

**THE NIGERIAN INSTITUTE OF SCIENCE LABORATORY
TECHNOLOGY ACT, 2003**



ARRANGEMENT OF SECTIONS

SECTION :

PART I—ESTABLISHMENT, ETC. OF NIGERIAN INSTITUTE OF SCIENCE LABORATORY
TECHNOLOGY

1. Establishment of the Nigerian Institute of Science Laboratory Technology.
2. Duties of the Institute.
3. Membership of the Institute.
4. Council of the Institute.
5. President and Vice-President of the Institute.

PART II—FINANCIAL PROVISIONS

6. Fund of the Institute.
7. Accounts, Audits etc.

PART III—APPOINTMENT OF REGISTRAR, ETC, AND PREPARATION OF THE REGISTER

8. Appointment of Registrar, etc, and Preparation of the Register.
9. Preparation of Register.
10. Publication of Register and List of Corrections.

PART IV—REGISTRATION

11. Registration of Members.
12. Approval of Qualifications, etc.
13. Supervision of Instructions and Examinations leading to Approved Qualifications.

PART V—PROFESSIONAL DISCIPLINE

14. Establishment of Disciplinary Committee and Investigating Panel.
15. Penalties for Unprofessional Conduct.

PART VI—MISCELLANEOUS

16. Application of this Act to unregistered persons.
17. When a person is deemed to be a member of the profession.
18. Rules as to practice, etc.
19. Provisions of library facilities, etc.
20. Offences.
21. Regulations and Rules.
22. Dissolution of the incorporated Institute and transfer to the Institute of certain Assets and Liabilities.
23. Interpretation.
24. Citation.

SCHEDULE.

**THE NIGERIAN INSTITUTE OF SCIENCE,
LABORATORY TECHNOLOGY ACT**

2003 ACT No. 12

AN ACT TO ESTABLISH THE NIGERIAN INSTITUTE OF SCIENCE LABORATORY TECHNOLOGY ;
AND CHARGED WITH THE RESPONSIBILITY, AMONG OTHER THINGS, OF ADVANCING
SCIENCE LABORATORY TECHNOLOGY PROFESSION ; AND FOR RELATED MATTERS

[26th June, 2003]

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

PART I—ESTABLISHMENT, ETC. OF THE NIGERIAN INSTITUTE OF SCIENCE LABORATORY
TECHNOLOGY

1.—(1) There is established a body to be known as the Nigerian Institute of Science Laboratory Technology (in this Act referred to as "the Institute").

(2) The Institute—

(a) shall be a body corporate with perpetual succession ;

(b) shall have a common seal which shall be kept in such custody as the Council may, from time to time, authorise ; and

(c) may sue and be sued in its corporate name.

2. The Institute shall be charged with the general duty of—

(a) advancing science laboratory technology profession (in this Act referred to as "the profession") ;

(b) determining the standards of knowledge, exposure to equipment, practicals and skills, to be attained by persons seeking to become registered members of the profession and reviewing those standards, from time to time, as circumstances may require ;

(c) promoting the highest standards of competence, practice and conduct among the members of the profession ;

(d) securing, in accordance with the provisions of this Act, the establishment and maintenance of a register of members of the profession and the publication, from time to time, of the lists of those persons ;

(e) serving as an agency to secure, safeguard and advance the professional knowledge, standing, efficiency and interests of science laboratory technologists through the Council established under section 4 of this Act ;

(f) conducting examinations and granting certificates and diplomas and advising on, assisting in examinations relating to science laboratory technology in Nigeria ;

(g) conducting research in all the areas of science laboratory technology ;

(h) serving as a certifying agency through its registered members ;

(i) ensuring safety standards and necessary facilities in science laboratories and workshops in Nigeria ;

(j) ensuring, through its registered members, effective and efficient management and administration of all science laboratories in Nigeria ;

(k) arranging appropriate on-the-job training for members of the profession ;

Commence-
ment.

Establishment
of the
Nigerian
Institute of
Laboratory
Technology,
etc.

Duties of the
Institute.

(l) conducting inspection of science laboratories in schools, post-secondary institutions, industries and research institutes in order to improve the professional standards ;

(m) doing such things as may advance and promote the advancement of the profession in both the public and private sectors of the economy ; and

(n) performing, through the Council established under Section 4 of this Act, the functions conferred on it by this Act.

Membership
of the
Institute.

