

# QUANTITY SURVEYORS (REGISTRATION, ETC.) ACT

## ARRANGEMENT OF SECTIONS

### *Quantity Surveyors Registration Board of Nigeria*

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**An Act to establish the Quantity Surveyors' Registration Board of Nigeria and to provide for the registration of Quantity Surveyors; determine the standard of knowledge and skill to be obtained by a person seeking registration and matters connected therewith.**

[1986 No.31.]

125th February, 1986J

[Commencement

*Quantity Surveyors Registration Board of Nigeria*

#### **1. Establishment of quantity Surveyors Registration Board of Nigeria, etc.**

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

- (a) determining who are quantity surveyors for the purposes of this Act;
- (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 Act 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 Act.

## **2. Composition of the Board**

(1) Subject to the provisions of this Act, the Board shall consist of the following members, that is-

(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 person from amongst other interests in the field of quantity surveying covered by this Act, 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 the First Schedule to this Act 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.

[First Schedule.]

## **3. Financial provisions**

(1) The Board shall prepare and submit to the Minister not later than 30 June of the year in which this Act 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.

(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.

## **4. Power to issue directions by the Minister**

(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 subsection (1) of this section, 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*

#### **5. Preparation and maintenance of the register**

- (1) The Board shall appoint a fit and proper person to be the registrar for the purposes of this Act.
- (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 Act 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 Act referred to as "the register") shall consist of two parts of which one shall be 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 Act 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 register 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 to time any necessary alterations to the registered particulars of registered persons;

(c) remove from the part of the register, which relates to temporarily registered person, 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 there from under this subsection.

## **6. Publication of register and list of corrections**

(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 Act comes into force; and

(b) in each year after a register has been published under paragraph (a) of this subsection 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.

### *Registration*

## **7. Registration as quantity surveyors**

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

(a) he has attended a course of training approved by the Board under section 9 of this Act; 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 II of this Act.

(2) Subject as aforesaid, a person shall also be entitled to be fully registered under this Act 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 *Federal 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 Act in the cases specified in section 14 of this Act.

## **8. Special registration**

Notwithstanding section 7 (1) of this Act but subject to section 11 and to rules made under section 5 (4) of this Act, a person shall be entitled to be fully registered under this Act 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 35 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.

## **9. Approval of courses, qualifications and institutions**

(1) Subject to subsection (2) of this section, the Board may approve for the purpose of section 7 of this Act-

- (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 Federal *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 of 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 Federal *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. Supervision of instructions and examinations leading to approved qualifications

(1) The Board shall keep itself informed of the nature or-

- (a) the instruction given at approved institutions to persons attending an approved course of training;
- (b) the examinations as a result of which approved qualifications are granted,

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 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 within such period as may be specified in the request, not being less than thirty days beginning with the date of the request.

## **11. Certificate of experience**

(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 previous 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 person 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.

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

### *Professional discipline*

## **12. Establishment of Disciplinary Committee and Investigating Panel**

(1) There shall be a Committee to be known as the Registered Quantity Surveyors Disciplinary Committee (in this Act 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 Act.

(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 Act 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 (in this Act 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 the Second Schedule to this Act shall, so far as applicable to the Disciplinary Committee and the Panel respectively, have effect with respect to those bodies.

### 13. Penalties for unprofessional conduct, etc.

(1) Where-

(a) a person fully registered under this Act 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 Act 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.

(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 28 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; or
- (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 afore-said, if and when the appeal is dismissed; and not otherwise howsoever.

(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. Temporary registration of persons not citizens of Nigeria**

(1) Where a person satisfies the Boar

- (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 Act 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.

(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 which- ever first occurs; or
- (b) on the termination of the said employment before the end of that period which- ever 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 Act.

(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. Offences**

(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 Act-

(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

(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.

## **16. Miscellaneous supplementary provisions**

(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 Act 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 Act or is otherwise exempted.

(2) A registered quantity surveyor under this Act 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 institutions 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 Act to furnish to the registrar, not later than 31 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.

## **17. Recovery of fees**

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.

## **18. Regulations, rules and orders**

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 Act; and

(b) to make different provision for different circumstance.

## 19. Interpretation, etc.

(1) In this Act, unless the context otherwise requires-

**"approved"** means for the time being approved under section 9 of this Act;

**"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 Act;

**"Disciplinary Committee"** has the meaning assigned to it by section 12 (1) of this Act;

**"Minister"** means the 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 Act;

**"prescribed"** means prescribed by regulations made under this Act;

**"public service"** means public service of the Federation or of a State as defined in section 318 of the Constitution or the Federal Republic of Nigeria 1999;

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**"register"** means the register maintained under this Act; and

**"registered"** shall be construed accordingly;

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

**"regulations"** means regulations made by the Minister.

(2) For the purposes of this Act-

(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 Act 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 the Second Schedule to this Act, be served by post.

[Second Schedule.]

## 20. Short title

This Act may be cited as the Quantity Surveyors (Registration, etc.) Act.

### SCHEDULE

#### FIRST SCHEDULE

[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 Act.
- (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 Act) the foregoing provisions of this subparagraph 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 Act, the Board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities under this Act.

(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 of the Board*

3. (1) Subject to the provisions of this Act and of section 27 or the Interpretation Act (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 take standing orders regulating the proceeding of the Board or of any Committee thereof.

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(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 II (4) of this Act 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 to 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.

### SECOND SCHEDULE [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 Act, 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 Federal *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 *testifican-dum* and *duces tecum*-

- (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 Act 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.

