

COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA ACT, 2007

EXPLANATORY MEMEORANDUM

This Act establishes the Council for the Regulation of Freight Forwarding in Nigeria and gives the Council the responsibility, amongst others, to determine the standard of knowledge and skill to be attained by persons seeking to become freight forwarding agents in Nigeria.

COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA ACT, 2007

ARRANGEMENT OF SECTIONS

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COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA ACT, 2007

A BILL

FOR

AN ACT TO ESTABLISH A COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA AND CHARGED WITH THE RESPONSIBILITY AMONGST OTHERS, OF DETERMINING THE STANDARDS OF KNOWLEDGE AND SKILL TO BE ATTAINED BY PERSONS SEEKING TO BE REGISTERED MEMBERS OF FREIGHT FORWARDERS OF NIGERIA IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES

[] Commencement

Enacted by the National Assembly of the Federal Republic of Nigeria –

PART I —ESTABLISHMENT, MEMBERSHIP, TENURE OF OFFICE AND FUNCTIONS OF THE COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA.

- 1. (1) There is established a body to be known as the Council for the Regulation of Freight Forwarding in Nigeria (in this Act referred to as "the Council") which shall be a body corporate under that name. Establishment of the Council for the Regulation of Freight forwarding in Nigeria.
 - (2) The Council shall have perpetual succession and a common seal which shall be kept in such custody as the Council may from time to time authorize.
 - (3) The Council may sue and be sued in its corporate name and may hold, acquire and dispose of any property, movable or immovable.

- 2. (1) The Council shall consist of the following members from the Register of Freight Forwarders— Membership of the Council.
 - (a) one person who shall be elected by the Council from members of Council as Chairman;
 - (b) one person who shall be elected by the Council from members of Council as Vice Chairman;
 - (c) eight persons to be elected by the freight forwarders for the first four years to reflect the practitioners at the two major maritime zones as well as cargo airport and land borders in accordance with the provision of the Third Schedule to this Act. Third Schedule
 - (d) six persons appointed by the Minister to represent the six geo-political zones of the Federation in rotation for two years at a time, no two of whom shall be indigenes of the same State;
 - (e) two persons appointed by the Minister to represent institutions of higher learning offering courses in international trade and transport and any related courses in rotation;
 - (f) a representative each of the following establishments—
 - (i) Federal Ministry of Transport,
 - (ii) Federal Ministry of Finance,

- (iii) Federal Ministry of Education,
- (iv) Nigerian Customs Service.
- (v) Nigerian Shippers' Council,
- (vi) Nigerian Ports Authority,
- (vii) Nigerian Civil Aviation Authority,
- (viii) Nigerian Railway Corporation,
- (ix) Nigerian Association of Chambers of Commerce, Industry, Mining and Agriculture;

(g) five (5) persons elected from amongst registered freight forwarders operating in each of the following zones;

- (i) Western Ports,
- (ii) Eastern Ports,
- (iii) Cargo Airports and Land Borders.

(2) Nominees under subsections (e) to (f) may not be from the Register of Freight Forwarders.

(3) There shall be a chairman and vice chairman of the Council who shall be nominated and elected by members of the Council and shall each hold office for a term of two years from the date of election, and the chairman shall preside at meetings of the Council, so however that in the event of the death, incapacity or inability for any reason of the chairman, the vice chairman shall act as chairman for the un-expired portion of the term of office.

(4) If the Chairman or the Vice Chairman ceases to be a member of the Council, he shall cease to hold any offices designated under this section.

3. (1) 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 Council, powers and procedure of the Council and other matters therein mentioned. Qualification and tenure of office.
First Schedule

(2) Regulations may provide for increasing or reducing the membership of the Council.

