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Supplement to Official Gazette Extraordinary No. 37, Vol. 77, 26th June, 1990
—Part A

NIGERIAN INSTITUTE OF PUBLIC RELATIONS PRACTITIONERS DECREE 1990



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SCHEDULES

Decree No. 16

[1st June 1990]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—ESTABLISHMENT, ETC OF THE NIGERIAN INSTITUTE OF PUBLIC RELATIONS PRACTITIONERS

1.—(1) There is hereby established a body to be known as the Nigerian Institute of Public Relations (hereafter in this Decree referred to as "the Institute") which shall be a body corporate under that name and be charged with the general duty of—

Establish-
ment of
Nigerian
Institute of
Public
Relations

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become registered members of the public relations profession and reviewing those standards, from time to time, as circumstances may permit ;

(b) securing, in accordance with the provisions of this Decree, the establishment and maintenance of register of fellows, members and associates of the profession and of public relations practitioners and the publication, from time to time, of lists of those persons ; and

(c) performing, through the Council established under section 4 of this Decree, the functions conferred on it by this Decree.

(2) The Institute shall have perpetual succession and a common seal which shall be kept in such custody as the Council may, from time to time, authorise.

(3) The Institute may sue and be sued in its corporate name and may, subject to the Land Use Act 1978, hold, acquire and dispose of any property, movable or immovable.

1978 No. 6.

2.—(1) Subject to the provisions of this Decree, members admitted to membership of the Institute shall—

Category of
membership
of the
Institute.

(a) be enrolled as public relations practitioners in the category of—

- (i) fellows ;
- (ii) members ; or
- (iii) associates ;

(b) be registered as public relations practitioners, and shall have status as registered in the Institute accordingly.

(2) Persons registered under this Decree as public relations practitioners shall be entitled to be enrolled—

(a) as fellows, if they satisfy the Council that for the period of ten years immediately preceding the date of application in that behalf they have been fit persons and have, in addition to being the holders of approved academic qualifications, been in continuous active practice on their own account as public relations practitioners or in partnership with other public relations practitioners ;

(b) as members, if for the period of not less than ten years immediately preceding the date of application in that behalf (the period of membership

of the Association of Public Relations, in the discretion of the Council counting in that behalf) they have been enrolled as associates, whether in active practice as public relations practitioners or not and are otherwise fit and proper persons ; and

(c) as associates, if they satisfy the Council that they have passed examinations prescribed or accepted by the Institute and are otherwise fit and proper persons to be enrolled in the register.

(3) Persons enrolled in the Institute shall be the holders of qualifications acceptable to the Institute but not less than those prescribed in Schedule 4 to this Decree.

(4) Where a person is enrolled or registered, as the case may be, in the Institute, he shall be entitled to the use of such letters after his name as may be authorised by the Council, that is to say, as a fellow, a member or an associate or as a registered public relations practitioner and shall, when enrolled or registered, as the case may be, receive a certificate in such form as the Council may approve for that purpose.

(5) The Institute may enrol—

- (a) graduates ;
- (b) affiliates ;
- (c) students ;

for the purpose of being registered as public relations practitioners in accordance with the provisions of the Decree.

Election of president and vice-president of the Institute.

3.—(1) There shall be a president and a vice-president of the Institute who, subject to the provisions of section 21 of this Decree and Schedule 3 hereto, shall be elected by the Council under this Decree.

(2) The president and vice-president shall each hold office for a term of two years from the date of his election, and the president shall be chairman at meetings of the Institute, so however that, in the event of the death, incapacity or inability for any reason of the president, the vice-president shall act as president for the un-expired portion of the term of office and as chairman as the case may be, and references in this Decree to the president shall be construed accordingly.

(3) The president and vice-president shall respectively be chairman and vice-chairman of the Council of the Institute under this Decree.

(4) If the president or the vice-president ceases to be a member of the Institute he shall cease to hold any of the offices designated under this section.

Council of the Institute.

4.—(1) There shall be, as the governing body of the Institute, a Council which shall be charged with the administration and general management of the Institute.

