

THE CHARTERED INSURANCE INSTITUTE OF NIGERIA
DISCIPLINARY PROCEDURE

1. INTRODUCTION

The dynamism of the Nigerian Business Environment has great implications for maintenance of standard ethical behavior by professionals.

The pressure from investors has driven managers of business to move farther away from playing by the rules. Professional integrity and adherence to the code of ethics are no longer the norm. Many Professional Bodies in Nigeria have reacted sharply to the continuing unethical practices of their members in order to save their professions.

The Institute has embarked on the education of its members as a prelude to the full application of the law on the discipline of members.

2. THE DISCIPLINARY PROCEDURE

a. The Institute's Enabling Law provides for the setting up of an Investigating Panel and the Disciplinary Committee.

b. **Investigating Panel**

The Panel is a body of five members constituted by the Governing Council of the Institute. Four of the members are members of the Governing Council while the fifth member is an Insurance Practitioner, but not a member of Council.

The Investigating Panel is charged with the duty of

- i. conducting preliminary investigation into any allegation of misconduct by a member in his capacity as an insurer or for any other reason be the subject of proceeding before the Disciplinary Committee
- ii. deciding whether the case should be referred to the Disciplinary Committee.

c. **The Disciplinary Committee**

The Committee is charged with the duty of considering and determining

- i. any case referred to it by the Investigating Panel
- ii. any other case which the Committee is aware of

The seven member Committee was set up by the Governing Council of the Institute. Quorum of the Committee is four members.

3. RULES OF OPERATION

- i. The Attorney General of the Federation is empowered to make rules which guide the selection of Members of the Disciplinary Committee for any disciplinary proceeding, and,
- ii. the procedure to be followed
- iii. rules of evidence to be followed
- iv. the right of the person who is the subject of proceedings to receive the notice of the proceedings within a stipulated time.
- v. the right of the person to be heard if he or she requires
- vi. that any party to the proceeding may be represented by a legal practitioner
- vii. that the Committee shall record a verdict of not guilty where the committee decides that the allegation of misconduct has not been proved and,
- viii. rules that the decision of the Committee to the effect that a person's name shall be struck off the Register of Members.

4. WHAT CONSTITUTES PROFESSIONAL MISCONDUCT

What is termed professional misconduct is open ended. The law empowers the Institute to make rules on what constitutes misconduct. Click <http://www.ciinigeria.com/ciin-code-conduct> to view the Insurance Industry Code of Ethics.

5. WHEN AND HOW DOES THE COMMITTEE SANCTION

- The Committee will sanction a person enrolled or registered under this law if,
- it is satisfied that the person is guilty of infamous conduct in any professional respect
 - the person has been convicted by any Court or Committee anywhere having power to impose imprisonment of an offence which in the opinion of the disciplinary Committee is incompatible with the status of an insurance practitioner.
 - It is satisfied that the name of any person has been fraudulently enrolled or registered.

The Disciplinary Committee sanctions through Reprimand or delisting from the register of members.

6. APPEAL

Any person sanctioned by the Committee may appeal to the Federal High Court within 28 days from the date he is served the notice of the sanction.

The sanction by the Committee will only take effect where there is no notice of appeal within the time limited for appeal or where the appeal has been withdrawn, dismissed or struck out.

7. WHO ARE TO BE DISCIPLINED

All Insurance Practitioners are captured under the law. This includes those who are registered members of the Institute and others who operate as insurance practitioners without registering with the Institute. The law defines an insurance practitioner as any person who is registered or entitled to be registered under Act 22 of 1993.

Those who operate without membership of the Institute are guilty of an offence.

Any Company employing non-registered practitioners or not insisting on the membership of the Institute by such employees is equally deemed to be guilty of that offence.

Sec 17. A person is deemed to be an Insurance practitioner if in consideration of remuneration received or to be received, or whether by himself or in partnership with others engages himself in the practice of the profession or holds himself out to the public as an insurance practitioner.

Renders services or assistance in or about matter of principle or detail relating to insurance procedure.