**INSTITUTE OF PERSONNEL MANAGEMENT OF NIGERIA ACT**

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INSTITUlE OF PERSONNEL MANAGEMENT OF NIGERIA ACT

**An Act to provide for the establishment of the Institute of Personnel Management of  
Nigeria and for matters connected therewith.**

[1992 No. 58.]

*[23rd November, 1992]*

[Commencement.]

PART I

*Establishment of the Institute of Personnel Management of Nigeria*

1. **Establishment of the Institute of Personnel Management of Nigeria**

(1) There is hereby established a body to be known as the Institute of Personnel  
Management of Nigeria (in this Act referred to as "the Institute") which shall be a body  
corporate under that name and be charged with the general duty of-

*(a)*determining what standards of knowledge and skill are to be attained by per-  
sons seeking to become registered as personnel management practitioners and raising those standards from time to time as circumstances may permit;

*(b)*securing in accordance with the provisions of this Act the establishment and  
maintenance of a register of members and the publication from time to time oflists of those persons;

*(c)*regulating and controlling the profession in all its aspects and ramifications;

*(d)*performing through the Council under this Act the functions conferred on it by this Act.

(2) The Institute shall have perpetual succession and a common seal which shall be  
kept in such custody as the Council may, from time to time, authorise.

(3) The Institute may sue and be sued in its corporate name and may, subject to the  
Land Use Act, hold, acquire and dispose of any property, movable or immovable.

[Cap. L5.]

(4) Subject to the provisions of this Act, members admitted to the Institute shall-

*(a)*possess an adequate knowledge of personnel management and be enrolled in

the category of-

(i)      fellows; or  
(ii)    members; or  
(iii)   associates; or  
(iv)   affiliates; or

*(b)*be registered as graduates and students for registration and training.

(5) Persons accorded by the Council status as personnel management practitioners  
shall be entitled to the use of that name and shall be recorded as-

*(a)*fellows, if they have-

(i)    spent at least seven years as full members of the Institute; and

(ii)     contributed significantly to the practice and development of personnel management;

*(b)*members, if they have-

(i)    spent at least six years in the grade of associate; and

(ii)     been adjudged by the Council to possess an adequate knowledge of  
personnel management;

*(c)*associates, if, they are-

                                                (i)     university graduates who have spent at least four years in the grade of  
affiliate; or

                                              (ii)     holders of university degrees in personnel management or related dis-  
ciplines who have performed executive or advisory duties in personnel management continuously for at least six years;

                                            (iii)     graduates of the Institute who have competently performed executive  
or advisory duties at senior level in personnel management function for at least four years since election to the grade of graduate members;

                                               (iv)     non-graduates who have spent at least ten years in the grade of affili-  
ate; and

                                               (v)     possessors of knowledge and qualities which conform to a standard  
essential to the successful practice of personnel management.

 (6) The designatory letter of the-

*(a)*Fellows of the Institute of Personnel Management shall be "FIPM";

*(b)*Members of the Institute of Personnel Management shall be "MIPM";

*(c)*Associates of the Institute of Personnel Management shall be "AIPM".

1. **Election of President, Vice-President and National Treasurer of the Institute**

(1) There shall be a President, Vice-President and a National Treasurer of the Insti-  
tute who shall be financial members in the grades of Associate, Member and Fellow of  
the Institute, to be elected annually at general meetings, and hold the same office for not more than three years continuously.

(2) The President shall be the chairman at meetings of the Institute, 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 place 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 accord-  
ingly.

(3) The President, Vice-President and the National Treasurer shall respectively be  
chairman, vice-chairman and treasurer of the Council.

(4) If the President or the Vice-President or the National Treasurer ceases to be a  
r-iember of the Institute he shall *ipso facto*cease to hold any of the offices designated  
under this section.

1. **Governing Council**

(1) There shall be, as the governing body of the Institute, a Council charged with re-  
sponsibility for the administration and general management of the Institute.

