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**THE NIGERIAN COUNCIL OF REGISTERED
INSURANCE BROKERS ACT, 2003**



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THE NIGERIAN COUNCIL OF REGISTERED INSURANCE BROKERS ACT, 2003

2003 ACT No. 21

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN COUNCIL OF REGISTERED INSURANCE BROKERS AND FOR THE TRANSFER OF ALL ASSETS IN CUSTODY OF THE INCORPORATED ASSOCIATION TO THE COUNCIL; AND FOR RELATED MATTERS

[14th July, 2003]

Commence-
ment

ENACTED BY THE National Assembly Of The Federal Republic Of Nigeria -
PART I - ESTABLISHMENT OF THE COUNCIL

1.- (1) There is established a body to be known as the Nigerian Council of Registered Insurance Brokers (in this Act referred to as "the Council").

Establish-
ment of the
Council

(2) The Council-

- (a) shall be a body corporate;
- (b) shall have perpetual succession and a common seal; and
- (c) may sue and be sued in its corporate name.

2. The duties of the Councils shall be to -

(a) establish and maintain a central organization for Insurance Brokers;

(b) enrol insurance broking body corporate; and

(c) may secure in accordance with the provisions of this Act the establishment and maintenance of a register of Insurance Brokers containing the names, addresses and qualifications and such other particulars as may be prescribed of all persons who having applied in the prescribed manner, are entitled under the provisions of this Act to be registered and the publication from time to time of the lists of these persons;

Duties of the
Council

(d) shall encourage the dissemination of knowledge, education, practical training and research into the profession;

(e) may establish and maintain a library;

(f) may arbitrate or settle dispute or questions between members and other parties and discipline of members.

(g) may do such things from time to time aimed at elevating the status of Insurance Brokers and the protection of their interests and procure their general efficiency and proper professional conduct; and

(h) shall perform through the Governing Board established by section 3 (1) of this Act the functions conferred on it.

PART II - GOVERNING BOARD OF COUNCIL. ETC

3.- (1) There is established for the Council a Governing Board (in this Act referred to as "the Board") which shall be charged with the administration and general management of the Council.

Governing
Board.

- (2) The Governing Board shall consist of the following members-
- (a) the President of the Council who shall be the Chairman;
 - (b) the Deputy and Vice Presidents of the Council;
 - (c) a representative of the Federal Ministry responsible for insurance matters not below the rank of a Director;
 - (d) a representative of the Federal Ministry of Education not below the rank of a Director;
 - (e) a representative of the National Insurance Commission not below the rank of a Director.
 - (f) past Presidents of the Corporation;
 - (g) not more than eight other elected Members;
 - (h) not more than six Chairman of the Council Area committees;
 - (i) the Executive Secretary of the Council who shall also be the Chief Executive Officer of the Council; and
 - (j) other members not exceeding two as may be co-opted by the Governing Board.
- (3) The Chairman and Members of the Board shall be elected at the Annual General Meeting of the Council.

First
Schedule.

(4) 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 and other matters.

(5) Regulations made by the Council with the approval of the Minister may provide for an increase or reduction in members of the Board and may make such amendments to subsection (2) of this section and the Schedules to this Act as the Minister considers expedient for the purposes of or in consequence of the increase or reduction.

PART III-ELECTION OF PRESIDENT, DEPUTY AND VICE-PRESIDENTS OF THE COUNCIL

Election of
President,
Deputy and
Vice-
Presidents.

4. There shall be for the Council -
- (a) a President;
 - (b) a Deputy President; and
 - (c) a Vice-President who shall be elected for a term of one year and may be re-elected for another term only.

Registration
of Insurance
Brokers

PART IV - REGISTRATION OF INSURANCE BROKERS

5.-(1) The Council shall establish and maintain a register of insurance brokers (in this Act referred to as "the Register").

(2) The Register shall contain names, addresses, qualifications and other particulars as may be prescribed, of all persons who are entitled under the provisions of this Act to be registered and applied in the prescribed manner to be so registered.

(3) No person shall be registered by the Council as a registered insurance broker unless he satisfies the provision of section 6 of this Act.

6.-(1) Subject to subsection (2) of this section, a person for registration shall be entitled to be registered as a broker if he satisfies the Council -

(a) that he is an associate of the Chartered Insurance Institute of Nigeria or identical body outside Nigeria and recognized by the Institute.

