

L.N. 71 of 1972

ARCHITECTS (REGISTRATION ETC.) DECREE 1969 (1969 No. 10)

Architects (Disciplinary Tribunal and Assessors) Rules 1972

Commencement : 14th November 1972

In exercise of the powers conferred upon me by paragraphs 2 and 4 (2) of Schedule 2 to the Architects (Registration etc.) Decree 1969, and of all other powers enabling me in that behalf, I, Dr Taslim Olawale Elias, Chief Justice of Nigeria, hereby make the following rules :—

Composition of the Tribunal

1.—(1) Whenever any case of professional misconduct against an architect is referred to the tribunal by the panel such a case shall be heard by a division of not more than five members comprising fully registered architects appointed by the Architects Registration Council of Nigeria of whom at least two shall be elected members of the Council.

Composition
of tribunal.

(2) The president of the council shall be the chairman of the tribunal.

Proceedings before the Tribunal

2.—(1) In any case where in pursuance of section 12 (3) of the Decree the panel is of the opinion that a prima facie case is made against an architect, the panel shall prepare a report of the case and formulate any appropriate charge and forward them to the secretary together with all the documents considered by the panel.

Reference of
case to
tribunal.

(2) The secretary shall refer the report and charges to the president of the council who shall convene a meeting of the tribunal as set up in accordance with rule 1 above.

3.—(1) Parties to proceedings before the tribunal shall be—

(a) the complainant,

(b) the respondent,

(c) any other person required by the tribunal to be joined by leave of the tribunal.

Parties and
appearance.

(2) Any party to the proceedings may appear in person or may be represented by a legal practitioner, so however, that the tribunal may, if of the opinion that it is necessary in the interest of justice, order a party to the proceedings to appear in person but without prejudice to his right to counsel.

4.—(1) On the direction of the chairman the secretary shall fix a day for the hearing of the case and forthwith thereafter shall, in the form in the Schedule to these rules, serve notice thereof on each party to the proceedings.

Notice of
hearing and
service.

(2) The secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the panel and all documents considered by the panel.

(3) It shall be sufficient compliance with this rule if any process required to be served is handed to the party concerned or affected personally or is sent by registered post to the last known place of residence or abode of the party.

Hearing in
absence of
parties.

5.—(1) Subject to paragraph (2) of this rule, the tribunal may hear and determine a case in the absence of any party.

(2) Any party to the proceedings before a tribunal who fails to appear or be represented, or who has previously appeared before that tribunal but subsequently fails to appear or be represented may apply within 30 days after the date when the pronouncement of the findings and directions of the tribunal were given for a re-hearing on the ground of want of notice or other good and sufficient reason; and the tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

Witnesses
and evidence.

6. The tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charges referred to it by the panel; and in the application of this rule, the provisions of the Evidence Act shall apply to any such proceedings.

Cap. 62.

Amendment
of charges.

7. If in the course of the proceedings it appears to the tribunal that the charges referred to it by the panel require to be amended in any respect, the tribunal may permit such amendment as it thinks fit.

Proceedings
to be in
public.

8. The proceedings of the tribunal shall be held, and its findings and directions shall be pronounced, in public.

Adjournment
of hearing.

9. The tribunal may, of its own motion, or upon application of any party, adjourn the hearing on such terms as to costs or otherwise as the tribunal may think fit.

False
evidence.

10. If any person wilfully gives false evidence on oath before the tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

Findings
and costs.

11. If after the hearing the tribunal adjudges that the charge of professional misconduct has not been proved, the tribunal—

(a) shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which the charge relates,

(b) may nevertheless order any party (except the complainant) to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the tribunal thinks fit so to order.

Publication
of tribunal's
findings.

12. Subject to section 13 (5) of the Decree (which relates to appeals), any direction given by the tribunal shall be published in the *Gazette* as soon as may be after the direction takes effect.

Record of
proceedings.

13.—(1) Shorthand notes of proceedings may be taken by a person appointed by the tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The secretary shall supply to the person entitled to be heard upon an appeal against the direction of the tribunal, and to the Architects Registration Council of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.

(3) If no shorthand notes are taken, the chairman shall take a note of the proceedings and, accordingly, the provisions of these rules as to inspection and taking of copies shall apply to such notes.

14. The tribunal may dispense with any requirements of these rules respecting notices, affidavits, documents, service or time in any case where it appears to the tribunal to be just to do so; and the tribunal may in any appropriate case extend the time to do anything under these rules.

Dispensing with certain provisions.

15. The tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given until the appeal is heard or otherwise disposed of.

Power to retain exhibits pending appeal.

Assessors

16.—(1) An assessor, when nominated in accordance with paragraph 4 (1) of Schedule 2 to the Decree, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the tribunal.

Appointment and duties of assessor.

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the tribunal as and when requested to do so by notice in writing given to him by the secretary not later than three clear days before the date appointed for the meeting, and he shall thereat advise the tribunal on questions of law arising in proceedings before it.

(3) Except where the tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with the Decree shall be tendered in the presence of every party or of his counsel.

(4) If the advice by the assessor to the tribunal is given otherwise than in the presence of all parties, or as the case may be of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice given and the reaction thereto of the tribunal.

17. In these rules, unless the context otherwise requires—

Interpretation.

“the chairman” means the chairman of the Architects Disciplinary Tribunal;

“the complainant” means the Architects Investigating Panel or any member thereof;

“the respondent” means the person required to answer any charge of professional misconduct;

“the secretary” means a person appointed to act as the registrar under section 5 (1) of the Decree.

18. These rules may be cited as the Architects (Disciplinary Tribunal and Assessors) Rules 1972.

Citation.

SCHEDULE

Rule 4 (1)

NOTICE OF HEARING BY THE ARCHITECTS DISCIPLINARY TRIBUNAL
In the Matter of the Architects (Registration etc.) Decree 1969

AND

In the Matter of A. B., an architect

TAKE NOTICE that the report and charges prepared by the Architects Investigating Panel in the above matter are fixed for hearing by the Architects Disciplinary Tribunal at.....

on the.....day of.....19.....

COPIES of :—

- (a) the report ;
- (b) the charges ; and
- (c)
are annexed hereto.

DATED at.....this.....day of.....19.....

.....
Secretary to the Tribunal

MADE at Lagos this 14th day of November 1972.

T. O. ELIAS,
Chief Justice of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Rules but is intended to explain its effect)

The above rules provide for the procedure and other matters relating to the proceedings before the Architects Disciplinary Tribunal. They also make provision with respect to the appointment and duties of an assessor.