

COUNSELING PRACTITIONERS COUNCIL OF NIGERIA BILL, 2019

ARRANGEMENT OF SECTIONS

*Section:*

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1 conduct among members of the Profession;

2 (d) organize and conduct seminars, workshops, conferences and  
3 research in all aspects of counseling management and administration; and also  
4 provide professional training for persons aspiring to qualify and practice as  
5 chartered Counsellors in Nigeria;

6 (e) Secure the professional status and do all such things as may be  
7 necessary to promote the interest of its members and the advancement of the art  
8 and science of Counselling, knowledge and efficiency in Counselling  
9 management and administration in the public and private sectors of the  
10 Nigerian economy;

11 (f) perform such other functions as may be required of the Council  
12 under this Act.

Establishment  
of Governing  
Board

13 **3.-(1)** There is established for the Council, a Governing Board ( in this  
14 Act referred to as "the Board") which shall be charged with the responsibility  
15 for Policy making, administration and general management of the Council.

16 (2) The Board shall consist of:

17 (a) the President and Vice-President of the Council;

18 (b) the Registrar;

19 (c) one person to be nominated by the Minister for education charged  
20 with the responsibility of matters relating to counselling to represent the  
21 Ministry;

22 (d) six persons with professional background in counselling to be  
23 appointed by the Minister to represent each geopolitical zone of Nigeria, no  
24 two of them shall come from the same State;

25 (e) six persons appointed by the Counselling Association of Nigeria  
26 (CASSON); and

27 (f) two persons to represent the universities offering courses leading  
28 to approved qualification in Guidance and Counselling and a university shall  
29 not have more than one representative at a time.

1 (3) The provisions of the First Schedule to this Act shall have effect First Schedule  
2 with respect to the qualification, tenure of office of members of the Council,  
3 powers and procedure of the Council and other matters.

4 PART II - FINANCIAL PROVISION

5 4.-(1) There is established for the Council a fund (in this Act Funds of the  
6 referred to as "the Fund") which shall be controlled by the Board. Institute

7 (2) The Fund shall consist of:

8 (a) all fees and other moneys payable to the Council under this Act;  
9 and

10 (b) money as may be payable to the Council whether in the course  
11 of the performance of its functions or not.

12 (3) There shall be paid out of the Fund:

13 (a) the remuneration and allowances of the Registrar and other  
14 employees of the Council;

15 (b) such reasonable travelling and subsistence allowance of  
16 members of the Council in respect of the time spent on the business of the  
17 Council as the Council may approve;

18 (c) any other expenses approved and incurred by the Council in the  
19 discharge of its functions under this Act.

20 (4) The Council may invest money in the Fund in any security  
21 created or issued by or on behalf of the Government of the Federation or in  
22 any other securities in Nigeria approved by the Board.

23 (5) The Council shall keep proper accounts on behalf of the Board  
24 in respect of each financial year and proper records in relation to those  
25 accounts, and the Board shall cause the accounts to be audited by an Auditor,  
26 approved for that purpose and when the accounts is audited, the Auditor's  
27 report shall be submitted to the Members of the Board, for approval at a  
28 meeting of the Board.

29 PART III - THE REGISTRAR AND THE REGISTER

30 5.-(1) The Board shall appoint a fit and proper person to be

Appointment of  
the Registrar, etc,  
and preparation  
of Register

1 Registrar of the Council for the purpose of this Act.

2 (2) The Registrar shall:

3 (a) hold office for four years; and

4 (b) subject to satisfactory performance, be eligible for re-appointment  
5 for another four years and no more.

6 (3) The Registrar shall prepare and maintain in accordance with the  
7 rules made by the Council under this section, a Register of Professional  
8 Counsellors (in this Act referred to as "the Register").

9 (4) The Register shall contain the names, addresses, approved  
10 qualifications and other particulars as may be specified by the Council, of all  
11 persons who are entitled, in accordance with the provisions of the Act, to be  
12 registered as Professional Counsellors and who apply in the specified manner,  
13 to be so registered.

14 (5) The Register shall consist of:

15 (a) fully registered persons; and

16 (b) provisionally registered persons.