(b) that he possesses a certificate issued by the Council after passing examination prescribed by the Council for Insurance Brokers; or

(c) that he possesses the certificate of the Chartered Insurance Institute of Nigeria as an insurance broker and is a Chief Executive of an insurance broking company registered under the Insurance Decree 1997 and held such a position before coming into force of this Act.

(2) A person shall not be entitled to be registered in the Register by virtue of subsection (1) above unless to also satisfies the Council -

(a) as to his character and suitability to be a registered insurance broker; and

(b) that he has had 5 years practical experience in the insurance industry.

(3) A Registered insurance broker shall be eligible to use the title "Registered Insurance Brokers".

(4) Subject to the provisions of this Act and rules made by the Council, members of the Council shall be classified into four categories —

(a) Fellows;

(b) Associates;

(c) Ordinary members; and

(d) Student members.

(5) Persons awarded any of the titles stipulated in this section shall be entitled to use the initials "FCIB" (Fellow, Council of Registered Insurance Brokers) "ACIB" (Associate Council of the Registered Insurance Brokers) as the case may be.

7.-(1) The Council shall establish and maintain a list of bodies corporate carrying on business as insurance brokers (in this Act referred to as "the List") containing the names, principal places of business and such other particulars as may be prescribed by the Council.

(2) Subject to subsection (3) of this section and section 15(1) of this Act, a body corporate shall be entitled to be enrolled in this list if it satisfies the Council that -

(a) at least one partner or director is a registered insurance broker; and

(b) it is a limited liability company incorporated in Nigeria.

(3) An enrolled body corporate shall be eligible to use the title of "Incorporated Registered Insurance Brokers".

Qualifica-
tions for
Registration

List of
Bodies
corporate
carrying
business
insurance
brokers.

(4) Enrolment in the List shall be a condition precedent to the licensing of a body corporate by the National Insurance Commission.

Refusal of insurance brokers application by the Council

8. - (1) An application for registration under section 5 of this Act or an application for enrolment under section 6 of this Act shall not be refused unless the Council gives the person by whom or the body corporate by which the application was made an opportunity to appear before it, and be heard by a Committee of the Council.

(2) Where the Council refuses any such application within seven days of its decision, it shall notify the applicant of its decision.

(3) A person or body corporate whose application is so refused may within twenty-eight days from the date of notifications of the decision appeal against the decision in a Court.

(4) On hearing such appeal the Court may make such order or orders as it thinks fit and the order shall be final.

Supplementary provisions to the Register and list.

9.- (1) The Register and List shall be kept by the Executive Secretary of the Council who shall be appointed by the Council.

(2) The Council may make rules with respect to the form and manner of keeping the Register and List and the making of entries and alterations and in particular -

- (a) regulate the making of applications for registration of enrolment;
- (b) notify the Executive Secretary of any change in the particulars required to be entered in the Register or List;
- (c) prescribe a fee to be charged on the entry of a name in, or the restoration of a name to, the Register or List;
- (d) prescribe a fee to be charged in respect of the retention in the Register or List of any name in any year subsequent to the year in which that name was first entered in the Register or List.
- (e) provide for the entry in the Register of qualifications (whether approved qualifications or not) possessed by person whose names are registered and for the removal of such qualifications from the Register, and prescribing a fee to be charged in respect of the entry;
- (f) authorize the Executive Secretary to refuse to enter a name in, or restore it to, the Register or List until a fee prescribed for the entry or restoration has been paid and to erase from the Register or List the name of a person who or body corporate which, after the prescribed notices and warnings, fails to pay the fee prescribed in respect of the retention of that name in the Register or List;
- (g) authorize the Executive Secretary to erase from the Register or List the name of a person who or body corporate which, after the prescribed notices and warnings, fails to supply information required by the Executive Secretary with a view to ensuring that the particulars entered in the Register or List are correct; and

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(h) prescribe anything required or authorized by the provisions of this Act relating to the Register or List.

(3) Rules under this section which provide for the erasure of a name from the Register or List on failure to pay a fee shall provide for its restoration on the making of the prescribed application in that behalf and on payment of that fee and any additional fee prescribed in respect of the restoration.

(4) Rules under this section prescribing fees may provide for charges of different fees in different classes of cases and for the making of arrangements for the collection of fees with such body or bodies as may be prescribed.

