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**INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF
NIGERIA (ESTABLISHMENT) ACT, 2022**



ARRANGEMENT OF SECTIONS

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SCHEDULE

INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA (ESTABLISHMENT) ACT, 2023

ACT No. 41

AN ACT TO ESTABLISH THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA
TO REGULATE THE ACTIVITIES OF ITS MEMBERS ; AND FOR RELATED MATTERS

[26th Day of May, 2023]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I — OBJECTIVES AND APPLICATION

1.—(1) There is established the Institute of Environmental Practitioners of Nigeria in this Act referred to as “the Institute”).

Establishment
of the
Institute of
Environmental
Practitioners
of Nigeria

(2) The Institute —

(a) is a body corporate with perpetual succession and a common seal ;

(b) may sue and be sued in its corporate name ; and

(c) may acquire, hold or dispose of any movable or immoveable property for the purpose of its functions under this Act.

(3) The Institute shall perform the functions conferred on it by the Council under this Act.

(4) The Headquarters of the Institute shall be established and maintained in a suitable location in Nigeria as determined by the Council.

(5) The Council may make rules providing for the establishment and maintenance of offices of the Institute in the States of the Federation.

2.—(1) There is established for the Institute a Governing Council (in this Act referred to as “the Council”) charged with the administration and general management of the Institute.

Establishment
of the
Governing
Council

(2) The Council shall consist of—

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

(b) Vice-President of the Institute who shall be the Vice-Chairman ;

(c) Registrar of the Institute, who shall be appointed by the Council ;

(d) National Treasurer of the Institute who shall be the Treasurer ;

(e) Legal Adviser of the Institute who shall be a legal practitioner with a background in Environmental law ;

(f) the immediate past president of the Institute ;

(g) five elected representatives from Nigerian Environmental Society, Waste Management Society of Nigeria and other recognised affiliate professional bodies in the Environmental sector approved by the Council ;

	<p>(h) Chairman Board of Fellows of the Institute ; and</p> <p>(i) Chairmen of committees of the Council.</p>
Schedule	<p>(3) The provision of the Schedule to this Act shall regulate the proceedings of the Council and related matters.</p> <p>(4) Each member of the Council shall serve a term of two years and may be eligible for another term of two years and no more.</p>
Functions of the Institute	<p>3. The Institute shall —</p> <p>(a) train and certify persons who seek to be members of the institute ;</p> <p>(b) determine the standard of knowledge and skill to be attained by persons seeking to become registered members of the Institute and raise those standards as circumstances may permit ;</p> <p>(c) secure in accordance with the provisions of this Act, the establishment and maintenance of a register of members, and the publication of the list of those persons ;</p> <p>(d) issue practice guidelines on environmental and safety measures for members of the Institute ;</p> <p>(e) provide consultancy services on environmental matters to the public and the private sector ;</p> <p>(f) hold conferences, workshops seminars and symposia on contemporary environmental issues ;</p> <p>(g) take necessary actions, including removal of the names of defaulters from the register, as the Council under this Act, may direct or require ; and</p> <p>(h) perform any other duty as the Council may deem fit.</p>
Powers of the Council	<p>4. The Council shall —</p> <p>(a) ensure the effective and efficient implementation of the functions of the Institute ;</p> <p>(b) supervise and monitor the operations of the Institute ;</p> <p>(c) maintain the highest level of integrity and honesty in the operations of the Institute ;</p> <p>(d) consider and approve the annual budget of the Institute ;</p> <p>(e) present report and accounts prepared by the Institute to the Minister ;</p> <p>(f) approve the audited accounts and consider management letters from the external auditors ;</p> <p>(g) appoint and remove auditors, provide necessary facilities and remuneration ;</p> <p>(h) take appropriate actions on all committees' recommendations ;</p>

(i) obtain from any authority or persons, charters, and concessions necessary for the attainment of its purpose ;

(j) borrow money, receive grant and loans with the approval of the Council without prejudice to any provision of this Act relating to the provisions of funds ; and

(k) carry out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute under this Act.

5.—(1) Subject to the provisions of this Act, only persons of good character and integrity shall be admitted to membership of the Institute.

