



THE SENATE  
FEDERAL REPUBLIC OF NIGERIA

# **NATIONAL INSTITUTE OF CREDIT ADMINISTRATION (ESTABLISHMENT) BILL, 2022**

**(HB. 1018)**

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE OF CREDIT ADMINISTRATION TO ENSURE EFFECTIVE CREDIT MANAGEMENT PRACTICE AND SET STANDARDS AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BECOME PROFESSIONAL CREDIT MANAGERS IN NIGERIA; AND FOR RELATED MATTERS, 2022

FIRST READING

TUESDAY, 5<sup>TH</sup> OCTOBER, 2021

SECOND READING

TUESDAY, 21<sup>ST</sup> JUNE, 2022

THIRD READING AND PASSAGE

TUESDAY, 21<sup>ST</sup> JUNE, 2022

## National Institute of Credit Administration (Establishment) Bill, 2022



### *Arrangement of Clause*

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A BILL FOR AN ACT TO ESTABLISH THE NATIONAL INSTITUTE OF CREDIT ADMINISTRATION TO ENSURE EFFECTIVE CREDIT MANAGEMENT PRACTICE AND SET STANDARDS AND SKILLS TO BE ATTAINED BY PERSONS SEEKING TO BECOME PROFESSIONAL CREDIT MANAGERS IN NIGERIA; AND FOR RELATED MATTERS, 2022 (HB. 1018)

[ ]

Commencement

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

PART I — ESTABLISHMENT OF THE NATIONAL INSTITUTE OF CREDIT ADMINISTRATION

1. (1) There is established the National Institute of Credit Administration (in this Bill referred to as "the Institute").

Establishment of National Institute of Credit Administration and its objectives.

(2) The Institute shall have the objectives of —

- (a) serving as national body of expertise for matters relating to credit management;
- (b) setting professional standards and awarding professional qualifications in credit management;
- (c) testing and assessing those who wish to become members;
- (d) enhancing, promoting and protecting the interests of business credit providers and grantors;
- (e) enacting professional code of ethics on credit managers and their executives;
- (f) consulting with and making recommendations to the government, regulatory bodies, trade associations, academic community and other professional bodies on all matters relating to credit management;
- (g) providing range of services and programmes aimed at keeping Nigerian credit managers and their executives up-to-date by developing their professional skills, elevating their status and inculcating ethics in their service of managing credit for their employers, among others;
- (h) developing and maintaining sound and industry-driven credit management and administration educational programmes in Nigeria; and
- (i) maintaining high-level discipline and ethics among its members.

(3) The Institute —

(a) is a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its corporate name; and

(c) may acquire and dispose of interest in movable and immovable property.

2. (1) A person admitted to membership of the Institute shall be registered as a member of the profession in the category of —

Membership of  
the Institute.

(a) Fellow;

(b) Member;

(c) Associate;

(d) Graduate;

(e) Honorary Fellow;

(f) Corporate Member; or

(g) Student.

(2) Membership of the Institute is by direct entry, admission and examination only.

(3) A person accorded a status as a member of the Institute is entitled to the use of that name and shall be registered as —

(a) a Fellow, if he is —

(i) at least 30 years of age with at least five years relevant professional working experience and has been an Associate Member in good standing;

(ii) the holder of a certificate of the examination of the Institute or an approved professional qualification; and

(iii) considered by the Council to be a fit and proper person to be so registered;

(b) a Member, if he is —

(i) at least 25 years of age and has at least three years relevant professional working experience;

(ii) the holder of a certificate of the examination of the Institute or approved

academic and professional qualification; and

(iii) considered by the Council, to be a fit and proper person to be so registered;

(c) an Associate, if he is —

(i) at least 20 years of age and has at least two years relevant professional working experience and personally engaged in matters relating to credit management and administration;

(ii) the holder of a certificate of the examination of the Institute or approved academic and professional qualification, and has been a credit management graduate student for a continuous period of at least 12 months; and

(iii) considered by the Council to be a fit and proper person to be so registered;

(d) a Graduate if, as a student of the Institute, upon the completion of the Institute's professional examinations or approved academic and professional qualification, he is eligible to become a graduate, associate or member;

(e) an Honorary Fellow if, by a resolution of the Council, he is admitted as an Honorary Fellow of the Institute;

(f) Corporate Members which include business or commercial credit grantors, corporate bodies and such other organisations or associations duly admitted by the Institute; or

(g) a student if he is a person duly registered by the Council as a student member.

