

ESTATE SURVEYORS AND VALUERS (REGISTRATION, ETC.) DECREE 1975



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Decree No. 24

[29th August 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Estate Surveyors and Valuers Registration Board

1.—(1) There is hereby established a body to be known as the Estate Surveyors and Valuers Registration Board of Nigeria (hereafter in this Decree referred to as "the Board").

Establish-
ment of
Estate Sur-
veyors and
Valuers
Registration
Board of
Nigeria.

(2) The Board shall be a body corporate with perpetual succession and a common seal.

Functions of
the Board.

2. The Board is hereby charged with the general duty of—

(a) determining who are estate surveyors and valuers for the purposes of this Decree;

(b) determining what standards of knowledge and skill are to be attained by persons seeking to become registered as estate surveyors and valuers and reviewing such standards from time to time for the purpose of raising them;

(c) securing in accordance with the provisions of this Decree the establishment and maintenance of a register of persons entitled to practise as estate surveyors and valuers and the publication from time to time of lists of such persons;

(d) regulating and controlling the practice of estate surveying and valuation (hereafter in this Decree referred to as "the profession") in all its aspects and ramifications; and

(e) performing the other functions conferred on the Board by this Decree.

3.—(1) Subject to the provisions of this Decree, the Board shall consist of—

Membership
of the Board.

(a) a chairman who must be a person of distinction in the profession to be appointed by the Commissioner on the recommendation of the Nigerian Institution of Estate Surveyors and Valuers (hereafter in this Decree referred to as "the Institution");

(b) five persons to be appointed by the Commissioner of whom at least one but not more than two shall be employed by the Ministry under his control and the others not so employed shall be appointed by him from amongst other interests in the field of estate surveying and valuation covered by this Decree, which in the opinion of the Commissioner ought to be adequately represented;

(c) six persons to be appointed by the Commissioner to represent the States in rotation for two years at a time, no two of whom shall come from one State at any one time;

(d) six persons elected by the Institution in the manner for the time being provided by its constitution;

(e) four persons nominated by the Universities and appointed by the Commissioner one each from any four of the Universities offering courses leading to an approved qualification.

(2) The provisions of Schedule 1 to this Decree shall have effect with respect to the qualifications and tenure of office of members of the Board, powers and procedure of the Board and the other matters therein mentioned.

(3) The Commissioner may make regulations to provide for increasing or reducing the membership of the Board, and may make such consequential amendments of paragraph 1 of Schedule 1 to this Decree as the Commissioner deems fit.

Financial provisions.

4.—(1) The Board shall prepare and submit to the Commissioner not later than the 31st day of December in the year in which this Decree comes into force (so however that for that year the Commissioner may, if he considers it necessary, extend the period) and of each subsequent year an estimate of its expenditure and income during the next succeeding financial year.

(2) The Board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved as respects that year by the Commissioner.

Directions by the Commissioner.

5.—(1) The Commissioner may give to the Board directions of a general character or relating to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions, and it shall be the duty of the Board to comply with the directions.

(2) Before giving a direction under subsection (1) of this section, the Commissioner shall serve a copy of the proposed direction on the Board and shall afford the Board an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Commissioner may give the direction either without modification, or with such modifications as appear to him to be appropriate having regard to the representations.

The Register

6.—(1) The Board shall appoint a fit and proper person to be the registrar for the purposes of this Decree.

(2) The registrar shall prepare and maintain, in accordance with the rules made by the Board under this section, a register of estate surveyors and valuers (hereafter in this Decree referred to as "the register") and the register shall contain the names, addresses, approved qualifications and such other particulars as may be specified by the Board, of all persons who are entitled and who apply in accordance with the provisions of this Decree to be registered as estate surveyors and valuers.

(3) The register shall consist of two parts of which one shall be in respect of fully registered persons and the other in respect of provisionally registered persons.

(4) Subject to the following provisions of this section, the Board shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular—

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

Appointment of registrar; preparation and maintenance of the register.

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

(c) authorising a registered person to have any qualification which is registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered ;

(d) specifying the fees to be paid to the Board in respect of the entry of names on the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid ;

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

(5) Any rules made for the purposes of paragraph (d) of subsection (4) of this section, shall not come into force until they are confirmed by the Commissioner.

(6) It shall be the duty of the registrar—

(a) to correct, in accordance with the Board's directions, any entry in the register which the Board directs him to correct as being in the Board's opinion an entry which was incorrectly made ;

(b) to make from time to time any necessary alterations to the registered particulars of registered persons ;

(c) to remove from the relevant part of the register the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.