10.—(1) The Council shall cause the Register and List to be printed and published within one year of the establishment of the Council and as often as it thinks fit.

Publication of Register and List

(2) Where the Register or List is not published in any year after the first publication, the Council shall cause any alterations in the entries in the Register or List which have been made since the last publication to be printed and published within that year.

(3) A copy of the Register or List purporting to be printed and published by the Council, shall as altered by any alterations purporting to be printed and published by the Council, be evidence in all proceedings that the individuals specified in the Register are registered or, as the case may be, that the bodies corporate specified in the List are enrolled; and the absence of the name of any individual or body corporate from any such copy of the Register or List shall be evidence, until the contrary is shown, that he is not registered or, as the case may be, that it is not enrolled therein

(4) In the case of an individual whose name or a body corporate the name of which does not appear in any such copy of the Register or List as altered, a certified copy under the hand of the Executive Secretary of the entry relating to that individual or body corporate in the Register or List shall be evidence of the entry.

PART V - ELECTION OF HONORARY FELLOWS AND ASSOCIATES

11.—(1) The Council may elect as an Honorary Fellow or Honorary Associate, a person who in its opinion, has rendered exceptional service and contribution to the insurance broking profession

Election of Honorary Fellows and Associates.

(2) A person awarded any title stated in subsection (1) of this section shall be entitled to use the initials "FCIB" (Fellow, Council or ACIB Associate, Corporation of Registered Insurance Brokers) as the case may be.

PART VI - EXECUTIVE SECRETARY AND OTHER STAFF

12.—(1) There shall be for the Council a fit and proper person who shall be the Executive Secretary of the Corporation and such other staff as the Corporation may from time to time deem necessary.

Executive Secretary and other staff.

(2) The Executive Secretary shall, in addition to his other functions under this Act be the Secretary to the Council and shall on the instructions of the President of the Corporation or any Committee of the Council convene meetings of the Council or any Committee and keep minutes of proceedings at all such meetings as the case may be.

Regulation of Professional Conduct

(3) The Council may, whenever the Executive Secretary is absent or for any other reason unable to discharge the functions of his office appoint an acting Executive Secretary to discharge those functions.

(4) The Executive Secretary and other staff of the Corporation shall hold office on such conditions as the Council may determine.

13.—(1) The Council shall provide guidelines to regulate the conduct of members and may from time to time remove such guideline.

(2) Subject to the provisions of subsection (1) of this section, any code of ethics and practice applicable to the Nigerian Insurance Industry the formulation of which the Council is a party, shall be required to be adhered to or complied with by Registered Insurance Brokers and bodies corporate registered or as the case may be, listed under this Act.

PART VII - FUND OF THE COUNCIL

Fund of the Council.

14.- (1) There shall be established for the Council a fund which shall be managed and controlled by the Council.

(2) There shall be paid and credited into the Fund —

(a) all fees and other moneys payable to the Council; and

(b) such moneys as are held by the Nigerian Council of Insurance Brokers incorporated

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

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

(b) the remuneration and allowances of the Executive Secretary and other employees of the Council; and

(c) such reasonable traveling and subsistence allowances of members of the Council in respect of the time spent on duties of the Council as the Council may determine.

(4) The Council may invest moneys 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 Council and any interest payable on moneys so borrowed shall be paid out of the Fund.

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

(7) The Auditor, appointed for the purposes of this section, shall not be a member of the Council.

PART VIII - MODE OF OPERATION OF PRACTISING INSURANCE BROKER AND
ENROLLED BODY CORPORATE

15.—(1) The council may make rules requiring registered Insurance Brokers (in this Act referred to as "Practicing Insurance Brokers") and enrolled bodies corporate to ensure that —

Requirement
for Carrying
on Business.

(a) their businesses have a working capital of not less than ₦5 million, made up of verifiable movable and immovable assets and cash in proportion as the Council may decide;

(b) they maintain a professional indemnity cover of not less than ₦10 million or 50 per cent of their annual brokerage income for the preceding year, whichever is greater;

(c) the number of insurance companies with which they place insurance business and the amount of insurance business which they place with each insurance company, is such as to prevent their business from becoming unduly dependent on any particular insurance company;

(d) they open and keep clients' accounts at banks for money received by them for or on behalf of persons with whom they do business;

(e) they keep such accounting records showing the transactions of their businesses as may be prescribed;

(f) they do not hold directly or indirectly financial interest

(i) in excess of 10 per cent in any reinsurance company; or

(ii) in a loss adjusting company in Nigeria;

(g) they pay to the appropriate insurer any premium collected by them not later than 30 days of collecting the premium.

