

CHARTERED INSTITUTE OF ISLAMIC FINANCE PROFESSIONALS BILL, 2019

ARRANGEMENT OF SECTIONS

1. Preliminary Section/Objectives
2. Establishment of the Chartered Institute of Islamic Finance Professionals
3. Election of President and Vice-Presidents of the Institute
4. Governing Council of the Institute and membership, etc.
5. Fund of the Council
6. Appointment of Registrar, etc., and preparation of register
7. Publication of register and list of corrections
8. Registration of chartered members of the profession
9. Approval of qualifications, etc.
10. Supervision of instructions, etc.
11. Establishment of Disciplinary Tribunal and Investigating Panel
12. Penalties for unprofessional conduct
13. Application of Act to un-enrolled persons
14. Rules as to articles, etc.
15. Provision of library
16. Regulations and rules
17. Offences and penalties
18. Transfer to the Institute of certain assets and liabilities
19. Interpretation
20. Short title

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Council

SECOND SCHEDULE

Supplementary provisions relating to the Disciplinary Tribunal and the Investigative Panel of the Tribunal

THIRD SCHEDULE

Transitional provisions as to assets and liabilities

An Act to establish the Chartered Institute of Islamic Finance Professionals to regulate the activities of members of the profession and for matters connected therewith.

# A BILL

## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF ISLAMIC FINANCE PROFESSIONALS TO REGULATE THE ACTIVITIES OF MEMBERS OF THE PROFESSION AND FOR RELATED MATTERS

*Sponsored by Hon. Jimoh Abdurraheem Olajide*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

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### PART I - PRELIMINARY

1. The objects of the Chartered Institute of Islamic Finance

The Objects

Professionals shall be to:

(a) determining the standard of knowledge and skill to be attained by persons seeking to become registered members of the Institute and raising those standards from time to time as circumstances may permit;

(b) the Islamization in the economy involved one principal point: the Elimination of Interest in all deposits and financing transactions; The objectives of the Institute is to offer financing and banking needs to Muslims and regulate the activities of the chartered practitioners;

(c) the objectives of Chartered Institute of Islamic Finance Professional is to further develop, strengthen, foster and promote the use of Islamic Principles, laws, and traditions in all banking transactions, financing, business and other related areas;

(d) another objective is to promote and strengthen the establishment of investment companies or other business enterprises in accordance with Shariah laws;

(e) ensuring that the financing and practice of the Institute practitioners conform to Shariah practice, In principle, business institutions aim for profit maximization. But Islamic banks and financing would have to

1 conform and comply with Islamic principles as well as ethical practice:

2 (f) providing consultancy services on investment financing and  
3 business opportunities;

4 (g) holding conference, workshops, seminars, and symposia on  
5 contemporary economic issues, investment opportunities and commercial  
6 transactions;

7 (h) securing in accordance with the provisions of this Bill, the  
8 establishment and maintenance of a register of members, and the publication  
9 from time to time of the list of those members;

10 (i) performing any other duties as the Institute may deem fit from time  
11 to time.

Establishment  
the Institute of  
Chartered  
Institute of Islamic  
Finance  
Professionals

12 2.-(1) There is hereby established a body to be known as the Chartered  
13 Institute of Islamic Finance Professionals (in this Act referred to as the  
14 institute") which shall be a body corporate under that name and be charged with  
15 the general duty of:

16 (a) determining what standards of knowledge and skill are to be  
17 attained by persons seeking to become chartered members of the Institute and  
18 raising those standards from time to time as circumstances may permit;

19 (b) securing in accordance with the provisions of this Act the  
20 establishment and maintenance of a register of honorary fellows, associate  
21 members, fellows, graduate members, ordinary members and students of the  
22 profession and the publication from time to time of the lists of those persons;  
23 and

24 (c) performing through the Council established by section 3 of this  
25 Act the functions conferred on it by this Act.

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

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

1 movable or immovable.

2 (4) Subject to the provisions of this Act, members admitted to the  
3 Institute shall be enrolled as members of the profession in the category of:

4 (a) fellows; or

5 (b) graduate members; or

6 (c) associates; or

7 (d) honorary members; or

8 (e) honorary fellows.