(2) The Council shall consist of the president and vice-president as chairman and vice-chairman respectively, and a total of twenty other persons being fellows, members or associate members of the Institute, that is—

(a) five persons appointed by the Minister, all of whom shall be persons engaged in the practice of public relations in Nigeria ; and

(b) fifteen persons elected by the Institute annually of whom not more than eight shall be persons in active practice as public relations practitioners.

(3) The provisions of Schedule 1 to this Decree shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters therein mentioned.

5. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Institute under this Decree.

Power of the Council.

PART II—FINANCIAL PROVISIONS

6.—(1) The Council shall establish and maintain a fund which shall be managed and controlled by the Council and into which shall be paid all moneys received by the Council.

Fund of the Institute.

(2) Moneys received by the Council by way of subscriptions, fees, grants-in-aid, gift or any other money received by the Institute shall be paid into the fund established by sub-section (1) of this section.

(3) There shall be paid out of the fund all expenses incurred by or on behalf of the Institute under this Decree.

(4) The Council may invest moneys in the fund in any security created or issued by or on behalf of the Federal Military Government or in any other securities in Nigeria approved by the Council.

(5) The Council may, from time to time, borrow money for the purposes of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund.

7.—(1) The Council shall keep proper accounts on behalf of the Institute in respect of each financial year and proper records in relation to those accounts ; and the Council shall cause the accounts to be audited by an auditor and, when audited, the accounts shall be submitted to the members of the Institute for approval at a meeting of the Institute.

Accounts, etc.

(2) An auditor appointed for the purposes of this section shall be from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

PART III—THE REGISTRAR AND THE REGISTER

8.—(1) The Council shall appoint a fit and proper person to be the Registrar for the purposes of this Decree.

Appointment of Registrar, etc. and preparation of the register.

(2) The Council may appoint such other persons to assist the Registrar in the performance of the functions of the Institute under this Decree as and when it deems necessary to make such applications.

(3) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses, approved qualifications, and of such other qualifications and particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Decree to be enrolled as fellows, members or associates, or registered as public relations practitioners and who, in the manner prescribed by such rules, apply to be so registered.

(4) The register shall consist of four parts of which—

(a) the first part shall be in respect of fellows ;

(b) the second part shall be in respect of members ;

(c) the third part shall be in respect of associates ; and

(d) the fourth part shall be in respect of public relations practitioners.

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

(a) regulating the making of applications for enrolment or registration, as the case may be, and providing for the evidence to be produced in support of such applications ;

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

(c) authorising an enrolled or a registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Decree, entered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered ;

(d) specifying the fees, including any annual subscription, to be paid to the Institute 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 at a meeting of the Institute.

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

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

(b) to make, from time to time, any necessary alteration to the registered particulars of any registered person ;

(c) to remove from the register the name of any enrolled or registered person who has died ;

(d) to record the names of members of the Institute who are in default for more than four months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.

(7) If the Registrar—

(a) sends by post to any registered or enrolled person a registered letter addressed to him at his address on the register enquiring whether the registered or enrolled 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 the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Registrar may remove the particulars relating to the person in question from the register ; but the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

9.—(1) It shall be the duty of the Registrar—

(a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Decree ;

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

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Institute.

(2) It shall be the duty of the Council to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.

(3) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar, or documents purporting to be prints of an edition of the register so published and of the list of corrections to that edition so published, 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 registered or enrolled was so enrolled or registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so enrolled or registered.

(4) Where in accordance with subsection (3) of this section a person is, in any proceeding, shown to have been or not to have been registered or enrolled at a particular date, he shall, unless the contrary is proved, be taken for the purposes of the proceeding as having at all material times thereafter continued to be, or not to be, so enrolled or registered.

PART IV—REGISTRATION

10.—(1) Subject to section 11 of this Decree, and to rules made under section 8 of this Decree, a person shall be entitled to be registered as a public relations practitioner if—

Registration
of public
relations
practitioners.

(a) he passes the qualifying examination accepted by the Institute under this Decree and completes the practical training prescribed by the Council, from time to time ; or

(b) he holds a qualification granted outside Nigeria and for the time being accepted by the Institute and is by law entitled to practise for all purposes as a public relations practitioner in the country in which the qualification was granted and, if the Council so requires, he satisfies the Council that he has had sufficient experience as a public relations practitioner ; or

(c) he holds at least one of the qualifications prescribed in Schedule 4 to this Decree for the purpose of registration on the register and has complied with the other requirements prescribed under section 8 (4) of this Decree.