17 (6) Subject to the provision of this section, the Council shall make  
18 rules with respect to the formal keeping of the register and the making of entries  
19 in the Register, and in particular:

20 (a) making of applications for registration and provide for the  
21 evidence to be produced in support of an application;

22 (b) providing for the notification to the Registrar, by the person to  
23 whom the registered particulars relate, of any change in those particulars;

24 (c) authorising a registered person to have any qualification which is  
25 registered in relation to his name in addition to or, as he may elect in  
26 substitution for any other qualification so registered as either a corrected  
27 edition of the register or a list of alteration made to the Register since it was last  
28 printed; and

29 (d) specifying anything failing to be specified under the provisions of  
30 this section.

1 (7) The Registrar shall:

2 (a) correct, in accordance with the Council's direction, any entry in  
3 the register, which the Council directs him to correct as being in the  
4 Council's entry, which was incorrectly made;

5 (b) make any necessary alteration to the registered particulars of  
6 registered persons; and

7 (c) remove from the relevant part of the Register, the name of any  
8 registered person who has died, or ceased to be entitled to be registered.

9 (8) If the Registrar:

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

14 (b) upon the expiration of the six months, sends in like manner to  
15 the person in question, a second letter and receives no reply to that letter  
16 within three months from the date of posting the letter, the Registrar may  
17 remove the particulars relating to the person in question from the relevant  
18 part of the register.

19 (9) The Council may, for any reason which seems to be sufficient,  
20 direct the Registrar to restore to the appropriate part of the Register any  
21 particulars removed under this section.

22 **6.-(1)** The Register shall:

23 (a) cause a list of persons whose name and qualifications are  
24 indicated in the register to be printed, published and put on sale to members  
25 of the public not later than two years from the beginning of the year in this  
26 Act comes into effect;

27 (b) in each year, after the Register is first published under  
28 paragraph (a), cause to be printed, published and put on sale as either a  
29 corrected edition of the register or a list of alterations made to the register  
30 since it was last printed; and

Publication of  
the Register

1 (c) cause a print of each edition of the Register and list of correction to  
2 be deposited at the principal office of the Council and the Council shall keep  
3 the Register and list so deposited at all reasonable times for inspection by  
4 members of the public.

5 (2) A document purporting to be a print of an edition of a Register  
6 published:

7 (a) under this section by authority of the Registrar in the current year;

8 (b) in a previous year and a list of corrections to that edition so  
9 published in the current year, shall, without prejudice to any other mode of  
10 proof, be admissible in any proceeding as evidence that a person specified in  
11 the document, as being fully or provisionally registered, is so registered, and  
12 that any person not so specified is not so registered.

Registration

13 7.-(1) Subject to the provision of this Act and to rules made under  
14 section 6, a person shall not be entitled to be fully registered under this Act as a  
15 Professional Counsellor, unless:

16 (a) he has attended a course of training approved by the Council under  
17 section 9;

18 (b) he has passed the Professional practice competence examination  
19 conducted by the Association and moderated by the Council; and

20 (c) he is a certified member of the Association;

21 (d) he renders professional service or assistance in or about matters of  
22 principles or details relating to counselling management and administration: or

23 (e) He renders other service which may by rules or Bye-Laws made  
24 by the Council be designated as service constituting practice as a professional  
25 counseling Administration practitioner.

26 (2) An Applicant for registration under this Act shall, in addition to the  
27 evidence of qualification, satisfy the Council that:

28 (a) he is of good character;

29 (b) he has attained the age of 18 years;

30 (c) he has not been convicted in Nigeria or elsewhere of an offence



1 involving fraud or dishonesty.

2 (3) A fully registered Professional Counsellor is entitled to a seal  
3 from the Council but any seal presented under this subsection may be  
4 withdrawn by the Council from a member on:

5 (a) his ceasing to become a registered member;

6 (b) being convicted of an offence under this Act; or

7 (c) disciplinary grounds, and his ceasing to become a member of  
8 the Association.

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

13 (5) The Council shall publish in the Federal Government Gazette,  
14 particulars of the qualification accepted for registration under this Act.

15 (6) The Council may impose further conditions for the purpose of  
16 any registration under this Act but such conditions shall not come into force  
17 until published in the Federal Government Gazette.

