

Supplement to Official Gazette Extraordinary No. 63, Vol. 73, 12th December,
1986—Part A

QUANTITY SURVEYORS (REGISTRATION, ETC.) DECREE 1986



ARRANGEMENT OF SECTIONS

Section

Quantity Surveyors Registration Board of Nigeria

1. Establishment of Quantity Surveyors Registration Board of Nigeria, etc.
2. Composition of the Board.
3. Financial provisions.
4. Power to issue directions by the Minister.

The Register

5. Preparation and maintenance of the register.
6. Publication of register and lists of corrections.

Registration

7. Registration as quantity surveyors.
8. Special registration.
9. Approval of courses, qualifications and institutions.
10. Supervision of instructions and examinations leading to approved qualifications.
11. Certificate of experience.

Professional Discipline

12. Establishment of disciplinary committee and investigating panel.
13. Penalties for unprofessional conduct, etc.

Miscellaneous Provisions

14. Temporary registration of persons not citizens of Nigeria.
15. Offences.
16. Miscellaneous supplementary provisions.
17. Recovery of fees.
18. Regulations, rules and orders.
19. Interpretation, etc.
20. Citation.

SCHEDULES

Schedule 1—Supplementary provisions relating to the board.

Schedule 2—Supplementary provisions relating to the disciplinary committee and investigating panel.

Decree No. 31

[5th December 1986]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Quantity Surveyors Registration Board of Nigeria.

1. There is hereby established a body to be known as the Quantity Surveyors Registration Board of Nigeria (hereafter in this Decree referred to as "the board") which shall be a body corporate by the name aforesaid and be charged with the general duty of—

Establish-
ment of
Quantity
Surveyors
Registration
Board of
Nigeria, etc.

(a) determining who are quantity surveyors 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 quantity surveyors and raising those standards from time to time as circumstances may permit ;

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

(d) regulating and controlling the practice of the quantity surveying profession in all its aspects and ramifications ;

(e) performing such other functions that may be conferred on the board by this Decree.

2.—(1) Subject to the provisions of this Decree, the board shall consist of the following members, that is—

Composition
of the Board.

(a) one person who shall be the president of the board ;

(b) five persons to be appointed by the Minister of whom one shall be appointed from the Ministry under his control and the other persons from amongst other interests in the field of quantity surveying covered by this Decree which in his opinion are not adequately represented ;

(c) five persons elected by the Nigerian Institute of Quantity Surveyors in the manner for the time being provided by the constitution of that body ;

(d) four persons to represent the Universities and other institutions of higher education (including technical colleges) offering courses leading to an approved qualification in Nigeria having faculties of quantity surveying, each institution having not more than one representative at a time.

(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.—(1) The board shall prepare and submit to the Minister not later than 30th June of the year in which this Decree comes into force (so however that for that year the Minister may if he considers it necessary extend the period) and of each subsequent year estimate of its expenditure and income during the next succeeding financial year.

Financial
provisions.

(2) The board shall keep proper records in respect of each financial year and proper records in relation to these accounts, and shall cause the accounts, to be audited as soon as may be after the end of the financial year to which the accounts relate.

Power to
issue
directions
by the
Minister.

4.—(1) The Minister may give to the board directions of a general character or relating generally 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 the foregoing subsection, the Minister 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 Minister 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

Preparation
and
maintenance
of the
register.

5.—(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 rules made by the board under this section, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Decree to be registered as quantity surveyors and who apply in the specified manner to be so registered.

(3) The register of quantity surveyors (hereinafter in this Decree referred to as "the register") shall consist of two parts of which one shall be in respect of fully registered persons and the other in respect of temporarily 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 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 any such application ;

(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 in relation to the relevant division of the profession, whether an approved qualification or an accepted qualification for the purposes of section 7(2) (b) of this Decree registered in relation to his name in addition to or as he may elect in substitution for any other qualification 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,

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister.