9 (5) A person accorded by the Council under this Act status as a  
10 Chartered Member of the Institute shall be entitled to the use of that name  
11 and shall be enrolled as:

12 (a) a fellow:

13 (i) if he satisfies the Council that for a continuous period of five  
14 years immediately preceding the application he has been in continuous  
15 active practice as an Islamic Finance Professional;

16 (ii) if he is the holder of a certificate of the examination of the  
17 Institute and approved professional qualification;

18 (iii) if he is otherwise considered by the Council to be a fit person to  
19 be so enrolled;

20 (b) a graduate member:

21 (i) if he is the holder of a certificate of the examination of the  
22 Institute and approved academic professional qualification; and

23 (ii) if he is otherwise considered by the Council to be a fit person to  
24 be so enrolled;

25 (c) an associate:

26 (i) if for a continuous period of not less than three years  
27 immediately preceding the application (the period of membership of the  
28 Institute in the discretion of the Council, counting in that behalf) he has been  
29 enrolled as an associate; and

30 (ii) if he is otherwise considered by the Council to be a fit person to

Election of  
President and  
Vice-Presidents  
of the Institute

1 be so enrolled.

2 (6) An honorary fellow or an honorary member of the Institute shall  
3 be a person admitted as such by a resolution of the Council.

4 3.-(1) There shall be for the Institute a President and two Vice-  
5 Presidents who shall be fellows of the Institute, to be elected by the Council and  
6 hold office each for a term of five years from the date of election.

7 (2) The President shall be the chairman at meetings of the Institute, so  
8 however that in the event of the death, incapacity or inability for any reason of  
9 the President, the first Vice-President shall act in his stead for the unexpired  
10 portion of the term of office, or as the case may require, and references in this  
11 Act to the President shall be construed accordingly.

12 (3) The President and one of the Vice-Presidents shall respectively be  
13 chairman and vice-chairman of the Council established by section 3 of this Act.

14 (4) If the President or Vice-President ceases to be a member of the  
15 Institute he shall also cease to hold any of the offices designated under  
16 this section.

Governing  
Council of the  
Institute and  
membership,  
etc.

17 4.-(1) There is hereby established for the Institute a Governing  
18 Council of the Institute, (in this Act referred to as the "Council") which shall be  
19 charged with responsibility for the administration and general management of  
20 the Institute.

21 (2) The Council shall consist of the following members, that is:

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

23 (b) the two Vice-Presidents of the Institute;

24 (c) a representative of the Securities and Exchange Commission;

25 (d) a representative of the Bankers Committee;

26 (e) a representative of the Nigerian Bar Association;

27 (f) a representative of the National Insurance Association;

28 (g) a representative of the Nigerian Stock Exchange;

29 (h) a representative of the Committee of Vice Chancellors;

30 (i) persons to be elected by the Institute;

1 (j) two persons to represent institutions of higher learning in  
2 Nigeria offering courses leading to an approved qualification to be  
3 appointed by the Minister;

4 (k) a representative each of the following Ministries, and Agencies  
5 that is:

6 (i) Finance;

7 (ii) Education;

8 (iii) Women Affairs and Youth Development; and

9 (iv) the Central Bank of Nigeria.

10 (l) past Presidents of the Institute who shall be entitled to serve on  
11 the Council for a maximum period of three years from the expiration of their  
12 terms of office as President of the Institute.

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

16 *[First Schedule.]*

17 5.-(1) The Council shall establish and maintain a fund for the  
18 Institute.

Fund of the  
Council

19 (2) There shall be paid and credited into the fund established  
20 pursuant to subsection (1) of this section:

21 (a) all fees and other moneys payable to the Council in pursuance  
22 of this Act; and

23 (b) such moneys as may be payable to the Council in the course of  
24 the discharge of its functions under this Act.

25 (3) There shall be paid out of the fund of the Institute:

26 (a) all expenditure incurred by the Council in the discharge of its  
27 functions under this Act;

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

30 (c) such reasonable travelling and subsistence allowances of

1 members of the Council in respect of the time spent on the duties of the  
2 Institute, as the Council may, with the approval of the Minister, determine.