## **SUBSIDIARY LEGISLATION**

### *List of Subsidiary Legislation*

1. Quantity Surveyors (Disciplinary Committee) Rules.

### **QUANTITY SURVEYORS (DISCIPLINARY COMMITTEE) RULES**

[S.I. 20 of 1992.]

under paragraph 2, Second Schedule

[21st October, 1992]

[Commencement.]

#### **1. Reference to the Committee**

In any case where in pursuance of section 12 (3) of the Act the Panel is of the opinion that a *prima facie* case is shown against a 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.

#### **2. President to convene the Committee**

The secretary shall refer the report and the charges to the president of the Quantity Surveyors Registration Board of Nigeria who shall convene a meeting of the Committee, as set up in accordance with rule 3 of these Rules.

#### **3. Composition of the Committee**

(1) Whenever any case of professional misconduct against a quantity surveyor is referred to the

Committee by the Panel such a case shall be heard by 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 the Act, or where the number of those members is for the time being less than four, all those members.

(2) The President of the Board or in his absence anyone appointed in that behaves' shall be chairman of the Committee.

(3) Five members of the Committee, including the chairman, shall form a quorum.

(4) An assessor appointed by the Board on the nomination of the Attorney-General of the Federation in accordance with paragraph 4 of the Second Schedule to the Act shall sit

with the Committee and it shall be the duty of such assessor to advise the Committee on questions of law arising in proceedings before it.

(5) Except where the Committee is deliberating in private, the advice of an assessor on questions of law as to evidence, procedure and as to compliance with the Act shall be tendered in the presence of every party or his representative.

(6) Where the advice of the assessor is tendered while the Committee is deliberating in private, the assessor personally shall, as soon as may be, inform each party or his representative in writing of the question which has been put to him by the Committee and of his advice thereon.

(7) Every party or his representative shall be informed whenever the advice tendered by the assessor has not been accepted.

#### **4. Parties to the proceedings before the Committee**

(1) The parties to the proceedings before the Committee shall be-

- (a) the chairman of the Panel;
- (b) the practitioner whose conduct is the subject matter or the proceedings; and
- (c) if the Committee so directs, the complainant, who may be represented by a legal practitioner.

(2) The practitioner whose conduct is the subject matter of the proceedings may appear either in person or be represented by a legal practitioner and the Committee may also employ the services of a legal practitioner to present the case before it.

#### **5. Fixing of hearing day and service of notice, etc., thereof by the secretary**

(1) On the direction of the chairman of the Committee the secretary shall fix a day for the hearing of the case and shall serve notice thereof on each party to the proceedings.

(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 the documents considered by the Panel. Service of any document on the practitioner whose conduct is the subject matter of the proceedings may be affected either by handing the documents to him personally or by sending it by registered post to the address recorded in the register maintained under section 5 of the Act.

#### **6. Hearing in absence of parties**

(1) If any party fails to appear at the hearing, the Committee may upon proof of service on such party of the notice of hearing, proceed to hear and determine the case in his absence.

(2) Any party to a proceeding before the Committee, who fails to appear at the hearing, may within one calendar month from the pronouncement of the findings and directions of the Committee and upon giving notice to every other party and to the secretary,

apply to the Committee for a rehearing. The Committee, if satisfied that it is just that the case should be re-heard, may grant the application on such terms and costs or otherwise as it thinks fit.

#### **7. Hearing of witnesses and reception of documents**

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 allegations of misconduct referred to it by the Panel.

#### **8. Amendment of charges before the Committee**

If in the course of the proceedings it appears to the Committee that the charges forwarded to it by the Panel require to be amended or added to, the Committee may permit such amendments or additions, as it shall think fit.

#### **9. Holding of proceedings in public**

The proceedings of the Committee shall be held, and its findings and direction shall be pronounced, in public.

#### **10. Adjournment**

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

#### **11. Penalty for giving false evidence**

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 necessary action.

#### **12. Findings of not guilty**

If, after the hearing, the Committee adjudges that the allegations of infamous conduct in a professional respect have not been proved, the Committee shall record a finding that the practitioner is not guilty of such conduct in respect of the matter to which the allegation relates.

#### **13. Costs**

The Committee may without finding any misconduct proved against a practitioner, nevertheless order any party to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Committee shall think fit so to order.

#### **14. Publications of directions of Committee**

Subject to the provisions of section 13 of the Act (relating to the lodging of appeal against the direction of the Committee) any direction given by the Committee in accordance with section 13 (1) of the Act shall be published in the *Gazette* as soon as such direction takes effect.

#### **15. Record of proceedings**

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

(2) The secretary shall supply to any person entitled to be heard upon an appeal

against the direction of the Committee and to the Board, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.

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

#### **16. Dispensing with provisions**

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.

#### **17. Extension of time**

The Committee may in any given case extend the time to do anything under these Rules.

#### **18. Exhibits and books**

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

#### **19. Interpretations**

In these Rules, unless the context otherwise requires-

"Act" means the Quantity Surveyors (Registration, etc.) Act;

[Cap. QI.]

"complainant" means any person who makes allegation of professional misconduct against a quantity surveyor;

"Panel" means the Quantity Surveyors Investigating Panel;

"practitioner" means a person registered as a quantity surveyor;

"secretary" means a person appointed to act as the Registrar of the Quantity Surveyors Registration Board of Nigeria. **20. Citation**

These Rules may be cited as the Quantity Surveyors (Disciplinary Committee) Rules.

SCHEDULE

*Notice of hearing by the Committee*

In the Matter of A.B., ..... a quantity surveyor

and

In the matter of the Quantity Surveyors (Registration, etc.) Act.

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

..... on the..... day of ..... 20 .....

.....

*Secretary to the Committee*