



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Wednesday, 7th October, 2009

1. The Senate met at 11.10 a.m. The Senate President read prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Tuesday, 6th October, 2009 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcements:**
(A) **Announcement on Quick-Wins MDGs Program:**
The Senate President read a letter from Senator Mahmud K. Bello (Katsina North) as follows:



FEDERAL REPUBLIC OF NIGERIA
THE SENATE
AD-HOC COMMITTEE ON MILLENNIUM DEVELOPMENT GOALS
National Assembly Complex,
Three-Arms Zone,
P. M. B. 141, Garki, Abuja - Nigeria

October 6, 2009

*The Senate President,
Senate of the Federal Republic of Nigeria,
National Assembly,
Abuja.*

ANNOUNCEMENT ON QUICK-WINS MDGs PROGRAM

The update progress report as at September 15, 2009; had been forwarded to Distinguished Senators for their perusal and necessary action.

The Committee hereby implores Distinguished Senators to carefully review the submissions and report back to it for further actions, please.

Your expedited action on this matter will be highly appreciated.

Yours Sincerely,

Signed:

Senator Mahmud Kanti Bello

Chairman

**(B) Academic Staff Union of Universities (ASUU)/Federal Government:
Quick Resolution of Industrial Impasse:**

The Senate President made a passionate appeal to ASUU and the Federal Government to come to a conclusion on the on-going negotiation between both parties to end the protracted ASUU strike so that students can return to school. He opined that the strike is not in the interest of the nation, he therefore appealed to the Senate Committee on Education to wade into the industrial crises.

4. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Joseph I. Akaagerger (Benue North-East) drew the attention of the Senate to the imminent danger posed by Lake Nyos to the people of Nigeria. He sought the leave of the Senate to present a Motion on the issue.

Question that the matter be debated, put and agreed to.

Matter to stand over to the next Legislative Day [Rule 42(2)].

5. Personal Explanation:

Rising on Rule 43, Senator Ganiyu O. Solomon (Lagos West) informed the Senate of the inability of the Committee on Capital Market to conclude work on the assignment and submit its report as directed. He sought for an extension of two weeks to enable the Committee conclude the assignment and report as mandated.

Committee accordingly granted two weeks extension.

6. Personal Explanation:

Rising on Rule 43, Senator Lee Maeba (Rivers South-East) informed the Senate of the inability of the Joint Committee on Petroleum (Upstream), Petroleum (Downstream) and Gas to complete work on the Petroleum Industry Bill and submit its report as directed. He sought for an extension of two weeks to enable the Joint Committee conclude the assignment and report as mandated.

Committee accordingly granted two weeks extension.

7. Committee on Land Transport:

Report on the Nigerian Railway Corporation Act (Repeal and Re-Enactment) Bill 2009 (SB.103):

Motion made: That the Senate do receive the Report of the Committee on Land Transport on the Nigerian Railway Corporation Act (Repeal and Re-enactment) Bill 2009 (*Senator Garba Y.Lado — Katsina South*).

Question put and agreed to.

Report Laid.

8. Committee on Establishment and Public Service:

Report on the Chartered Institute of Cost and Management Accountants (CICMA) Bill 2009 (HB. 72):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service, on the Chartered Institute of Cost and Management Accountants (CICMA) Bill 2009 (*Senator Mohammed I. Ahmed — Kwara North*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Committee Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill 2009:

Clause 1: Establishment of the Chartered Institute of Cost and Management Accountants.

There is hereby established a body to be known as the Chartered Institute of Cost and Management Accountants of Nigeria (in this Bill referred to as "The Institute").

- (i) The Institute shall be a body corporate with perpetual succession and shall have power to sue and be sued.
- (ii) The institute shall have its Headquarters situated in Kaduna.