(5) The registrar shall—

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

(c) remove from the part of the register which relates to temporarily registered persons all particulars relating to a person registered in the other part of that register or relating to persons ceasing for any reason to be entitled to be so temporarily registered.

(6) 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 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 ; but the board may direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

6.—(1) The registrar shall —

(a) cause 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 ; and

(b) in each year after a register has been published under paragraph (a) of this section 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) cause a print of each edition of the register and each list of corrections to be deposited at the principal offices of the board,

and the board shall keep the register and lists so deposited open at all reasonable times for inspection by members of the public.

(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 temporarily registered is so registered, and that any person not so specified is not so registered.

Publication
of register
and list
of
corrections.

Registration

7.—(1) Subject to section 18 and to rules made under section 5 (4) of this Decree, a person shall be entitled to be fully registered as a quantity surveyor under this Decree if—

Registration
as quantity
surveyors

(a) he has attended a course of training approved by the board under section 9 of this Decree ; and

(b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others ;

(c) he holds a qualification so approved ; and

(d) he holds a certificate of experience issued in pursuance of section 11 of this Decree.

(2) Subject as aforesaid, a person shall also be entitled to be fully registered under this Decree if he satisfies the board—

(a) that he is of good character ;

(b) that he holds a qualification granted outside Nigeria and for the time being accepted by the board for the purposes of this subsection as respect the quantity surveying profession ; and

(c) that in the country in which the qualification was granted he was under no legal disability in the practice of quantity surveying ; and

(d) if the board so requires, that he has sufficient practical experience in quantity surveying,

and the board shall from time to time publish in the *Gazette* particulars of the qualifications for the time being accepted as aforesaid.

(3) Subject as aforesaid, a person shall be entitled to be temporarily registered under this Decree in the cases specified in section 14 of this Decree.

Special
registration.

8. Notwithstanding section 7 (1) of this Decree but subject to section 11 and to rules made under section 5 (4) of this Decree, a person shall be entitled to be fully registered under this Decree if—

(a) he has, by the date of his application for registration, had not less than seven years practical experience in quantity surveying ;

(b) the level and quality of the said practical experience are such that they are acceptable to the board ;

(c) by the date of the said application he is not less than thirty-five years of age ;

(d) he is of good character ; and

(e) the board considers that he is otherwise a fit and proper person to be registered.

Approval of
courses,
qualifications
and
institution.

9.—(1) Subject to subsection (2) of this section, the board may approve for the purpose of section 7 of this Decree—

(a) any course of training which is intended for persons who are seeking to become, or are already members of the quantity surveying profession, and which the board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession or for the practice as members of a specialised branch of that profession ;

(b) any institution either in Nigeria or elsewhere, which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board ; or

(c) any qualification which, as a result of an 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 quantity surveying as a profession.

(2) The board shall from time to time publish in the *Gazette* a list of qualifications, courses and institutions in the profession of quantity surveying approved by it, and subject thereto the board shall not approve for the

purposes of subsection (1) (b) of this section a qualification granted by an institution in Nigeria unless the qualification has been so 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, the board shall—

(a) give notice that it proposes to do so to persons 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 in relation to proposal in pursuance of subsection (4) of this section.

(4) As respects any period during which the approval of the board under this section is withdrawn, such course, institution or qualification shall not be treated as approved under this section ;

(5) Notwithstanding subsection (4) of this section, the withdrawal of any 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 (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(6) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the board may specify in that 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 Minister for approval.

10.—(1) The board shall keep itself informed of the nature of—

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

(b) the examinations as a result of which approved qualifications are granted,

Supervision
of instruc-
tions and
examina-
tions
leading to
approved
qualifica-
tions.

and for the purposes 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) A visitor appointed under subsection (1) of this section shall report to the board on—

(a) the sufficiency of the instruction 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 thereafter send a copy of the report to the person

Certificate
of
experience.

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 30 days beginning with the date of the request.

11.—(1) A person who, after obtaining an approved qualification, satisfies the conditions mentioned in subsection (2) of this section, shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person in charge of the establishment, undertaking or organisation mentioned in that subsection.