(2) Subject to section 11 of this Decree and to rules made under section 8 of this Decree, a person shall also be entitled to be registered as a public relations practitioner, if he satisfies the Council that immediately before the commencement of this Decree, he had had not less than five years' experience as a public relations executive of a company registered under the Companies Act 1968.

(3) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that he—

(a) is of good character ;

(b) has attained the age of twenty-one years ; and

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

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

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

(6) Subject to Schedule 4 to this Decree, the Council shall, from time to time, publish in the *Gazette* particulars of other qualifications accepted by the Council for registration as a public relations practitioner under this section.

**Approval of
qualifica-
tions,
etc.**

11.—(1) The Council may approve any institution for the purposes of this Decree and may for those purposes approve—

(a) any course of training at any approved institution which is intended for persons seeking to become or are already public relations practitioners and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for admission to the Institute ;

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

(2) The Council 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 Council shall—

(a) give notice that it proposes to do so to each person in Nigeria appearing to the Council to be a person 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 Council representations with regard to the proposal ; and

(c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.

(3) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under subsection (2) of this section.

(4) Notwithstanding the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

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

12.—(1) It shall be the duty of the members of the Council to keep themselves informed of the nature of—

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

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

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

(2) It shall be the duty of a person appointed under subsection (1) of this section to report to the Council on—

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

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

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

but no such person 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 Council may, if it thinks fit, and shall, if so required by the Institute, send a copy of the report to the person appearing to the Council 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 Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

PART V—PROFESSIONAL DISCIPLINE

13.—(1) There shall be a tribunal to be known as the Public Relations Practitioners Disciplinary Tribunal (hereafter in this Decree referred to as “the disciplinary tribunal”) which shall be charged with the duty of considering and determining any case referred to it by the investigating panel established by subsection (3) of this section, and any other case of which the disciplinary tribunal has cognisance under the following provisions of this Decree.

(2) The disciplinary tribunal shall consist of the chairman of the Council and six other members of the Council appointed by the Council.

(3) There shall be a body to be known as the Public Relations Practitioners Investigating Panel (hereafter in this Decree referred to as “the investigating panel”) which shall be charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a public relations practitioner or should for any other reason be the subject of proceedings before the disciplinary tribunal ; and

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

(4) The investigating panel shall be appointed by the Council and shall consist of four members of the Council and one public relations practitioner who is not a member of the Council.

Supervision
of instruc-
tion, etc. and
examination
leading to
approved
qualifica-
tions.

Establish-
ment of
disciplinary
tribunal and
investigating
panel.

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

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

Penalties for unprofessional conduct, etc.

14.—(1) Where—

(a) a person is judged by the disciplinary tribunal to be guilty of infamous conduct in any professional respect ; or

(b) a person is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the disciplinary tribunal is incompatible with the status of a public relations practitioner ; or

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

the disciplinary tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.

(2) The disciplinary tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the tribunal ; but—

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

(b) no person shall be a member of the disciplinary tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the disciplinary tribunal when the decision was deferred.

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

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

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

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

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

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

(7) A person whose name is struck off the register in pursuance of a direction of the disciplinary tribunal under this section shall not be entitled to be enrolled or registered again except in pursuance of a direction in that behalf ; and a direction under this section for the striking off 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.

PART VI—MISCELLANEOUS AND GENERAL

15. Any person who is not a member of the Association of Public Relations (hereafter in this Decree referred to as "the Association") who, but for this Decree, would have been qualified to apply for and obtain membership of the Association may, within the period of three months beginning from the day this Decree comes into force, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council; and if approved, he shall be enrolled or registered, as the case may be, according to his qualification.

Application
of this
Decree to
unenrolled
persons.

16. A person shall be deemed to practise as a public relations practitioner if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person, he—

When a
person is
deemed to
practise
as public
relations
practitioner.

- (a) engages himself in the practice of public relations or holds himself out to the public as a public relations practitioner ; or
- (b) renders professional service or assistance in or about matters of public relation ;
- (c) renders any other service which may, by regulations be made by the Council.