Committee's Recommendations:

That the provision in Clause 1 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 2: Functions of the Institute:

The Institute shall -

- (a) Provide an organization, which shall be national and international in scope and activities for Cost and Management Accountants, Treasurers and Finance officers in Government Ministries, parastatals, Corporate, commercial, public bodies, local government and other industrial organizations;
- (b) Prescribe a standard and level of efficiency and experience as essential qualities for election of members, thereby conferring upon them a recognized status by virtue of such membership.
- (c) Secure a professional status necessary to promote and encourage the study and development of the science of Cost and Management Accountancy (in this Bill referred to as the "Profession");
- (d) Enhance and increase knowledge and efficiency in Cost and Management Accountancy, both in the public and private practice in industry and commerce;
- (e) Maintain a Register of members and publish, from time to time, a list of such members;
- (f) Conduct examination in Cost and Management Accountancy and other subjects relevant to the profession and issue certificate of merit on the result and make awards as desirable;
- (g) Promote the highest professional standard of competence in the practice of the profession and the conduct of members;

- (h) Perform through the Council the functions conferred on it by this Bill.

Committee's Recommendations:

That the provision in Clause 2 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 3: Membership of the Institute.

The members of the Institute shall be -

- (a) Those members who constitute the institute at the commencement of this Bill;
- (b) Persons who shall qualify for admission as provided in Section 3(a) of this Bill and who shall be admitted under procedures adopted by the Council.

Committee's Recommendations:

That the provision in Clause 3 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 4: Requirements for admission to membership.

The following persons may qualify for admission as members of the Institute -

- (a) Those who are in possession of a valid and unrevoked Cost and Management Accounts Certificate issued by the Institute;
- (b) Those who have passed an examination in Cost and Management Accounting and related subjects satisfactory to the Institute's Council in an accredited University and Polytechnic;
- (c) Those who is engaged in the practice of Cost and Management Accounting as a Proprietor, Partner, or as employee who has been licensed as an ACMA for more than two years, are practicing in firms enrolled in Institute approved monitoring programs.

Committee's Recommendations:

That the provision in Clause 4 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 5: Rights of Members.

1. A member of the Institute shall be entitled to use the designation, "a member of the Institute of Cost and Management Accountants (Chartered)"
2. subject to the provision of this Bill, there shall be two classes of membership -
 - (a) Associates; and
 - (b) Fellows
3. members in the class of "Associates" shall be entitled to use the abbreviation "ACMA" (Associates Cost and Management Accountant) after their names.
4. members in the class of "Fellows" shall be entitled to use the abbreviation "FCMA" (Fellow Cost and Management Accountant) (FCMA) after their names.
5. "Fellow" shall be the highest Grade in the Institute.

Committee's Recommendations:

That the provision in Clause 5 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 6: Council of the Institute.

There shall be as the governing body of the Institute, a Council which shall be charged with the administration and general management of the Institute.

Committee's Recommendations:

That the provision in Clause 6 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 7: Composition of the Council.

The Council shall consist of -

- (a) A President;
- (b) Vice President;
- (c) Registrar/Chief Executive;
- (d) Twelve persons nominated by the Institute from the six geo-political zones of Nigeria;
- (e) All immediate past Presidents of the Institute including the Incorporated Trustees.

Committee's Recommendations:

That the provision in Clause 7 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 8: Tenure of Council Members:

The President shall be nominated by the Council members of the Institute. The President and Vice President shall each hold office for a term of two years from the date of their nomination and the President shall be the Chairman at the meetings of the Institute, so however that in the event of death, inability or incapacity, the Vice President shall act as President for the unexpired portion of the term of office and as the Chairman as the case may be and reference in this Bill to the President shall be construed accordingly.

Committee's Recommendations:

That the provision in Clause 8 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 9: Cessation of office.

if the President or the Vice President ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section.

Committee's Recommendations:

That the provision in Clause 9 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 10: First Schedule.

The provision of Schedule 1 to this Bill shall have effect with respect to the qualification and tenure of office of members of the Council and other matters there in mentioned.

Committee's Recommendations:

That the provision in Clause 10 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 11: Financial management and controls.

- (1) There shall be established for the Institute a fund into which shall be paid all fees and other moneys due and payable to the Institute in the course of the discharge of its functions.
- (2) There shall be paid out of the fund -
 - (a) The remuneration and allowances of the Registrar and other employees of the Institute;
 - (b) Such reasonable traveling and subsistence allowance of members of the Council as may be approved in respect of the spent in the business of the Institute.
 - (c) Any other expenses approved by the Council in the discharge of their functions under this Bill
- (3) The council may invest moneys of the fund in any security created or issued by or on behalf of the Federal Government or in any other securities in Nigeria.
- (4) The council shall have authority to prescribed such procedures, as it deems appropriate to ensure adequate budgetary and financial controls.
- (5) Budgets shall be prepared and presented in the manner that the council shall prescribe.
- (6) The council may from time to time, borrow money for the purpose of the Institute and any interest payable on money so borrowed shall be paid out of the fund of the Institute.