18 **8.-(1)** Subject to subsection (2), the Council may approve for the  
19 purpose of section 7:

Approval of  
qualifications and  
training institutions

20 (a) any course of training which is intended for persons who are  
21 seeking to become, or are already qualified as, Professional Counsellors;

22 (b) any institution, either in Nigeria or elsewhere which the  
23 Council, on the recommendations of the Association, considers properly  
24 organised and equipped for conducting the whole or any part of a course of  
25 training approved by the Council under this section; and

26 (c) any qualification which, as a result of examination taken in  
27 conjunction with a course of training approved by the Council under this  
28 section, is granted to candidates reaching a standard at the examination,  
29 indicating, in the opinion of the Council that they have sufficient knowledge  
30 and skills to practise counselling as a profession.

1           (2) The Council shall publish in the Federal Government Gazette a list  
2 of qualifications in the Profession of Professional Counsellors approved by it  
3 and the Council shall not approve, for the purposes of subsection (1),  
4 qualifications granted by an institution unless the qualifications have been so  
5 published by the Council.

6           (3) The Council shall, on the recommendation of the Association,  
7 withdraw any approval given under this section in respect of any course,  
8 qualifications or institution, but before withdrawing the approval the Council  
9 shall:

10           (a) give notice that it proposes to do so to each person in Nigeria  
11 appearing to the Council to be a person by whom the course is conducted, the  
12 qualification is granted or the institution is controlled, as the case may be; and

13           (b) give such a person an opportunity of making to the Council,  
14 representations with regard to the proposal under paragraph (b).

15           (4) A period during which the approval of the Council under this  
16 section for a course qualification or institution is withdrawn, the course  
17 qualification or institution shall not be treated as approved under this section  
18 but the withdrawal of such an approval shall not prejudice the registration or  
19 eligibility for registration of any person who by virtue of the approval was  
20 registered or eligible for registration immediately before the approval was  
21 withdrawn.

22           (5) The giving or withdrawal of an approval under this section, shall  
23 have the effect from the date, before or after the execution of the instrument  
24 signifying the giving or withdrawal of the approval, as the Council may specify  
25 in the instrument, and the Council shall:

26           (a) immediately publish a copy of every such instrument in the  
27 Federal Government Gazette and supervise instructions and examination  
28 leading to approved qualifications; and

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

1                   **9.**-(1) The Board shall keep itself informed of the nature of the      Supervision  
2 instruction given at the certified institutions to persons sent for approved  
3 course of training and the examinations as a result of which approved  
4 qualification is granted.

5                   (2) The Board shall appoint persons, either from its own members  
6 or from outside, to visit the approved institutions, monitor their  
7 examinations and make recommendations to the Board.

8                   (3) The Board shall determine and make recommendations to the  
9 Council on:

10                  (a) the competence of the instructors;

11                  (b) the adequacy of the instruction given to persons attending  
12 approved courses at the institutions visited;

13                  (c) the adequacy and quality of the examination conducted; and

14                  (d) any other matter relating to the institution or examination on  
15 which the Board may request the persons appointed under subsection (2) to  
16 report.

17                  (4) Any person appointed by the Board under this section, shall not  
18 interface with the giving of any instruction or the holding of any  
19 examination.

20                  (5) On receiving a report made under this section, the Board shall,  
21 immediately send a copy of the report to the person appearing to the Board to  
22 be in charge of the institution or responsible for the examinations to which  
23 the report relates, requesting that person to make observations on the report  
24 to the Council within such period as may be specified in the request, at least  
25 one month beginning with the date of the request.

26                  **10.** -(1) Any person who:

27                  (a) has been approved and endorsed by the Council as a  
28 "Foundation Member", this includes all persons present at the preliminary  
29 inaugural meetings of the Association held on November 15, 1975, June 17  
30 and 18, 1976, and all persons who though absent, expressed the desire to be

Persons deemed  
to practice as  
professional  
Counsellors

1 members at those times; or

2 (b) holds the accepted qualification or its equivalent, obtained 10  
3 years before the commencement of this Act and satisfies the conditions  
4 mentioned in section 7 (2), may be exempted from taking the professional  
5 practice competence examination, but issued the certificate of professional  
6 competence after payment of the prescribed fees to enable him register fully as  
7 a Professional Counsellor, if the Council is satisfied that he has acquired  
8 adequate professional practice experience as a Professional Counsellor to  
9 deserve the exemption.