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

6 (5) The Council shall keep proper accounts on behalf of the Institute  
7 in respect of each year and proper records in relation to those accounts; and the  
8 Council shall cause the accounts to be audited by an auditor appointed by the  
9 Council.

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

Appointment  
of Registrar, etc.,  
and preparation  
of register

12 6.-(1) It shall be the duty of the Council to appoint a fit and proper  
13 person, who shall be a member of the Institute, to be the Registrar for the  
14 purposes of this Act, and such other persons as the Institute may, from time to  
15 time, think necessary.

16 (2) It shall be the duty of the Registrar to prepare and maintain, in  
17 accordance with rules made by the Council, a register of names, addresses and  
18 approved qualifications and of such other particulars as may be specified in the  
19 rules, of all persons who are entitled in accordance with the provisions of this  
20 Act to be registered as members of the profession in the category of fellows,  
21 graduate members, associates, honorary members, honorary fellows and  
22 students and ordinary members and, who, in the manner prescribed by such  
23 rules, apply to be so registered.

24 (3) The register shall consist of five parts of which the first part shall  
25 be in respect of honorary fellows, the second part shall be in respect of fellows,  
26 the third part shall be in respect of associate members, the fourth part in respect  
27 of student members, the fifth part shall be in respect of graduate members.

28 (4) Subject to the following provisions of this section, the Council  
29 may make rules with respect to the form and keeping of the register and the  
30 making of entries therein and in particular:



1 (a) regulating the making of applications for registration and  
2 providing for the evidence to be produced in support of such applications;

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

5 (c) authorising an enrolled or a registered person to have any  
6 qualification which is in relation to the relevant division of the profession,  
7 either an approved qualification for the purposes of this Act registered in  
8 relation to his name in addition to or, as he may elect, in substitution for any  
9 other qualifications so registered;

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

14 (e) specifying anything falling to be specified under the foregoing  
15 provisions of this section.

16 (5) Any rules made for the purposes of paragraph (d) of subsection  
17 (4) of this section, shall not come into force until they are confirmed at a  
18 special meeting of the Institute convened for the purpose or at the next  
19 annual general meeting, as the case may be.

20 (6) It shall be the duty of the Registrar:

21 (a) to correct, in accordance with the directions of the Council, any  
22 entry in the register which the Council directs him to correct as being in the  
23 opinion of the Council an entry which was incorrectly made;

24 (b) to make, from time to time, any necessary alteration to the  
25 registered particulars of registered persons;

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

30 (7) If the Registrar:

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

5 (b) upon the expiration of that period, sends in the like manner to the  
6 person in question a second similar letter and receives no reply to that letter  
7 within three months from the date of posting it, the Registrar may remove the  
8 particulars relating to the person in question from the register:

9 Provided that the Council may, for any reason which seems to it  
10 sufficient, direct the Registrar to restore to the appropriate part of the register  
11 any particulars removed therefrom under this subsection.

Publication of  
register and list  
of corrections

12 7.-(1) It shall be the duty of the Registrar:

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

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

20 (c) to cause a print of each edition of the register and of each list of  
21 corrections to be deposited at the principal office of the Institute, and it shall be  
22 the duty of the Council to keep the register and lists so deposited available at all  
23 reasonable times for inspection by members of the public.

24 (2) A document purporting to be a print of an edition of a register  
25 published under this section by authority of the Registrar or documents  
26 purporting to be prints of an edition of a register so published and of a list of  
27 corrections to that edition so published, shall (without prejudice to any other  
28 mode of proof) be admissible in any proceedings as evidence that any person  
29 specified in the document, or documents read together, as being registered, is  
30 so registered at the date of the edition or of the list of corrections, as the case

1 may be, and that any person not so specified was not so registered.

2 (3) Where in accordance with subsection (2) of this section, a  
3 person is in any proceedings shown to have been or not to have been  
4 registered at a particular date, he shall, unless the contrary is proved, be  
5 taken for the purposes of those proceedings as having at all material times  
6 thereafter continued to be or not to be so registered.