Admission
into the
Institute

(2) Members admitted into the Institute shall possess adequate interest, knowledge and understanding of environmental practices and other related professions and may be registered in any of the following categories —

(a) Graduate Member, if the person has —

(i) spent at least six years as an Associate, and

(ii) been adjudged by the Council to possess adequate knowledge of environmental practice and management ;

(b) Fellow, if the person has —

(i) spent at least 10 years as a full member of the institute, or

(ii) contributed significantly to the development of environmental practice and management ;

(c) Associate Member, if the person is a —

(i) holder of university degree or higher national diploma or its equivalent or who has spent at least four years in an affiliate grade,

(ii) holder of university degree or higher national diploma in environmental science or any related discipline, or a person who has performed duties at a senior level in environmental practice and management continuously for at least six years,

(iii) graduate of the Institute who has competently discharged executive or advisory duties at a senior level in environmental practice and management for at least four years since election to the grade of member, and

(iv) non-graduate who has spent at least 10 years in an affiliate grade, and possesses standard knowledge and qualities essential for a successful environmental practice and management ; and

(d) Honourary Fellow, if the person is a member of the Institute or any individual who, in the opinion of the Council, has contributed immensely to the development of the environmental sector in any capacity.

(3) A member of the Institute shall be entitled to receive, from the Council, a certificate in such form as the Council may approve for that purpose and a Fellow or an Associate Member shall be entitled to use such letters after his name as may be authorised by the Council as follows —

(a) a member registered into the category of individual membership shall be entitled to use the initials "MIEPN";

(b) a member registered into the category of membership of Fellow shall be entitled to use the initials "FIEPN";

(c) a member registered into the category of membership of Associate shall be entitled to use the initials "AIEPN";

(d) a member or an individual conferred with honorary Fellow shall be entitled to use the initials "FIEPN (Hon)".

PART II — FINANCIAL PROVISIONS

Fund of the
Institute

6.—(1) There is established the fund of the institute (in this Act referred to as "the Fund") which shall be managed and controlled by the Council.

(2) There shall be paid into the Fund —

(a) all fees, charges and money payable to the Institute under this Act;

(b) all revenue from other sources both locally and internationally; and

(c) other money received by the Institute in the course of its operations or in relation to the performance of its functions under this Act.

(3) There shall be paid out of the Fund —

(a) remuneration and allowances of the Institute;

(b) all expenditure incurred by the Council in the performance of its functions under this Act;

(c) such reasonable expenses and allowances of members of the Council, committee members and other co-opted persons in respect of the time spent on duties of the Council as applicable to similar Institutes; and

(d) any other expenses incurred by the Council in the performance of its functions under this Act.

(4) The Council may invest money from the fund in any security created or issued by or on behalf of the Government of the Federation or any other security in Nigeria as may be approved by the council.

(5) The Council may on behalf of the Institute, borrow money for the purpose of running the Institute, which shall be paid into the Fund.

7.—(1) The Council shall keep proper accounts and records on behalf of the Institute in respect of each year, and the Council shall cause the accounts to be audited by an external auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General of the Federation and the audited accounts submitted to the members at the general meeting of the Institute.

Annual
accounts and
audit

(2) The Auditor appointed for the purpose of subsection (1) shall not be a member of the Council.

PART III — THE REGISTRAR AND THE REGISTER

8.—(1) The Council shall appoint a person knowledgeable in environmental practice for not less than 10 years to be the Registrar of the Institute, and other persons as the Council may deem necessary to assist the Registrar in the performance of his functions under this Act.

Appointment
of Registrar
and
preparation
of register

(2) The Registrar shall be the Chief Executive officer of the Institute and Secretary to the Council.

(3) The Registrar shall prepare and maintain a Register of names, addresses, approved qualifications and other relevant particulars as may be specified in the rules made by the Council, of all categories and classes of members or persons registered as Environmental practitioners in the Country.

(4) The register shall consist of parts established according to professional disciplines approved by the Council and the Council shall review parts of the disciplines as the need arises.

(5) The Council may make regulations with respect to the form, keeping of the register, making of entries and in particular —

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

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

(c) authorise a registered person to have a qualification or work experience which is in relation to the environment ; and

(d) specify the fees, including any registration fees, to be paid to the institute in respect of the entry of names on the register and authorise the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid.

(6) Any rule made for the purpose of subsection (5) (d) shall not come into effect until it is approved by the Annual General Meeting.

Duties of the
Registrar

9. The Registrar shall, as directed by the Council —

- (a) correct any wrong entry in the register ;
- (b) update the registered particulars of registered persons ;
- (c) remove from the register the name of any registered person who has died ; and
- (d) record the names of members of the Institute who are in arrears for more than six months in the payment of annual or practicing fees and to take other actions, including removal of the name of defaulter from the register, as the Council may direct or require.