10 (2) A person shall be issued a Certificate of Professional Competence  
11 if:

12 (a) during his employment after qualification, he has acquired  
13 practical experience under the personal supervision and guidance of one or  
14 more fully registered Counsellors for the period of two years; and

15 (b) the manner in which he carried out the duties of his employment  
16 and his conduct during the period of his employment, are satisfactory.

17 (3) The employer, being a fully registered Counsellor supervising the  
18 work of persons employed with a view to obtaining a certificate of professional  
19 competence, shall ensure that the person is given opportunity of acquiring the  
20 practical experience for the purposes of subsection (2)(a).

21 (4) The Registrar shall, immediately after the entry in the Register of  
22 any person's name, or removal of such name from the register, give notice in  
23 writing to the institution of the entry or removal together with all the relevant  
24 particulars.

#### 25 PART V - PROFESSIONAL DISCIPLINE

Establishment  
of Disciplinary  
Tribunal and  
Investigative  
Panel

26 **11.**-(1) There is established the Counsellors Investigating Panel (in  
27 this Act referred to as "the Panel") charged with the duties of:

28 (a) conducting a preliminary investigation into any case where it is  
29 alleged that a person registered has misbehaved in his capacity as a  
30 Professional Counsellor, or should for any other reason be the subject of

1 proceedings before the Tribunal; and

2 (b) deciding whether the case shall be referred to the Tribunal.

3 (2) The Panel shall be constituted by the Council and shall consist  
4 of seven members.

5 (3) There is established the Counsellors Disciplinary Tribunal (in  
6 this Act referred to as "the Tribunal") charged with the duty of considering  
7 and determining any case referred to it by the Panel.

8 (4) The Tribunal shall consist of:

9 (a) the President of the Council; and

10 (b) 11 other members, appointed by the Council of which:

11 (i) at least, four shall be members of the Council, holding office by  
12 virtue of section 3 (2) (e), or

13 (ii) all members holding office by virtue section where the number  
14 of those members is for the time being less than four of those members.

15 *Professional Misconduct*

16 12.-(1) The provisions of the Second Schedule to this Act shall, be Second Schedule  
17 applicable to the Tribunal and the Panel respectively.

18 (2) Where:

19 (a) a person fully registered or provisionally registered under this  
20 Act is judged by the Tribunal to be guilty of infamous misconduct in any  
21 professional respect;

22 (b) such a person is convicted of any offence in Nigeria or  
23 elsewhere by any Court having power to impose imprisonment (whether or  
24 not such offence is punishable with imprisonment), which in the opinion of  
25 the Tribunal is incompatible with the status of the Professional Counsellor;

26 (c) the Tribunal is satisfied that the name of any person has been  
27 fraudulently registered, the Tribunal may, if it deems fit, give a direction  
28 reprimanding that person or ordering the Registrar to strike his name off  
29 the relevant part of the Register.

30 (3) The Tribunal may, if it deems fit, defer its decision as to the

1 giving of a direction under subsection (2), until a subsequent meeting of the  
2 Tribunal, but:

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

5 (b) no person shall be a member of the Tribunal for the purpose or  
6 reaching a decision which has been deferred, unless he was present as member  
7 of the Tribunal when the decision was deferred.

8 (4) For the purpose of subsection (2), a person shall not be treated as  
9 convicted, unless the conviction stands at a time when no appeal or further  
10 appeal is pending or may (without extension of time) be brought in connection  
11 with the conviction.

12 (5) When the Tribunal gives a direction under subsection (2), it shall  
13 cause notice of the direction to be served on the person to whom it relates.

14 (6) A person to whom a direction relates may, at any time within 28  
15 days from the date of service on him of the notice of the direction, appeal  
16 against the direction to the Court of Appeal, and the Tribunal may appear as  
17 respondent to the appeal and for the purpose of enabling directions to be given  
18 as to the cost of the appeal and of proceedings before the Tribunal, shall be  
19 deemed to be a party thereto whether or not it appears to the hearing of the  
20 appeal.

21 (7) A direction of the Tribunal under subsection (2) shall take effect:

22 (a) where no appeal under this section is brought against the direction  
23 within the time for the appeal, on the expiration of that time;

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

26 (c) where an appeal is brought and is not withdrawn or struck out if  
27 and when the appeal is dismissed.