(2) The conditions aforesaid are—

(a) he shall have been employed as a quantity surveyor for the prescribed period in Nigeria with a view to obtaining a certificate of experience ;

(b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered quantity surveyors for such periods as may be prescribed ; and

(c) the manner in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.

(3) The employer (being a registered quantity surveyor) supervising the work of persons employed with a view to obtaining a certificate of experience shall ensure that any such person is afforded proper opportunities of acquiring the practical experience required for the purposes of subsection (2) (b) of this section.

(4) Where, after having served his time as mentioned in subsection (2) (a) of this section, a person is refused a certificate of experience he shall be entitled—

(a) to receive from his employer particulars in writing specifying the grounds of the refusal ; and

(b) to appeal from the refusal to a committee of the board in accordance with rules made by the board in that behalf (including rules as to the time within which appeals are to be brought),

and on any such appeal the committee shall either dismiss the appeal or issue the certificate of experience in question or give such other directions in the matter as it considers just.

(5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

Professional Discipline

Establish-
ment of
disciplinary
committee
and investi-
gating panel.

12.—(1) There shall be a committee to be known as the Registered Quantity Surveyors Disciplinary Committee (hereinafter in this Decree referred to as "the disciplinary committee") 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 disciplinary committee has cognisance under the following provisions of this Decree.

(2) The disciplinary committee shall consist of the president of the board and eight other members of the board appointed by the board, and shall include not less than four members of the board holding office by virtue of paragraph (c) of subsection (1) of section 2 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 Registered Quantity Surveyors 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 fully or temporarily registered has misbehaved in his capacity as such, or should for any other reason be the subject of proceedings before the disciplinary committee ;

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

(4) The panel shall be appointed by the board and shall consist of five members and three registered quantity surveyors who are not members of the board.

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

13.—(1) Where—

(a) a person fully registered under this Decree is convicted by any court or tribunal in Nigeria or elsewhere having power to award imprisonment for an offence (whether or not it is an offence punishable with imprisonment) which in the opinion of the disciplinary committee is incompatible with the status of a registered quantity surveyor ; or

(b) a person temporarily registered under this Decree is likewise so convicted in circumstances such that the board is satisfied that his name ought to be removed from the register ; or

(c) the disciplinary committee is satisfied that the name of any person has been fraudulently registered,

the disciplinary committee may, if it thinks fit, give a direction reprimanding that person, or suspending him for such period as the disciplinary committee may deem fit, if fully registered or, whether or not fully registered ordering the registrar to strike his name off the relevant part of the register.

(2) The disciplinary committee 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 disciplinary committee ; 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 disciplinary committee for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the disciplinary committee when the decision was deferred.

Penalties for
unpro-
fessional
conduct,
etc.

(3) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection 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 disciplinary committee gives a direction under subsection (1) of this section, the disciplinary committee shall cause notice of the direction to be served on the person to whom it relates.

(5) The 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 Federal High Court; and the disciplinary committee 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 disciplinary committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the disciplinary committee 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; or

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

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

(7) A person whose name is removed from the register in pursuance of a direction of the disciplinary committee under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the disciplinary committee 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

14.—(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 fully registered as quantity surveyor under this Decree would normally be employed and that he is or intends to be in Nigeria temporarily for the purposes of serving for that period in the employment in question; and

(b) that he holds, or has passed examinations necessary for obtaining some qualification granted outside Nigeria which is for the time being accepted by the board for the purposes of this section 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 a quantity surveyor.

Temporary
registration
of persons
not citizens
of Nigeria.

(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—

(a) on the termination of the period of employment specified to the period whichever first occurs ; or

(b) on the termination of the said employment before the end of that period whichever comes first :

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 of another such period.

(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 terminated, the decision of the board shall be conclusive for the purposes of subsection (2) of this section.

(5) Nothing in this section shall have effect to exempt any person temporarily registered as a quantity surveyor pursuant to this section from payment of any annual practising fee prescribed under this Decree.