4. The Council is charged with the general duty of— Functions of the Council

(a) determining the persons or classes of persons who constitute freight forwarders for the purposes of this Act;

(b) determining the standards of knowledge and skill to be attained by persons seeking to be registered as freight forwarders and raising those standards from time to time in accordance with international industry practice;

- (c) regulating and controlling the practice of freight forwarding;
- (d) regulating and controlling all the associations of freight forwarding agents;
- (e) regulating and controlling persons who are engaged in freight forwarding;
- (f) ensuring uniform standards of professional conduct and education relevant to freight forwarding practice;
- (g) promoting the highest standard of competence, practice and conduct among members of the profession;
- (h) securing, in accordance with the provisions of this Act the establishment and maintenance of registers of persons entitled to practice as registered freight forwarders and the publication from time to time of the list of such persons;
- (i) encouraging participation of members in international exchange programme; and
- (j) performing any other functions conferred on the Council by this Act.

5. (1) The Minister may give to the Council 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 Council of its functions and it shall be the duty of the Council to comply with the directions.

Control of Council by the Minister.

(2) Prior to giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council the opportunity of making representations to him with respect to the directions; and the Minister may after giving due consideration to any representations made to him thereof, issue the direction either without modifications or with such modifications as appear to him to be appropriate having regard to the representations.

PART II—FINANCIAL PROVISIONS

6. (1) The Council shall establish and maintain a fund for the purpose of this Act, the management and control of which shall be in the hands of the Council.

Establishment of a fund for the Council.

(2) There shall be paid into the Fund of the Council—

(a) an annual practicing fee payable by every freight forwarder in an amount determined by the Council;

(b) all fees and other moneys payable to the Council under this Act; and

(c) such other moneys as may be payable to the Council, in the course of the discharge of its functions.

(3) There shall be paid out of the Fund of the Council established pursuant

to subsection (1) of this section—

(a) the remuneration and allowances of the Registrar and other employees of the Council;

(b) such reasonable travelling and subsistence allowance of members of the Council in respect of the time spent on the business of the Council as the Council may approve;

(c) any other expenses approved and incurred by the Council in the discharge of its functions under this Act.

- 7. The Council may invest moneys in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council. Investment
- 8. The Council may, from time to time, borrow money for the purposes of the Council and any interest payable on moneys so borrowed shall be paid out of the fund. Power to borrow
- 9. The Council shall keep proper accounts 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 a firm chartered accountant approved by the Council and when audited, the accounts shall be submitted to the members of the Council for approval by them at a meeting of the Council. Annual estimates and accounts
- 10. The Council shall prepare and submit to the Minister not later than the 31st day of December of the year in which this Act comes into force and of each subsequent year an estimate of its expenditure and income during the next succeeding financial year. Expenditure of the Council

PART III—THE REGISTER

- 11. (1) The Council shall, appoint a fit and proper person to be the Registrar for the purpose of this Act, and such other persons as the Council may, from time to time think necessary to assist the Registrar in the performance of his functions under this Act. Preparation and maintenance of the register.
- (2) The Registrar shall prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses, approved qualifications, register 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 Act, to be registered as registered freight forwarders and who apply in the specified manner to be so registered.
- (3) There shall be a register to be known as the Register of Freight Forwarders (in this Act referred to as "the Register")
- (4) Subject to the foregoing provision 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 application for enrolment or registration, as the

case may be, and providing for the evidence to be produce 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) authorizing a registered person to have any qualification which is in relation to the profession, either an approved qualification or an accepted qualification for the purposes 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, including any annual subscription, to be paid to the Council in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;

(e) specifying anything falling to be specified under the foregoing provisions of this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister.

(5) The Registrar shall under the direction and subject to the requirement of the Council --

(a) 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 an entry which was incorrectly made:

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

(c) remove from the register, the name of any registered person who has died; and

(d) record the names of members of the Council who are in default for more than six months in the payments 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.

(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 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; and that the council may direct the Registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

12. (1) The Registrar shall—

Publication of register and list of corrections.

(a) 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 Act; and

(b) thereafter in each year 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) cause a print of each edition of the Register and of each list or corrections to be deposited at the principal office of the Council; and

(d) keep the Register and lists so deposited to be made available to members of the public at all reasonable times for inspection.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar, or documents purporting to be prints of an edition of a 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 was so 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 registered or enrolled.