28 (8) A person whose name is removed from the Register in pursuance  
29 of a direction of the Tribunal under this section, shall not be entitled to be  
30 registered again, except in pursuance of a direction in that behalf given by the

1 Tribunal on the application of that person, and a direction under this section  
2 of the removal of a person's name from the Register may prohibit an  
3 application under this subsection by that person until the expiration of  
4 period from the date of the direction, and where he has duly made an  
5 application, from the date of his last application, as may be specified in the  
6 direction.

7 REGISTRATION OF TEMPORARY PRACTITIONERS

8 PART VI - MISCELLANEOUS

9 13.-(1) Where a person satisfies the Council that he:

10 (a) has been selected for employment for a specified period in a  
11 capacity in which a person registered as a Counsellor under this Act is  
12 qualified to be employed and that he is or intends to be in Nigeria  
13 temporarily for the purpose of serving for that period in the employment in  
14 question;

15 (b) holds a qualification or has passed the necessary examination;

16 (c) obtained some qualification granted outside Nigeria which is  
17 for the time being accepted by the Council as respects the capacity in which  
18 if employed, he is to serve, the Council may, if it deems fit, give a direction  
19 that the person shall be temporarily registered as a Counsellor.

20 (2) The temporary registration of a person shall continue while the  
21 person is in employment as is mentioned in subsection (1) (a) and shall cease  
22 at the end of the period of the employment specified to the Council under  
23 this section or the prior determination of the employment whichever occurs.

24 (3) Nothing in subsection (2) shall preclude the Council from  
25 giving a further direction under subsection (1) in respect or specified period,  
26 whose commencement coincides with the termination or prior  
27 determination of another employment.

28 (4) A person who is temporarily registered shall, in relation to his  
29 employment and to things done or omitted to be done in the course of that  
30 employment, be deemed to be fully registered, but in relation to all matters,

1 he shall be treated as not so registered.

2 (5) In determining whether a person's employment has been  
3 terminated, the decision of the Council shall be conclusive for the purpose of  
4 subsection (2).

5 (6) The Registrar, as directed by the Council, shall remove from the  
6 Register, the name of any person ceasing to be entitled to the benefit of this  
7 section.

Offences and  
penalties

8 **14.**-(1) A person, not being a registered Professional Counsellor, who:

9 (a) for or in expectation of reward, practices or holds himself out to  
10 practice as such; or

11 (b) without reasonable excuse takes or uses any name, title addition or  
12 description, implying that he is authorised by law to practice as a registered  
13 Counsellor, Commits an offence under this Act.

14 (2) A person who, for the purpose of procuring the registration of any  
15 name, qualification or other matter:

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

17 (b) recklessly makes a statement which is false; commits an offence  
18 under this Act.

19 (3) A Registrar or any other person employed by the Council who,  
20 willfully makes any falsification in any matter relating to the register, commits  
21 an offence under this Act.

22 (4) Any person who commits an offence under subsections (1) - (3) or  
23 any section for which no punishment is provided under this Act is liable on  
24 conviction:

25 (a) to a fine of at least N200,000.00 or imprisonment for a term of two  
26 years or both; and

27 (b) where the offence is a continuous one, to a further fine, of at least  
28 N30,000 for each day the offence continues.

29 (5) Where an offence under this section is committed by a body  
30 corporate and is proved to have been committed with the consent or



1 connivance of or is attributable to any neglect on the part of any director,  
2 manager, secretary or any person purporting to act in any such capacity, he,  
3 as well as the body corporate, commits an offence under this Act.

4 **15.**-(1) A certificate required by any written law from any class of Proof of validity  
5 persons for whom a Register is maintained under this Act, shall not be valid of certificate  
6 unless the person signing it is registered in accordance with this Act.

7 (2) Subject to the provisions of this section, a person not exempted,  
8 shall not hold an appointment requiring status of a Professional Counsellor  
9 under this Act in the Public and Civil Service of the Federation, State or in  
10 the Armed Forces of the Federation or public or private limited or unlimited  
11 liability organisations, unless he is a Counsellor, registered under this Act.

12 (3) A Counsellor shall, to the extent only of his particular  
13 qualification, be entitled to practice as a registered Counsellor throughout  
14 the Federation.