(6) 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

15.—(1) If any person who is not a registered quantity surveyor—

(a) for or in expectation of reward practises or holds himself out to practise as a registered quantity surveyor ; 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 quantity surveyor,

he shall be guilty of an offence.

(2) Any person on the temporary register who, otherwise than in accordance with section 14 of this Decree—

(a) for or in expectation of reward, practises or holds himself out to practise as a registered quantity surveyor ; 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 quantity surveyor,

shall be guilty of an offence.

(3) 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

Offences.

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

(4) 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.

(5) A person guilty of an offence under this section shall be liable on conviction in a High Court to a fine not exceeding ₦1,000 or imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

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

Miscellaneous
supplementary
provisions.

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

(2) A registered quantity surveyor under this Decree shall, but to the extent only of his particular qualifications, be entitled to practise as a registered quantity surveyor throughout the Federation.

(3) It shall be the duty of the person in charge of each university or other institution of higher education (including technical colleges) having attached thereto a faculty or department (howsoever called) of quantity surveying in the Federation at which there is held a course of training intended for persons who are seeking to become registered quantity surveyors under this Decree to furnish to the registrar, not later than 31st March in every year, a list of the names and of such other particulars as the board may by order specify of all persons who attended any such course at the institution in question at any time during the preceding year.

Recovery
of fees.

17. Without prejudice to any rule of law whereby a contract may be avoided for inconsistency with an enactment, a person other than a fully registered quantity surveyor shall not be entitled to recover by process of law, fees or other valuable consideration whatsoever in respect of any act, matter or thing done or omitted to be done by his intended pursuance of any contract while purporting to act as a registered quantity surveyor.

Regulations,
rules and
orders.

18. The Minister shall have power to make regulations, rules or orders and these shall include power—

(a) to make provision for such incidental and supplementary matters as he may from time to time consider expedient for the purposes of this Decree; and

(b) to make different provision for different circumstances.

Interpreta-
tion, etc.

19.—(1) In this Decree, unless the context otherwise requires—
“approved” means for the time being approved under section 9 of this Decree;

"approved quantity surveyor qualification" means a qualification which is approved in respect of the quantity surveying profession ;

"board" means the Quantity Surveyors Registration Board of Nigeria established by section 1 of this Decree ;

"certificate of experience" means a certificate granted in pursuance of section 11 of this Decree, ;

"disciplinary committee" has the meaning assigned to it by section 12 (1) of this Decree.

"Minister" means the Federal Minister charged with the general responsibility for matters relating to the quantity surveying profession ;

"panel" has the meaning assigned to it by section 12 (3) of this Decree ;

"prescribed" means prescribed by regulations made under this Decree ;

"public service" means public service of the Federation or of a State as defined in section 227 of the Constitution of the Federal Republic of Nigeria 1979 ;

"register" means the register maintained under this Decree ; and

"registered" shall be construed accordingly ;

"registrar" means the registrar appointed in pursuance of section 5 of this Decree ;

"regulations" means regulations made by the Minister ;

(2) For the purposes of this Decree—

(a) a person is fully registered if his name is for the time being entered in the part of the register maintained in respect of fully registered persons ; and

(b) a person is temporarily registered if his name is for the time being entered in the other part of that register ;

and "fully registered" and "temporarily registered" shall be construed in accordance with paragraphs (a) and (b) of this subsection.

(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 paragraph 2 of Schedule 2 to this Decree, be served by post.

20. This Decree may be cited as the Quantity Surveyors (Registration, etc.) Decree 1986.

Citation.

SCHEDULES

SCHEDULE 1

Section 2 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Qualifications and tenure of office of members

1.—(1) A person shall not be a member of the board unless he is a citizen of Nigeria fully registered as a quantity surveyor under this Decree.

(2) A person who is not a member of the board by virtue of his election by the Nigerian Institute of Quantity Surveyors or of his appointment as a member of any of the public services of Nigeria shall, subject to the following provisions of this paragraph, hold office for the period of three years beginning with the date of his appointment or election as a member.