(2) A practicing insurance broker or an enrolled body corporate shall keep records of all insurance business handled by them and, for the purposes of this section, separate records shall be kept by the Practicing Insurance Broker or enrolled body corporate with respect to —

(a) insurance business entered into with insurers registered in Nigeria, and

(b) insurance business entered into with persons outside Nigeria.

(3) A practicing Insurance Broker and enrolled body corporate shall —

(a) keep accounting records which shall show and explain the business transacted by the practicing Insurance Broker or enrolled body corporate and disclose his or its financial position; and

(b) ensure that the accounting records kept under section (1) of this section gives a true and fair view of his or its business at the accounting date.

(4) A practicing Insurance Broker or enrolled body corporate who contravenes the provisions of this section commits an offence and is liable on conviction to a fine of ₦50,000.00

Preliminary investigation of disciplinary cases.

16.—(1) The Council shall set up a panel to be known as the Investigation Panel, for the preliminary investigation of cases in which —

(a) it is alleged that a registered Insurance Broker or enrolled body corporate is liable to have his or its name erased from the Register or List on any ground specified in section 17; or

(b) a complaint of unprofessional conduct is made to the Council by or on behalf of a member of the public against a registered Insurance Broker or an enrolled body corporate or an employee of an enrolled body corporate;

(c) any such case is referred to as "a disciplinary case"

(2) (a) A disciplinary case shall be referred to the Investigation Panel, which shall carry out a preliminary investigation.

(b) Where the Panel is satisfied that there is sufficient evidence to support a finding that the registered Insurance Broker or enrolled body corporate is liable to have his or its name erased from the Register or List, the Panel shall refer the case, with the results of its investigation to the Disciplinary Tribunal set up under this Act.

(3) The Council shall make rules as to the Constitution of the Investigation Panel.

Disciplinary Committee.

17. — (1) The Council shall set up a committee to be known as the Disciplinary Committee for the consideration and determination of disciplinary cases referred to it under section 12 and of any other cases of which it has cognizance under the provisions of this Act.

(2) The Council shall make rules as to the constitution of the Disciplinary Committee, the time and place of the meetings of the Committee, the quorum and the mode of summoning members.

(3) Rules under this section shall ensure that a person other than the Chairman of the Council who has acted on any disciplinary case does not act in relation to that case as a member of the Disciplinary Committee.

Erasure from the Register and List for crime, unprofessional conduct, Etc.

18.— (1) Where a registered Insurance Broker or enrolled body corporate is -

(a) convicted by any Court in Nigeria of any criminal offence being an offence which owing to its nature or the circumstances under which it was committed, does not render him or it fit to have his or its name on the Register or List, or

(b) judged by the Disciplinary Committee to have been guilty of professional misconduct, the Disciplinary Committee may, if it thinks fit, direct that the name of the Insurance Broker or body corporate be erased from the Register or List.

(2) If it appears to the Disciplinary Committee that a registered Insurance Broker or enrolled corporate body has contravened or failed to comply with Decree 2 of 1997, or any rule made under the Insurance Decree No. 2 of 1997 and that the contravention or failure is such as to render the Insurance Broker unfit to have his name on the Register or the body corporate unfit to have its name on the List, the Disciplinary Committee may, if it thinks fit, direct that the name of the Insurance Broker, or body corporate be erased from the Register or List.

(3) Where —

(a) the name of a partner of an enrolled body corporate is erased from the Register under Subsection (1) of this section, or

(b) a partner of any such body corporate is convicted of an offence under this Act, or

(c) the name of a registered Insurance Broker employed by any such body corporate is erased from the Register under subsection (1) of this section and the act or omission constituting the ground on which it was erased instigated or connived at by a partner of the body corporate, or if the act or omission was a continuing act or omission, a partner of the body corporate had, or reasonably ought to have had knowledge of the continuance, the Disciplinary Committee may, if it thinks fit, direct that the name of the body corporate be erased from the List Provided that the Disciplinary Committee shall not take a case into consideration during any period within which proceedings by way of appeal may be brought which may result in this subsection being rendered inapplicable while any such proceedings are pending.