15 (4) A person in charge of any university in the Federation, offering  
16 courses leading to an approved qualification intended for persons who are  
17 seeking to become registered as Professional Counsellors under this Act  
18 shall furnish the Registrar, not later than 31st March in every year, with a list  
19 of the names and or such other particulars as the Council may specify, of all  
20 persons who attended any course at the University in question at any time  
21 during the preceding year.

22 (5) In this section, "public service" includes services as a registered  
23 Professional Counsellor in or with any educational institution, commission,  
24 corporation or state.

25 **16.**-(1) The Minister may give to the Council directions of a Powers of the  
26 general character relating generally to particular matters with regard to the Minister to give  
27 exercise by the Council of its functions and the Council shall comply with directives  
28 the directions:

29 Provided the direction does not infringe on the ethics and codes of  
30 conduct of the Profession.

1 (2) Before giving a direction under subsection (1), the Minister shall  
2 serve a copy of the proposed direction on the Council, which shall afford the  
3 Council an opportunity of making representations to him with respect to the  
4 direction, and after considering any representation made to him under this  
5 subsection, the Minister may give the direction, either without modification or  
6 with such modifications as appear to him to be appropriate having regard to the  
7 representations.

Regulations

8 17.-(1) The Council shall have power to make regulations, which in  
9 its opinion, is necessary or expedient for giving full effect to the provisions of  
10 this Acts.

11 (2) Any power to make regulations, rules and orders under this section  
12 shall include power to make:

13 (a) provision for such incidental or supplemental provision, as the  
14 person or authority making the instrument considers expedient for the purpose  
15 of the instrument; and

16 (b) different provisions for different circumstances.

Interpretation

17 18. -(1) In this Act:

18 "Counselling" means to assist individual and corporate bodies to explore their  
19 environments, discover their strength, weakness, talents and skills, so as to  
20 determine their needs, set personal realistic goals, and adjust suitably to  
21 achieve them in harmony with their environments;

22 "approved qualification" means qualification which is approved for the time  
23 being by the Council;

24 "Association" means the Counselling Association of Nigeria (CASSON);

25 "Board" means Governing Board of the Council;

26 "Council" means the Counselling Practitioners Council of Nigeria established  
27 under section 1 of this Act;

28 "Counsellor" means a professionally trained Guidance and Counselling  
29 personnel, which also includes professionals from therapeutic counselling,  
30 etc.;

1 "Minister" means the Minister of Education charged with the responsibility  
2 of matters, relating to counselling; "Education and Allied Profession"  
3 "Professional Counsellor" means any person fully registered as such under  
4 this Act;  
5 "Register" means the Register maintained under this Act and "Registered"  
6 shall be constructed accordingly; and ("Registrar" means the Registrar  
7 appointed under section 6 of this Act.).

8 **19.** This Bill may be cited as the Counselling Practitioners Council Citation  
9 of Nigeria Bill, 2019.

#### 10 SCHEDULES

#### 11 FIRST SCHEDULE

#### 12 *Section 3 (3)*

#### 13 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

14 1. -(1) A person shall not be appointed as a member of the Board  
15 unless he is a citizen of Nigeria and he is registered as a Professional  
16 Counsellor under this Act.

17 (2) Subject to the provisions of this paragraph, a person who is a  
18 member of the Board other than by virtue of section 3 (3) (d) of this Act shall  
19 hold office for a period not exceeding five years beginning with the date of  
20 his appointment or election as the case may be:

21 Provided that a person shall not hold office, whether appointed or  
22 elected, for five years unless the Minister after consultation with the Board  
23 otherwise directs.

24 (3) Any member of the Board holding office other than as  
25 mentioned in subparagraph (2) may, with notice to the Board, resign his  
26 office.

27 (4) Subject to this Act, a person who has ceased to be a member of  
28 the Council may be eligible again to become a member of the Board.

29 (5) When a member of the Board ceases to hold office before his  
30 term of office expire by effluxion of time, the body or person by whom he

1 was appointed or elected shall, immediately appoint or elect a person to fill the  
2 vacancy for the residue of the term, but the provisions of this sub paragraph  
3 shall not apply where a person holding office as a member of the Board ceases  
4 to hold office at a time when the residue of his term does not exceed one year.