7 8.--(1) Subject to section 13 of this Act and to rules made under  
8 section 5 of this Act, a person shall be entitled to be registered as a member of  
9 the profession if:

10 (a) he passes the qualifying examination for registration  
11 recognised or conducted by the Council under this Act and completes the  
12 practical training prescribed; or

13 (b) he holds a qualification granted and for the time being accepted  
14 by the Institute and satisfies the Council that he has had sufficient practical  
15 experience as a professional Islamic Finance Practitioner; or

16 (c) he holds a qualification granted outside Nigeria and for the time  
17 being accepted by the Institute and is by law entitled to practice for  
18 purposes as a professional Islamic Finance expert in the country in which the  
19 qualification was granted.

20 (2) An applicant for registration under this Act shall, in addition to  
21 evidence of qualification, satisfy the Council that:

22 (a) he is of good character;

23 (b) he has attained the age of 21 years; and

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

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

30 (4) Any entry directed to be made in the register under subsection

1 (3) of this section, shall show that the registration is provisional and  
2 no entry so made shall be converted to full registration without the consent of  
3 the Council, signified in writing in that behalf.

4 (5) The Council shall, from time to time, publish in the Gazette  
5 particulars of qualifications for the time being acceptable for registration by the  
6 Institute.

Approval of  
qualifications, etc.

7 9.-(1) The Council may approve any qualification for the purposes of  
8 this Act and may for those purposes approve:

9 (a) any course of training at an approved institution which is intended  
10 for persons who are seeking to become or are already members of the  
11 profession and which the Council considers is designed to confer on persons  
12 completing it sufficient knowledge and skill for the practice of that profession;

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

18 (2) The Council may, if it thinks fit, withdraw any approval given  
19 under this section in respect of any course, qualification or institution but  
20 before withdrawing such an approval the Council shall:

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

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

26 (c) take into consideration any representations made as respects the  
27 proposal in pursuance of paragraph (b) of this subsection.

28 (3) As regards any period during which the approval of the Council  
29 under this section for a course, qualification or institution is withdrawn, the  
30 course, qualification or institution shall not be treated as approved under this

1 section; but the withdrawal of such an approval shall not prejudice the  
2 registration or eligibility for registration of any person who, by virtue of the  
3 approval, was registered or eligible for registration immediately before the  
4 approval was withdrawn.

5 (4) The giving or withdrawal of an approval under this section shall  
6 have effect from such date, either before or after the execution of the  
7 instrument signifying the giving or withdrawal of the approval, as the  
8 Council may specify in the instrument and the Council shall:

9 (a) as soon as may be, publish a copy of every such instrument in  
10 the Gazette; and

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

13 10.-(1) The Council shall, subject to the provisions of section 11 of  
14 this Act, keep itself informed of the nature of:

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

17 (b) the examinations as a result of which approved qualifications  
18 are granted, and for the purposes of performing that duty the Council may  
19 appoint, either from among its own members or otherwise, persons to visit  
20 approved institutions or to attend such examinations.

21 (2) It shall be the duty of the person appointed under subsection (1)  
22 of this section to report to the Council on:

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

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

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

(3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit and shall, if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates; requesting that person to make observations or report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Establishment  
of Disciplinary  
Tribunal and  
Investigating  
Panel

11-(1) There shall be a tribunal to be known as the Institute of Chartered Islamic Finance Professionals Disciplinary Tribunal (in this Act referred to as "the Tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established under subsection (3) of this section, and any other case of which the Tribunal has cognisance under the following provisions of this Act.

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

(3) There shall be a body, to be known as the Institute of Chartered Islamic Finance Professionals Investigating Panel (in this Act referred to as "the Panel") which shall be charged with the duty of:

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

(b) deciding whether the case should be referred to the Tribunal; or

(c) submitting a report on any action taken in the past to the Tribunal.

(4) The Panel shall be appointed by the Council and shall consist of four members of the Council and one member who is not a member of the Council.

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

[Second Schedule.]

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

12. -(1) Where:

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

(b) a person registered under this Act is convicted, by any court 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 registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.

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

(3) No decision of the Tribunal shall be deferred under subsection (2) of this section for periods exceeding one year in the aggregate.

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

(5) For the purposes of subsection (1) of this section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(6) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the

Penalties for  
unprofessional  
conduct

1 person to whom it relates.