Committee's Recommendations:

That the provision in Clause 11 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 12: Accounts.

- (1) The Council shall keep such books of account as are necessary to give a true and fair view of the state of the affairs of the Institute and explain its transactions.
- (2) The books of Accounts shall be kept at the office and at such other place or places as the Council shall think fit, and shall always be open for the inspection of the members of the Council.
- (3) The Institute in a General Meeting may, from time to time, provide reasonable conditions and make regulations as to the time and manner of inspection by the Corporate Members, of the books of account of the Institute.
- (4) The Council shall, at least once in a year, lay before the Institute in a general meeting, an income and expenditure accounts, together with the balance sheet and the auditor's report thereon, for the period since the last account was presented.
- (5) A copy of such account, the balance sheet and auditor's report shall be sent, not less than twenty-one (21) days before the date fixed for the meeting and it shall be sent in the manner in which notices are hereinafter directed to be served.

Committee's Recommendations:

That the provision in Clause 12 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 13: Appointment and duties of the Registrar/Chief Executive.

- (1) The Council shall appoint person as the Registrar and shall also appoint such other persons as the Council may, from time to time, think necessary to assist the Registrar in the performance of his functions.
- (2) The Registrar shall prepare and maintain, in accordance with the rules made by the Council, a Register of the names, addresses, approved qualifications and such other qualifications and particulars as may be specified in the rules, of all persons who are entitled to be registered as members of the Institute and who, in the manner prescribed by such rules, apply to be so registered.
- (3) The Council shall make rules with respect to the form; the keeping of the Register and the making of entries therein and in particular shall -
 - (a) Regulate the making of application for registration, as the case may be, and provide for evidence to be produced in support of such application.
 - (b) Provide for notification to the Registration by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) Authorize a registered person to have any qualification, which is in relation to the relevant "division" of the profession, whether approve qualification or accepted qualification for the purpose of this Bill registered in relation to his name and addition to or, as he may elect, in substitution for any other qualification so registered;
 - (d) Specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register and authorize the Registrar to refuse to enter a name on the Register until any fee specified for the entry has been paid.
- (4) Notwithstanding the provision of this section, the rules made for purposes of paragraph (d) of subsection (3) shall not come into force until they are confirmed at a meeting of the Council.

Committee's Recommendations:

That the provision in Clause 13 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 14: Duties of the Registrar.

The Registrar shall in addition to any other duties that may be assigned to him -

- (a) Correct any entry in the Register which the Council directs him to correct as being in the Council's opinion, an entry which was incorrectly made;
- (b) Make, from time to time, any necessary alteration to the particulars of registered persons;
- (c) Remove, from the register, the name of any registered person who had died;

- (d) Record the names of the members of the Institute who are in default for more than six months, in the payment of annual subscription, and take such action in relation thereto (including removal of the names of defaulters from the Register) as the Council may direct;
- (e) Send 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 if he receives no reply to the letter within a period of six months from the date of posting it and upon the expiration of that period sends in like manner to the person in question, a second similar letter and if he receives no reply to that letter within three months, three months from the date of posting it, the registrar may remove the particulars relating to the person in question from the Register, though the Council has the power to direct the Register to restore to the appropriate part of the Register any particular removed there from under this subsection.

Committee's Recommendations:

That the provision in Clause 14 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 15: Publication of Registers and list of corrections.

- (1) The Registrar shall -
 - (a) Cause the Register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Bill;
 - (b) Thereafter in each year to cause to be printed, published and put on sale either a corrected edition of the Register or a list of corrections made to the Register;
 - (c) Cause a print of each edition of the Register and each list of correction to be deposited at the principal offices of the Institute; and
 - (d) Keep the Register and list so deposited to be made available to members of the public at all reasonable times for inspection.
- (2) A document purporting to be a print of an edition of a Register so published and of the list of corrections to that edition so published shall without prejudice to any other proof be admissible in any proceedings as evidence that any person specified in the document or the 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 proceeding shown to have been or not 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.