(2) The Council shall consist of the following members, being financial members in  
the grades of Associate, Member and Fellow of the Institute, nominated or elected as  
follows, that is-

*(a)*the President of the Institute, who shall be the chairman;

*(b)*the Vice-President of the Institute, who shall be the vice-chairman;

*(c)*the National Treasurer who shall be the treasurer;

       (d)       one person representing the Ministry of Employment, Labour and Productivity;

*(e)*the immediate past President;

       (f)        five persons elected by the Institute;

*(g)*chairmen of branches;

*(h)*chairman, Board of Fellows; and

       (i)        chairmen of committees of Council.

(3) The provisions of the First Schedule to this Act shaIl have effect with respect to  
the qualifications and tenure of office of members of the Council and the other matters  
therein mentioned.

[First Schedule.]

**4. Appointment of a Board of** **Fellows**

(1) There shall be appointed annually by the Council, a Board of Fellows, to coordi-  
nate the activities of fellows of the Institute.

(2) The Board of Fellows shall consist of persons who have been duly elected as fel-  
lows of the Institute.

PART II

*Financial provisions*

**5. Management of the Institute's fund**

(1) The Council shall establish and maintain a fund, the management and control of  
which shall be in the hands of the Council and into which shall be paid-

*(a)*all moneys received by the Council in pursuance of this Act;

*(b)*all fees and other moneys payable to the Council in pursuance of subsec-  
tion (1) of this section; and

*(c)*such moneys as may be provided by the Federal Government to the Council by way of grant or by way of loan or otherwise.

(2) There shall be paid out of the fund of the Institute-

*(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  
Institute; and

*(c)*such reasonable travelling and subsistence allowances of members of the  
Council in respect of the time spent on the duties of the Institute, as the Council may determine.

(3) The Council may invest money in the fund in any security created or issued by or  
on behalf of the Government of the Federation or in any other securities in Nigeria as  
may be approved by the Council.

(4) The Council may, from time to time, borrow money for the purposes of the Insti-  
tute and any interest payable on moneys so borrowed shall be paid out of the fund.

(5) The Council shall keep proper accounts on behalf of the Institute 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 appointed from the list and in accordance with the  
guidelines supplied by the Auditor-General for the Federation.

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

PART III

*The Registrar*

1. **Appointment and duties of the Registrar and preparation of the register**

(1) It shall be the duty of the Council to appoint a fit person to be the Registrar for  
the purposes of this Act and such other persons as the Institute may, from time to time,  
think necessary.

(2) The Registrar shall be the chief executive of the Institute and secretary to the  
Council.

(3) 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 relevant particulars as may be specified in the rules, of all persons who are  
entitled to be enrolled as fellows, members, associates and affiliates or registered as per-  
sonnel management practitioners and who apply to be so registered.

(4) The register shall consist of five parts of which one part shall be in respect of  
fellows, the second part shall be in respect of members, the third part shall be in respect  
of associates, the fourth part shall be in respect of affiliates, and the fifth part shall be in  
respect of graduates and students.

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

*(a)*the making of applications for enrolment;

*(b)*providing for notification to the Registrar, by the person to whom any regis-  
tered particulars relate, to any change in those particulars;

*(c)*authorising a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an  
accepted qualification for the purposes of this Act, registered in relation to his  
name in addition to or, as he may elect, in substitution for any other qualifica-  
tions so registered;

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

*(e)*specifying anything failing to be specified under the foregoing provisions of  
this section, but rules made for the purposes of paragraph *(d)*of this subsection  
shall not come into force until they are confirmed at a special meeting of the  
Institute convened for the purpose thereafter or at the next annual general  
meeting as the case may be.

(6) 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 alteration to the registered particu-  
  lars of registered persons;

*(c)*to remove from the register the name of any registered person who has died;

*(d)*to record the names of members of the Institute who are in default for more  
than four months in the payment of annual subscriptions, and to take such ac-  
tion in relation thereto (including removal of the names of defaulters from the  
register) as the Council under this Act, may direct or require.

(7) If the Registrar-

*(a)*sends by post to any registered person a registered letter addressed to him at  
his address on the register enquiring whether the registered particulars relating  
to him are correct and receives no reply to the letter within the period of six  
months from the date of posting it; and

*(b)*upon the expiration of that period send 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 reg-  
ister; so however that the Council may for any reason which seems to it sufficient direct  
the Registrar to restore to the appropriate part of the register any particulars removed  
therefrom under this subsection.