3. Subject to the provisions of this Act, a person admitted into the membership of the Institute shall be registered as and be entitled to use the appropriate title after his name, that is—

- (a) Fellow ;
- (b) Associate member ;
- (c) Honorary member ;
- (d) Ordinary member ; or
- (e) Student member.

Council of
the Institute.

4.—(1) There is established, for the Institute, a Council which is charged with the administration and general management of the Institute.

(2) The Council shall consist of—

- (a) the President of the Institute, as Chairman ;
- (b) the Vice-President of the Institute, as Vice-Chairman ;
- (c) a representative each of the following, that is—
 - (i) the Federal Ministry of Education ;
 - (ii) the Federal Ministry of Science and Technology ; and
 - (iii) the Federal Ministry of Finance ;

(d) 12 members of the Institute to be nominated by the Association of Science Laboratory Technologists with two persons representing each of the six geo-political zones of the Federation or in rotation for a term of three years and no two persons shall come from a state at a time ; and

(e) One person to represent public interest.

(3) The members under subsection (2) (c) and (d) of this section shall be appointed by the President on the recommendation of the Minister who shall be nominated from the Association of Science Laboratory Technology of Nigeria.

First Schedule.

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

Chairman of
the Institute.

5.—(1) The President and Vice-President of the Institute shall be elected members of the Council representing the zones by the members of the Institute.

(2) The appointment under Section 4 shall be for a term of three years and is renewable for a further term and no more.

(3) The Chairman shall preside over the meetings of the Institute, but in the event of death, incapacity or inability of any kind of the Chairman to act, the Vice-Chairman shall act as Chairman for not more than six months within which a new Chairman would have been appointed.

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

PART II—FINANCIAL PROVISIONS

6.—(1) The Council shall establish and maintain for the Institute a fund for the purpose of this Act.

Funds of the Institute.

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

(a) statutory allocation from the Federal Government ;

(b) all fees and other money payable to the Council in pursuance of this Act ; and

(c) such money as may be payable to the Council, whether in the course of the discharge of its functions or not ; and

(d) research grants.

(3) There shall be paid out of the Fund of the Institute established under subsection (1) of this section—

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

(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 ; and

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

(4) The Council may invest money in the Fund in any security created or issued by or on behalf of the Federal 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 money so borrowed shall be paid out of the Fund.

7. The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited as soon as may be after the end of the year but not more than three months into the new financial year to which the accounts relate by a firm of auditors approved by the Minister and, when audited, the accounts shall be submitted to the members of the Institute for approval by them at the meeting of the Institute.

Accounts audit, etc.

PART III—APPOINTMENT OF REGISTRAR, ETC. AND PREPARATION OF THE REGISTRAR

8.—(1) The Council shall appoint, a Registrar from among members of the profession, in consultation with the Minister with a minimum of eighteen years of experience.

Appointment of Registrar.

(2) The Registrar shall be the Chief Executive and accounting officer of the Institute, and shall be responsible to Council on the day to day administration of the Institute's Secretariat.

(3) The Council shall appoint for the Institute 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
of Register

9.—(1) The Registrar shall 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 Act to be registered as members of the Institute and who, in the manner prescribed by such rules, apply to be so registered.

(2) The Register shall consist of six parts, of which—

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

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

(c) the third part shall be in respect of Honorary members ;

(d) the fourth part shall be in respect of Ordinary members ;

(e) the fifth part shall be in respect of Student members ;

(3) Subject to the provisions of subsections (1) and (2) of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries in the register, and in particular—

(a) regulating the making of application for registration and providing for the evidence to be produced in support of the application ;

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

(c) authorising a registered person to have any qualification which is in relation to the relevant category of the profession, whether an approved qualification or 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 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 ; and

(e) specifying anything failing to be specified under the foregoing provisions of this section, but rules made for the purposes of paragraph (d) of this subsection shall not have effect until they are confirmed at a meeting of the Institute.

(4) The Registrar shall—

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

(5) If the Registrar—

(a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of six months from the date of posting it ; and

(b) upon the expiration of that period, sends in like manner to the person in question a second similar letter 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 particular removed therefrom under this subsection.

10.—(1) The Registrar shall—

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

(b) thereafter in each year, 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 ;

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

(d) cause 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 or a register so published and of the list of corrections to that edition so published, shall 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.

(3) Where in accordance with subsection (2) of this section, a person is shown, in any proceeding, 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.

Publication of
Register and
list of
correction.

PART IV—REGISTRATION

Registration
of members.