Committee's Recommendations:

That the provision in Clause 15 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 16: Registration of members.

- (1) Subject to the provisions of this Bill, a person shall be registered as a member of the profession if he satisfies the Council that -

- (a) Immediately before the commencement of this Bill, he hold a qualification approved for membership of any of the professional bodies mentioned in Schedule 4 to the Bill or any other professional accounting body approved by Institute's Council;
 - (b) He or she is a graduate in Accountancy of any Nigeria University or Polytechnic with three years post qualification experience;
 - (c) He or she is a citizen of Nigeria and was immediately before the commencement of this Bill, the Accountant-General, Auditor-General or Chief Accountant in the Public Service of the Federation or a company quoted at the Nigeria Stock Exchange provided he or she possesses a Bachelor's Degree or HND in Accountancy or an equivalent qualification in Accountancy;
 - (d) He or she has obtained an approved Degree or Diploma in Accountancy and passed the professional examination conducted by the Institute and had completed the practical training programme.
- (2) An applicant for registration under this Bill shall, in addition to evidence of qualification, satisfy the Council that -
- (a) He is of good character;
 - (b) He has attained the age of thirty years; and
 - (c) He has not been convicted in Nigeria or elsewhere of offence involving fraud or dishonesty.
- (3) The Council may in its sole discretion provisionally, accept a qualification produced in respect of an application under this section, or direct that the application be renewed within such period as may be specified in the direction.
- (4) Any entry direction to be made in the Register under Subsection (4) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without consent of the Council, signified in writing on their behalf.

Committee's Recommendations:

That the provision in Clause 16 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause: 17 Approval of qualification.

- (1) The Council shall from time to time publish in the Federal Gazette particulars of qualifications for the time being accepted for registration under this Bill.
- (2) The Council may approve any institution for the purposes of this Bill and may for that purpose approve -
 - (a) Any course of training at any approved institution which is intended for persons seeking to become or are already members of the Accountancy profession and which in the opinion of the Council, is designed to confer on persons completing it, sufficient knowledge and skill for the practice of 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 candidate have sufficient knowledge and skill for the practice of the profession.
- (3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such 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 in respect of the proposal in pursuance of paragraph (b) of the subsection.
- (4) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under subsection (2) of this section.
- (5) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section shall not prejudice the registration of any person who, by virtue of the approval was registered (either unconditionally or subject to his obtaining a certification of experience) immediately before the approval was withdrawn.
- (6) The giving or withdrawal of the approval shall have effect from such date either before or after execution of the instrument signifying the giving or withdrawal of approval as the council specify in the instrument and the council shall -
 - (a) as soon as may be practicable publish a copy every such instrument in the Gazette; and not later than seven days before the publications give a copy of the instrument to the Registrar.

Committee's Recommendations:

That the provision in Clause 17 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 18: Supervision of Institute and examination leading to qualification:

- (1) The Council shall keep itself informed of the nature of -
 - (a) The instruments being given at the approved institutions to persons attending the approved courses of training; and
 - (b) The examinations on the basis of which approved qualifications are granted.
- (2) For the purposes of performing that duty, the Council may appoint, either from among its members or otherwise, persons to visit the approved institutions or to observe such examinations.

- (3) Person appointed under this section is to report to the council on -
 - (a) The adequacy of the instructions being given to persons attending the approved courses of training at institutions visited by him;
 - (b) The adequacy of the examinations observed him; and
 - (c) Any other matters relating to the institution or examination, on which the Council may, either generally or in a particular case, request him to report.
- (4) On receiving report made in pursuance of this section, the Council may, if it thinks fit and shall, if so required by the institutions, send a copy of the report the person appearing to the council to be in charge of the institution or responsible for the examination to which the report relates, requesting that persons to make an observation on the report to the Council within such period as may be specified in the request not being less than one month from the date of the request.
- (5) A person appointed under subsection (2) shall not interfere with giving of any instructions or the holding of any examination in the institution to which he is appointed.

Committee's Recommendations:

That the provision in Clause 18 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 19: Trial Board.

There is established for the Institute a body to be known as Trial Board (in this Bill referred to as "the Trial Board"), which shall have powers to consider and determine any case under this Bill.