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

Rules as to
practice, etc.

- (a) the training in public relations of suitable persons in public relations methods and practice ; and
- (b) the supervision and regulation of the engagement, training and transfer of such persons

(2) The Council may also make rules—

- (a) prescribing the amount and date due for payment of the annual subscription and for such purpose different amounts may be prescribed by the rules according to whether the person is enrolled as a fellow, a member or an associate or is a registered public relations practitioner ;
- (b) prescribing the form of licence to practise to be issued annually or, if the Council thinks fit, by endorsement on an existing licence ; and

(c) restricting the right to practise as a public relations practitioner in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules.

(3) Rules made under this section shall be published in the *Gazette* after such rules have been confirmed by the Institute in accordance with the provisions of subsection (2) of section 20 of this Decree.

Provisions of
library
facilities,
etc.

18. The Institute shall—

(a) provide and maintain a library comprising books and publications for the advancement of knowledge of public relations, and such other books and publications as the Council may think necessary for the purpose ;

(b) encourage research into public relations and public relations methods and allied subjects to the extent that the Council may, from time to time, consider necessary.

Offences.

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

(a) recklessly makes a statement which is false in a material particular ; or

(b) makes a statement which he knows to be false in a material particular ;

he shall be guilty of an offence.

(2) If, on or after the relevant date, any person who is not a member of the Institute practises or holds himself out to practise as a public relations practitioner for or in expectation of reward, or takes or uses any name, title, addition or description implying that he is in practice as a public relations practitioner, he shall be guilty of an offence ; provided that, in the case of a person falling within section 15 of this Decree—

(a) this subsection shall not apply in respect of anything done by him, during the period of three months mentioned in that section ; or

(b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.

(3) If the Registrar or any other person employed by or on behalf of the Institute wilfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.

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

(a) on summary conviction, to a fine of an amount not exceeding ₦100 ;

(b) on conviction on indictment, to a fine of an amount not exceeding ₦1,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(5) 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.

(6) In this section, "the relevant date" means the third anniversary of the coming into force of this Decree or such earlier date as may be prescribed for the purposes of this section by order of the Minister published in the *Gazette*.

20.—(1) Any regulations made under this Decree shall be published in the *Gazette* as soon as may be after they are made ; and a copy of any such regulations shall be sent to the Minister not later than 7 days before they are so published.

Regulations
and rules.

(2) Rules made for the purposes of this Decree shall be subject to confirmation by the Institute at its meeting and if then annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

21.—(1) The Association of Public Relations is hereby dissolved and all the property held by or on behalf of the Association shall, by virtue of this section and without further assurance, vest in the Institute and be held by it for the purposes of the Institute.

Dissolution
of the
Association
and transfer
of certain
property, etc.

(2) The provisions of Schedule 3 to this Decree shall have effect with respect to matters arising from the transfer by this section to the Institute of the property of the Association and with respect to the other matters mentioned in that Schedule.

22. In this Decree, unless the context otherwise requires—

"Association" means the Association of Public Relations incorporated under the Companies Act 1968 ;

Interpreta-
tion.
1968 No. 51.

"Council" means the Council established as the governing body of the Institute under section 4 of this Decree ;

"disciplinary tribunal" means the Public Relations Practitioners Disciplinary Tribunal established under section 13 of this Decree ;

"enrolled" in relation to a fellow, member or an associate means registered in the part of the register relating to fellows, members or associates, as the case may be ;

"fees" includes annual subscription ;

"Institute" means the Nigerian Institute of Public Relations established under section 1 of this Decree;

"investigating panel" means the Public Relations Practitioners Investigating Panel established under section 13 of this Decree;

"member of the Institute" means an enrolled fellow, member or associate, or a registered public relations practitioner of the Institute and **"membership of the Institute"** shall be construed, accordingly;

"Minister" means the Minister charged with the responsibility for matters relating to information;

"president" and **"vice-president"** mean respectively the office-holders under those names in the Institute;

"profession" means the profession of public relations;

"register" means the register maintained in pursuance of section 8 of this Decree;

"registered public relations practitioner" means a member of the Institute who is not a fellow, member or an associate.