(3) Where in accordance with subsection (2) of this section, a person is, in any proceeding shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be so registered or enrolled.

PART IV—REGISTRATION

13. (1) Subject to section 22 of this Act, and to rules made under section 11 (4) of this Act, a person shall be entitled to be registered under this Act if—

Registration as freight forwarder.

(a) he has attended a course of training approved by the Council under section 15 of this Act;

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

(c) he holds a qualification approved by the Council;

(d) he holds a certificate of experience issued pursuant to section (20 (1));

(f) he has completed a minimum of five years practical working experience in an approved freight forwarding establishment and submits an acceptable certificate of experience;

(2) Subject as aforesaid, a person shall also be entitled to be registered under this Act if—

(a) he passes the qualifying examination conducted by an institution approved by the Council and completes the practical training prescribed; or

(b) holds a qualification granted outside Nigeria and for the time being accepted by the Council and is by law entitled to practice for all purposes as a freight forwarder 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 freight forwarder;

(c) he holds an approved degree in transport or maritime studies from a recognized higher institution and has passed the professional examinations approved by the Council.

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

(a) he is of good character

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

(c) he 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 the 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) The Council shall, from time to time, publish in the Gazette particulars of qualifications for the time being accepted for registration under this Act.

14. (1) A registered freight forwarder shall use the abbreviation "RFF" after his name.

Titles to be used by registered persons.

(2) Subject to the provisions of this Act, a person shall not practice or carry on business under any name, style or title containing the words "freight forwarder" unless he is registered under this Act.

15. (1) Subject to subsection 2 of this section, the Council may approve any institution for the purposes of this Act and may for those purposes approve—

Approval of courses, qualifications and institutions.

(a) any course of training at any approved institution which is intended for persons seeking to become or are already freight forwarders and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for practice of that profession;

(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 practice as freight forwarders;

(c) any institution either in Nigeria or else where, which the Council considers is properly organized and equipped for conducting the whole or any part of a course of training approved by the Council under this section.

(2) The Council shall from time to time publish in the Federal Gazette a list of qualifications in the profession of freight forwarding approved by it, and subject thereto the Council shall not approve for the purposes of subsection (1) of this section, a qualification granted by an institution in Nigeria unless the qualification has been so published by the Council.

(3) 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 representation made in respect of the proposal in pursuance of paragraph (b) of this subsection

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

(5) 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.

(6) The giving or withdrawal of an approval under this section, shall have effect from such date, either before or after the execution of the instruments signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall—

(a) as soon as possible 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.

16. (1) The Council shall keep itself informed of the nature of—

Supervision of

instructions and examinations leading to approved qualifications.

- (a) the instruction given at approved institutions to persons attending approved courses of training; and
- (b) the examination 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 members or otherwise, persons to visit approved institutions or to observe such examinations.

(2) A visitor appointed under this section shall report to the Council on-

- (a) the adequacy of the instructions 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 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 Council may, if it thinks fit, and shall, if so required by the institution send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make an observation 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.

(4) An educational institution for the training of freight forwarders shall submit a syllabus of its programme, detailed contents and minimum facilities to the Council for approval.

(5) An educational institution applying for approval shall provide necessary facilities to qualify for interim approval before the first visitation is conducted by the Council.

17. (1) The Council shall compile the list of establishments or institutions which maintain adequate facilities for the training of freight forwarders.

Power to compile list of establishments.

(2) The Council shall have the power to inspect approved establishments to confirm, from time to time, the adequacy of facilities within the approved establishments.

(3) The Council shall provide facilities for the monitoring of the post qualification training including the payment of honoraria and expenses to inspectors.

(4) The Council shall promote and up-date freight forwarders through

continuing education.

18. (1) The Council shall register annually all organizations or firms performing freight forwarding services. Registration of organisations or firms performing freight forwarding services.

(2) Notwithstanding the provisions of any other laws, no organization or firm shall practice as freight forwarders in Nigeria unless it is registered by the Council.