(7) If the registrar—

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

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it ;

the registrar may remove the particulars relating to the person in question from the relevant part of the register : Provided that the Board may for any reason which seems to it to be sufficient, direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

7.—(1) It shall be the duty of the registrar—

(a) to cause a list of persons whose names and qualifications are indicated in the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Decree comes into force ;

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

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

and it shall be the duty of the Board to keep the register and lists so deposited open at all reasonable times for inspection by members of the public.

Publication
of the
register and
lists of
corrections.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being fully or provisionally registered, is so registered, and that any person not so specified is not so registered.

Registration

Registration
as estate
surveyors
and valuers.

8.—(1) Subject to section 15 and to rules made under section 6 (4) of this Decree, a person shall be entitled to be registered as an estate surveyor and valuer if—

(a) he passes the qualifying examination for membership recognised or conducted by the Board under this Decree and immediately before the commencement of this Decree, he was a member of the Institution ; or

(b) he holds a qualification granted outside Nigeria which for the time being is accepted by the Board and he is by law entitled to practise for all purposes as estate surveyor and valuer in the country in which the qualification was granted and, if the Board so requires, he satisfies the Board that he has had sufficient practical experience as estate surveyor and valuer.

(2) Subject as aforesaid, a person shall be entitled to be registered under this Decree if—

(a) he holds a certificate recognised by the Board and has had not less than two years post qualification practical experience in the profession ; or

(b) he has passed an examination approved by the Board and has had not less than two years post qualification practical experience in the profession.

(3) An applicant for registration under this Decree shall, in addition to evidence of qualification, satisfy the Board—

(a) that he is of good character ;

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

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

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

(5) Any entry directed to be made in the register under subsection (4) of this section shall show that registration is provisional, and no entry so made shall be converted into full registration without the consent of the Board specified in writing in that behalf.

(6) The Board shall from time to time publish in the *Gazette* particulars of the qualifications for the time being accepted for registration under this Decree.

9.—(1) For the purposes of section 8 of this Decree, the Board may approve—

Approval of institutions, courses of training and qualifications by Board.

(a) any institution whether in Nigeria or elsewhere, which the Board considers is properly organised and equipped for conducting a course of training approved by the Board under this section ;

(b) any course of training which is intended for persons who are seeking to become, or are already members of the profession and which the Board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession ; and

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

(2) The Board shall from time to time publish in the *Gazette* a list of qualifications approved by it, and subject thereto shall not approve any qualification granted by an institution in Nigeria unless such qualification has been included in the list published by the Board.

(3) The Board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval it shall—

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

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

(c) take into consideration any representations made as respects the proposals in pursuance of the last foregoing paragraph.

(4) As respects any period during which the approval of the Board under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section ; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have the effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Board may specify in the instrument ; and the Board shall—

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

(b) not later than seven days before its publication as aforesaid ; send a copy of the instrument to the Commissioner.

10.—(1) It shall be the duty of the Board to keep itself informed of the nature of—

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

(b) the examination as a result of which approved qualifications are granted ;

Supervision of instruction and of examinations leading to approved qualifications.

and for the purpose of performing that duty the Board may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under this section to report to the Board on—

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

(b) the sufficiency of the examinations attended by him; and

(c) any other matter relating to the institutions or examinations on which the Board may, either generally or in a particular case, request him to report;

but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Board shall as soon as may be send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Board within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Certificate by the registrar to be evidence of registration, etc.

11. A certificate under the hand of the registrar to the effect that any person was or was not registered as an estate surveyor and valuer under this Decree at any time or during any period specified in the certificate, or as to any entry in the register of estate surveyors and valuers or as to any act or proceeding of the Board, shall until the contrary is proved, be sufficient evidence of the matters therein specified.

Registrar to notify Institution of entries in register.

12. The registrar shall, as soon as practicable, after the entry in the register of any person's name, or after the removal of such name from the register, give notice in writing to the Institution of the entry or removal as the case may be, together with all the particulars relevant thereto.

Professional Discipline

Disciplinary powers of the Board.

13.—(1) There shall be a tribunal to be known as Estate Surveyors and Valuers Disciplinary Tribunal (hereafter in this Decree referred to as "the tribunal") which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section and any other case of which the tribunal has cognisance under the following provisions of this Decree.