Publication
of register
and its
correction

10.—(1) The Registrar shall ensure that —

- (a) the register or any corrections made in it is printed, published and put on sale for members of the public not later than two years from the commencement of this Act ; and
- (b) a print of each edition of the register and of each list of corrections are deposited at the headquarters of the Institute, and the Council shall keep the register and list so deposited, available at all reasonable times for inspection by members of the public.

(2) A published copy of the register and any corrections therein shall be admissible in evidence to prove registration of a person.

PART IV — REGISTRATION

Registration
of
Environmental
Practitioners
and
organisations

11. The Council shall register annually all qualified Environmental Practitioners and organisations who seek to be members of the Institute and renew their registration every two years.

Rules as to
practice

12.—(1) The Council may make rules for —

- (a) prescribing the amount and date of the annual practicing fees for members of the Institute ;
- (b) prescribing the form of license to practice to be issued ;
- (c) restricting the right to practice of any member in default who continues for longer than such period as may be prescribed by the Council ;
- (d) restricting the right to practice as a member if the qualification granted outside Nigeria does not entitle the holder to practice as an environmental practitioner ; and
- (e) prescribing the period of practical training and experiences in the office of a member in practice, to be completed before a person qualifies for registration or a license to practice as environmental practitioner.

(2) Rules when made shall, if the Chairman of the Council so direct, be published in two widely circulated national dailies and in the Institute's Journal.

PART V — PROFESSIONAL DISCIPLINE

13.—(1) There is established the Environmental Practitioners Disciplinary Committee (in this Act referred to as "the Disciplinary Committee") charged with the duty of considering and determining any case of professional misconduct referred to it.

Establishment
of
Environmental
Practitioners
disciplinary
committee
for
professional
misconduct

(2) The Disciplinary Committee shall consist of a Chairman and four other members of the Council appointed by the Council.

(3) The quorum of the meeting of the Committee shall be three members, including the Chairman or in his absence, his nominee.

(4) The Disciplinary Committee shall conduct investigations into any allegation against any registered member of the Institute for professional misconduct or such other conduct that warrants proceedings against the member before the Disciplinary Committee and shall make determination as to the member's guilt or innocence.

(5) Where the Disciplinary Committee determines that a registered member is guilty of misconduct, it shall refer the matter including all its proceedings and recommendations to the Council of the Institute and the Council shall make determination as to whether the member should be —

- (a) reprimanded;
- (b) suspended for a period not more than 12 months; or
- (c) deregistered.

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

(7) If a member is convicted of a criminal offence by a court or tribunal of competent jurisdiction, the member's name shall be removed from the register.

(8) A person whose name is removed from the register under a directive of the Council under this section shall not be entitled to be registered again except in pursuance of a new directive in that behalf given by the Council upon the application of that person, not less than two years from the date on which the person's name was removed from the register.

14.—(1) A person who is not registered by the Institute but holds himself out as a registered member of the Institute commits an offence.

Offences and
penalties

(2) A person who for the purpose of procuring registration as a member of the Institute makes false —

- (a) claim as to his qualifications or experiences,
- (b) entry or willfully falsifies the register,

(3) A person who commits an offence under this Act is liable on conviction —

(a) for an individual, to a fine not more than ₦500,000 or imprisonment for a term not more than six months or both; or

(b) for a corporate organisation, a fine of at least ₦1,000,000.

(4) The Council shall carry out the review under subsection (3) every five years.

Committees

15.—(1) The Council shall appoint the following Standing Committees —

(a) admission and registration committee ;

(b) education and training committee ;

(c) disciplinary committee ;

(d) finance and general purpose committee ; and

(e) such other ad hoc committees, to carry out on behalf of the Council, such functions as the Council may determine.

(2) A committee appointed under this section shall consist of the number of persons determined by the Council of whom not more than one third may be persons who are members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.

(3) Membership of committees shall be drawn from registered members outside Council who are professionally competent to be so appointed and membership of any standing committee shall not be less than five and not more than seven and shall be chaired by a Council member so appointed.

(4) A decision of a committee of the Council shall be of no effect until the Council considers and ratifies or approves it.

Fees

16. The Council shall prescribe rules and regulations, including fees to be paid for registration and other purposes under this Act and when and how such fees shall be paid.

**Honorary
membership**

17. The Council can admit persons to the Institute as Honorary Members, provided that not more than five persons are admitted for a period of not less than two years.