Committee's Recommendations:

That the provision in Clause 19 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 20: Hearing Panel.

- (1) There is established for the Institute a body to be known as the Hearing Panel (in this Bill referred to as "the Board"), which shall have powers to -
 - (a) Conduct a preliminary investigation into any case where it is alleged that a registered members has misbehaved in his capacity as such a member or is guilty of professional misconduct;
 - (b) Decide whether the case should be referred to the Trial Board.
- (2) The Panel shall be appointed by the Council and shall; so far as applicable to the Trial Board and Hearing Panel respectively have effect with respect to those bodies.
- (3) The provision of the second schedule shall, so far as applicable to the Trial Board and Hearing Panel respectively have effect with respect to those.
- (4) The Council may make rules as to acts, which constitute professional misconduct.

Committee's Recommendations:

That the provision in Clause 20 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 21: Penalties for unprofessional conduct, etc.

- (1) Where -
 - (a) A person registered under this Bill is adjudged by the Trial Board to be guilty of misbehavior or of any professional misconduct, or
 - (b) A person is convicted by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence whether or not punishable (with imprisonment) which is the opinion of the Trial Board is incompatible with the status of a member of the profession; or
 - (c) The Trial Board is satisfied that the name of any person had been fraudulently registered, the Trial Board may, if it thinks fit give recommendation to a sub-sequential meeting of the Council for an appropriate punishment either reprimanding that person or ordering the striking of his name off the relevant part of the Register.
- (2) The Trial Board may, if it think fit, defer it as to the giving of recommendation a sub-sequential meeting of the Trial Board; but -
 - (a) No decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
 - (b) No person shall be a member of the Trial Board for the purpose of reaching decision which had been deferred or further deferred, unless he was present as a member of the Trial Board when the decision was deferred.
- (3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted 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) A direction of the Trial Board under subsection (1) of this section shall take effect where -
 - (a) No appeal under this section is brought against the direction on the expiration of the time within an appeal against the direction ought to have been brought;
 - (b) An appeal is brought and is later either withdrawn or struck out for want of diligent prosecution; or
 - (c) An appeal is brought and is later withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with foregoing provisions of this subsection.
- (5) A person whose name is struck off shall not be entitled to be registered again except in pursuance of a direction in that behalf and a direction under this section for the striking off of a person's name from the Register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application from the date of the application) as may be specified in the direction.

Committee's Recommendations:

That the provision in Clause 21 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 22: Miscellaneous:

Any person not being a member of the Institute of Cost and Management Accountant of Nigeria incorporated under the Companies and Allied Matters Act 1, 1990 Part C (in this Bill referred to as "the Incorporated Institute") who but for this Bill would have been qualified to apply for and obtain membership of the Incorporated Institute may within the period of three months beginning from the commencement of this Bill, 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 registered according to his qualification.

Committee's Recommendations:

That the provision in Clause 22 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 23: Person qualified to practice as Cost and Management Accountant.

Subject to subsection (2) of this section a person shall be deemed to practice as a member of the profession if, in consideration of remuneration received or to be received and whether by himself or in partnership with any other person -

- (a) He engages himself in the practice of Accountancy or hold himself out to the public as a member of the Institute; or
- (b) He renders professional service or assistance in or about matters of the principle or detail relating to Accountancy;
- (c) He renders any other service which may be regulations made by the Council, be designed as service constituting Accountancy practice; or
- (d) Describe himself as Associate Cost and Management Accountant (Chartered);
- (e) Nothing in this section shall be construed as to apply to person who while in the employment or any Government, or engaged in commerce and industry perform the duties of an Accountant.

Committee's Recommendations:

That the provision in Clause 23 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 24: Rules as to practice, etc.

- (1) The Council may make rules -
 - (a) For the training of suitable persons in public accounting methods and practice;
 - (b) For the supervision and regulation of the engagement, training and transfer of such person;
 - (c) Prescribing the amount and date for the payment of the annual subscribing due;
 - (d) Prescribing the form of license to practice to be issued annually or, if the Council thinks fit by endorsement on an existing license; and
 - (e) Restricting the right to practice 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.
- (2) the Rules when made shall, if the Chairman of the Council directs, be published in the Gazette.