(2) The tribunal shall consist of the Chairman of the Board and eleven other members thereof appointed by the Board of whom not less than four shall be members of the Board holding office by virtue of paragraph (d) of subsection (1) of section 3 of this Decree or where the number of those members is for the time being less than four, all those members.

(3) There shall be a body to be known as the Estate Surveyors and Valuers Investigating Panel (hereafter in this Decree 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 person registered has misbehaved in his capacity as an estate surveyor and valuer, or should for any other reason be the subject of proceedings before the tribunal; and

(b) deciding whether the case should be referred to the tribunal.

(4) The panel shall be appointed by the Board and shall consist of seven members thereof.

(5) The provisions of Schedule 2 to this Decree shall, so far as applicable to the tribunal and the panel respectively, have effect with respect to those bodies.

14.—(1) Where—

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

(b) such a person is convicted of an offence in Nigeria or elsewhere by any court having power to impose imprisonment (whether or not such an offence is punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of an estate surveyor and valuer; 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 or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the tribunal; but—

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

(b) no person shall be a member of the tribunal for the purpose 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 or further deferred.

(3) 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.

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

(5) A person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court; and the tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the tribunal under subsection (1) of this section shall take effect—

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

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

(c) where an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed;

and shall not take effect except in accordance with the foregoing provisions of this subsection.

Penalties
for unpro-
fessional
conduct, etc.

(7) A person whose name is removed from the register in pursuance of a direction of the tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the tribunal on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Miscellaneous and General

Temporary
registration
of persons
not citizens
of Nigeria.

15.—(1) Where a person satisfies the Board—

(a) that he has been selected for employment for a specified period in a capacity in which a person registered as an estate surveyor and valuer under this Decree is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question; and

(b) that he holds a qualification or has passed examinations necessary for obtaining some qualification granted outside Nigeria which is for the time being accepted by the Board as respects the capacity in which if employed he is to serve;

the Board may, if it thinks fit, give a direction that he shall be temporarily registered as an estate surveyor and valuer.

(2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease at the end of the period of the employment specified to the Board under that subsection or on the prior determination of the employment whichever first occurs:

Provided that nothing in this subsection shall preclude the Board from giving a further direction under subsection (1) of this section in respect of a specified period whose commencement coincides with the termination or prior determination of another such employment.

(3) A person who is temporarily registered shall, in relation to his employment as mentioned in subsection (1) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matters he shall be treated as not so registered.

(4) In case of doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purpose of subsection (2) of this section.

(5) The registrar, as directed from time to time by the Board, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

Offences.

16.—(1) Any person, not being a registered estate surveyor and valuer, who—

(a) for or in expectation of reward practises or holds himself out to practise as such, or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a registered estate surveyor and valuer;

shall be guilty of an offence under this Decree.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter—

(a) makes a statement which he believes to be false in a material particular, or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence under this Decree.

(3) If the registrar or any other person employed by the Board wilfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Decree.

(4) A person guilty of an offence under this Decree shall be liable—

(a) on conviction in a court lower than the High Court, to a fine not exceeding ₦100 and, where the offence is a continuing one, to a further fine not exceeding ₦20 for each and every day that the offence continues ;

(b) on conviction in a High Court, to a fine not exceeding ₦1,000 or imprisonment for a term not exceeding two years or both and, where the offence is a continuing one, to a further fine not exceeding ₦50 for each and every day that the offence continues.

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

17.—(1) Subject to the following provisions of this section, a person not otherwise exempted shall not hold an appointment requiring status as estate surveyor and valuer under this Decree in the public service of the Federation or a State or in the armed forces of the Federation unless he is an estate surveyor and valuer registered under this Decree.

Miscellaneous supplementary provisions.

(2) An estate surveyor and valuer shall, but to the extent only of his particular qualifications, be entitled to practise as a registered estate surveyor and valuer throughout the Federation.

(3) It shall be the duty of any person in charge of any university or institution in the Federation offering courses leading to an approved qualification intended for persons who are seeking to become registered estate surveyors and valuers under this Decree to furnish to the registrar, not later than the 31st day of March in every year, a list of the names, and of such other particulars as the Board may specify, of all persons who attended any such courses at the university or institution in question at any time during the preceding year.

(4) In this section "public service" includes service as a registered estate surveyor and valuer in or with any educational institution, corporation or state-owned company in the Federation.