2 (7) The person to whom such a direction relates may, at any time  
3 within twenty-eight days from the date of service on him of the direction,  
4 appeal against the direction to the Federal High Court and the Tribunal may  
5 appear as respondent to the appeal and, for the purpose of enabling directions to  
6 be given as to the costs of the appeal and of proceedings before the Tribunal, the  
7 Tribunal shall be deemed to be a party thereto whether or not it appears on the  
8 hearing of the appeal.

9 (8) A direction of the Tribunal given under subsection (1) of this  
10 section shall take effect where:

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

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

15 (c) such an appeal is brought and is not withdrawn or struck out as  
16 aforesaid, if and when the appeal is dismissed.

17 (9) A person whose name is removed from the register in pursuance of  
18 a direction of the tribunal under this section shall not be entitled to be registered  
19 again except in pursuance of a direction in that behalf given by the Tribunal on  
20 the application of that person.

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

26 13.-(1) Any person not being a member of the Incorporated Institute  
27 who, but for this Act, would have been qualified to apply for and obtain  
28 membership of the Incorporated Institute may, within a period of three months  
29 from the commencement of this Act, apply for the membership of the Institute  
30 in such a manner as may be prescribed by the Council.



1 (2) Where an application under subsection (1) of this section is  
2 approved by the Council, the applicant shall be registered, as the case may  
3 be, according to his qualification.

4 14.-(1) The Council may make rules for:

Rules as to  
articles, etc.

5 (a) the training of registered members of the profession and of  
6 suitable persons in professional practice; or

7 (b) the supervision and regulation of the engagement, training and  
8 transfer of such person.

9 (2) The Council may also make rules:

10 (a) prescribing the amount and date for payment of the annual  
11 subscription and annual renewal of a student's hip and for such purpose,  
12 different amounts may be prescribed by the rules for a fellow, graduate  
13 member, associate, honorary member, honorary fellow or student of the  
14 Institute;

15 (b) prescribing the form of license to practice to be issued annually  
16 or, if the Council thinks fit, by endorsement on an existing license;

17 (c) restricting the right to practice as a chartered member of the  
18 profession in default of payment of the amount of the annual subscription  
19 where the default continues for longer than such period as may be prescribed  
20 by the rules;

21 (d) restricting the right to practice as a member of the profession if  
22 the qualification granted outside Nigeria does not entitle the holder to  
23 practice as a member of the profession; and

24 (e) prescribing the period of practical training in the office of a  
25 chartered member of the profession in practice to be completed before a  
26 person qualifies for a license to practice as a member of the profession.

27 (3) Rules when made shall, if the chairman of the Council so  
28 directs, be published in the Gazette.

29 15. The Institute shall:

Provision of  
library

30 (a) provide and maintain a library comprising books and

1 publications for the promotion and advancement of knowledge of the  
2 profession, and such other books and publications as the Council may think  
3 necessary for that purpose; and

4 (b) encourage research into Islamic Finance allied subjects to the  
5 extent that the Council may, from time to time, determine.

Regulations  
and rules

6 16. Rules made for the purposes of this Act shall be subject to  
7 confirmation by the Institute at its next annual meeting or at any special  
8 meeting of the Institute convened for the purpose, and if then annulled shall  
9 cease to have effect on the day after the date of annulment, but without  
10 prejudice to anything done in pursuance or intended pursuance of any such  
11 rules.

Offences and  
penalties

12 17.-(1) If any person, for the purpose of procuring the registration of  
13 any name, qualification or other matter:

14 (a) makes a statement which he believes to be false in a material  
15 particular; or

16 (b) recklessly makes a statement which is false in a material  
17 particular, he is guilty of an offence.

18 (2) If, on or after the coming into force of this Act, any person who is  
19 not a member of the Institute practices as a member or uses any name, title,  
20 addition or description implying that he is a member of the Institute, he is guilty  
21 of an offence.