(4) The designatory letters of the Institute for —

(a) Fellow of the National Institute of Credit Administration shall be "FICA";

(b) Member of the National Institute of Credit Administration shall be "MICA";

(c) Associate of the National Institute of Credit Administration shall be "AICA"; and

(d) Honorary Fellow of the National Institute of Credit Administration shall be "FICA".

3. The Institute shall control and supervise the profession of credit management and administration (in this Bill referred to as "the profession"), in Nigeria.

Control and  
supervision of  
credit  
management  
and  
administration

profession.

4. (1) The Institute shall, subject to section 1 (2) of this Bill —

Functions of  
the Institute.

(a) determine what standards of knowledge and skills are to be attained by persons seeking to become members of the profession and improving those standards as circumstances may permit;

(b) secure, in accordance with the provisions of this Bill, the establishment and maintenance of a register of fellows, members, associates, honorary fellows and retired members of the profession and the publication of lists of those persons;

(c) maintain integrity, honesty and ethics which are the hallmarks of credit management profession, amongst members of the Institute and persons seeking to become members of the Institute;

(d) encourage and advance education, practical training, and research into the profession; and

(e) conduct examinations in the profession and award certificates or diplomas to successful candidates as appropriate, and, for such purposes the Institute shall prescribe fees to be paid in respect of the examinations and award of certificates.

(2) The Institute is the supervisory authority for this Bill and shall, for that purpose —

(a) register and regulate credit management professional practice activities, and control and supervise their activities with a view to maintaining proper standards of conduct and acceptable credit administration practices;

(b) make rules consistent with the provisions of this Bill, for the proper functioning of institutions under this Bill;

(c) protect the integrity of credit management system in Nigeria against any abuse;

(d) impose penalties for the breach of any provision of this Bill and regulations made under the Bill; and

(e) perform other functions and undertake such other activities as are necessary or expedient for giving full effect to the provisions of this Bill and that may not have been specified under this Bill.

5. (1) There shall be a President and a Vice-President of the Institute, who are Fellows of the Institute, to be elected by members of the Institute at the Institute's Annual General Meeting and shall each hold office for not more than two years from the date of election.

President,  
Vice-President  
and Treasurer  
of the  
Institute.

(2) The President, is the Chairman at each general meeting of the Institute, but in the event of death, incapacity or inability for any reason of the President to discharge his duty, the Vice-President shall act in his stead for the unexpired portion of the term of the office, or as the case may require, and reference in this Bill to the President shall be construed accordingly.

(3) The President is the Chairman of the Council, and the Vice-President shall be the Vice Chairman, of the Council.

(4) 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.

(5) There shall be a Treasurer of the Institute, who shall be a fellow of the Institute, to be elected by members of the Institute at the Institute's Annual General Meeting and shall hold office for a term of two years from the date of election.

6. (1) There is established a Governing Council for the Institute (in this Bill referred to as "the Council") charged with responsibility for the policy matters of the Institute.

Establishment  
of Governing  
Council.

(2) The Council shall consist of the following members, who shall be Fellows, Members, or Associates of the Institute appointed or elected, as the case may be —

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

(b) the Vice-President of the Institute, who shall be Vice Chairman on rotation;

(c) the Founding member of the Institute;

(d) the Treasurer of the Institute;

(e) past Presidents of the Institute who are entitled to serve on the Council for a maximum term of three years from the expiration of their terms of office as Presidents;

(f) the Registrar of the Institute;

(g) the Permanent Secretary of the Federal Ministry responsible for Industry, Trade and Investment to represent the Ministry in the Council; and

(h) a maximum of three other persons comprising individuals and corporate organisations of impeccable character.

(3) The members of the Council shall be appointed by members of the institute at the Annual General Meeting.