11.—(1) Subject to section 12 of this Act and to rules made under section 9 (3) of this Act, a person shall be entitled to be registered as an associate member of the profession if he satisfies the Council that—

(a) immediately before the commencement of this Act, he holds a qualification approved for membership of the Institute and has completed the post qualification experience ; and

(b) he is by law entitled to practice for all purposes as a laboratory technologist in Nigeria or in the country in which the qualification was granted.

(2) Subject to subsection (1) of this section, a person shall also be entitled to be registered in the appropriate part of the register maintained under this Act if he holds such qualification as may be acceptable to the Council, from time to time.

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

(a) he is of good character ;

(b) he has attained the age of eighteen 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.

Approved
qualifications,
etc.

12.—(1) The Council may approve any qualification or institution for the purposes of this Act and may, approve—

(a) any course of training at any approved institution which is intended for persons seeking to become or are already members of the profession and which in the opinion of the Council is designed to confer on the person completing it sufficient knowledge and skill for the practice of the 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 for the practice of the profession.

(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 the approval, the Council shall—

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be ;

(b) afford each such person an opportunity of making to the Council representations with regard to the proposal ; and

(c) take into consideration any representation 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, either 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 possible, publish a copy of every instrument in the *Gazette* ; and

(b) not later than seven days before its publication, send a copy of the instrument to the Minister.

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

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

(b) the examinations as a result of which approved qualifications are granted ; and for the purpose of performing that duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to observe the examinations.

(2) A person appointed under this section shall report to the Council on—

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

(b) the conduct and adequacy of the examinations observed by him ; and

(c) any other thing relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but the person shall not 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 observation on the report to the Council within such period as may be specified in the request, but not less than one month beginning with the date of the request.

Supervision
of
instructions
and
examinations
leading to
approved
qualifications.

PART V—PROFESSIONAL DISCIPLINE

Establishment
of
Disciplinary
Committee
and
Investigating
Panel.

14.—(1) There shall be a Committee to be known as the Science laboratory Technologists Disciplinary Committee (in this Act referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining—

(a) any case referred to it by the investigating panel established under subsection

(3) of this section ; and

(b) any other case of which the Disciplinary Committee has cognisance under the following provisions of this Act.

(2) The Disciplinary Committee shall consist of the 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 Science Laboratory Technologists Investigating Panel (in this Act 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 registered person has misbehaved in his capacity as a member or should for any other reason be the subject of proceedings before the Disciplinary Committee ; and

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

(4) The Investigating Panel shall be appointed by the Council and shall consist of three members of the Council and one member who is not a member of the Institute.

(5) The provisions of the Second Schedule to this Act shall, so far as they are applicable to the Disciplinary Committee and Investigating Panel, respectively, have effect in respect of those bodies.

Second
Schedule.

15.—(1) Where—

(a) a person registered under this Act is judged by the Disciplinary Committee 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 impose imprisonment as penalty for an offence (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of a member of the profession ; or

(c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.

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

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

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

Penalties for
unprofessional
conduct.

(3) For the purposes of subsection (1) (b) 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 Disciplinary Committee gives a direction under subsection (1) of this section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates.

(5) 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 High Court and the Disciplinary Committee may appear as the 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 High Court, the Disciplinary Committee shall be deemed to be a party to those proceedings whether or not it appears at the hearing of the appeal.

(6) A direction of the Disciplinary Committee 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 the appeal, on the expiration of that time ;

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

(c) an appeal is brought and is not withdrawn or struck out, 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 Disciplinary Committee under this section shall not be entitled to be 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

16. A person who is not a member of the Nigerian Institute of Science Technology incorporated under the then Land Perpetual Succession Act (in this Act referred to as "the Incorporated Institute") who but for this Act, would have been qualified to apply for and obtain membership of an approved institute outside Nigeria may, within the period of three months beginning from the commencement of this Act, 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 registered according to his qualification.

Application of this Act to unregistered persons.

17.—(1) Subject to subsection (2) of this section, a person shall be deemed to practise as a member of the profession if, in consideration of the remuneration received or to be received and whether by himself or in partnership with any other person—

When a person is deemed to be a member of the profession.

- (a) he holds himself out to the public as a science laboratory technologist ; or
- (b) he offers to perform or performs any service involving the knowledge of science laboratory technologist ; or
- (c) he renders professional service or assistance in or about matters of principle or detail relating to science laboratory technology procedure or processing of data ; or
- (d) he renders any other service which may by regulations made by the Council, with the approval of the Minister, be designated as service constituting practice as a science laboratory technologist.