22 (3) In the case of a person referred to in section 12 of this Act:

23 (a) the provisions of subsection (2) of this section shall not apply in  
24 respect of anything done by him during the period of three months mentioned  
25 in that section; and

26 (b) if within that period he duly applies for membership of the  
27 Institute, then unless within that period he is notified that his application has  
28 not been approved, the provision of subsection (2) of this section shall not  
29 apply in respect of anything done by him between the end of that period and the  
30 date which he is registered or is notified as aforesaid.

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

4 (5) A person guilty of an offence under this section is liable:

5 (a) on summary conviction, to a fine of an amount not exceeding  
6 N1,000; or

7 (b) on conviction on indictment, to a fine of an amount not  
8 exceeding N5,000 or to imprisonment for a term not exceeding two years, or  
9 to both such fine and imprisonment.

10 (6) Where an offence under this section which has been committed  
11 by a body corporate is proved to have been committed with the consent or  
12 connivance of or to be attributable to any neglect on the part of any director,  
13 manager, secretary or other similar officer of the body corporate or any  
14 person purporting to act in any such capacity, he, as well as the body  
15 corporate, shall be deemed to be guilty of that offence and shall be liable to  
16 be proceeded against and punished accordingly.

17 18.-(1) On the commencement of this Act:

18 (a) all assets and liabilities held or incurred immediately before  
19 that day by or on behalf of the Incorporated Institute shall, by virtue of this  
20 Act and without any further assurance, vest in the Institute and be held by it  
21 for the purposes of the Institute established;

22 (b) the Incorporated Institute shall cease to exist; and

23 (c) subject to subsection (2) of the section, any act or thing made or  
24 done by the Incorporated Institute shall be deemed to have been made or  
25 done by the Institute established by this Act.

26 (2) The provisions of the Third Schedule to this Act shall have  
27 effect with respect to matters arising from the transfer by this section to the  
28 Institute of the property of the Incorporated Institute and with respect to the  
29 other matters mentioned therein.

Transfer to the  
Institute of certain  
assets and liabilities

Third Schedule

Interpretation

1                   19. In this Bill:

2           "Council" means the Council established as the governing body of the Institute

3           under section 3 of this Act;

4           "Fees" includes annual subscriptions;

5           "Incorporated Institute" means the Chartered Institute of Islamic Finance

6           Professionals incorporated under the Companies and Allied Matters Act;

7           [Cap. C20.]

8           "Institute" means the Chartered Institute of Islamic Finance Professionals

9           established under section 1 of this Act;

10          "Member" means a member of the Council and includes the President and

11          Vice- Presidents;

12          "Panel" has the meaning assigned thereto by section 10 of this Act;

13          "President" and "Vice-President" mean respectively the office holders under

14          those names in the Institute;

15          "Register" means the register maintained in pursuance of section 5 of this Act;

16          "Tribunal" has the meaning assigned thereto by section 10 of this Act.

Short title

17                   20. This Bill may be cited as the Chartered Institute of Islamic

18          Finance Professionals Bill, 2019.

## SCHEDULES

## FIRST SCHEDULE

[Section 3 (3).]

22                   *Supplementary Provisions Relating to the Council, Qualifications and*

23                   *Tenure of Office of Members*

24                   1.-(1) Subject to the provisions of this paragraph, a member of the

25          Council shall hold office for a period of five years beginning with the date of

26          his appointment or election.

27                   (2) In the case of a person who is a member by virtue of having been

28          President of the Institute, he shall hold office for a period of three years from

29          the date of his having ceased to be President of the Institute.

30                   (3) Any member of the Institute who ceases to be a member thereof

1 shall, if he is also a member of the Council, cease to hold office on the  
2 Council.

3 (4) Any elected member may, by notice in writing under his hand  
4 addressed to the President of the Institute, resign his office, and any  
5 appointed member may, with the consent of the Minister, in the same  
6 manner resign his office.

7 (5) A person who retires from or otherwise ceases to be an elected  
8 member of the Council, shall be eligible again to become a member of the  
9 Council and any appointed member may be re-appointed.

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

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

16 (8) If for any reason there is a vacation of office by a member:

17 (a) and such member was appointed by the Minister, the Minister  
18 shall appoint another fit and proper person to replace such member; or

19 (b) and the member was elected, the Council may, if the time  
20 between the unexpired portion of the term of office and the next meeting of  
21 the Institute appears to warrant the filling of the vacancy, co-opt some fit and  
22 proper person for such time as aforesaid.