(4) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters mentioned in the Schedule.

(5) Regulations made by the Council may provide for an increase or reduction in the membership of the Council, and as the Council considers expedient for the purposes of, or in consequence of, the increase or reduction.

## PART II — FINANCIAL PROVISIONS

7. (1) There is established for the Institute a fund (in this Bill referred to as "the Fund") which shall be managed and controlled by the Council.

Fund of the  
Institute.

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

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

(b) such money held by the National Institute of Credit Administration incorporated under the Companies and Allied Matters Act (in this Bill referred to as "the Incorporated Institute") when it ceases to exist as provided for in this Bill;

(c) all money received by the Institute in the course of performing its functions and operations; and

(d) all annual subscription fees of members.

(3) There shall be paid out of the Fund —

(a) all expenditure incurred by the Institute in the performance of its functions under this Bill;

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

(c) such reasonable traveling and subsistence allowances of the Chief Executive Officer and other Council members of the Institute in respect of the time spent on the duties of the Institute as the Council may determine.

(4) The Institute may invest money from the Fund in any security created or issued by, or on behalf of, the Federal Government or in any other security in Nigeria.

(5) The Council may borrow money for the purposes of the Institute, and any interest payable on money so borrowed shall be paid out of the Fund.

(6) 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 by it, and when audited, the accounts shall be submitted to the members of the Institute at a general meeting of the Institute for approval.

(7) An auditor appointed for the purposes of this section shall not be a member of the Council.

(8) The Council shall —

(a) not later than 12 months after its establishment and once in each year thereafter, submit a report on the activities of the Institute during the last preceding year, to the members of the Institute at a general meeting of the Institute for approval; and

(b) include in the report a copy of the audited accounts of the Institute for that year and of the auditor's report on the account.

### PART III — ASSETS AND LIABILITIES

8. (1) On the commencement of this Bill —

Transfer of  
assets and  
liabilities.

(a) the Incorporated Institute shall cease to exist;

(b) all assets and liabilities held or incurred immediately before that date by or on behalf of the Incorporated Institute shall, by virtue of this Bill, vest in the Institute established under this Bill and be held by it for the purposes of the Institute; and

(c) subject to subsection (2), any act or thing made or done by the Incorporated Institute is deemed to have been made or done by the Institute.

(2) The provisions of the Second 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 Incorporated Institute and with respect to the other matters mentioned in the Schedule.

### PART IV — APPOINTMENT OF THE REGISTRAR AND THE REGISTER

9. (1) The Council shall appoint a person, who is a member of the Institute with at least 10 years working experience with the Institute, to be the Registrar of the Institute for the purposes of this Bill and such other persons as the Institute may deem necessary.

Registrar and  
other staff of  
the Institute.

(2) The Registrar shall, in addition to his other functions under this Bill, be the Secretary to the Institute and shall, on the instructions of the Chairman of the Council or of any committee, convene general meetings of the Institute or of any committee and keep minutes of the proceedings at all meetings as the case may be.

(3) The Registrar is the Chief Executive Officer of the Institute and shall report to the Council.

(4) The Council may, whenever the Registrar is absent or is unable for any other reason perform the functions of his office, appoint an acting Registrar who has the same qualifications as in subsection (1) to perform those functions.

(5) The Registrar shall hold office for the period which is determined by the Council of the Institute.

**10.** (1) The Registrar shall prepare and maintain, in accordance with the rules made by the Institute, a register of names, addresses, approved qualifications and such other particulars, as may be specified in the rules, of all persons who are entitled, in accordance with the provisions of this Bill, to be registered as members of the profession in the category of fellows, members, associates, graduates, students, corporate members, honorary members, honorary fellows, retired members and, who, in the manner prescribed by such rules, apply to be so registered.

Register of  
members.

(2) The register shall consist of seven parts of which the —

- (a) first part is in respect of fellows;
- (b) second part is in respect of members;
- (c) third part is in respect of associates;
- (d) fourth part is in respect of graduates;
- (e) fifth part is in respect of honorary fellows;
- (f) sixth part is in respect of corporate members; and
- (g) seventh part is in respect of students.