(4) If the Disciplinary Committee is of the opinion as respects an enrolled body corporate that the conditions for enrolment in section 6 of this Act are no longer satisfied, the Disciplinary Committee may, if it think fit, direct that the name of the body corporate be erased from the List.

(5) Where a registered insurance broker dies while he is a partner of an enrolled body corporate, he shall be deemed for the purpose of subsection (4) above to have continued to be a partner of that body until the expiration of a period of six months, beginning with the date of his death.

(6) Where the Disciplinary Committee directs that the name of an individual or body corporate shall be erased from the Register or List, the Executive Secretary shall serve on that individual or body a notification of the direction and a statement of the Committee's reasons.

(7) A body corporate whose name has been erased from the List shall have its certificate of registration revoked by the National Insurance Commission.

(8) A body corporate who, through disciplinary action or otherwise has the number of its partners reduced to one shall immediately appoint an additional partner provided that if the body corporate remains for 12 months with one partner the name of the body corporate shall be erased and its certificate of registration revoked by the National Insurance Commission.

19. - (1) Where the name of an individual or body corporate has been erased from the Register or List in pursuance of a direction under section 18, the name of that individual or body corporate shall not again be entered in the Register or List unless the Disciplinary Committee on application made to it in that behalf otherwise direct.

(2) An application under subsection (1) of this section for the restoration of a name in the Register or List shall be made to the Disciplinary Committee —

(a) within ten months of the date of erasure; or

Restoration of names erased as a result of disciplinary cases, etc.

(b) within ten months of a previous application

Ensure from Register and List on ground of fraud or error.

20. (1) Where it is proved to the satisfaction of the Disciplinary Committee that any entry in the Register or List has been fraudulently or incorrectly made, the Disciplinary Committee may, if it thinks fit, direct that the entry be erased from such Register or List.

(2) An individual may be registered or a body corporate enrolled in pursuance of this Act notwithstanding that his or its name has been erased under this section.

(3) When it is so erased on the ground of fraud, that individual or body corporate shall not be registered or enrolled except on an application in that behalf to the Disciplinary Committee and on any such application, the Disciplinary Committee may, if it thinks fit, direct that the individual or body corporate shall not be registered or enrolled, or shall not be registered or enrolled until the expiration of such period as may be specified in the direction.

(4) Where the Disciplinary Committee directs that the name of an individual or body corporate shall be erased from the Register or List under this section, the Executive Secretary shall serve on that individual or body a notification of the direction and a statement of the Committee's decision.

Appeal in disciplinary and other cases.

21. (1) Where the Secretary of the Committee serves a notice on an individual or a body corporate of the decision that his or its name be erased from the List or Register, such individual or body corporate may appeal such decision before a Court.

(2) The Council may appear as respondent on any such appeal and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party whether it appears at the hearing of the appeal or not.

(3) Where no appeal is brought against a direction under section 20 or section 21 of this Act or where such an appeal is brought but withdrawn or struck out for want of prosecution, the direction shall take effect on the expiration of the time for appeal or, as the case may be, on the withdrawal or striking out of the appeal.

(4) Where an appeal is brought against a direction under either of those sections, the direction shall take effect when the appeal is dismissed and not otherwise.

Procedure of Disciplinary Committee

22.—(1) For the purpose of any proceedings before the Disciplinary Committee, the Committee may administer oaths on any party to the proceedings may issue out writs of subpoena ad testificandum ad tecum, but no person shall be compelled under any such writs to produce any document which he could not be compelled to produce on the trial of an action.

(2) The Council shall make rules as to the procedures to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal and in particular —

(a) ensure that the notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the individual or body corporate alleged to be liable to have his or its name erased from the Register or List;

(b) ensure that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Committee.

(c) enable any party to the proceedings to be represented by counsel or solicitor or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;

(d) require proceedings before the Disciplinary Committee to be held in public except in so far as may be provided by the rules;

(e) enquire, in cases where it is alleged that a registered Insurance Broker or enrolled body corporate has been guilty of unprofessional conduct, and the Disciplinary Committee finds that the allegation has not been proved, it shall record a finding that the registered insurance broker or body corporate is not guilty of such conduct in respect of the matters to which the allegation relates;

(f) require in cases where it is alleged that a registered insurance broker or enrolled body corporate is liable to have his or its name erased from the Register or List under section 19 (2) of this Act and where the Disciplinary Committee judges that the allegation has not been proved, it shall record a finding that the registered Insurance Broker or body corporate is not guilty of the matter alleged.