1. **Publication of register and list 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 appointed day; and

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

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

and it shall be the duty of the Council to keep the register and lists so deposited available at all reasonable times for inspection by members of the Institute.

(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 edi-  
tion of the register so published and of a 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, is 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 pro-  
ceedings 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*

*Registration of personnel management practitioners*

1. **Registration of personnel management practitioners**

(1) Subject to rules under section 7 of this Act, a person shall be entitled to be en-  
rolled or registered as a personnel management practitioner if-

*(a)*he passes the qualifying examination accepted by the Council and completes  
 the practical training prescribed by the Institute under this Act; or

*(b)*he holds any other qualification accepted by the Institute for the time being; or

*(c)*he qualifies for enrolment as member in any of the categories specified under  
subsection (4) *(a)*and *(b)*of section 1 of this Act.

(2) An applicant for registration shall, in addition to evidence of qualification, satisfy

the Council that-

*(a)*he is of good character;

*(b)*he has attained the age 01'21 years; and

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

   (3) The Council shall, from time to time, publish particulars of qualifications for the  
time being accepted by the Council for registration.

1. **Approval of qnalifications, etc.**

(1) The Council may approve any institution for the purposes of this Act and may for  
those purposes approve-

*(a)*any course of training at an approved institution which is intended for persons  
who are seeking to become or are already personnel management practitioners  
and which the Council considers is designed to confer on persons completing it  
sufficient knowledge and skill for admission into the Institute;

*(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 members of the Council that the candidates have sufficient knowledge  
and skill for the practice of 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 ap-  
proval the Council shall-

*(a)*give notice that it proposes to withdraw such approval to each person in Nige-  
ria appearing to the Council to be a person by whom the course is conducted or  
the qualification is granted or the institution is controlled, as the case may be;  
and

*(b)*give 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 respect of the proposal in pursuance of the last foregoing paragraph.

(3) 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 ap-  
proval 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 that instrument and the Coun-  
cil shall-

*(a)*publish as soon as possible a copy of every such instrument in the print media; and

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

**10. Supervision of instruction and examinations leading to approved qualifications**  
(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; and

*(b)*the examinations 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  
to attend 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 instruction given to persons attending ap-  
proved courses of training at institutions visited by him;

*(b)*the sufficiency 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,

but no visitor shall interfere with the giving of any instruction or the holding of any ex-  
amination.

(3) On receiving a report made in pursuance of this section, the Council may, if it  
thinks fit and shall, if so required by the Institute, send a copy of the report to the person  
appearing to the Council to be in charge of the institution or responsible for the examina-  
tions to which the report relates, requesting that person to make observations on the re-  
port 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.

PART V

*Professional discipline*

**11. Establishment of Disciplinary Tribunal and Investigating Panel**

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

(2) The Tribunal shall consist of the chairman of the Council and six other members  
appointed by the Council.

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

*(a)*conducting a preliminary investigation into any case where it is alleged that a  
member of the profession has misbehaved in his capacity as a personnel management practitioner, or should for any other reason be the subject of proceedings before the Tribunal; and

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

(4) The Panel shall be appointed by the Council and shall consist of two members of  
the Council and three registered members who are not members of the Council.

(5) The provisions of the Third Schedule to this Act shall, so far as they are applic-  
able to the Tribunal and Panel respectively, have effect with respect to those bodies.

[Third Schedule.]

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

**12. Penalties for unprofessional conduct, etc.**

(1) Where-

*(a)*a member is adjudged by the Tribunal to be guilty of infamous conduct in any  
professional respect; or

*(b)*a member is convicted, by any court in Nigeria or elsewhere having power to  
award imprisonment, of an offence (whether or not such offence is punishable  
with imprisonment) which in the opinion of the Tribunal is incompatible with  
the status of a personnel management practitioner; or

*(c)*the Tribunal is satisfied that the name of any person has been fraudulently  
registered,

the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the  
Registrar to strike his name off the relevant part of the register.