19. (1) Notwithstanding the provisions of any other laws, any government agency responsible for granting of permits, approvals and licences to freight forwarders shall in addition to any other requirement, require the applicant to submit a certificate of registration as a registered freight forwarder issued by the Council. Requirement for certificate of registration.

(2) Every freight forwarder licensed under the Customs and Excise management Act prior to the coming into force of this Act, shall immediately after the commencement of this Act, submit to the Nigerian Customs Service and any relevant authority, a certificate of registration issued by the Council. Cap 84 LFN 1990

20. (1) A person who, after obtaining an approved qualification, satisfies the conditions mentioned in subsection (2) of this section shall be entitled to receive a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection. Certificate of experience.

(2) The conditions aforesaid are—

(a) he shall have served for the prescribed period in Nigeria with a view to obtaining a certificate of experience;

(b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered freight forwarders 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 freight forwarder supervising the work of persons employed with view to obtaining a certificate of experience, shall secure that the 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 the prescribed period as mentioned in subsection (2) (a) of this section a person is refused a certificate of experience he shall be entitled to —

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

(b) appeal from the refusal to a committee of the Council in accordance with rules made by the Council 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 itself issue the certificate of experience in question or give such other discretions in the matter as it considers just.

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

PART V—PROFESSIONAL DISCIPLINE

21. (1) There shall be a tribunal to be known as the Registered Freight Forwarders Disciplinary Tribunal (in this Act referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established by the following provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Act.

Establishment of disciplinary tribunal and investigating panel.

(2) The Tribunal shall consist of the Chairman of the Council and eight other members of the Council appointed by the Council.

(3) There shall be a body to be known as the Registered Freight Forwarders 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 registered has misbehaved in his capacity as a freight forwarder or should for any other reason be the subject of proceedings before the tribunal; and

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

(4) The Panel shall be appointed by the Council and shall consist of four members of the Council and one fully registered freight forwarder who is not a member of the Council.

(5) The provisions of the Second Schedule to this Act shall, so far as applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.

Second Schedule

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

22. (1) Where—

(a) a member 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 Tribunal is incompatible with the status of a registered freight forwarder; or

Penalties for unprofessional conduct.

(b) a person provisionally registered under this Act is likewise convicted in circumstances such that the Council is satisfied that his name ought to be removed from the register; or

(c) a person fully registered under this Act is judged by the Tribunal to be guilty of infamous conduct in any professional respect; or

(d) the Tribunal is satisfied that the name of any person has been fraudulently registered; or

(e) the Tribunal is satisfied that the partnership, firm, or organization has been practicing as freight forwarders without the annual registration,

the 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 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 Tribunal for the purposes of reaching a decision, which has been deferred or further deferred, unless he was present as a member of the Tribunal when the decision was deferred.

(3) For the purpose of subsection (1) of this section, a person shall not be treated as convicted, 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 Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.

(5) A 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 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 Court of Appeal, the 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 tribunal under subsection (1) of this section, shall take effect—

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

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

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

(7) A person whose name is struck off the register in pursuance of a direction of the Tribunal under this section, shall not be entitled to be enrolled or registered again except in pursuance of a direction in that behalf given by the tribunal on the application of that person; 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

23. Any person not a registered freight forwarders who but for this Act, would have been qualified to apply for and be registered may, within the period of three months beginning from the commencement of this Act apply to the Council for registration in such manner as may be prescribed by rules made by the Council; and if approved, he shall be enrolled and registered, as the case may be according to his qualifications.

Application of this Act to unregistered persons

24. (1) Subject to subsection (2) of this section, a person shall be deemed to practice as a freight forwarder if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person—

When a person is deemed to practice as a freight forwarder.

(a) he engages himself in the practice of freight forwarding or holds himself out to the public as a freight forwarder; or

(b) he renders professional service or assistance in or about matters of principle or detail relating to freight forwarding; or

(c) he renders any other service which may by regulations made by the Council, be designated as service constituting freight forwarding practice.