18.—(1) The Commissioner shall have power to make all such regulations, as may, in his opinion, be necessary or expedient for giving full effect to the provisions of this Decree and for the administration thereof.

Regulations, rules and orders.

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

(a) to make provision for such incidental or supplemental matters as the person or authority making the instrument considers expedient for the purpose of the instrument, and

(b) to make different provision for different circumstances.

Interpretation,
etc.

19.—(1) In this Decree, unless the context otherwise requires—

“approved qualification” means such qualification which is approved for the time being by the Board ;

“the Board” means the Estate Surveyors and Valuers Registration Board of Nigeria established under section 1 (1) of this Decree ;

“the Commissioner” means the Federal Commissioner charged with responsibility for matters relating to estate surveying and valuation ;

“estate surveyor and valuer” means any person registered as such under this Decree ;

“the Institution” means the Nigerian Institution of Estate Surveyors and Valuers ;

“the profession” means the profession of estate surveying and valuation ;

“register” means the register maintained under this Decree and “registered” shall be construed accordingly ;

“the registrar” means the registrar appointed in pursuance of section 6 of this Decree :

(2) For the purposes of this Decree, a person is registered if his name is for time being entered in the register.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorised or required to be given or made by or under this Decree shall be in writing and may, without prejudice to any other method of service, but subject to the provisions of rules made under Schedule 2 of this Decree, be served by post.

Citation.

20. This Decree may be cited as the Estate Surveyors and Valuers (Registration, etc.) Decree 1975.

SCHEDULES

SCHEDULE 1

Section 3

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Qualifications and Tenure of Office of Members

1.—(1) A person shall not be appointed a member of the Board unless he is a citizen of Nigeria and he is registered as an estate surveyor and valuer under this Decree.

(2) Subject to the provisions of this paragraph, a person who is a member of the Board otherwise than by virtue of paragraphs (b) and (c) of subsection (1) of section 3 of this Decree shall hold office for a period not exceeding three years beginning with the date of his appointment or election as the case may be :

Provided that a person shall not hold office, whether appointed or elected, for a term of less than two years unless the Commissioner after consultation with the Board otherwise directs.

(3) Any member of the Board holding office otherwise than as mentioned in sub-paragraph (2) above may, by notice to the board, resign his office.

(4) Subject to section 3 of this Decree a person who has ceased to be a member of the Board shall be eligible again to become a member of the Board.

(5) Where a member of the Board ceases to hold office before the date when his term of office would have expired by effluxion of time, the body or person by whom he was appointed or elected shall as soon as may be, appoint or, as the case may be, appoint or elect a person to fill the vacancy for the residue of the term aforesaid, so however that (without prejudice to the powers conferred by paragraph (d) of subsection (1) of section 3 of this Decree) the foregoing provisions of this sub-paragraph shall not apply where a person holding office as a member of the Board in pursuance of that paragraph ceases to hold office at a time when the residue of his term does not exceed one year.

(6) The power of appointing a person as Chairman of the Board shall—

(a) during the period of three years beginning with the date when this sub-paragraph comes into force, be exercisable by the Commissioner ; and

(b) after the expiration of that period, be exercisable the Board ;

and where an existing member of the Board is appointed Chairman, his office as an existing member shall become vacant and his term of office as Chairman shall begin on the date of his appointment as Chairman.

Powers of the Board

2.—(1) Subject to the following sub-paragraph and to any direction of the Commissioner under this Decree, the Board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(2) The Board shall not have power to borrow money or to dispose of any property except with the prior consent of the Commissioner and it shall not have power to pay remuneration (including pensions) allowances, or expenses to any member, officer or servant of the Board or to any other person except in accordance with the scales approved by the Commissioner.

Proceedings of the Board

3. Subject to the provisions of this Decree and of section 26 of the Interpretation Act 1964 (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote) the Board may make standing orders regulating the proceedings of the Board or of any committee thereof.

4. The quorum of the Board shall be eleven and the quorum of any committee of the Board shall be determined by the Board.

5.—(1) The Board shall appoint one of its members to be the vice-Chairman of the Board for such period as the Board may determine, so however that a vice-Chairman who ceases to be a member shall cease to be a vice-Chairman.

(2) At any time while the office of the Chairman either is vacant or the Chairman is, in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the vice-Chairman shall perform those functions, and references in this Schedule to the Chairman shall be construed accordingly.