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

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

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

(3) 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.

(4) When the Tribunal gives a direction under subsection (1) of this section, the Tri-  
bunal 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 28 days  
from the date of service on him of notice of the direction, appeal against the direction to  
the Court of Appeal; and the Tribunal may appear as respondent to the appeal and, for the  
purpose of enabling directions to be given as to the costs of the appeal and of proceedings  
before the Tribunal, shall be deemed to be a party thereto whether or not it appears on the  
hearing of the appeal.

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

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

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

*(c)*such an appeal is brought and it 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 sub-  
section.

(7) A person whose name is removed from the register in pursuance of a direction of  
the Tribunal under this section shall not be entitled to be registered again except in pursu-  
ance of a direction in that behalf given by the Tribunal on the application of that person;  
and a direction under this section for the removal of a person's name from the register,  
may prohibit an application under this subsection by that person until the expiration of  
such period from the date of the direction (and where he has duly made such an applica-  
tion, from the date of his last application) or as may be specified in the direction.

PART VI

*Miscellaneous and general*

**13. Application of Act to enrolled** **persons**

At the commencement of this Act, any person not a member of the former Institute  
who, but for this Act, would have been qualified to apply for and obtain membership of

the profession may, within a period of three months beginning with the date of com-  
mencement of this Act, apply for membership of the Institute in such manner as may be  
prescribed by rules made by the Council and if approved, he shall be enrolled or regis-  
tered, as the case may be, according to his qualifications.

**14. When person deemed practitioner in personnel management**

A person shall be deemed as a personnel management practitioner if, in consideration  
of remuneration received or to be received, and whether by himself or in partnership with  
any other person he-

*(a)*engages himself in the practice of personnel management or hold himself out  
to the public as a personnel management practitioner; or

*(b)*renders professional service or assistance in or about matters of principle or  
detail relating to personnel management or data; or

*(c)*renders any other service which may by regulations made by the Council be  
designated as service constituting practice as personnel management practitioner.

**15. Rules as to practising fees, etc.**

(1) The Council may make rules for -    
*(a)*the training of suitable persons in personnel management ;  
(b)       the licensing people to be employed in personnel management positions;  
(c)     the fees to be paid by personnel management practitioners; and  
(d)      restrictions on the right to practice when all prescribed conditions have not been met.

   (2) The Council may also make rules prescribing the amount and due date for pay-  
ment of the annual subscription and for such purpose, different amounts may be pre-  
scribed by the rules according as the member of the Institute is a fellow, member, an as-  
sociate, or an affiliate, or a registered graduate and student.

(3) Rules when made shall, if the chairman of the Council so directs, be published in  
the print media.

**16. Honorary Membership**

The Council shall be free to award honorary membership of the Institute to persons  
whom it considers worthy of such honour, on terms and conditions prescribed by Council  
and approved by the Institute in general meeting.

**17. Provision of library facilities,** etc.

The Institute shall-

*(a)*provide and maintain a library comprising books and publications for the ad-  
vancement of knowledge of personnel management, and such other books and  
publications as the Council may think necessary for the purpose;

*(b)*encourage research into personnel management methods and allied subjects to the extent that the Council may from time to time consider necessary.

**18. Regulations and rules**

(1) Any regulations made under this Act shall be published in the print media as soon  
as may be after they are made.

(2) Rules made for the purposes of this Act shall be subject to confirmation by the In-  
stitute at its next annual general meeting or at any special meeting of the Institute con-  
vened 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 pur-  
suance of any such rules.

**19. Transfer to the Institute of certain property,** **etc.**  
(1) On the commencement of this Act-

*(a)*all properties held immediately before that day by or on behalf of the former  
Institute shall, by virtue of this subsection and without any further assurance,  
vest in the Institute and be held by it for the purposes of the Institute; and

*(b)*the former Institute shall cease to exist; and

*(c)*subject to the next succeeding subsection, any act, matter or thing made or  
done by the former Institute shall cease to have effect.

      (2) The provisions of the Second Schedule to this Act shall have effect with respect  
to, and matters arising from the transfer by this section to the Institute of the property of  
the former Institute and with respect to the other matters mentioned in that Schedule.  
[Second Schedule.]