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

- (a) regulate the making of applications for registration and provide for the evidence to be produced in support of such applications;
- (b) provide for the notification to the Registrar, by the person to whom the registered particulars relate, of any change in those particulars;
- (c) specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names in the register, and authorise the Registrar to refuse to enter a name in the register until the fees specified for the entry has been paid; and
- (d) specify anything not specified under this section.

(4) Rules made for the purposes of subsection (3) (c), shall not come into force until they are confirmed at a special meeting of the Institute.

**11. (1) The Registrar shall —**

Powers of the Registrar.

(a) correct, in accordance with the directives 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) make any necessary alteration to the registered particulars of registered persons;

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

(d) re-register members who defaulted in payment of their subscription fees where such fees are paid up in full; and

(e) remove the names of deceased members from the register as may be directed by the Council.

**(2) 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 six months from the date of posting it; and

(b) upon the expiration of the period specified under paragraph (a), sends, in a like manner to the person in question, a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register, and the Council may, for any reason which seems to it sufficient, direct the Registrar to restore, to the appropriate part of the register the particulars removed from the register under this subsection.

**12. (1) The Registrar shall —**

Publication of register and list of corrections.

(a) cause the register to be printed, published and put out on sale to members of the public not later than two years from the coming into effect of this Bill;

(b) in each year, after that in which a register is first published under paragraph (a),

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 since it was last printed;

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

(d) keep the register and lists so deposited available, at all reasonable times, for inspection by members of the public.

(2) A document purporting to be a print of an edition of the register —

(a) published under this section by authority of the Registrar; or

(b) list of corrections to that edition so published,

shall, without prejudice to any other mode of proof, be admissible in any proceeding as evidence that a person specified in the document, or documents read together as being registered, was so registered at the date of the edition or list of corrections, and that any person not specified was not so registered.

(3) Where, in accordance with subsection (2), a person in any proceeding, is 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 continued to be or not to be so registered.

#### PART V — REGISTRATION

13. (1) Subject to section 14 and rules made under section 10 (3), a person is entitled to be registered as a member of the profession if he —

Registration of  
members.

(a) passes the qualifying examination for registration recognised or conducted by or for the Institute under this Bill and completes the practical training prescribed; or

(b) holds a qualification granted and for the time being accepted by the Institute and satisfies the Institute that he has sufficient practical experience as a member of the profession.

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

(a) is of good character; and

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

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

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

(5) The Council shall publish in the Federal Government Gazette, particulars of qualifications for the time being acceptable for registration by the Institute.

14. (1) The Council may approve any institution for the purposes of this Bill and any —

Approval of  
qualifications.

(a) course of training at any approved institution which is intended for persons seeking to become or are already credit managers or executives and which the Institute considers is designed to confer on persons completing it sufficient knowledge and skill for admission into the Institute; or

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

(2) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing the approval, the Institute shall —

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Institute to be persons by whom the course is conducted or the qualification is granted or the institution is controlled;

(b) afford such person an opportunity of making representations to the Institute with regard to the proposal; and

(c) take into consideration any representation made as regards the proposal under paragraph (b).

(3) As regards any period during which the approval of the Institute 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, the withdrawal of the approval shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or eligible for registration immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Institute may specify in the instrument, and the Institute shall publish a copy of such instrument in the Federal Government Gazette.

15. (1) The Registrar shall supervise and keep the Council informed of the nature of —

Supervision of instructions.

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

(b) the examination as a result of which approved qualifications are granted, and, for the purposes of discharging that duty, the Registrar may appoint persons to visit approved institutions or observe such examinations.

(2) The person appointed under subsection (1) shall report to the Council on —

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

(b) the adequacy or otherwise of the examinations conducted at any institution inspected by him; and

(c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no person shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made under this section, the Council may, if it deems fit and shall, if so required by the Institution, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, or at least one month beginning with the date of the request.

16. The Registrar of the Institute and Chairman of the Council are a joint signatory to a certificate awarded by the Institute.

Joint signatory.