Library

18. The Institute shall —

(a) provide and maintain a library comprising of books, research materials, publications and other materials approved by the Council that will build the capacity of Environmental Practitioners ;

(b) encourage research into environmental and other related subjects ; and

(c) formulate and make rules and regulations guiding the use of the library in particular and the Institute in general.

19. The Institute may own, register, transfer and receive properties in its corporate name.

Property of
the institute

20. In this Act —

Interpretation

"association" means the association of Environmental Practitioners of Nigeria ;

"Institute" means the Institute of Environmental Practitioners of Nigeria ;

"Environmental Practitioner" means a person who has the relevant qualification in any environmental science discipline, engineering and technology, sciences and related disciplines, experience, attitude and dedication towards the good health and well-being of the environment ;

"Minister" means Minister responsible for Environment ;

"Council" means Governing Council of the Institute ;

"fees" includes annual subscription ;

"Member" means a registered member of the Institute ;

"Practitioners" means Environmental Practitioners ;

"register" means register of members ;

"Registrar" means the Chief Executive of the Institute ; and

"Board of Fellows" means a body of all Fellows of the Institute.

21. This Act may be cited as the Institute of Environmental Practitioners of Nigeria (Establishment) Act, 2023.

Citation

SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE
PROCEEDINGS OF THE COUNCIL.

1. Subject to provisions of this Act and other applicable laws, Council may make orders regulating its proceedings or those of any committee it sets up.

2. Where standing orders made under paragraph 1 of this Schedule provide for the Council to co-opt persons who are not members of the Council, such persons may advise the Council on any matter referred to them by the Council, but shall not be entitled to vote at a meeting of the Council or count towards a quorum.

3. The Council may appoint one or more committees to carry out on its behalf such functions as the Council may determine.

4. A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office in accordance with the terms of his appointment.

Meetings of the Council.

5. The council shall meet whenever it is considered necessary, but at least twice a year, by giving notice to all members concerned, at least seven days before the meeting.

6. The Chairman shall preside at every meeting of the Council and in his absence, the Vice Chairman shall preside.

7. Five members of the Council, other than the Chairman shall form a quorum at the meeting.

8. Unless otherwise provided in this Act, decisions shall be by a simple majority of the votes of the members present; but in the event that equal votes are cast, the person presiding shall cast the deciding vote.

Committees

9. Subject to standing orders, the Council may appoint one or more committees to carry out on its behalf such duties as the Council may determine and make necessary reports.

10. A committee appointed under paragraph 9 shall consist of the number of persons to be determined by the Council and not more than the one-third of those persons may be persons who are not members of the Council and a person other than a member of the Council may hold office on the Committee in accordance with the letter of appointment provided.

11. The quorum of any committee set up by the Council shall be determined by the Council.

Miscellaneous

12. The affixing of the seal of the Institute shall be authenticated by signature of the Chairman and some other members authorised generally or specially by the council to act for that purpose.

13. A document purporting to be an instrument issued by the Institute, affixed with the seal of the Institute and authenticated in the manner provided by the foregoing paragraph, shall be received in evidence and deemed to be the instrument without further proof, unless there is proof otherwise.

14. A contract or instrument which, if made or executed by a person other than a body corporate, would not be required to be under seal, if made by or executed on behalf of the Council by any person authorised generally or specially by the Council to act for that purpose.

15. The validity of a proceeding of the council shall not be affected by –

- (a) a vacancy in the membership of the Council ;
- (b) a defect in the appointment of a member of the Council ; or
- (c) reason that a person not entitled to do so took part in the proceedings.

16. A member of the Council and a person holding office on a committee of the Council, who has a personal interest in a contract or an arrangement entered into or proposed to be considered by the Council or the committee shall immediately disclose his interest to the council or committee and shall not vote on any question relating to that contract or arrangement.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

OJO O. A., fnia, fcia
Clerk to the National Assembly
3rd Day of May, 2023.

EXPLANATORY MEMORANDUM

This Act establishes the Institute of Environmental Practitioners of Nigeria to regulate the activities of its members.

**SCHEDULE TO THE INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA
(ESTABLISHMENT) BILL, 2022**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Institute of Environmental Practitioners of Nigeria (Establishment) Bill, 2023.	An Act to establish the Institute of Environmental Practitioners of Nigeria to regulate the activities of its members ; and for related matters.	This Bill establishes the Institute of Environmental Practitioners of Nigeria to regulate the activities of its members.	22nd March, 2023.	5th April, 2022.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO O. A., fnia, fcia
Clerk to the National Assembly
3rd Day of May, 2023.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
26th Day of May, 2023.