5 (6) The power of appointing a person as President of the Council  
6 shall:

7 (a) during the period beginning with the date when this Act comes into  
8 effect, be exercisable by the Minister on the recommendations of the  
9 Association; and

10 (b) after the expiration of that period, be exercisable by the Board and  
11 where an existing member of the Board is appointed President, his office as an  
12 existing member shall become vacant and his term of office as President shall  
13 begin on the date of his appointment as President.

14 (7) Notwithstanding that the term of office of a member of the Board  
15 has expired by effluxion of time, a person appointed as President, Vice  
16 President and one other member shall continue in that office until a fresh  
17 appointment is made to the office.

18 (8) The quorum of the Board shall be seven and at least two of the  
19 persons elected by the Association and two of the representatives of the States  
20 of the Federation are present at the particular meeting, and the quorum of any  
21 committee of the Board shall be determined by the Council.

#### 22 *Power of Board*

23 2.-(1) The Board shall have power to do anything, which in its opinion  
24 is calculated to facilitate the carrying on of its activities.

25 (2) The Board shall have power to borrow money, dispose off any  
26 property and pay remuneration (including pensions) allowances, or expenses  
27 to any member, officer or servant of the Board or any person.

#### 28 *Proceedings of the Board*

29 3. Subject to the provision of this Act and of section 27 of the  
30 Interpretation Act (which provides for decisions of a body to be taken by a

1 majority of the members of the body and for the President of the Board to  
2 have a second or casting vote), the Board may make standing orders  
3 regulating the proceedings of the Council or of any of its committee.

4 *Vice-President of the Board*

5 4.-(1) The Board shall appoint one of its members to be the Vice-  
6 President of the Board for such period as the Board may determine and the  
7 Vice-President who ceases to be a member shall cease to be a Vice-  
8 President;

9 (2) At any time while the office of the President is vacant or the  
10 President is, in the opinion of the Board permanently or temporarily unable  
11 to perform the function of his office, the Vice-President shall perform those  
12 functions, and references in this schedules to the President shall be  
13 constructed accordingly.

14 *Meetings of the Board*

15 5.-(1) Subject to the provisions of any standing orders of the Board,  
16 the Board shall meet whenever it is summoned by the President and if the  
17 President is required so to do, by notice given to him by not less than six  
18 other members, he shall summon a meeting of the Board to be held within  
19 seven days from the date of which the notice is given.

20 (2) At any meeting of the Board, the President or in his absence the  
21 Vice-President shall preside, but if both are absent, the members present at  
22 the meeting shall appoint one of them to preside at that meeting.

23 (3) Where the Board desires to obtain the advice of any person on a  
24 particular matter, the Board may co-opt him as a member for such period as  
25 it deems fit, but a person who is a member by virtue of this subparagraph  
26 shall not be entitled to vote at any meeting of the Board and shall not count  
27 towards a quorum.

28 (4) Notwithstanding anything in this paragraph, the first meeting of  
29 the Board shall be summoned by the Minister who may give such directions  
30 as he thinks fit as to the member who shall preside and as to the procedure

1 which shall be followed at the meeting.

2 *Committee*

3 6.-(1) The Board may appoint one or more Committees to carry out on  
4 its behalf such functions as the Board may determine.

5 (2) A Committee appointed under this paragraph shall consist of such  
6 number of persons to be determined by the Board, and not more than one-third  
7 of those persons may be persons who are not members of the Board and a  
8 person other than a member of the Board shall hold office on the committee in  
9 accordance with the terms of the instrument by which he is appointed.

10 (3) A decision of a committee of the Board shall be of no effect until it  
11 is confirmed by the Board.

12 *Miscellaneous*

13 7.-(1) The fixing of the seal of the Council shall be authenticated by  
14 the signature of the President or of some other member authorised generally or  
15 specifically to act for that purpose by the Board.

16 (2) Any contract or instrument which, if made or executed by a person  
17 not being a body corporate would not be required to be under seal, may be made  
18 or executed on behalf of the Board by any person authorized to act for that  
19 purpose by the Board.

20 (3) Any document purporting to be a document duly executed under  
21 the seal of the Council shall be received in evidence and shall, unless the  
22 contrary is proved, be deemed to be so executed.

23 8. The validity of any proceeding of the Council or its Committee  
24 shall not be affected by any vacancy in the membership of the Council or its  
25 Committee, defect in the appointment of a member of the Board or its  
26 committee, or by reason that a person not entitled to do so took part in the  
27 proceedings.