23. - For the purpose of advising the Disciplinary Committee on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be a Legal Practitioner of not less than ten years standing.

Assessors to
Disciplinary
Committee

(2) The power of appointing assessors under this section shall be exercisable by the Council, but if no assessor appointed by it is available to act at any particular proceedings, the Disciplinary Committee may appoint an assessor under this section to act in the proceedings.

(3) Subject to the provisions of this section, an assessor under this section may be appointed either generally or for any particular proceeding or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(4) Any remuneration paid by the Council to persons appointed to act, as assessor shall be at such rate as the Council may determine.

24. - (1) The Council may set up a Committee for any purpose (other than a purpose for which the Council is required to set up a Committee under this Act) and may delegate to any such Committee—

General
power to
appoint
committee

(a) the power to make rules under this Act;

(b) any functions expressly conferred by this Act on any Committee set up under this section.

(2) The number of members of a Committee set up under this section and their term of office shall be fixed by the Council.

(3) A committee set up under this Act may include persons who are not members of the Council, but at least two-thirds of the members of every such committee shall be members of the Council.

(4) Every member of a Committee set up under this Act who at the time of appointment was a member of the Council, also ceases to be member of the committee.

PART IX — RESTRICTION ON USE OF TITLES AND DESCRIPTIONS

25. (1) Any person who wilfully -

(a) takes or uses any style, title or description which consists of or includes the expression "Registered Insurance Broker" when he is not registered in the Register; or

(b) takes or uses any name, title, addition or description falsely implying, or otherwise pretend, that he is registered in the Register shall be liable on summary conviction to a fine not exceeding ₦50,000.00 or imprisonment for 3 months or both.

(2) Anybody corporate which wilfully —

(a) takes or uses any style, title or description which consists of or includes the expression "Insurance Broker" when it is not enrolled in the List; or

(b) takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that it is enrolled in the List, shall be liable on summary conviction to a fine not exceeding ₦100,000.00.

(3) Reference in this section to the expression "Insurance Broker" includes references to the following related expressions that is to say "Assurance Broker Reinsurance Broker" and "Reassurance Broker"

26— (1) Where a practicing insurance broker dies, the Council may, during the period of three months beginning from his death or such period direct that section 25 shall not operate to prevent his personal representatives, his surviving spouse or any of his children from taking or using in relation to his business, but in conjunction with the name in which he carried on, any title which he was entitled to take or use immediately before his death.

(2) Where a practicing insurance broker becomes bankrupt, the Council may during the period of three months beginning from the time of bankruptcy or such other period direct, that section 25 shall not operate to prevent his trustee or assignee in bankruptcy from taking or using in relation to his business, but in conjunction with the name in which he carried on, any title which he was entitled to take or use immediately before the bankruptcy.

27. Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent of, or connivance of or is attributable to any negligence on the part of, any partner, director, manager, secretary or other

Penalty for pretending to be registered etc

Exception

Offences by bodies corporate.

Similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as body corporate shall be deemed to be guilty of the offence and may be proceeded against and punished.

28. Any person who, for the purpose of procuring the registration of any name, qualification or other matters—

(a) makes a statement which he believes to be false, or

(b) recklessly makes a statement which is false, commits an offence and is liable on conviction to a fine not exceeding ₦20,000.00 or imprisonment for 3 months or both.

False statement

PART X - MISCELLANEOUS AND GENERAL

29— (1) From the commencement of this Act—

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

(b) subject to subsection (2) of this section, any act or thing made or done by the Incorporated Association shall be deemed to have been made or done by the Council.

Transfer of assets and liabilities.

(2) The provisions of Second Schedule to this Act shall have effect with respect to matters arising from the transfer by this section to the Council of the property of the Incorporated Association and with respect to the other matters.

Second schedule

30. The Minister may give to the Council, directives 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 the Council shall comply with the directives.

Power of the Minister to give directives to the Council Regulation.

31. (1) The Council may, with the approval of the Minister, make regulations generally for the purpose of this Act and any regulations so made shall be published in the Gazette as soon as practicable and a copy of any such regulations shall be sent to the Minister not later than 7 days before they are so published.