(2) Nothing in this section shall be construed so as to apply to persons who, while in the employment of any Government, or engaged in commerce and industry, perform the duties or any of the duties of a science laboratory technologist.

Rules as to
practice, etc.

18.—(1) The Council may make rules—

- (a) for the training of suitable persons in science laboratory procedure and practice ;
- (b) for the supervision and regulation of the engagement, training and transfer of persons trained pursuant to rules made under paragraph (a) of this subsection ;
- (c) prescribing the amount and due date for the payment of the annual subscription ;
- (d) prescribing the form of licence to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing licence ; and
- (d) restricting the right to practice in default of payment of the annual subscription where the default continues for longer than such period as may be prescribed by the rules.

(2) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the *Gazette*.

Provision of
library
facilities, etc.

19.— The Institute shall—

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of science laboratory technology and such other books and publications as the Council may think necessary for the purpose ;
- (b) encourage research into science laboratory technology and such allied subjects as may be relevant to science laboratory technology to the extent that the Council may, from time to time, consider necessary.

Offences.

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

- (a) makes a statement which he believes to be false in a material particular ; or
- (b) recklessly makes a statement which is false in a material particular, he commits an offence.

(2) If, on or after the relevant date, a person who is not a member of the Institute practises or holds himself out to practise for or in expectation of a reward or takes or uses any name, title, addition or description implying that he is a member of the Institute he commits an offence, but in the case of a person falling within section 16 of this Act—

- (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section ; and
- (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 registered or is notified.
- (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 commits an offence.
- (4) A person who commits an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding ₦25,000 ;
- (b) on conviction on indictment, to a fine not exceeding ₦25,000 or imprisonment for a term not exceeding two years or to both.
- (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, is deemed to have committed that offence and is liable to be prosecuted and punished accordingly.
- (6) In this section, "the relevant date" means the third anniversary of the coming into force of this Act or such earlier date as may be prescribed for the purpose of this section by order of the Minister published in the *Gazette*.

21.—(1) Except as otherwise provided under this Act, regulations made under this Act shall be published in the *Gazette* as soon as possible after they are made and a copy of any such regulations shall be sent to the Minister not later than seven days before they are so published.

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

22.—(1) The Incorporated Institute and its Governing Board, by whatever name called, are hereby dissolved.

(2) Accordingly, on the commencement of this Act—

(a) all assets and liabilities held or incurred immediately before that day by or on behalf of the Incorporated Institute shall, by virtue of this Act and without further assurance, vest in the Institute established by this Act and be held by it for the purposes of the Institute ; and

(b) subject to subsection (3) of this section, any act or thing made or done by the Incorporated Institute shall be deemed to have been made or done by the Institute established by this Act.

Dissolution of the Incorporated Institute and transfer to the Institute of certain assets and liabilities.

Third
Schedule.

(3) The provisions of the Third Schedule to this Act shall have effect with respect to matters arising from the transfer by this section to the Institute, of the property of the Incorporated Institute and with respect to the other matters mentioned therein.

Interpretations.

23. In this Act—

"Council" means the Council established for the Institute under section 4 of this Act ;

"Disciplinary Committee" means the Science Laboratory Technologists Disciplinary Committee established under section 14 (1) of this Act ;

"fees" includes annual subscription ;

Cap. 98. LFN
1958 edition.

"Incorporated Institute" means the Nigerian Institute of Science Technology incorporated under the then Land (Perpetual Succession) Act ;

"Investigating Panel" means the Science Laboratory Technologists Investigating Panel established under section 14 (3) of this Act ;

"member of the Institute" means a registered member of the Institute ;

"Minister" means the Minister charged with the responsibility for matters relating to Science and Technology ;

"Profession" means the profession of Science Laboratory Technology ;

"register" means the register maintained in pursuance of section 9 of this Act.

Citation.

24. This Act may be cited as the Nigerian Institute of Science Laboratory Technology Act, 2001.

SCHEDULES

FIRST SCHEDULE

Section 4 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and Tenure of office of Members of the Council

1.—(1) Except otherwise provided in this Act and subject to the provisions of this paragraph, a member of the Council shall hold office for a period of three years and is renewable for a further term of three years and no more.

Qualifications and tenure of office of Members of the Council.