17. The Institute may grant advanced and higher professional diploma certificates and awards in credit management either solely or jointly with other institutions.

Power to grant diplomas.

## PART VI — PROFESSIONAL DISCIPLINE

### *Panel*

18. (1) There is established the National Institute of Credit Administration Investigating Panel (in this Bill referred to as "the Panel") charged with the duty of —

Establishment of investigating panel and disciplinary tribunal.

(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 credit manager or executive 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.

(2) The Council shall appoint the members of the Panel which shall consist of —

(a) four members of the Council; and

(b) one member who is not a member of the Council.

#### *Tribunal*

(3) There is established the National Institute of Credit Administration Disciplinary Tribunal (in this Bill referred to as "the Tribunal") charged with the duty of considering and determining any case referred to it by the Panel, and any other case of which the Tribunal has cognisance under this Bill.

(4) The Tribunal shall consist of —

(a) the Chairman who shall be the Vice-President of the Institute; and

(b) three members of the Council appointed by the Council, and three other members who are not members of the Council appointed by the Council.

(5) The provisions of the Third Schedule to this Bill shall have effect on the Panel and Tribunal respectively.

(6) The Council may make rules consistent with this Bill as to acts which constitute professional misconduct.

19. (1) Where —

(a) a person registered under this Bill is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect;

(b) a person registered under this Bill is convicted in Nigeria or elsewhere by any court or tribunal having power to award punishment for 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 member of the profession; or

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

Penalties for  
unprofessional  
conduct.

registered,

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

(2) The Tribunal may, if it deems fit, defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Tribunal.

(3) A decision of the Tribunal shall not be deferred under subsection (2) for periods exceeding one year in the aggregate.

(4) A person shall not be a member of the Tribunal for the purposes of reaching a decision which has been deferred unless he was present as a member of the Tribunal when the decision was deferred.

(5) For the purposes of subsection (1) (b), a person should not be treated as convicted as mentioned unless the conviction starts at a time when no appeal is pending or may, without extension of time, be brought in connection with the conviction.

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

(7) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of direction, appeal against the direction to the Federal High Court 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 proceedings before the Federal High Court, the Tribunal is deemed to be a party to the proceeding whether or not it appears on the hearing of the appeal.

(8) A direction of the Tribunal given under subsection (1) takes effect where —

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

(b) the appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or

(c) the appeal is brought and is not withdrawn or struck out, if the appeal is dismissed, and shall not take effect except in accordance with the provisions of this subsection.

(9) A person whose name is removed from the register, under a direction of the Tribunal is not entitled to be registered again except under a direction given by the Tribunal on the application of



that person.

(10) A direction under this section for the removal of a person's name from the register may prohibit an application under subsection (9) by that person until the expiration of such period from the date of the direction, and where he has duly made such an application, from the date of his last application or as may be specified in the direction.

#### PART VII — MISCELLANEOUS AND GENERAL PROVISIONS

**20.** (1) A person, not being a member of the Incorporated Institute, who, but for this Bill, would have been qualified to apply for and obtain membership of the Incorporated Institute may, within three months from the commencement of this Bill, apply for the membership of the Institute in such a manner as may be prescribed by the Institute.

Application of the Act to certain persons.

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

**21.** (1) Subject to subsection (2), a person is deemed to practice as a chartered member of the profession if, in consideration of remuneration received or to be received and whether by himself or in partnership with any person, he —

When persons are deemed to practice as chartered members of the profession.

(a) engages himself in the practice of the profession or holds himself out to the public as a member of the profession;

(b) renders any other service or assistance or about matters of principle or detail relating to the profession; or

(c) renders any other service which may, by regulations made by the Institute, be designated as service constituting practice as a chartered member of the profession.

(2) Nothing in this section is construed to apply to persons who, while in the employment of any government, are required, under the terms or in the course of such employment, to discharge the duties or any of the duties of the profession.

**22.** The Council may make rules for the training of suitable persons who are to be registered members of the profession in credit management and administrative methods.

Rules as to practice.

**23.** The Council shall provide and maintain a library comprising of books and publications for the promotion and advancement of credit management and administration, and such other books and publications as the Council may deem necessary for the purpose of encouraging research into credit management and administration.