**20. Offences**

(1) If any person for the purpose of procuring the registration of any name, qualifica-  
tion 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,

that person is guilty of an offence.

(2) If, on or after the commencement of this Act, any person not a member of the In-  
stitute practices as a registered member of the profession of personnel management for or  
in expectation of reward, or takes or uses any name, title, addition or description imply-  
ing that he is in practice as a registered member of the profession of personnel manage-  
ment, he is guilty of an offence:

Provided that, in the case of a person falling within section 14 of this Act-

*(a)*this subsection shall not apply in respect of anything done by him during the  
period of three months mentioned in that section; and

*(b)*if within that period he duly applies for membership of the Institute, then, un-  
less within that period he is notified that his application has not been approved,  
this subsection shall not apply in respect of anything done by him between the  
end of that period and the date on which he is enrolled or registered or is noti-  
fied as aforesaid.

 (3) If, on or after the commencement of this Act, a registered member of the profes-  
sion holds himself out as or takes or uses any name, title, addition or description implying  
that he is a personnel practitioner, he is guilty of an offence.

(4) If the Registrar or any other person employed by or on behalf of the Institute wil-  
fully makes any falsification in any matter relating to the register, he is guilty of an of-  
fence.

(5) A person guilty of an offence under this section shall be liable-

*(a)*on summary conviction to a fine of an amount not exceeding one thousand  
naira; or

*(b)*on conviction on indictment to a fine of an amount not exceeding five thou-  
sand naira or to imprisonment for a term not exceeding two years, or both.

(6) Where an offence under this section which has been committed by a body corpo-  
rate is proved to have been committed with the consent or connivance of, or to be attri-  
butable to any neglect on the part of any director, manager, secretary or other similar of-  
ficer 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.

**21. Interpretation**

In this Act, unless the context otherwise requires-

**"Board"** means the Board of Fellows;

**"Council"** means the Council established as the governing body of the Institute under section 3 of this Act;

**"enrolled"** in relation to a fellow, a member, an associate member or an affiliate  
means registered in the part of the register relating to a fellow, member, associate member or affiliate as the case may be;

**''fees''** includes annual subscriptions;

**"Institute"** means the Institute of Personnel Management of Nigeria established un-  
der section 1 of this Act;

**"member"** means member of the Institute;

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

**"President"** and **"Vice-President"** means respectively the office holders under those  
names in the Institute;

**"register"** means the register maintained in pursuance of section 6 of this Act;

**"Tribunal"** has the meaning assigned thereto by section 11 of this Act.

**22. Short title**

This Act may be cited as the Institute of Personnel Management of Nigeria Act.

SCHEDULES

FIRST SCHEDULE  
[Section 3 (3).]

*Supplementary provisions relating to the Council*

*Qualification and tenure of office of members*

**1.** (1) Subject to the provisions of this paragraph, every elected member of the Council shall hold office for a period of one year in the first instance and shall be eligible for re-election for  
a further term of two years in the same office beginning with the date of his appointment or  
election.

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

(3) Any elected member may by notice in writing under his hand addressed to the Presi-  
dent resign his office, and any appointed member may likewise resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the Coun-  
cil shall be eligible again to become a member of the Council, and any appointed member  
may be reappointed.

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

(6) Elections to the Council shall be held in such manner as may be prescribed by rules  
made by the Council, and until so prescribed, they shall be decided by a show of hands.

(7) If for any reason there is a vacation of office by a member and such member was  
elected, the Council may, if the time between the unexpired portion of the term of office and  
the next meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit  
person 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 Institute.

*Proceedings of the Council*

**3.** (1) Subject to the provisions of this Act, the Council may in the name of the Institute  
make standing orders regulating the proceedings of the Institute or of the Council, and in the  
exercise of its powers under this Act, may set up committees in the general interest of the In-  
stitute, and make standing orders therefor.

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

 (3) Standing orders made for a committee shall provide that the committee is to report  
back to the Council on any matter not within its competence to decide.

(4) The quorum of the Council shall be five and the quorum of a committee of the  
Council shall be fixed by the Council.

