred to as "the Fund") to be applied for the functions of the Institute. Funds of the Institute.

(2) The Institute shall, not later than 1st October in each financial year or soon thereafter, submit to the Council for approval its estimate of revenue and expenditure in respect of each year.

(3) The Council may borrow money for the purposes of the Institute.

(4) There shall be paid and credited into the Fund —

(a) all fees and other money payable to the Institute;

(b) all grants, aids and solicited funds received for the Institute; and

(c) proceeds from programme and activities.

(1) There shall be defrayed from the Fund —

Expenditure.

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

(b) such reasonable travelling allowance (as determined by the Council and its Committees) incurred in the business or official functions of the Institute; and

(c) any expenses incurred by the Council in the discharge of its duties.

(1) The Council shall keep proper records of the annual accounts of the Institute in each financial year. Auditing of accounts.

(2) The accounts of the Institute shall be audited within six months after the end of each financial year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) The fees of the auditors and the expenses of audit shall be paid from the Fund of the Institute.

(4) The audited annual accounts and report shall be submitted by the Council to the Members of the Institute at the annual general meeting.

22. Any regulation made under this Act shall be published in the Federal Government Gazette as soon as they are made and the Minister shall lay a copy of any such regulation before the National Assembly for consideration and passage into law.

Publication of regulations.

PART V — PROFESSIONAL DISCIPLINE

23. (1) There is established an Investigating Panel (in this Act referred to as "the Panel") consisting of three members and two non-members of the Council who shall be appointed by the Council charged with the duty of —

Establishment of Investigating Panel.

(a) conducting preliminary investigation into allegations that a registered member has misconducted himself in his capacity as a registered member; and

(b) deciding whether the allegations should be referred to the Disciplinary Committee or not.

4. There is established a Disciplinary Committee (in this Act referred to as "the Committee") consisting of seven members one of whom shall be the Chairman appointed by the Council, charged with the duty of investigating and determining any case referred to it by the Panel.

Establishment of Disciplinary Committee.

5. (1) Where —

Penalties for unprofessional conduct.

(a) a registered person is adjudged by the Committee to be guilty of infamous conduct in any professional respect,

(b) a registered person is convicted in Nigeria or elsewhere by any court of competent jurisdiction, or

(c) the Committee determines that the name of any person has been fraudulently registered,

the Committee may give a direction reprimanding that person or ordering the Registrar to strike the person's name out of the relevant part of the Register.

(2) The Committee may defer or further defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Committee.

(3) The Committee may not defer its decision under subsection (2) for a period exceeding one year.

- (4) When the Committee gives a direction under subsection (1), the Committee shall cause notice of the direction to be served on the person to whom it relates.
- (5) The person to whom a direction under subsection (1) relates may, at any time within 28 days from the date of service on him, appeal against the direction to the Federal High Court.
- (6) A person whose name is removed from the register under a direction of the Committee may not be registered again except under a direction in that respect given by the Committee on the application of that person.
- (7) A direction for the removal of a person's name from the register may prohibit an application under subsection (1) of this section by that person until the expiration of such period from the date of the direction.

PART VI — OFFENCES AND PENALTIES

6. (1) A person commits an offence who —

Offences and penalties.

- (a) holds himself out as a Chartered Local Government and Public Administrator; or
- (b) willfully makes falsification in any matter relating to the register.

(2) A person who contravenes subsection (1) is liable on —

- (a) summary conviction, to a fine not exceeding N1,000; or
- (b) conviction on indictment, to a fine not exceeding N5,000 or to a term of imprisonment not exceeding two years or both.

7. (1) Notwithstanding anything to the contrary contained in any other enactment, no suit shall lie or be instituted in any court against the Institute, a member or any employee of the Institute for any act done in pursuance or execution of any enactment or law, or of any public duty or authority, or in respect of an alleged negligence or default in the execution of such enactment or law, duty or authority, unless it is commenced within 12 months next after the act or neglect complained of or in the case of a continuing damage or injury, within 12 months next after the ceasing of damage or injury.

Limitation of suits
against the Council and
its staff.