(2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any Government or, are required under the terms of or in the course of such employment to perform the duties or any of the duties of a freight forwarder.

25 (1) The Council may make rules—

Rules as to practice, etc.

(a) for the training of suitable persons in freight forwarding;

(b) for 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 due date for payment of the annual subscription;

(b) prescribing the form of licence to practice to be issued annually or, if the

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Council thinks fit, by endorsement on an existing licence; and

(c) restricting the right to practice 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, if the Chairman of the Council so directs, be published in the Gazette.

26. The Council shall—

Provisions of library facilities, etc.

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

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

27. (1) Any person not a registered freight forwarder who—

Offences

(a) for or in expectation of reward holds himself out to practice as such; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as a registered freight forwarder,

commits an offence.

(2) Any person on the provisional Register who, otherwise than in accordance with section 13(4) of this Act—

(a) for or in expectation of reward holds himself out to practice as such; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as a registered freight forwarder,

commits 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,

commits an offence.

(4) If the Registrar or any other person employed by or on behalf of the Council wilfully makes any falsification in any matter relating to the register,

he shall be guilty of an offence.

(5) A person who commits an offence under this section is liable

(a) on summary conviction, to a fine of an amount not exceeding N50,000.00

(b) on conviction on indictment, to a fine of an amount not exceeding N150,000.00 or to imprisonment for a term not exceeding one year 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.

28. (1) A certificate required by any written law from persons for persons whom a register is maintained under this Act shall not be valid unless the person signing it is registered in accordance with this Act.

Miscellaneous supplementary provisions.

(2) Subject to the provisions of this Act and notwithstanding the provisions of any other law, no person, not being registered in accordance with this Act, shall be entitled to hold any appointment, or be granted a licence by any establishment in the public service of the Federation or of a state or in any public or private establishment, body or institution, if the holding of such appointment or the grant of such licence involves the performance by him in Nigeria of any act pertaining to the profession of freight forwarding for gain.

(3) Notwithstanding the provisions of any other law, persons or companies engaged in the international transportation of goods shall not employ the services of any person as freight forwarder unless the person is registered under this Act.

(4) Notwithstanding the provisions of any other law or enactment, no remuneration shall be recoverable by legal proceedings in respect of any act done or omitted to be done by a person not registered under this Act, in pursuance of any contract while purporting to act as a registered freight forwarder or by any person who is prohibited from performing such act for gain.

29. (1) Any power to make regulations, rules or orders conferred by this Act shall include power, to make—

Regulations, rules and orders.

(a) provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(b) different provisions for different circumstances.

(2) Any regulation made under this Act, shall be published in the Gazette as

soon as they are made and a copy of any such regulation shall be sent to the Minister not later than 7 days before they are so published.

(3) Rules made for the purposes of this Act, shall be subject to confirmation by the Council at its next general meeting or at any special meeting of the Council convened for that purpose, and if 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 to any such rules.

30. In this Act.—

Intepretation

"chairman" and "vice chairman" means persons elected as such to chair the Council established under this Act;

"council" means the Council for the Regulation of Freight Forwarding in Nigeria established by section 1 of this Act;

"disciplinary tribunal" means the Registered Freight Forwarders Disciplinary Tribunal established under section 21 of this Act;

"fees" include annual subscriptions;

"freight forwarder" means any person or company who arranges the carriage or movement of goods and associated formalities on behalf of an importer or exporter along the international boundaries of sea ports, cargo airports or land border stations;

"investigating panel" means the Registered Freight Forwarders Investigating Panel established under section 21 of this Act;

"member" means persons whose names are listed in the Register kept by the Council under Part III;

"Minister" means the Minister of the Government of the Federation charged with the responsibility for matters relating to transport generally;

"profession" means the profession of freight forwarding;

"Register" means the register maintained under this Act, and registered shall be construed accordingly.