Citation.

23. This Decree may be cited as the Nigerian Institute of Public Relations Practitioners Decree 1990.

S C H E D U L E S

SCHEDULE 1

Section 4 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and tenure of office of Members of the Council

1.—(1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his appointment or election.

(2) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the Council.

(3) Any elected member of the Council may by notice in writing under his hand addressed to the president resign his office, and any appointed member may, with the consent of the Minister, in the same manner resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council, and any appointed member may be re-appointed.

(5) Members of the Council shall at its meeting in April of each year arrange for five elected members of the Council who are longest in office to retire at that meeting.

(6) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council, and until so prescribed they shall be decided by a show of hands.

(7) If for any reason the office of a member of the Council is vacant and—

(a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person from the area in respect of which the vacancy occurs; or

(b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next meeting of the

Institute appears to warrant the filling of the vacancy, co-opt some fit and proper person for the remaining period of the member concerned.

Proceedings of the Council

2.—(1) Subject to the provisions of this Decree, the Council may, in the name of the Institute, make standing orders regulating the proceedings of the Institute or of the Council, and in the exercise of its powers under this Decree, may set up committees in the interest of the Institute and make standing orders therefor.

(2) Standing orders may provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, the president or the chairman, as the case may be, shall have a second or casting vote.

(3) Standing orders made for a committee shall provide for the committee to report back to the Council on any matter not within its competence to decide.

3. The quorum of the Council shall be seven; and the quorum of a committee of the Council shall be fixed by the Council.

Meeting of the Institute

4.—(1) The Council shall convene the annual meeting of the Institute on 30th April in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous annual meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.

(2) A special meeting of the Institute may be convened by the Council at any time, and if not less than twenty members of the Institute so require, by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the chairman of the Council shall convene a special meeting of the Institute.

(3) The quorum of any meeting of the Institute shall be ten and that of any special meeting of the Institute shall be fifteen.

Meeting of the Council

5.—(1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman; and if the chairman is required to do so, by notice in writing given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

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

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister who may give such directives as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

6.—(1) The Council may appoint one or more committees to carry out on behalf of the Institute or the Council such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council of whom not more than one-third may be persons who are not 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) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

7.—(1) The fixing of the seal of the Institute shall be authenticated by the signature of the chairman or of some other members of the Council authorised generally or specially by the Institute 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 Institute or of the Council, as the case may require, by any person generally or specially authorised to act for that purpose by the Council.

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

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

9. Any member of the Institute or of the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council or a committee thereof, shall forthwith disclose his interest to the president, or to the Council, as the case may be and shall not vote on any question relating to the contract or arrangement.

10. A person shall not by reason only of his membership of the Institute be treated as holding an office in the public service of the Federation.

SCHEDULE 2

Section 13

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

The Disciplinary Tribunal

1. The quorum of the disciplinary tribunal shall be four of whom at least two shall be registered public relations practitioners.

2.—(1) The Attorney-General of the Federation shall make rules as to the selection of members of the disciplinary tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the disciplinary tribunal.

(2) The rules shall in particular provide—

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

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

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

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

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

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

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

3. For the purposes of any proceedings before the disciplinary tribunal any member of the disciplinary tribunal may administer oaths and any party to the proceedings may issue out of the registry of the High Court writs of *subpoena ad testificandum* and *duces tecum* ; but no person appearing before the disciplinary tribunal shall be compelled—

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

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

4.—(1) For the purpose of advising the disciplinary tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the disciplinary tribunal who shall be appointed by the Council 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 Attorney-General of the Federation 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 tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or, if the advice is tendered while the disciplinary tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered ;

(b) that every such party or person as aforesaid shall be informed if in any case the disciplinary tribunal 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 for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigating Panel

5. The quorum of the investigating panel shall be three.

6.—(1) The investigating panel may, at any of its meetings attended by all the members of the investigating panel, make standing orders with respect to the investigating panel.

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

Miscellaneous

7.—(1) A person ceasing to be a member of the disciplinary tribunal or the investigating panel shall be eligible for re-appointment as a member of the disciplinary tribunal or investigating panel, as the case may be.