23 *Powers of Council*

24 2. The Council shall have power to do anything which in its  
25 opinion is calculated to facilitate the carrying on of the activities of the  
26 Institute.

27 3.-(1) Subject to the provisions of this Act, the Council may in the  
28 name of the Institute make standing orders regulating the proceedings of the  
29 Institute, the Council or any of the Institute's committees.

30 (2) The standing orders shall provide for decisions to be taken by a

1 majority of the members, and in the event of equality of votes, the President of  
2 the Institute or the chairman, as the case may be, shall have a second or casting  
3 vote.

4 (3) The standing orders made for a committee shall provide that the  
5 committee reports back to the Council on any matter referred to it by the  
6 Council.

7 4. The quorum of the Council shall be seven and the quorum of a  
8 committee of the Council shall be determined by the Council.

9 *Meeting of the Institute*

10 5.-(1) The Council shall convene the annual meeting of the Institute  
11 on 30 September in every year or on such other day as the Council may, from  
12 time to time, appoint so however that if the meeting is not held within one year  
13 after the previous annual meeting not more than fifteen months shall elapse  
14 between the respective dates of the two meetings.

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

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

22 *Meeting of the Council*

23 6.-(1) Subject to the provisions of any standing orders of the Council,  
24 the Council shall meet whenever it is summoned by the chairman; and if the  
25 chairman is required to do so by notice in writing given to him by not less than  
26 seven other members, he shall summon a meeting of the Council to be held  
27 within seven days from the date on which the notice is given.

28 (2) At any meeting of the Council, the chairman or, in his absence, the  
29 vice-chairman shall preside; if both are absent, the members present at the  
30 meeting shall appoint one of their member to preside at that meeting.

1 (3) Where the Council desires to obtain the advice of any person on  
2 a particular matter, the Council may co-opt him as a member for such period  
3 as the Council thinks fit; but a person who is a member by virtue of this sub-  
4 paragraph shall not be entitled to vote at any meeting of the Council and  
5 shall not count towards a quorum.

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

#### 10 *Committees*

11 7.-(1) The Council may appoint one or more committees to carry  
12 out on behalf of the Institute or of the Council, such functions as the Council  
13 may determine.

14 (2) A committee appointed under this paragraph shall consist of the  
15 number of persons determined by the Council, of whom not more than one  
16 third shall be persons who are not members of the Council and a person other  
17 than a member of the Council shall hold office on the Committee in  
18 accordance with the terms of the instrument by which he is appointed.

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

#### 21 *Miscellaneous*

22 8.-(1) The fixing of the seal of the Institute shall be authenticated  
23 by the signature of the President of the Institute or of some other member of  
24 the Council authorised generally or specially by the Institute to act for that  
25 purpose.

26 (2) Any contract or instrument which, if made or executed by a  
27 person not being a body corporate, would not be required to be under seal,  
28 may be made or executed on behalf of the Institute or of the Council as the  
29 case may require, by any person generally or specially authorised to act for  
30 that purpose by the Council.

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

4 9. The validity of any proceedings of the Institute or the Council or of  
5 a committee of the Council shall not be adversely affected by any vacancy in  
6 membership, or by any defect in the appointment of a member of the Institute  
7 or of the Council or of a person to serve on the Committee or by reason that a  
8 person not entitled to do so took part in the proceedings.

9 10. Any member of the Institute or of the Council, and any person  
10 holding office on a committee of the Council, who has a personal interest in any  
11 contract or arrangement entered into or proposed to be considered by the  
12 Council on behalf of the Institute, or on behalf of the Council or a committee  
13 thereof, shall forthwith disclose his interest to the President of the Institute or to  
14 the Council, as the case may be, and shall not vote on any question relating to  
15 the contract or arrangement.

16 SECOND SCHEDULE

17 [Section 10 (5).]

18 *Supplementary Provisions Relating to the Disciplinary Tribunal and*  
19 *Investigating Panel of the Institute*

20 1. The quorum of the Tribunal shall be four of whom at least two shall  
21 be members of the profession.