Provision and maintenance of library and research facilities.

24. (1) Any regulation made under this Bill shall be published in the Federal Government Gazette.

Regulations.

(2) Regulations made for the purposes of this Bill, are subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for the purpose, and, if then revoked, shall cease to have effect on the day of revocation, but without prejudice to anything done in pursuance of such regulations.

25. (1) A person who, for the purpose of procuring the registration of any name, qualification or other matter —

Offences and penalties.

(a) makes a statement which he believes to be false; or

(b) recklessly makes a statement which is false,

commits an offence.

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

(3) In the case of a person falling within section 20 —

(a) the provision of section 20 (1) does 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 unless within that period he is notified that his application has not been approved, the provision of section 23 (1) does not apply in respect of anything done by him between the end of that period and the date on which he is registered or notified.

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

(5) A person who commits an offence under this section is liable —

(a) on summary conviction, to a fine not exceeding ₦100,000; or

(b) on conviction on indictment, to a fine not exceeding ₦145,000 or to imprisonment for a term not exceeding two years, or both.

(6) Where an offence under this section is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate are deemed to

have committed that offence and are liable to be proceeded against and punished accordingly.

**26. In this Bill —**

Interpretation.

"Council" means the Governing Council established under section 6 (1) of this Bill;

"fees" includes annual subscriptions;

"founding member" means the founding Registrar of the Institute or his Agent;

"Incorporated Institute" means the National Institute of Credit Administration incorporated under the Companies and Allied Matters Act;

"Institute" means the National Institute of Credit Administration established under section 1 (1) of this Bill;

"Member of the Institute" means a registered fellow, member, associate, graduate, honorary fellow, corporate member or student member, and "membership of the Institute" is construed accordingly;

"Panel" means the National Institute of Credit Administration Investigating Panel established under section 18 (1) of this Bill;

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

"profession" means the profession of chartered credit management and administration;

"register" means the register prepared and maintained under section 10 of this Bill; and

"Tribunal" means the National Institute of Credit Administration Tribunal established under section 18 (3) of this Bill.

**27. This Bill may be cited as the National Institute of Credit Administration (Establishment) Bill, 2021.** Citation.

## SCHEDULES

### FIRST SCHEDULE

*Section 6 (4)*

### 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 not more than two years beginning from the date of his appointment or election.
- (2) In the case of a person who is a member by virtue of having been President of the Institute, he shall hold office for not more than three years from the date he ceases to be President of the Institute.
- (3) Any member of the Institute who ceases to be a member shall, if he is also a member of the Council, cease to hold office of the Council.
- (4) Any elected member may, by notice in writing signed by him and addressed to the President of the Institute, resign his appointment.
- (5) A person who retires from, or ceases to be an elected member of, the Council is eligible again to become a member of the Council.
- (6) Members of the Council shall, at their next meeting before the annual general meeting of the Institute, arrange for the 21 members of the Council appointed or elected and the four longest in office to retire at the Annual General Meeting.
- (7) Elections to the Council is held in such manner as may be prescribed by regulations made by the Council, and, until so prescribed, they shall be decided by secret ballot.
- (8) If, for any reason, there is 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 Annual General Meeting of the Institute appears to warrant the filling of the vacancy, co-opt a fit person for the unexpired term.

### *Powers of Governing Council*

2. The Council may do anything which, in its opinion, is calculated to facilitate the carrying on of the activities of the Institute.

### *Standing Orders*

3. (1) Subject to the provisions of this Bill, the Council may —
  - (a) in the name of the Institute, make standing orders regulating the proceedings of the Institute, and Council; and
  - (b) exercise its powers to set up Council standing committees and regulate their activities.
- (2) Standing orders shall provide that decisions shall be taken by majority of the members, and, in the event of equality of votes, the President of the Institute or the Chairman, as the case may be, shall have a casting vote.

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

(4) The quorum of the Council is seven and the quorum of a committee of the Council is as determined by the Council.