(2) 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 the purpose, and if the general meeting refuses to confirm such rules shall cease to have effect on the day after the date of refusal, but without prejudice to anything done in pursuance of any such rules.

32. The Council may make rules for—

(a) prescribing the amount and date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules according to the category of membership;

(b) prescribing the form of certificate to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing certificate; and

Fees and practising certificate

Amendment
of Act No.
22, 1993

Interpreta-
tion.

(c) prescribing the form and use of the Council's logo :

33. — (1) The word "broking" appearing in section 2 (5) of Chartered Insurance Institute of Nigeria Act of 1993 is hereby deleted.

(2) Section 36 of the Insurance Act 1997 is amended by deleting subsection (3) and substituting for the following new subsection —

“(3)If the Commission is satisfied that the applicant is a listed body corporate within the meaning of the Nigerian Council of Registered Insurance Brokers Act 2003”.

34. In this Act —

"body corporate" means an association of person or partnership duly registered under Part B of the Companies and Allied Matters Act No. 1 1990;

"Council" means the Nigerian Council of Registered Insurance Brokers established under section 1 of this Act;

"Board" means the Governing Board of the Council established under section 3 of this Act;

"Employee" in relation to a body corporate, includes a director of the body corporate and shall be construed accordingly;

"Enrolled" means enrolled in the List and "Enrolment" shall be construed accordingly;

"Executive Secretary" means the Executive Secretary of the Council appointed under section 12(1) of the Act;

"Fees" includes annual subscription;

"Functions" includes powers and duties;

"Incorporated Association" means the Nigerian Corporation of Insurance Brokers incorporate under the Companies and Allied Matters Act 1990;

"Auditor" means a person enrolled or registered as an accountant pursuant to any enactment in Nigeria;

"Insurance Broker" means a registered insurance broker or enrolled body corporate and includes reinsurance broker;

"Insurer" or "Insurance Company" means a company which is carrying on insurance risk and is registered under the Insurance Act 1997 for the purpose and includes a reinsurer;

"List" means the List of bodies corporate carrying on business as Insurance Brokers;

"Member of the Corporation" means a person registered by the Corporation as a Registered Insurance Broker and "membership of the Corporation shall be construed accordingly;

"Minister" means the Minister charged with responsibility for matters relating to insurance and "Ministry" shall be construed accordingly;

"Panel" has the meaning assigned to it by section 16 of this Act;
"Practising Insurance Broker" means a Registered Insurance Broker who is carrying on business as an Insurance Broker;
"Prescribed" means prescribed rules under this Act;
"President", "Deputy President" and "Vice-President" means respectively the office holder under those names in the Council;
"Profession" means the profession of insurance broking; and
"Register" means the register of Insurance Brokers and "Registered" and "Registration" shall be construed accordingly.

35. This Act may be cited as the Nigerian Council of Registered Insurance Brokers Act, 2003.

Citation

SCHEDULE

FIRST SCHEDULE

Section 3 (4)

1. - (1) Subject to the provisions of this paragraph, a member of the Governing Board shall hold office for a period of three years commencing from the date of his appointment or election.

(2) The President, Deputy President and Vice President shall each hold office for a period of one year subject to a re-election for another one year such that no person shall hold the office of President for more than two consecutive years.

(3) In the case of a person who is a member by virtue of having been the President of the Council, he shall retain his membership of the Governing Council without limitation as to duration.

(4) The Executive Secretary as a member of the Governing Board shall have no voting right and shall relinquish his membership of the Governing Board upon the determination of his contract of appointment.

(5) Any member of the Council who ceases to be member thereof shall, if he is also a member of the Governing Board, cease to build office on the Governing Board.

(6) Any member may, by notice in writing under his hand addressed to the President of the Council, resign his office.

(7) Any person who retires from or otherwise ceases to be an elected member of the Governing Board shall be eligible again to become a member of the Governing Board by re-election and any appointed member may be re-appointed.

(8) Election to the Governing Board shall be held in such manner as may be prescribed by rules made by the Governing Board, and until so prescribed, they shall be decided by secret ballot.

(9) If for any reason there is a vacation of office by a member and

(a) such member was appointed, the person or body that appointed him shall

Supplementary provision relating to the Government Board, qualification and tenure of office of Members.

appoint another fit and proper person to replace such member; or

(b) such member was elected, the Governing Board may, if the time between the unexpired 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 and proper person for such time.