(3) Persons elected by the Nigerian Institute of Quantity Surveyors shall hold office as members of the board for such term, not less in any event than two years from the date of election, as may be provided by the constitution of that Institute.

(4) Any member of the board holding office otherwise than by virtue of his appointment as a member of the public services as aforesaid may, by notice to the board resign his office.

(5) A person who has ceased to be a member of the board shall be eligible again to become a member of the board but shall cease to be a member after a total period of six years.

(6) Where a member of the board ceases to hold office before the date when his term of office would have expired by the 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, elect a person to fill the vacancy for the residue of the term aforesaid, so however that (without prejudice to the powers conferred by subsection 1 (d) of section 2 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.

(7) The appointment of the president shall be by election.

Powers of the board

2.—(1) Subject to the following sub-paragraph and to any directions of the Minister 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 under this Decree.

(2) The board shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister and 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 scales approved by the Minister.

Proceedings to the board

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

(2) The quorum of the board shall be seven if at least one each of the members appointed pursuant to section 2 (1) (b), (c) and (d) is present; and the quorum of any committee of the board shall be determined by the board.

4. The board shall appoint one of its members to be the vice-president of the board for such period as the board may determine, so however that a vice-president who ceases to be a member shall cease to be vice-president.

5.—(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 such number of persons as may be 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 his appointment.

(3) A decision of a committee of the board other than the committee mentioned in section 11 (4) of this Decree shall be of no effect until it is confirmed by the board.

Miscellaneous

6.—(1) The fixing of the seal of the board shall be authenticated by the signature of the president and of some other member authorised generally or specially by the board to act for that purpose.

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

SCHEDULE 2

Section 12 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND INVESTIGATING PANEL

The Disciplinary Committee

1. The quorum of the tribunal shall be five.

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 disciplinary committee.

(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 disciplinary committee ;

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

(e) subject to the provisions of this Decree, as to the costs of proceedings before the disciplinary committee ;

(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 disciplinary committee 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 matter to which the allegation relates ;

(g) for publishing in the *Gazette* notice of any direction of the disciplinary committee 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 disciplinary committee, any member of the disciplinary committee may administer oaths and any party to the proceedings may issue out of the registry of the Supreme Court as the case may require, writs of *subpoena testificandum* and *duces tecum*; but no person appearing before the disciplinary committee shall be compelled—

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

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

Assessor

4.—(1) For the purpose of advising the disciplinary committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the disciplinary committee who shall be appointed by the board on the nomination of the Attorney-General of the Federation 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 disciplinary committee 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 disciplinary committee is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered ;

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

(3) An assessor may be appointed under this paragraph either generally or specially 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 of the panel attended by not less than five members of the panel, make standing orders with respect to the panel.

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

Miscellaneous

7.—(1) A person ceasing to be a member of the disciplinary committee 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 disciplinary committee 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 disciplinary committee with respect to that case.

8. The disciplinary committee or the panel may act notwithstanding any vacancy in its membership ; and the proceedings of either body shall not be invalidated by any vacancy in the membership thereof or by any irregularity in the appointment of a member of that body.

9. The disciplinary committee 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 disciplinary committee or the panel shall be served on the registrar.

11. Any expenses of the disciplinary committee or the panel shall be defrayed by the board.

12. A person shall not, by reason only of his appointment as a legal assessor to the disciplinary committee 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.

MADE at Lagos this 5th day of December 1986.

MAJOR-GENERAL I. B. BABANGIDA,
President, 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 establishes the Quantity Surveyors Registration Board of Nigeria as a body corporate with the general duty of determining who shall be quantity surveyors as well as the standards of knowledge and skill to be attained by persons to be registered as quantity surveyors. The Board is also to secure the establishment and maintenance of a register of persons to practise as quantity surveyors and to regulate and control the practice of the quantity surveying profession.