6.—(1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than six other members he shall summon a meeting of the Board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman or in his absence the vice-Chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

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

(4) Notwithstanding anything in the forgoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Commissioner who may give such directions as he thinks fit as to the member who shall preside and as to the procedure which shall be followed at the meeting.

Committees

7.—(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

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

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

Miscellaneous

8.—(1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other member authorised generally or specially to act for that purpose by the Board.

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

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

9. The validity of any proceedings of the Board or of a committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a person to serve on the committee, or by a reason that a person not entitled to do so took part in the proceedings.

10. Any member of the Board, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

11. A person shall not, by reason only of his membership of the Board, be treated as holding an office in the public service of the Federation or of any State thereof.

SCHEDULE 2

Section 13

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
AND INVESTIGATING PANEL*The Tribunal*

1. The quorum of the tribunal shall be four.

2.—(1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the tribunal.

(2) The rules shall in particular provide—

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

(b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal;

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

(e) subject to the provisions of section 14 (5) of this Decree, as to the costs of proceedings before the tribunal ;

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

(g) for publishing in the *Gazette* notice of any direction of the tribunal which has taken effect providing that a person's name shall be struck off a register.

(3) For the purposes of any proceedings before the tribunal, any member of the tribunal may administer oaths and any party to the proceedings may sue out of the registry of the Supreme Court as the case may require, writs of *subpoena ad testificandum* and *duces tecum* ; but no person appearing before the tribunal shall be compelled—

(a) to make any statement before the tribunal tending to incriminate himself ; or

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

4.—(1) For the purpose of advising the tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the tribunal who shall be appointed by the Board on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

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

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

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

The Panel

5. The quorum of the panel shall be three.

6.—(1) The panel may, at any meeting attended by not less than six members thereof, make standing orders with respect to the panel.

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

Miscellaneous

7.—(1) A person ceasing to be a member of the tribunal or the panel shall be eligible for reappointment as a member of that body.

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

8. The tribunal or the panel may act notwithstanding any vacancy in its membership ; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to subparagraph (2) of paragraph 7 of this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The tribunal and the panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Decree to be served on the tribunal or the panel shall be served on the registrar.

11. Any expenses of the tribunal or the panel shall be defrayed by the Board.

12. A person shall not, by reason only of his appointment as an assessor to the tribunal or as a member of the panel, be treated as holding an office in the public service of the Federation or of any State thereof.

MADZ at Lagos this 27th day of August 1975.

BRIGADIER M. R. MUHAMMED,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purposes)*

The Decree establishes the Estate Surveyors and Valuers Registration Board of Nigeria as a body corporate and empowers the Board, *inter alia*, to determine persons who are to become estate surveyors and valuers and what standards of knowledge and skill are to be attained by such persons.

The Decree also lays down the disciplinary powers of the Board and provides for penalties in respect of offences committed under the Decree.

**CHAD BASIN DEVELOPMENT AUTHORITY
(AMENDMENT) DECREE 1975**



Decree No. 25

[29th August 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Chad Basin Development Authority Decree 1973 is hereby amended as follows :—

Amendment
of
1973 No. 32.

(a) for section 2 there shall be substituted the following new section—

“Functions
of the
Authority.

2.—The functions of the Authority shall be—

(a) to promote land and water resources development schemes for the purposes of increasing agricultural and fish production ;

(b) to undertake schemes for the control of floods and soil erosion including afforestation ;

(c) to undertake schemes for the controlled exploitation of underground water resources ;

(d) to construct and maintain dams, polders, wells, bore-holes, irrigation and drainage canals and other works necessary for the achievement of the Authority's functions under this section ;

(e) to develop land for the mechanised cultivation of crops including forestry and supply water for irrigation purposes to private farmers or recognised associations for a fee to be determined by the Authority ;

(f) to develop plantations and ranches for the production of food and other crops and livestock and to lease such plantations and ranches to private farmers or recognised associations for a fee to be determined by the Authority ;

(g) to process food and other crops and livestock products for consumption ;

(h) to resettle persons affected by the works and schemes specified in paragraphs (d), (e) and (f) above or under special resettlement schemes ; and

(i) to control pollution of the rivers and lakes in its area.” ;

(b) for section 3 there shall be substituted the following new section—

"Powers of the Authority, etc.

3.—(1) Subject to this section, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions, including without prejudice to the generality of the foregoing, the taking over and management of projects for irrigation, afforestation, fisheries and livestock development already established at the commencement of this Decree.

(2) The Authority shall not acquire or lease land or take over existing projects without the agreement of the State Government.