Committee's Recommendations:

That the provision in Clause 24 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 25: Provision for library facilities, etc.

The Institute shall -

- (a) Provide and maintain a library comprising books and publications for the advancement of knowledge accountancy, financial management cognate subjects as applied to all or any of the professional services provided by Accountant engaged in a public practice industry and commerce or the Civil Service and such other books and publications as the council may think necessary for the purposes;
- (b) Encourage research into financial management and such subject, as may be relevant to accountancy to the extend that the council may from time to time consider necessary.

Committee's Recommendations:

That the provision in Clause 25 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 26: Transfer to Institute of certain assets and liabilities.

- (1) Any regulation made pursuant to this Bill shall be publish in the Federal Government Gazette.
- (2) the Rules made for the purposes of this Bill shall be subject to confirmation by the Council convened for the purpose, and if annulled. Shall cease to have effect on the day after the date of the annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

Committee's Recommendations:

That the provision in Clause 26 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 27: Regulations and Rules.

- (1) All assets and liabilities held or incurred immediately before that day by or on behalf of the Incorporated Institute shall, by virtue if this Bill, and without further assurance, vest in the Institute.
- (2) The provision of the Third Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Incorporate Institute and with respect to the other matters mentioned therein.

Committee's Recommendations:

That the provision in Clause 27 be retained (*Senator Mohammed I. Ahmed*)—*Negated.*

Clause 28: Interpretation.

In this Bill -

"Accounting-in-training" means a candidate that has completed and passed final examination of the Institute and it engaged in practical experience programme;

"Institute" means the Chartered Institute of Cost and Management Accountant of Nigeria established by section 1 of this Bill"

"Hearing Panel" means Chartered Institute of Cost and Management Accountant Investigating Panel established under section 20 of this Bill;

"Fees" include annual subscription;

"Incorporated Institute" means Chartered Institute of Cost and Management Accountants of Nigeria incorporated under the Companies and Allied Matters Act (CAMA)'

"Trial Board" means Chartered Institute of Cost and Management Accountants of Nigeria disciplinary body established under section 19 of this Bill;

"Member of the Institute" means a registered member of the Institute;

"President" "1st Vice President" and "2nd Vice President" means respectively the office holders.

"Professional" means the profession of Public Accountancy;

"Graduate Public Accountant" means a person qualified by examination and serving as Accountant-in-training;

"Registrar" means the register maintained in pursuance of section 18, 19 and 20 of this Bill;

"Registrar" means the person charged with the responsibility for administration of the Institute under the Council;

"Subversive" means action(s), which may threaten the existence of the Institute.

Committee's Recommendations:

That the provision in Clause 28 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

Clause 29: Citation.

This Bill may be cited as the Institute of Cost and Management Accountants Bill, 2009.

Committee's Recommendations:

That the provision in Clause 29 be retained (*Senator Mohammed I. Ahmed*)—*Negatived.*

SCHEDULES

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of Office of Members of the Council

1. (1) Subject to the provisions of this paragraph a member of the council shall hold office for a period of three years beginning with the date of his appointment or nomination
- (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 nominated member of the Council may give notice in writing to the President to resign his office and any appointed members may with the consent of the Registrar in the same manner resign his office.

- (4) A person who retires from or otherwise ceases to be a nominated member of the Council and any appointed member may be reappointed.
- (5) Nominations to the Council shall be held in such manner as may be prescribed by rules made by the Council.
- (6) If for any reason a member of Council vacates office and such a member was appointed by the Registrar, the Registrar may appoint another fit person to fill that vacancy co-opt a fit person for such time as aforesaid.

Question that Paragraph 1 under head "Qualifications and Tenure of Office of Members of the Council" do stand part of the Supplementary Provisions to the Bill — (Senator Mohammed I. Ahmed)— Negatived.

Proceeding of the Council

2. (1) Subject to the provisions of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or of the Committee thereof.
- (2) The standing orders made under subparagraph (1) of this member and shall provide for decision to be taken by a majority of the members and, in the event of an equality of votes, the President or the Chairman shall have a second or casting vote.
- (3) Standing orders made for a committee shall be for the Committee to report back to the Council on any matter referred to it by the Council.
- (4) The quorum of the Council shall be five and the quorum of a Committee of the Council shall be determined by the Council.