28 9. A member of the Board or any person holding office on a  
29 committee of the Board who has a personal interest in any contractual  
30 arrangement entered into or proposed to be considered by the Board or its

1 committee, shall immediately disclose his interest to the Board and shall not  
2 vote on any question relating to the contractual arrangement. Second  
3 Schedule Section 12 (1).

4 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY  
5 TRIBUNAL AND INVESTIGATIVE PANEL

6 *The Tribunal*

7 *The Quorum of the Tribunal*

8 1. The quorum of the Tribunal shall be four of whom at least two  
9 shall be members of Council.

10 2.-(1) The Attorney-General of the Federation may make rules  
11 with regard to the procedure to be followed by the Tribunal and the Panel  
12 and on the rules of evidence in such proceedings.

13 (2) Until the rules are made, the Tribunal and the Panel shall  
14 conduct their proceedings in such manner as to provide:

15 (a) that notice of the proceedings is given in good time and shall  
16 clearly specify the complaint, to the person who is the subject of the  
17 proceedings;

18 (b) for determining who, in addition to the person under  
19 subparagraph (a), shall be a party to the proceedings;

20 (c) that any party to the proceedings shall, if so required, be entitled  
21 to be heard by the Tribunal;

22 (d) that any party to the proceedings may be represented by a legal  
23 practitioner;

24 (e) subject to the provisions of section 12 (5) of this Act, as to the  
25 costs of proceedings before the Tribunal;

26 (f) for requiring, in a case where it is alleged that the person who is  
27 the subject of the proceedings is guilty of infamous conduct in any  
28 professional respect, that where the Tribunal adjudges that the allegation has  
29 not been proved, it shall record a finding that the person is not guilty of such  
30 conduct in respect of the matters to which the allegation relates; and

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

4 3. For the purposes of any proceedings before the Tribunal, any  
5 member of the Tribunal may administer oath and any party to the proceedings  
6 may issue out of the Registry of the High Court, *writs of subpoena ad*  
7 *testificandum and ducestecum* but no person appearing before the Tribunal  
8 shall be compelled to:

9 (a) make any statement before the Tribunal tending to incriminate  
10 himself; or

11 (b) produce any document under such a writ, which he can could not  
12 be compelled to produce at the trial.

13 4.-(1) For the purpose of advising the Tribunal on questions of law  
14 arising in proceedings before it, there may in all proceedings be an assessor to  
15 the Tribunal (who may be the legal adviser to the Council or may be appointed  
16 by the Board) and who shall be a legal practitioner of not less than ten years  
17 standing.

18 (2) The Attorney-General of the Federation may make rules as to the  
19 functions of assessors appointed under this paragraph and in particular, such  
20 rules shall contain provisions for securing:

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

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

29 (3) An assessor may be appointed under this paragraph, either  
30 generally or for any particular proceeding or class of proceedings, and shall



1 hold and vacate office in accordance with the terms of his appointed.

2 *The Investigative Panel*

3 5. The quorum of the Panel shall be three.

4 6. -(1) The Panel may, at any of its meeting attended by all the  
5 members of the Panel, make standing orders with respect to its proceedings.

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

8 *Miscellaneous*

9 7. A person may, if eligible, be a member of both the Tribunal and  
10 the Panel but no person who acted as a member of the Panel with respect to  
11 any case shall act as a member of the Tribunal with respect to that case.

12 8. The Tribunal or the Panel may act notwithstanding any vacancy  
13 in its membership, and the proceedings of either body shall not be  
14 invalidated by any irregularity in the appointment of a member of that body  
15 or subject to paragraph 7 of this Schedule, by reason of the fact that any  
16 person who was not entitled to do so took part in the proceedings of that  
17 body.

18 9. Any document authorised or required by virtue of this Act to be  
19 served on the Tribunal or the Panel shall be served on the Secretary to the  
20 Council.

21 10. All expenses of the Disciplinary Tribunal or the Investigative  
22 Panel shall be defrayed by the Council.

23 11. A person shall not, by reason only of his appointment as an  
24 assessor to the Tribunal or as a member of the Panel, be treated as holding an  
25 office in the public service of the Federation or of any state.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Counseling Practitioners Council of Nigeria charged with responsibility of advancing the study, training and practice of Counseling profession.