*Meetings*

*(a) of the Institute*

**5.**(1) The Council shall convene the annual meeting of the Institute 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 annual meeting not more than fifteen  
months shall elapse between the respective dates of the two meetings.

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

(3) The quorum of any meeting of the Institute shall be ten financial members and that  
of any special meeting of the Institute shall be fifteen financial members.

*(b) 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 chairman, and if the chairman is required to do so by notice  
in writing given to him by not less than five 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 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 the Council thinks fit; but a per-  
son who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meet-  
ing of the Council and shall not count towards a quorum.

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

*Committees*

**7.**(1) The Council may appoint one or more committees to carry out on behalf of the Institute or 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 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  
ty the Council.

*Miscellaneous*

**8.**(1) The fixing of the seal of the Institute shall be authenticated by the signature of the  
President or of some other member of the Council authorised generally or specially by the  
Institute 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  
Institute or of the Council as the case may require, 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 In-  
stitute 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 Institute or the Councilor of a committee of the  
Council shall not be adversely affected by any vacancy in membership, or by any defect in the  
appointment of a member of the Institute or of the Councilor 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 Institute or of the Council, and any person holding office on a com-  
mittee of the Council, who has a personal interest in any contract or arrangement entered into  
or proposed to be considered by the Council on behalf of the Institute, or on behalf of the  
Councilor a committee thereof, shall forthwith disclose his interest to the President of the  
Institute or to the Council, as the case may be, and shall not vote on any question relating to  
the contract or arrangement.

**11.**A person shall not by reason only of his membership of the Institute be required to dis-  
close any interest relating solely to the audit of the accounts to the Institute.

SECOND SCHEDULE  
[Section 19 (2).]

*Transition provisions as to property, etc.*

*Transfer of property*

**1.**(1)  Every agreement to which the former Institute was a party immediately before the  
commencement of this Act, whether in writing or not and whether or not of such a nature that  
the rights, liabilities and obligations thereunder' could be assigned by the former Institute,  
shall, unless its terms or subject matter make it impossible that it should have effect as modi-  
fied in the manner provided by these subparagraphs, have effect from the commencement of  
this Act so far as it relates to assets and liabilities transferred by this Act to the Institute, as  
if-

*(a)*the Institute had been a party to the agreement;

*(b)*for any reference (however worded and whether express or implied) to the former Institute, there were substituted as respects anything falling to be done on or after the commencement of this Act a reference to the Institute; and

*(c)*for any reference (however worded and whether express or implied) to a member or members of the Council of the former Institute or an officer of the Association, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to a member or members of the Council under this Act or the officer of the association who corresponds as nearly as may be to the member or officer in question of the association.

(2) Other documents which refer, whether specially or generally, to the former Institute  
shall be considered in accordance with subparagraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule,  
where, by the operation of section 5 of this Act, any right, liability or obligation vests in the

Institute, the Institute and all other persons shall, as from the commencement of this Act have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for  
ascertaining, perfecting or enforcing that right, liability or obligation as they would have had  
if it had at all times been a right, liability or obligation of the Institute.

(4) Any legal proceedings or application to any authority pending on the commence-  
ment of this Act by or against the former Institute and relating to property transferred by this  
Act to the Institute may be continued on or after that day by or against the Institute.

(5) If the law in force at the place where any property transferred by this Act is situated  
provides for the registration of transfers or property of the kind in question (whether by refer-  
ence to an instrument of transfer or otherwise), the law shall, so far it provides for alterations  
of a register (but not for avoidance of transfers, the payment of fees or any other matter) ap-  
ply, with the necessary modifications, to the transfer of the property aforesaid; and it shall be  
the duty of the Council to furnish the necessary particulars of the transfer to the proper officer  
of the registration authority, and of that officer to register the transfer accordingly.

*Transfer of functions, etc.*

**2.** (1) At its first meeting, the Council of the Institute shall fix a date, not later than six  
months after the commencement of this Act, for the annual general meeting of the Institute.