22 2.-(1) The Attorney-General of the Federation may make rules as to  
23 the selection of members of the tribunal for the purposes of any proceedings  
24 and as to the procedure to be followed and the rules of evidence to be observed  
25 in proceedings before the Tribunal.

26 (2) The rules shall in particular provide:

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

30 (b) for determining who in addition to the person aforesaid, shall be



1 party to the proceedings;

2 (c) for securing that any party to the proceedings shall, if so  
3 required, be entitled to be heard by the Tribunal;

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

6 (e) subject to the provisions of section 11 (7) of this Act, as to the  
7 costs of proceedings before the Tribunal;

8 (f) for requiring in a case where it is alleged that the person who is  
9 subject of the proceedings is guilty of infamous conduct in any professional  
10 respect, that where the Tribunal adjudges that the allegation has not been  
11 proved, it shall record a finding that the person is not guilty of such conduct  
12 in respect of the matters to which the allegation relates;

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

16 3. For the purposes of any proceedings before the Tribunal, any  
17 member of the Tribunal may administer oaths and any party to the  
18 proceedings may issue out of the registry of the Court of Appeal writs of  
19 subpoena ad testificandum and duces tectum; but no person appearing  
20 before the Tribunal shall be compelled:

21 (a) to make any statement before the Tribunal tending to  
22 incriminate himself; or

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

25 4. For the purpose of advising the Tribunal on questions of law  
26 arising in the proceedings before it, there shall in all such proceedings be an  
27 assessor to the Tribunal who shall be appointed by the Council on the  
28 nomination of the Attorney-General of the Federation and shall be a legal  
29 practitioner of not less than ten years' standing.

1 *Functions of assessors*

2 5.-(i) The Attorney-General of the Federation shall make rules as to  
3 the functions of assessors appointed under this paragraph, and in particular,  
4 such rules shall contain provisions for securing that:

5 (a) where an assessor advises the Tribunal on any question of law as to  
6 evidence, procedure or any other matters specified by the rules, he shall do so in  
7 the presence of every party or person representing a party to the proceedings  
8 who appears thereat or, if the advice is tendered while the Tribunal is  
9 deliberating in private, that every such party or person as aforesaid shall be  
10 informed what advice the assessor has tendered;

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

14 (2) An assessor may be appointed under this paragraph either  
15 generally or for any particular proceedings or class of proceeding and shall  
16 hold and vacate office in accordance with the terms of the instrument by which  
17 he is appointed.

18 *The Panel*

19 6. The quorum of the Panel shall be three.

20 7.-(1) The Panel may, at any meeting of the Panel attended by all the  
21 members of the Panel, make standing orders with respect to the Panel.

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

24 *Miscellaneous*

25 8.-(1) A person ceasing to be a member of the Tribunal or the Panel  
26 shall be eligible for re-appointment as a member of that body.

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



1 Institute or an officer of the Incorporated Institute, there were substituted, as  
2 respects anything falling to be done on or after the commencement of this Act, a  
3 reference to a member or members of the Council under this Act or the officer  
4 of the Incorporated Institute corresponds as nearly as may be to the member or  
5 officer in question of the Incorporated Institute.

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

9 (3) Without prejudice to the generality of the foregoing provisions of  
10 this Schedule, where, by the operation of section 17 of this Act, any right,  
11 liability or obligation vests in the Institute, the Institute and all other persons  
12 shall, as from the commencement of this Act, have the same rights, powers and  
13 remedies (and, in particular, the same rights as to the taking or resisting of legal  
14 proceedings or the making or resisting of applications to any authority) for  
15 ascertaining, perfecting or enforcing that right, liability or obligation as they  
16 would have if it had at all times been a right, liability or obligation of the  
17 Institute.

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

22 2. At the commencement of this Act, any person holding any paid  
23 appointment in the Incorporated Institute shall hold a corresponding  
24 appointment in the Institute on the same terms and conditions as to tenure and  
25 otherwise but shall not be entitled to receive remuneration both from the  
26 Incorporated Institute and from the Institute in respect of the same period of  
27 service.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Islamic Finance Professionals to regulate the activities of Members of the profession.