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

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

9. Any document authorised or required by virtue of this Decree to be served on the disciplinary tribunal or the investigating panel shall be served on the Registrar.

10. Any expenses of the disciplinary tribunal or the investigating panel shall be defrayed by the Institute.

SCHEDULE 3

Section 21 (3)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

Transfer of property

1. Without prejudice to the generality of section 21 of this Decree, all the assets and liabilities of the Association shall become assets and liabilities of the Institute.

2.—(1) All agreements, contracts, deeds or other instruments to which the Association was a party shall, so far as possible and subject to any necessary modifications, have effect as if the Institute has been a party thereto in place of the Association.

(2) Documents not falling within sub-paragraph (1) of this paragraph including enactments, which refer whether specially or generally to the Association, shall be construed in accordance with that sub-paragraph so far as possible.

(3) Any legal proceedings or application to any authority pending on the day this Decree comes into force by or against the Association and relating to property vested in the Institute by this Decree may be continued on or after that day by or against the Institute.

Registration of Property

3. If the law in force at the place where any property vested in the Institute by this Decree is situated provides for the registration of transfers of property of the kind in question (whether by reference to any instrument of transfer or otherwise the law shall, so far as it provides for alteration of a register, (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid ; and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority ; and of that officer to register the transfer accordingly.

Transfer of Functions, etc.

4.—(1) As soon as may be after the commencement of this Decree, the president shall summon a meeting of the Institute to elect the Institute's representatives on the Council of the Institute.

(2) The persons who were members of the Council of the Association immediately before the commencement of this Decree shall be deemed to be members of the Council of the Institute until the date when the Council established by this Decree is duly constituted.

(3) Any person who, immediately before the commencement of this Decree, held office as the president or vice-president of the Council of the Association by virtue of the articles of association of the Association shall on the day this Decree comes into force become the president or vice-president, as the case may be, of the Institute, and shall be deemed—

(a) to have been appointed to that office in pursuance of the provisions of this Decree corresponding to the relevant provisions in the said articles of association ; and

(b) to have been so appointed on the date on which he took office, or last took office, in pursuance of the relevant provisions of those articles.

(4) The persons who were members of the Association shall, as from the commencement of this Decree, be enrolled or registered, as the case may be, as members of the Institute ; and, without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the coming into force of this Decree, was a member of the staff of the Association shall, on that day become the holder of an appointment with the Institute with the status, designation and function which correspond as nearly as may be to those which appertained to him in his capacity as a member of that staff.

(5) Any person who was an employee of the Council of the Association or was otherwise employed by the Association shall become the holder of an appointment in the Council or Institute, as the case may be, with the status, designation and functions which correspond as nearly as may be to those which appertained to him as such employee.

(6) All regulations, rules and similar instruments made for the purposes of the Association and in force immediately before the coming into force of this Decree shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect with any necessary modifications, as if duly made for the corresponding purposes of the Institute.

SCHEDULE 4

Section 10 (1) (c)

ACCEPTED MINIMUM QUALIFICATION FOR THE PURPOSE OF REGISTRATION ON THE REGISTER ESTABLISHED UNDER THIS DECREE

<i>Profession</i>	<i>Accepted Qualification for Registration</i>
Nigerian Institute of Public Relations Practitioners	<ol style="list-style-type: none"> 1. The Institute's Professional Certificate and Diploma. 2. Communication, Advertising and Marketing (CAM) Foundation Certificate and Diploma in Communications Studies. 3. British Institute of Public Relations Membership Diploma. 4. Business Education Exams Council (BEEC) Professional Certificate and Diploma in Public Relations. 5. Bachelor of Arts, Bachelor of Science, Higher National Diploma, Master of Arts, Master of Science or Doctor in Philosophy in Public Relations ; Bachelor of Science, Bachelor of Arts (Mass Communications) ; Masters in Business Administration with major or specialisation in Public Relations. 6. Any other qualification as may be approved by the Council.

MADE at Lagos this 1st day of June 1990.

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 Nigerian Institute of Public Relations Practitioners charged with the duty, amongst other things, of determining what standards of knowledge and skill are to be attained by persons seeking to become members of the public relations profession.