#### *Meetings of the Institute*

4. (1) The Council shall convene the Annual General Meeting of the Institute on 30th April in every year or on such other day as the Council may appoint, but if the meeting is not held within one year after the previous meeting, not more than 15 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 at least 20 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 is one-fourth of its members or 20 members, whichever is smaller and that of any special meeting of the Institute shall be 15 members.

#### *Meetings of the Governing Council*

5. (1) Subject to the provisions of any standing order 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 at least seven other members, he shall summon a meeting of the Council to be held within 14 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-President (Vice-Chairman) shall preside, but if the Vice-President is absent, the members present at the meeting shall appoint one of them 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 deems fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Council and shall not count towards a quorum.

(4) The Chairman of the Council shall summon the first meeting of the Council not later than 30 days after its inauguration.

#### *Committees*

6. (1) The Council may set up one or more committees to carry out, on behalf of the Institute or Council, such functions as the Council may determine.

(2) A committee set up under this paragraph shall consist of a number of persons determined by the Council, of whom not more than one-third are persons who are not members of the Council, and a person, other than a

member of the Council, shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

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

#### *Miscellaneous*

7. (1) The fixing of the seal of the Institute is authenticated by the signature of the President or another 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 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 Institute shall be received in evidence and is, unless the contrary is proved, deemed to be so executed.

8. The validity of any proceeding of the Institute, Council or a committee of the Council is not adversely affected by —

(a) any vacancy in the membership;

(b) any defect in the appointment of a member of the Institute or Council or of a person to serve on the committee; or

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

9. Any member of the Institute or Council, and any person holding office on a committee 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 or a committee, shall disclose his interest to the President or Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

### SECOND SCHEDULE

*Section 8 (2)*

#### TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

##### *Transfer of Assets and Liabilities*

1. (1) Every agreement to which the Incorporated Institute of Credit Administration was a party immediately before the commencement of this Bill, 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 Incorporated Institute, shall, unless its

term or subject matter makes it impossible that it should have effect as modified in the manner provided under this subparagraph, have effect from the commencement of this Bill as it relates to assets and liabilities transferred by this Bill to the Institute established by this Bill, as if —

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

(b) for any reference (however worded) to the Incorporated Institute, there were substituted in respect of anything not done on or after the commencement of this Bill, a reference to the Institute established by this Bill;

(c) for any reference (however worded) to a member or members of the Council of the Incorporated Institute or an officer of the Incorporated Institute, there are substituted, in respect of anything not done on or after the commencement of this Bill, a reference to a member or members of the Council under this Bill; or

(d) if the law in force at the place where any property transferred by this Bill is situate provides for the registration or transfer of property of the kind in question, (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property, and the Council shall furnish the necessary particulars of the transfer to the proper officer of the registration authority, and the officer shall register the transfer accordingly.

(2) Other documents which refer, whether specially or generally, to the Incorporated Institute are considered in accordance with subparagraph (1) so far as applicable.

(3) Without prejudice to the generality of the provisions of this Schedule, where, by the operation of section 8 of this Bill, any right, liability or obligation vests in the Institute established by this Bill, the Institute established by this Bill and all other persons shall, as from the commencement of this Bill, have the same rights, powers and remedies and, in particular, the same rights as to the taking, making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation as they would have if it had at all times been a right, liability or obligation of the Institute.

(4) Any legal proceeding or application to any authority pending at the commencement of this Bill, by or against the Incorporated Institute and relating to assets or liabilities transferred by this Bill to the Institute, may be continued on or after that day.

2. On the commencement of this Bill, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute on the same terms and condition as to tenure and otherwise, but is not entitled to receive remuneration both from the Incorporated Institute and the Institute in respect of the same period of service

3. All members of the Institute shall, on the commencement of this Bill, become members of the Institute of Credit Administration.

4. All regulations, rules and similar instruments made for the purposes of the Incorporated Institute and in force immediately before the coming into force of this Bill shall, except they are subsequently revoked or amended by any authority having power in that behalf, have effect with any necessary modification as if they are duly made for the corresponding purpose of the Institute.