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

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

(4) Elections to the Council shall be conducted in such manner as may be prescribed by rules made by the Council.

(5) If for any reason, there is a vacancy in the membership of the Council, it shall be filled in the following manner—

(a) if the vacancy arises in respect of a member who was appointed by the Minister or any other body, the Minister or that body may appoint another fit person to fill that vacancy ; or

(b) if the vacancy arises in respect of a person elected by the Council, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt a fit person into the Council for the unexpired term.

Proceedings of the Council and Institute

2.—(1) Subject to the provisions of this Act, the Council may make standing orders regulating the proceedings of the Council and the Institute or of any of its Committees.

Proceedings of the Council and Institute.

(2) Standing orders, shall provide for decisions to be taken by a majority of the members and, in the event of equality of votes, the Chairman or the person presiding, 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 referred to it by the Council or Institute, as the case may be.

(4) The quorum of the Council shall be ten and the quorum of a Committee of the Council shall be fixed by the Council.

(5) The quorum of the Institute shall be one-third of all registered members of the Institute.

Meetings of
the Council.

3.—(1) Subject to the provisions of any standing orders of the Council, the Chairman shall summon meeting at least four times in one calendar year 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 notice is given.

(2) At any meeting of the Council, the Chairman shall preside and in his absence the Vice-Chairman shall preside, but if the Vice-Chairman is absent, the members present at the meeting shall appoint one of their member 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 provisions of this paragraph, the first meeting of the Council shall be convened after consultation with the Minister.

Meetings of
the Institute.

4.—(1) The Council shall convene the general meeting of the Institute in November or such other month of every year as the Institute may approve.

(2) If not less than one-third of the members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the President of the Institute shall convene an extraordinary general meeting of the Institute to be held within six weeks of the receipt of the notice requesting the meeting.

(3) At any meeting of the Institute, the President shall preside and in his absence, the Vice President shall preside, but if the Vice-President is absent, the members present at the meeting shall appoint one of the members to preside at the meeting.

Committees.

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

(3) A person, other than a member of the Council, shall hold office in the committee in accordance with the terms of the letter by which he is appointed.

(4) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous.

6.—(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 the Registrar or any other 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.

7. The validity of any proceedings of the Institute or of the Council or of a Committee of the Council shall not be adversely affected by any vacancy in the 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.

8. Any member of the Institute or of the Council and any person holding office in 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, shall forthwith disclose his interest to the President of the Institute or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

9. 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.

SECOND SCHEDULE

Section 14(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
COMMITTEE AND INVESTIGATING PANEL

The
Disciplinary
Committee.

1. The quorum of the Disciplinary Committee shall be four, at least two of whom shall be registered members.

2.—(1) The Attorney-General of the Federation may make rules as to the selection of members of the Disciplinary Committee for the purpose of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

(2) The rules shall in particular provide—

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

(b) for determining who, in addition to the person mentioned in sub-paragraph

(2) (a) of this paragraph, shall be a party to the proceedings ;

(c) for securing that any party to the proceedings shall, if he so requests, be entitled to be heard by the Disciplinary Committee ;

(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 Committee ;

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

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

(3) For the purpose of any proceedings before the Disciplinary Committee, any member of the Disciplinary Committee may administer oaths and any party to the proceedings may issue out of the registry of the High Court writs of *subpoena ad testification and duces tecum*, but no person appearing before the disciplinary shall be compelled to—

(a) make any statement before the Disciplinary Committee tending to incriminate himself ; or

(b) 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 Committee on questions of law arising in proceedings before it, there shall in all the proceedings be an assessor to the Disciplinary Committee 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 the rules shall contain provisions for securing that—

(a) where an assessor advises the Disciplinary Committee on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear at the proceedings or, if the advice is given while the Disciplinary Tribunal is deliberating in private, that every such party or person as mentioned in this sub-paragraph shall be informed of what advice the assessor has given ; and

(b) every such party or person as mentioned in sub-paragraph (2) (a) of this paragraph shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on the question.

(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.

5. The quorum of the Investigating panel shall be three:

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

The
Investigating
Panel.

(2) Subject to the provisions of its standing orders, the Investigating Panel may regulate its own procedure.

7.—(1) A person who ceases to be a member of the Disciplinary Committee or the Investigating panel may be re-appointed as a member of the Disciplinary Committee or Investigating panel, as the case may be.

Miscellaneous.

(2) A person may, if otherwise eligible, be a member of both Disciplinary Committee 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 Committee with respect to that case.

