

Extraordinary



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S.I 2 of 1999

ADVERTISING PRACTITIONERS (REGISTRATION, ETC)**ACT, CHAPTER 7****ADVERTISING PRACTITIONERS (DISCIPLINARY COMMITTEE)
RULES, 1998***Commencement 21st day of May, 1998*

In exercise of the powers conferred upon me by paragraph 1 of the Second Schedule to the Advertising Practitioners (Registration etc.) Act, Cap. 7, and all other powers enabling me in that behalf, I, Muhammadu Lawal Uwais, the Chief Justice of Nigeria, hereby make the following rules :

Proceedings before the Committee

1.—(1) In any case where in pursuance of section 21 (3) of the Act the panel is of the opinion that a prima facie case is made against an advertising practitioner, the panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the Secretary together with all the documents considered by the panel.

Reference
of case
to Committee.

2.—(1) The parties to proceedings before the committee shall be—

(a) the complainant ;

(b) the respondent ;

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

Parties and
appearance.

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

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

Notice
of hearing
and service.

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

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

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

Witnesses
and evidence.

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

Amendment
of charges.

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

Proceedings
to be
in public.

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

Adjournment
of hearing.

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

False
evidence.

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

Findings, etc.

Findings and
costs.

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

- (a) shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which the charge relates ;
- (b) may, nevertheless, order any party (except the complainant) to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the committee thinks fit so to order.

Publication of
Committee's
findings.

11. Subject to section 23 (3) of the Act (which relates to appeals), any direction given by the committee shall be published in the *Federal Gazette* as soon as may be after the direction takes effect.

12.—(1) Notes of the proceedings may be taken by a person appointed by the committee and any party who appeared at the committee and any party who appeared at the proceedings shall be entitled to inspect the record thereof.

Records of
Proceedings.

(2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the committee, and to Advertising Practitioners Council of Nigeria, but to no other person, a copy of such notes on payment of such charges as may be determined by the Secretary.

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

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

Power to
retain
exhibits
pending
appeal.

Supplementary

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

"the Chairman" means the Chairman of the Advertising Practitioners Disciplinary Committee.

Interpretation.

"the complainant" means the Advertising Practitioners Investigating Panel or any member thereof ;

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

"the Secretary" means a person appointed to act as the Registrar under section 7 of the Act.

17. These rules may be cited as the Advertising Practitioners (Disciplinary Committee) Rules 1998.

Citation.

SCHEDULE

NOTICE OF HEARING BY THE ADVERTISING PRACTITIONERS
DISCIPLINARY COMMITTEE

IN THE MATTER OF THE ADVERTISING PRACTITIONERS (REGISTRATION, ETC.)
ACT, CAP. 7

AND

IN THE MATTER OF A. B., A REGISTERED ADVERTISING PRACTITIONER

TAKE NOTICE that the report and charges prepared by the Advertising
Practitioners Investigating Panel in the above matter are fixed for hearing
by the Advertising Practitioners Disciplinary Committee at

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

Copies of :

- (a) the report ;
- (b) the charges ; and
- (c)

are annexed hereto.

DATE at this day of 19.....

.....
Secretary to the Committee

MADE at Abuja this 21st day of May, 1998.

(Signed)

MUHAMMADU LAWAL UWAI, CON
Chief Justice of Nigeria.

EXPLANATORY NOTE

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

The rules provide for the procedure and other matters relating to
the proceedings before the Advertising Practitioners Disciplinary
Committee.