Question that Paragraph 2 under head "Proceedings of the Council" do stand part of the Supplementary Provisions to the Bill — (Senator Mohammed I. Ahmed)— Negatived.

Meeting of the Institute

3. (1) The Council shall convene the meeting of the Institute on 31st March 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) Special meeting of the Institute may be convened by the Council at any time and if not less than twenty members of the Institute so requires, by notice in writing addressed to the Registrar of the Council setting out the object of the proposed meeting and the Chairman of the Council shall convene a special meeting of the Institute shall be fifty members.

Question that Paragraph 3 under head "Meeting of the Institute" do stand part of the Supplementary Provisions to the Bill — (Senator Mohammed I. Ahmed)— Negatived.

Meeting of the Council

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meeting whenever it is summoned by the Chairman and if the Chairman is required to do so by not less than five other members he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

- (2) At any meeting of the Council the President or in his absence the Vice President shall preside but if both absent, the Registrar/Chief Executive shall preside at the meeting.
- (3) Where council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such Council and shall not be entitled to vote at any meeting 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 convened after consultation with the Registrar/Chief Executive.

Question that Paragraph 4 under head "Meeting of the Council" do stand part of the Supplementary Provisions to the Bill — (Senator Mohammed I. Ahmed)— Negatived.

Committees

5. (1) The Council may appoint one or more committees 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 of whom not more than one third may be persons who are not members of the Council.
- (3) A person other than a member of the Council shall hold office on the Committee in accordance with the terms of the letter by which he was appointed.
- (4) A decision of a committee of the Council shall be no effect until it is confirmed by the Council.

Question that Paragraph 5 under head "Committees" do stand part of the Supplementary Provisions to the Bill — (Senator Mohammed I. Ahmed)— Negatived.

Miscellaneous

6. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Registrar/Chief Executive or of some other members of the Council authorized generally or specially by the Institute to act for that purpose.
- (2) Any contact 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 authorized to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the Institute shall unless, the contrary is proved be deemed to be so executed.
- (4) The validity of any proceedings of the Institute or the Council 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 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.
- (5) Any member of the Institute or 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 on behalf of the Institute or on behalf of the Council thereof shall forthwith disclose his

interest to the Registrar or to the Council, as the case may be, and shall not vote on any question relating to the contractor arrangement.

- (6) A person shall not be reason only of his membership of the Institute be treated as holding an office in the public service of the federation.

Question that Paragraph 6 under head "Miscellaneous" do stand part of the Supplementary Provisions to the Bill — (Senator Mohammed I. Ahmed)— Negatived.

SCHEDULE 2

SUPPLEMENTARY PROVISIONS RELATING TO THE TRIBUNAL AND TRIAL BOARD

The Disciplinary Tribunal

1. The quorum of the Disciplinary Tribunal shall be four of whom at least two shall be registered members.
2. (1) 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 rule to the person who is the subject of the proceedings;
 - (b) For determining who in addition to the person aforesaid shall be a party to the proceedings;
 - (c) For securing that any party to the proceedings shall, if he so requires be entitled to be heard by the Disciplinary Tribunal;
 - (d) For securing that any party to the proceedings may be represented by a legal practitioner;
 - (e) Subject to the provisions of section 12(5) of this Bill as to the costs of proceedings before the Disciplinary Tribunal.
 - (f) For requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional aspect that where the Disciplinary Tribunal adjusted that the allegation has not been proved it, shall record a findings that the person is not guilty of such conduct in respect of the matters to which the allegations relates; and
 - (g) For publishing in the Gazette notice of any direction of the Disciplinary Tribunal which has, taken effect providing that a person's name shall be struck off a register.
3. For the purposes of any proceedings before the Disciplinary Tribunal any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may sue out of the registry of the High Court writs of subpoenaed testificandum and dues tecum, but no person appearing before the Disciplinary Tribunal shall be compelled -
 - (a) To make any statement before Disciplinary Tribunal tending to incriminate himself; or
 - (b) To produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceeding before it, there shall be appointed by the Council on nomination of the Attorney-General of the Federation and shall be a Legal Practitioner of not less than seven years standing.
- (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing -
 - (a) That where an assessor advises the Disciplinary Tribunal on any question of law as to evidence procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear there at or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed that advice the assessor has tendered; and
 - (b) That every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal, does not accept and advise of the assessor on such a question as aforesaid.
5. 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 letter by which he is appointed.