(2) The members of the Council of the former Institute shall be deemed to be the mem-  
bers of Council of the Institute until the date determined in pursuance of the foregoing sub-  
paragraph when the Institute shall have its first annual general meeting, and they shall cease to  
hold office at the conclusion of such meeting.

(3) Any person who, immediately before the commencement of this Act, held office as  
the President or Vice-President of the Council of the former Institute by virtue of the articles  
of association of the association shall on that day become the President or as the case may be,  
the Vice-President of the Institute and shall be deemed-

*(a)*to have been appointed to that office in pursuance of the provision of this Act  
corresponding to the relevant provision in the said articles of association; and

*(b)*to have been so appointed on the date on which he took office, or last took of-  
fice, in pursuance of the relevant provision of those articles.

(4) The members of the former Institute shall, as from the commencement of this Act,  
be registered as members of the Institute; and without prejudice to the generality of the provi-  
sions of this Schedule relating to the transfer of property, any person who, immediately before  
the commencement of this Act, was a member of the staff of the former Institute shall on that  
day become the holder of an appointment with the Institute with the status, designation and  
functions which correspond as nearly as may be to those which appertained to him in his ca-  
pacity as a member of that staff.

(5) Any person being an office-holder on, or member of, the Council of the former In-  
stitute immediately before the commencement of this Act and deemed under this paragraph to  
have been appointed to any like position in the Institute, or the Council of the Institute, and  
thereafter ceasing to hold office otherwise than by reason of his misconduct, shall be eligible  
for appointment to office in the Institute or to membership of the Council, as the case may be.

(6) All regulations, rules and similar instruments made for the purposes of the former  
Institute and in force immediately before the commencement of this Act, shall, except in so  
far as they are subsequently revoked or amended by any authority having power in that behalf,  
have effect, with any necessary modifications, as if duly made for the corresponding purposes  
of the Institute.

THIRD SCHEDULE  
[Section 11 (5).]

*Supplementary Provisions relating to the Disciplinary Tribunal  
                                   and Investigating Panel*

*The Tribunal*

**1.** The quorum of the Tribunal shall be four of whom at least two shall be registered members.

**2.** (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the  
Tribunal for the purposes of any proceedings and as to the procedure to be followed and the  
rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide-

*(a)*for securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

*(b)*for determining who in addition to the person aforesaid, shall be a party to the proceedings;

*(c)*for securing that any party to the proceedings shall, if he so requires be entitled to be heard by the Tribunal;

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

*(e)*subject to the provisions of section 12 (5) of this Act, as to the costs of proceedings before the 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 Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;

*(g)*for publishing in the *Gazette*notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.

**3.** For the purposes of any proceedings before the Tribunal, any member of the Tribunal may  
administer oaths and any party to the proceedings may issue out of the registry of the High  
Court writs of subpoena *ad testificandum*and *duces tecum;*but no person appearing before the  
Tribunal shall be compelled-

*(a)*to make any statement before the 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.

**4.** (1) For the purpose of advising the Tribunal on questions of law arising in the proceed-  
ings before it, there shall in all such proceedings be an assessor to the 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 asses-  
sors appointed under this paragraph, and in particular, such rules shall contain provisions for  
securing-

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

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

(3) An assessor may be appointed under this paragraph either generally or for any par-  
ticular proceedings or class of proceedings and shall hold and vacate office in accordance with  
the terms of the instrument by which he is appointed.

*The Panel*

1. The quorum of the Panel shall be three.
2. (1) The Panel may, at any meeting of the Panel attended by the members of the Panel,  
   make standing orders with respect to the Panel.

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

*Miscellaneous*

**7**. (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for re-  
appointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel;  
but no person who acted as a member of the Panel with respect to any case shall act as a  
member of the Tribunal with respect to that case.

**8.** The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and  
the proceedings of either body shall not be invalidated by any irregularity in the appointment  
of a member of that body, or (subject to 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 Tribunal or  
the Panel shall be served on the Registrar appointed in pursuance of section 6 of this Act.

**10.**Any expenses of the Tribunal or the Panel shall be defrayed by the Institute.

              INSTITUTE OF PERSONNEL MANAGEMENT OF NIGERIA ACT

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*