(3) Except with the general or special approval of the Federal Executive Council the Authority shall not have power to borrow or lend money.

(4) The Authority may, with the agreement of the State Government, make by-laws for regulating the use of land and the use of water for irrigation purposes with respect to the functions specified in section 2 above but no by-laws made in pursuance of this section shall come into force unless they are confirmed by the Federal Executive Council.

(5) The Commissioner may give to the Authority directions of a general character or relating to particular matters with regard to the exercise of the functions of the Authority and it shall be the duty of the Authority to comply with the directions."

(c) In section 8 (2) for the definition of "Chad Basin" there shall be substituted the following new definition—

"Chad Basin" means the area within Nigeria between the Lake Chad and a line drawn from Matsena in the north through Potiskum and Biu to Mubi in the South ;"

Citation.

2. This Decree may be cited as the Chad Basin Development Authority (Amendment) Decree 1975.

MADE at Lagos this 29th day of August 1975.

BRIGADIER M. R. MUHAMMED,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

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

The Decree redefines the functions and enlarges the powers of the Chad Basin Development Authority. It also provides a new description for the term "Chad Basin".

**SOKOTO-RIMA BASIN DEVELOPMENT AUTHORITY
(AMENDMENT) DECREE 1975**



Decree No. 26

[29th August 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Sokoto-Rima Basin Development Authority Decree 1973 is hereby amended as follows—

Amendment
of 1973
No. 33.

(a) for section 2 there shall be substituted the following new section—

“Functions
of the
Authority.

2. The functions of the Authority shall be—

(a) to promote land and water resources development schemes for the purposes of increasing agricultural and fish production;

(b) to undertake schemes for the control of floods and soil erosion including afforestation ;

(c) to undertake schemes for the controlled exploitation of underground water resources ;

(d) to construct and maintain dams, polders, wells, bore-holes, irrigation and drainage canals and other works necessary for the achievement of the Authority's functions under this section ;

(e) to develop land for the mechanised cultivation of crops including forestry and supply water for irrigation purposes to private farmers or recognised associations for a fee to be determined by the Authority ;

(f) to develop plantations and ranches for the production of food and other crops and livestock and to lease such plantations and ranches to private farmers or recognised associations for a fee to be determined by the Authority ;

(g) to process food and other crops and livestock products for consumption ;

(h) to resettle persons affected by the works and schemes specified in paragraphs (d), (e) and (f) above or under special resettlement schemes ; and

(i) to control pollution of the rivers and lakes in its area.” ;

(b) for section 3 there shall be substituted the following new section—

"Powers of the Authority, etc.

3.—(1) Subject to this section, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions, including without prejudice to the generality of the foregoing, the taking over and management of projects for irrigation, afforestation, fisheries and livestock development already established at the commencement of this Decree.

(2) The Authority shall not acquire or lease land or take over existing projects without the agreement of the State Government concerned.

(3) Except with the general or special approval of the Federal Executive Council the Authority shall not have power to borrow or lend money.

(4) The Authority may, with the agreement of the State Government concerned, make by-laws for regulating the use of land and the use of water for irrigation purposes with respect to the functions specified in section 2 above but no by-laws made in pursuance of this section shall come into force unless they are confirmed by the Federal Executive Council.

(5) The Commissioner may give to the Authority directions of a general character or relating to particular matters with regard to the exercise of the functions of the Authority and it shall be the duty of the Authority to comply with the directions."

Citation.

2. This Decree may be cited as the Sokoto-Rima Basin Development Authority (Amendment) Decree 1975.

MADE at Lagos this 29th day of August 1975.

BRIGADIER M. R. MUHAMMED,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree redefines the functions and enlarges the powers of the Sokoto-Rima Basin Development Authority.

UNIVERSITY OF LAGOS (AMENDMENT) DECREE 1975



Decree No. 27

[29th August 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The College of Education of the University of Lagos (hereafter in this Decree referred to as "the College") established by paragraph (b) of subsection (1) of section 2 of the University of Lagos Decree 1967 (hereafter in this Decree referred to as "the principal Decree") is hereby dissolved.

Dissolution
of the College
of Education.
1967 No. 3.

(2) Accordingly, the principal Decree is amended as provided in the Schedule to this Decree.

2.—(1) Any person who immediately before the coming into force of this Decree was a member of staff or an employee of the College shall, as from the commencement of this Decree, become the holder of an appointment in the University with the status, designation and functions which correspond as far as possible to those which appertained to him as a member of that staff or as such an employee.