31. This Act may be cited as the Council for the Regulation of Freight Forwarding in Nigeria Act, 2007. Citation

SCHEDULES

FIRST SCHEDULE

Section 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 Council 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 chairman, resign his office and any appointed members 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 reappointed.

(5) 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.

(6) If for any reason, there is a vacation of office by a member and—

(a) such member was appointed by the Minister or any other body, the Minister or that body may appoint another fit 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 un-expired portion of the term of office and the next general meeting of the Council appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

Proceeding of the Council

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

(2) Standing orders shall provide for decisions to be taken by a majority of the members and, in the event of an equality of votes, the chairman, 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 referred to it by the Council.

3. The Quorum of the Council shall be nine and the quorum of a committee of the Council shall be determined by the Council.

Meeting of the Council

4.—(1) The Council shall convene the meeting of the Council 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 meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.

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

(3) The quorum of any general meeting of the Council shall be nine members and that of any special meeting of the Council shall be fifteen members.

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 ten 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 members 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 thinks fit but a person who is a member by virtue of this sub-paragraph, 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 chairman of the Council.

Committees

6.—(1) The Council may appoint one or more committees to carry out on behalf of the Council or of 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 was appointed.

(3) A decision of a committee of the council shall be no effect until it is confirmed by the Council.

Miscellaneous

7.—(1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or of some other members of the Council authorised generally or specially by the Council 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 Council 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 Council 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 Council or of the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the Council 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 Council 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 Council or on behalf of the Council thereof, shall forthwith disclose his interest to the chairman 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 Council be treated as holding an office in the public service of the Federation.

SECOND SCHEDULE

Section 21 (5)

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 freight forwarders.

2.—(1) The Attorney-General of the Federation may make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding, 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 securing that any party to the proceedings may be represented by a legal practitioner;

(e) subject to the provisions of section 15 (5) of this Act, 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 oath and any party to the proceedings may sue 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 meeting 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 reappointment 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 the 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 Act 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 Council.

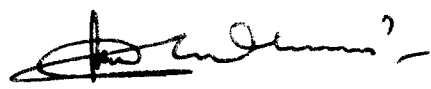
THIRD SCHEDULE

Section 2(1) (c)

TRANSITIONAL AND TRANSITORY PROVISIONS

Except as otherwise provided in this Act, within three months of the commencement day, the Nigerian Shippers Council shall, in consultation with the freight forwarders, organise and supervise elections of members to the first council as provided for in Section 2(1)(c).

I CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP. 4, LAWS OF THE FEDERATION OF NIGERIA 1990, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



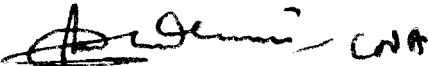
NASIRU IBRAHIM ARAB,
CLERK TO THE NATIONAL ASSEMBLY

23rd Day of April, 2007


SCHEDULE TO COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA BILL, 2007

(1) SHORT TITLE OF THE BILL	(2) LONG TITLE OF THE BILL	(3) SUMMARY OF THE CONTENTS OF THE BILL	(4) DATE PASSED BY SENATE	(5) DATE PASSED BY HOUSE OF REPRESENTATIVES
Council for the Regulation of Freight Forwarding In Nigeria Bill, 2007	An Act to establish a Council for regulation of Freight Forwarding in Nigeria and charged with the responsibility amongst others, of determining the standards of knowledge and skill to be attained by persons seeking to be registered members of Freight Forwarders of Nigeria in accordance with the provisions of this Act; and for related purposes.	This Bill seeks to establish a Council for regulation of Freight Forwarding in Nigeria and charged with the responsibility amongst others, of determining the standards of knowledge and skill to be attained by persons seeking to be registered members of Freight Forwarders of Nigeria in accordance with the provisions of this Act.	13 th March, 2007	20 th March, 2007

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990.


 NASIRU IBRAHIM ARAB
 Clerk to the National Assembly
 23rd Day of April, 2007

I ASSENT.


 CHIEF OLUSEGUN OBASANJO, CFR
 President of the Federal Republic of Nigeria
 30th Day of April, 2007