8. The Disciplinary Committee 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 that any person who was not entitled to do so took part in the proceedings of the 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 Committee or the Investigating Panel shall be defrayed by the Institute.

THIRD SCHEDULE

Section 22 (3)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

Transfer of Assets and Liabilities

Transfer of
assets and
liabilities.

1.—(1) Every agreement to which the Incorporated Institute was a party immediately before the commencement of this Act whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations, terms or subject matter make it impossible that it should have effect as modified in the manner provided by these sub-paragraphs, shall have effect from the commencement of this Act, so far as it relates to assets and liabilities transferred by this Act to the Institute, as if—

(a) the Institute had been a party to the agreement ;

(b) for any reference (however worded and whether express or implied) to the Incorporated Institute, there were substituted as respect anything failing to be done on or after the commencement of this Act, a reference to the Institute ; and

(c) for any reference (however worded whether express or implied) to a member or members of the Council of the Incorporated Institute or an officer of the Incorporated Institute, there were substituted as respects anything failing to be done on or after the commencement of this Act, a reference to a member or members of the Council under this Act or the officer of the Institute who corresponds as nearly as may be to the member or officer in question of the Incorporated Institute.

(2) Other documents which refer, whether specifically or generally, to the Incorporated Institute shall be considered in accordance with sub-paragraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of this Act, any right, liability or obligation vests in the Institute, the Institute and any other person shall, as from the commencement of this Act, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute.

(4) Any legal proceedings or application to any authority pending on the commencement of this Act by or against the Incorporated Institute and relating to assets or liabilities transferred by this Act to the institute may be continued on or after that day by or against the Institute.

(5) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property or otherwise, the law shall, so far as it provides for alterations 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, and the Institute shall furnish the necessary particulars of the transfer to the officer of the registration authority, and that officer shall register the transfer, accordingly.

2.—(1) At its first meeting, the Council shall fix a date (not later than six months after the commencement of this Act) for the annual meeting of the Institute.

Transfer of
functions,
etc.

(2) Any person who, immediately before the commencement of this Act, held office as the President or Vice-President of the Council of the Incorporated Institute by virtue of the articles of the Incorporated Institute shall on that day become the President or, as the case may be, the Vice-President of the Institute and shall be deemed to have been appointed—

(a) to that office in pursuance of the provisions of this Act corresponding to the relevant provision in the said articles of the Incorporated Institute ; and

(b) on the date on which he took office, or last took office, in pursuance of the relevant provision of those articles.

(3) The members of the Incorporated Institute shall, as from the commencement of this Act, be registered 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 commencement of this Act, was a member of the staff of the Incorporated Institute shall on that day become the holder of an appointment with the Institute with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of the staff.

(4) Any person who holds an office on or is a member of the Council of the Incorporated Institute immediately before the commencement of this Act and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council of the Institute and thereafter ceasing to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to office in the Institute or to membership of the Council, as the case may be.

(5) All regulations, rules and similar instruments made for the purposes of the Incorporated Institute and in force immediately before the commencement of this Act 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.

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.

IBRAHIM SALIM, CON
Clerk to the National Assembly
24th day of June, 2003

EXPLANATORY MEMORANDUM

This Act establishes the Nigerian Institute of Science Laboratory Technology to be charged with the registration of persons seeking to become registered members of the profession.

This Act also sets standards for the knowledge, competence, exposure to equipment and practical skills to be attained by the persons seeking to become registered members of the profession.

This Act further gives the Institute the power to review those standards from time to time as the circumstances may require.

SCHEDULE TO THE NIGERIAN INSTITUTE OF SCIENCE LABORATORY TECHNOLOGY BILL, 2003

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by House of Representatives</i>
The Nigerian Institute of Science Laboratory Technology Bill, 2003.	An Act to establish the Nigerian Institute of Science Laboratory Technology, regulate the profession of Science and Technology ; and related matters.	<p>This Bill seeks to establishes the Nigerian Institute of Science Laboratory Technology to be charged with the registration of persons seeking to become registered members of the profession.</p> <p>This Bill also sets standards for the knowledge, competence, exposure to equipment and practical skills to be attained by the persons seeking to become registered members of the profession.</p> <p>This Bill further gives the Institute the power to review those standards from time to time as the circumstances may require.</p>	28th May, 2003	26th February, 2003.

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.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
24th Day of June, 2003.

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
26th Day of June, 2003.