Transitional
provisions
and vesting
of property.

(2) All property held immediately before the commencement of this Decree, whether by virtue of section 10 (1) of the principal Decree or otherwise on behalf of the College shall, by virtue of this subsection and without further assurance vest in the University and be held by it for the purposes of the University as from the commencement of this Decree.

(3) Anything made or done or having effect as if made or done before the commencement of this Decree under or for the purposes of the principal Decree by the College and having any continuing or resulting effect shall be treated from the commencement of this Decree as if it were made or done by the University.

3. This Decree may be cited as the University of Lagos (Amendment) Decree 1975.

Citation.

SCHEDULE

Section 1 (2)

AMENDMENTS OF THE PRINCIPAL DECREE

1. In section 2—

(i) for subsection (1) there shall be substituted the following new subsection :—

“(1) There shall be established within the University as an integral part thereof a College of Medicine of the University of Lagos which shall be a body corporate with perpetual succession and a common seal.”;

(ii) subsection (2) and (4) shall be deleted ; and

(iii) subsection (3) shall be re-numbered as subsection (2).

2. In section 9, the words “and the College of Education” or “the College of Education” wherever they occur in the section shall be deleted.

3. In section 26—

(i) in the definition of “college”, the expression “, the College of Education” shall be deleted ; and

(ii) for the definition of “the College of Education and “the College of Medicine” there shall be substituted the following :—

“the College of Medicine” means the College of Medicine of the University of Lagos established by this Decree ;”.

4. In Schedule 2—

(i) paragraphs 5, 6, 7 and 8 shall be deleted ;

(ii) for the heading immediately above paragraph 9, there shall be substituted the following heading :—

“Provisions applicable to the College of Medicine” ;

(iii) in paragraph 9 (1), for the words from the beginning of the sub-paragraph to the word “power” where it occurs in the fifth line, there shall be substituted the following :—

“For carrying out its objects as specified in section 2 of this Decree, the College of Medicine (hereafter in this Schedule referred to as “the College”) shall, subject to sections 6 (1) and 9 (3) of this Decree and any statutes or regulations for the time being in force, have power—” ; and

(iv) in paragraph 9 (2)—

(a) for the words from the beginning of the sub-paragraph to the word “Colleges” where it occurs in the third line, there shall be substituted the following :—

“Subject to the provisions of this Decree and of any statute or regulations for the time being in force, the powers conferred on the College” ; and

(b) the words “in question” where they occur in the fourth line shall be deleted.

5. In Schedule 4 and in—

(a) Article 1 (i) (e) of the Lagos University Statute No. 1; for the words "two shall be provosts of Colleges" where they occur, there shall be substituted the words "one shall be the provost of a College";

(b) Article 3 (1) (c) for the words "the provosts and deputy provosts of the several Colleges" there shall be substituted the words "the provost and the deputy provost of a College;" and

(c) Article 6 (3) the words "the College of Education" shall be deleted.

6. In Schedule 4, Article 11 shall be deleted.

MADE at Lagos this 29th day of August 1975.

BRIGADIER M. R. MUHAMMED,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree amends the University of Lagos Decree 1967 by dissolving the College of Education. Accordingly, consequential and transitional provisions are made in the areas of staff, property and other connected matters.

**ENGINEERS (REGISTRATION, ETC.) (AMENDMENT)
DECREE 1975**



Decree No. 28

[30th August 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—1 For section 1 (2) (e) of the Engineers (Registration, etc.) Decree 1970 there shall be substituted the following—

Amendment
of 1970
No. 55.

“(e) members from the universities with faculties of engineering appointed in rotation by the Commissioner for a term of two years, so however that the total number of members under this paragraph shall be one half (or in the case of an odd number, the next whole number greater than one half) of the number of such universities and no two of such members shall come from the same university.”

(2) In paragraph 1 (5) of Schedule 1 of the Decree, for the words “A person” there shall be substituted the words “Subject to paragraph (e) of section 1 (2), a person”.

2. This Decree may be cited as the Engineers (Registration, etc.) (Amendment) Decree 1975.

Citation.

MADE at Lagos this 30th day of August 1975.

BRIGADIER M. R. MUHAMMED,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

The Decree amends the Engineers (Registration, etc.) Decree 1970 to provide for wider representation of the universities on the Council of Registered Engineers of Nigeria.