Trial Board

6. (1) The quorum of the Trial Board shall be three.
- (2) the Trial Board may at any of its meeting attended by members of the Trial Board make standing orders with respect to the Tribunal.
- (3) Subject to the provisions of any such standing orders the Trial Board may regulate its own procedure.
7. (1) A person ceasing to be of the Disciplinary Tribunal or the Trial Board shall be eligible for appointment as a member of the Disciplinary Tribunal or Trial Board as the case may be.
- (2) A person may, if otherwise eligible be a member of both the Disciplinary Tribunal and Trial Board but no person who acted as a member of Trial Board with respect to any case shall act a member of the Disciplinary Tribunal with respect to that case.
8. The Disciplinary Tribunal or the Trial Board 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 was not entitled to do so took part in the proceedings of that body.
9. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Trial Board shall be served on the Register.
10. Any expenses of the Disciplinary Tribunal or the Trial Board shall be defrayed by the Institute (*Senator Mohammed I. Ahmed*)— *Negated*.

Transfer of function, etc.

2. (1) At its first meeting, the Council shall fix date (not less than six months after appointed day) for the annual meeting of the Institute.
- (2) The members of the Council of the Registered Institute shall be deemed to be the members of the Council of the Institute until the date determine in pursuance of the foregoing subparagraph when the institute shall have its first annual meeting and they shall cease to hold office at the conclusion of such meeting.
- (3) Any person on who immediately before the appointed day, held office as the President or Vice President of the Council of the Registered Institute by virtue of the articles of the Registered Institute shall on that day become the President or, as the case may be Vice President of the Institute and shall be deemed to have been appointed.
- (a) To that office in pursuance of the provision of this Bill corresponding to the relevant provision in the said articles of the Registered Institute; and
- (b) On the date on which he took office, in pursuance of the relevant provision of those articles.
- (4) The members of the Registered Institute shall as from the appointed day, register as members of the Institute, and without prejudice to the generality of this schedule relating to the transfer of property any person who immediately before the appointed day, was member of the staff of the Registered Institute shall on that day become the holder of an appointed with Institute with the status, designation and functions which correspond as nearly as may be those which appertained to him in his capacity as a member of the staff.
- (5) Any person being an office holder on or member of Council of the Registered Institute immediately before the appointed day and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council of the Institute and thereafter ceasing to hold 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 Incorporated Institute and in force immediately before the appointed day shall except in so far as they are subsequently revoked or amended by any authority having power in that behalf effect, with any necessary modifications, as if duly made for the corresponding purposes of the Institute

*Question that Schedules 3 Paragraphs 1 and 2 under head "Transitional Provisions as to Property, Etc." do stand part of the Bill — (Senator Mohammed I. Ahmed)—
Negated.*

Chairman to report Bill.**(SENATE IN PLENARY)**

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Chartered Institute of Cost and Management Accountants (CICMA) Bill 2009 and approved as follows:

- | | | |
|-----------------|---|---------|
| Clauses 1 - 10 | — | Negated |
| Clauses 11 - 20 | — | Negated |
| Clauses 21 - 29 | — | Negated |

Schedules — Negatived

Long Title — Negatived.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Bill accordingly rejected.

8. Police Act (Amendment) 1967 Cap P 19 2004 LPN (SB. 278) :

Motion made: That the Bill for an Act to further amend the Police Act 1967 Cap P 19 2004 LPN and for Matters Connected Therewith 2009 to be read the Second Time (*Senate Leader*).

Debate:

By leave of the Senate, Bill accordingly withdrawn (Rule 89).

9. National Food Reserve Agency Bill 2008 (SB.179):

Consideration of the Bill deferred to another Legislative Day.

10. Deoxyribonucleic Acid (DNA) Tests (Establishment, etc) Bill 2009 (SB. 269):

Consideration of the Bill deferred to another Legislative Day.

11. Adjournment:

Motion made: That the Senate do now adjourn till Thursday, 8th October, 2009 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1.25 p.m.

Dr. David A. B. Mark, GCON, *fnim*
President,
Senate of the Federal Republic of Nigeria.