### THIRD SCHEDULE

*Section 18 (5)*

#### SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL OF THE TRIBUNAL

1. The quorum of the Tribunal shall be four members of whom at least two are members of the profession.
2. (1) The Attorney-General of the Federation may make rules as to the selection of members of the Tribunal for the purposes of any proceeding, the procedure to be followed and the rules of evidence to be observed in the 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 mentioned, is the party to the proceedings;
  - (c) for securing that any party to the proceedings is, if so required, entitled to be heard by the Tribunal;
  - (d) subject to the provisions of section 19 (7) of this Bill, as to the costs of proceedings before the Tribunal, any member seeking redress at the Tribunal shall bear the cost of the proceedings;
  - (e) for requiring, in a case where it is alleged that the person who is the subject of the proceeding 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; and
  - (f) for publishing, in the Federal Government Gazette, a notice of any direction of the Tribunal which has taken effect provided that a person's name shall be struck off a register.
- (2) For the purposes of any proceeding before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceeding may issue, out of the Registry of the Federal High Court writs of subpoena ad testificandum and duces tecum, but no person appearing before the Tribunal shall be compelled to —
  - (a) make any statement before the Tribunal tending to incriminate himself; or



(b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.

3. (1) For the purpose of advising the Tribunal on questions of law arising in the proceedings before it, there shall in all the proceedings be an assessor to the Tribunal who is —

(a) appointed by the Council on the nomination of the Attorney-General of the Federation; and

(b) a legal practitioner of at least 10 years standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and such rules shall contain provisions for securing that —

(a) where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears at the proceeding or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as mentioned shall be informed what advice the assessor has tendered; and

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

(3) An assessor may be appointed under this paragraph either generally or for any particular proceeding 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*

4. The quorum of the Panel is three.

5.(1) The Panel may, at any of its meetings attended by at least five members of the Panel, make standing orders with respect to the Panel.

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

#### *Miscellaneous*

6. (1) Any person appointed as a member of the Panel or Tribunal shall serve for a term of two years.

(2) A person who ceases to be a member of the Tribunal or Panel is eligible for re-appointment as a member of that body, but no person can serve more than four years.

(3) A person may, if eligible, be a member of both the Tribunal and 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.

7. The Tribunal or Panel may act notwithstanding any vacancy in its membership, and the proceedings of either body is not invalidated by any irregularity in the appointment of a member of that body, or subject to paragraph 6 (2), by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

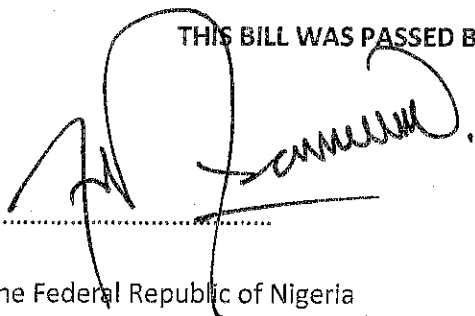
8. Any document authorised or required by virtue of this Bill to be served on the Tribunal or Panel shall be served on the Registrar of the Institute appointed under section 9 (1).

9. All expenses of the Tribunal or Panel shall be defrayed by the Institute.

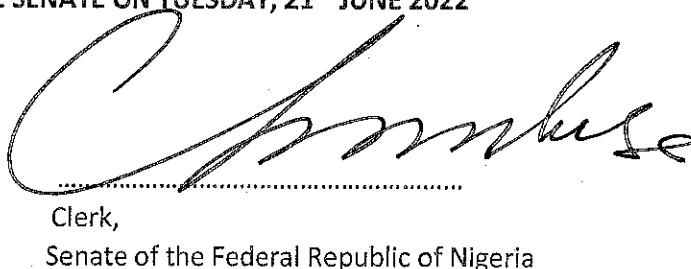
#### EXPLANATORY MEMORANDUM

This Bill establishes the National Institute of Credit Administration to regulate the credit management practice and set standards and skills to be attained by persons seeking to become professional credit managers in Nigeria.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 21<sup>ST</sup> JUNE 2022



.....  
President,  
Senate of the Federal Republic of Nigeria



.....  
Clerk,  
Senate of the Federal Republic of Nigeria