(2) No suit shall be commenced against the Institute before the expiration of a period of one month notice of intention to commence the suit shall have been served upon the Institute by the intending plaintiff or his authorised agent and the notice shall clearly state -

- (a) the cause of action;
- (b) the particulars of the claim;

(c) the name and place of abode of the intending plaintiff; and

(d) the relief which he claims.

(3) The notice referred to in subsections (1) and (2) and any summons, notice or other document required or authorised to be served upon the Institute under the provisions of this Act or any other enactment or law may be served by delivering the same to the President, Chairman, Council or the Registrar of the Institute or by sending it by registered post to the principal office of the Institute.

8. In this Act —

Interpretation.

Institute” means the Institute of Chartered Local Government and Public Administration established under section 1 (1) of this Act;

Minister” means the Minister charged with the responsibility of matters relating to education; and

registered” means enrolled.

9. This Act may be cited as the Chartered Institute of Local Government and Public Administration of Nigeria Act, 2017. Citation.

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL PROCEEDINGS

Subject to this Act and section 27 of the Interpretation Act (which provides for decision of a statutory body to be taken by a majority of its members, and for the President to have a second or casting votes) the Council may make standing orders regulating its proceedings and that of any Committee. Cap 123 LFN, 2004

If, at any time, the office of the President is vacant or the President is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his office, the Council may appoint one of its members to perform such functions and reference in this Schedule to the President shall be construed accordingly.

Every meeting of the Council shall be presided over by the President and, where he is unable to attend a particular meeting, the Vice-President shall preside and, in the event where both the President and Vice-President are absent, the members present at the meeting shall elect one of them to preside at the meeting.

The quorum at a meeting of the Council shall be the President or, in the appropriate case, the person presiding at the meeting and six other members.

Where, upon any special occasion, the Council desires to obtain the advice of any person, it may co-opt that person to be a member for as many meetings as may be necessary, and that person, while so co-opted, shall have all the rights and privileges of a member, except that he is not entitled to vote or count towards a quorum.

Committee

- (1) Subject to its standing orders, the Council may set up such number of standing or ad-hoc committees as it deems fit to consider and report on any matter with which the Council is concerned.
- (2) Every Committee set-up under subparagraph (1) shall be presided over by a member of the Council and shall be made up of a number of persons, not necessarily members of the Council as the Council, may determine in each case.

The decision of the Committee shall have no effect until it is confirmed by the Council.

Miscellaneous

The fixing of the seal of the Council shall be authenticated by the signature of the President and Registrar of the Institute.

A contract or instrument, which if made by a person not being a body corporate would not be required to be made under seal, may be made or executed on behalf of the Institute by the Registrar or any other person generally or specifically authorised by the Council to act for that purpose.

10. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Institute shall be received in evidence and, unless the contract is proved, be presumed, without further proof, to have been so signed or sealed.

11. The validity of any proceeding of the Council or a committee shall not be adversely affected by -

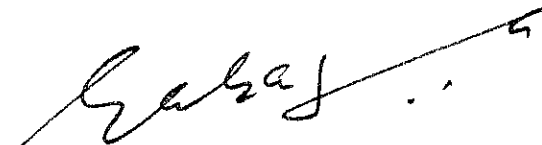
(a) any vacancy in the membership of the Council;

(b) any defect in the appointment of a member of the Council or committee; or

(c) reason that a person not entitled to do so took part in the proceedings.

12. Any member of the Council or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or committee shall disclose his interest to the Council or committee and shall not vote on any question relating to the contract or arrangement.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

28th DAY OF DECEMBER, 2017

Schedule to the Chartered Institute of Local Government and Public Administration Bill, 2017

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Chartered Institute of Local Government and Public Administration Bill, 2017.	An Act to establish the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure professionalism in the system; and for related matters.	This Bill establishes the Chartered Institute of Local Government and Public Administration of Nigeria in order to ensure professionalism in the system.	30 th March, 2017	7 th June, 2016

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

MOHAMMED ATABA SANI-OMIOLORI

[Signature]
Clerk to the National Assembly
28th Day of December, 2017

MUHAMMADU BUHARI, GCFR

[Signature]
President of the Federal Republic of Nigeria
24 Day of December, 2017
January 2018

I ASSENT