Powers of the
Governing
Board, Etc.

2 The Governing Board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Council.

3.—(1) Subject to the provisions of this Act, the Governing Board may in the name of the Council make standing orders regulating the proceedings of the Council, the Governing Board or any of their Committees.

(2) The Standing Orders shall provide for decision to be taken by majority of the members, and, in the event of equality of votes, the President of the Council or the Chairman, as the case may be, shall have a second or casting vote.

(3) Standing Orders made for a committee shall provide that the committee reports back to the Governing Board on any matter referred to it by the Council.

(4) The quorum of the Governing Board shall be seven and the quorum of a Committee of the Council shall be determined by the Council.

Meeting of
meeting of
the Council.

5.—(1) The Governing Board shall convene the general meeting of the Council once in every year on such day as the Governing Board 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 general meeting of the Council may be convened by the Governing Board at any time, and if not less than 20 members of the Council require it by notice in writing addressed to the Executive Secretary of the Council setting out the objects of the proposed meeting, the Chairman of the Governing Board shall convene a special meeting of the Council.

(3) The quorum of any meeting of the Council shall be 10 members and that of any special meeting of the Council shall be 15 members.

Meeting of
the Governing
Board

6. — (1) Subject to the provisions of any standing orders of the Governing Board, the Governing Board 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 seven other members, he shall summon a meeting of the Governing Board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Governing Board, the President or in his absence the Deputy President or the Vice-President shall preside, but if all of them are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

(3) Where the Governing Board desires to obtain the advice of any person on a particular matter, the Governing Board may co-opt him as a member for such

period as the Governing Board thinks fit; but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Governing Board and shall not count towards a quorum.

(4) Any member of the Council or of the Governing Board, and any person holding office on a committee of the Governing Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Governing Board on behalf of the Council, or on behalf of the Governing Board or a Committee thereof shall forthwith disclose his interest to the President or to the Governing Board, as the Case may be, and shall not vote on any question relating to the contract arrangement.

SECOND SCHEDULE

Section 29 (2)

TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

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

Transfer of
Assets and
Liabilities.

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

(b) for any reference (however worded and whether expressed or implied) to the Incorporated Association, there were substituted as respects anything failing to be done on or after the commencement of this Act a reference to the Council.

(c) for any reference however worded to a member or members of the Governing Council of the Incorporated Association or an officer of the Incorporated, there were substituted, as respect anything failing to be done on or after the commencement of this Act, a reference to a member or members of the Governing Board under this Act.

(2) Other documents which refer, whether specially or generally, to the Incorporated Association shall be considered in accordance with subparagraph (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 section 2 of this Act, any right, liability or obligation vest in the Council, the Council and all other persons 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 if it had at all times been a right, liability or obligation of the Council.

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

2. On the commencement of this Act, any person holding any paid appointment in the Incorporated Association shall hold corresponding appointment in the Council on the same terms and conditions as to tenure and otherwise but shall not be entitled to receive remuneration both from the Incorporated Association and from the Council in respect of the same period of service.

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

4. All regulations, rules and similar instruments made for the purposes of the Incorporated Association and in force immediately before the coming into force 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 modification as if duly made for the corresponding purpose of the Council.

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 of the National Assembly
DATED 5th June, 2003

EXPLANATORY MEMORANDUM

This Act seeks to provide for the establishment of the Nigerian Council of Registered Insurance Brokers and also for the transfer of all assets in custody of the Incorporated Association to the Council

SCHEDULE TO THE NIGERIA COUNCIL OF REGISTERED INSURANCE BROKERS BILL, 2003

(1) <i>Short Title of the Bill</i>	(1) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by the house of Representatives</i>
The Nigeria Council of Registered Insurance brokers Bill, 2003	An Act to provide for the establishment of the Nigerian Council of registered Insurance Brokers and for the transfer of all assets in custody of the incorporated Association to the Council; and for related matters	This Bill seeks to provide for the establishment of the Nigerian Council of registered Insurance Brokers and also for the transfer of all assets in custody of the Incorporated Association to the Council.	28 May, 2003	22nd May, 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 provision of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990

I ASSENT.

IBRAHIM SALIM, CON
Clerk to the National Assembly
5th June, 2003



CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
4th June, 2000