

## **HB. 1491**

### **CHARTERED INSTITUTE OF COMPUTER FORENSICS OF NIGERIA BILL, 2021 ARRANGEMENT OF SECTIONS**

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A BILL

FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF COMPUTER FORENSICS OF NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. John Dyegh*

[ ]

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - Establishment, etc., of the Chartered Institute of Computer Forensics of Nigeria (CICFON)

**1. Establishment of the Chartered Institute of Computer Forensics of Nigeria (CICFON)**

-(1) There is hereby established a body to be known as the Chartered Institute of Computer Forensics of Nigeria (CICFON) (in this Bill referred to as "the Institute") which shall be an independent body corporate under that name and be charged with the general duty of:

(a) Have powers to regulate the practice of Digital, Mobile and Computer Forensics (including Questioned Document Examination/Handwriting Analysis, Fingerprinting and other Biometric methods, Ethical Hacking and Penetration Testing) in Nigeria;

(b) Advancing the science of digital, mobile and computer forensics, cyber security, ethical hacking and penetration testing in this Bill referred to as "the profession") ;

(c) Determining the standards of knowledge 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;

(d) Promoting the highest standard of competence, practice and conduct among the members of the profession;

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

(f) Conduct examination and award certificates and licenses to members and persons aspiring to qualify and practice as members of the profession;

(g) Regulating on matters relating to qualifications for the practice of the profession;

(h) Conduct research into all aspects of the profession;

(i) Organize conferences, seminars, workshops for members and non-members of the profession;

(j) Register and set standards for organizations to provide training for persons aspiring to qualify and practice as members of the profession;

(k) Have powers to accredit (in collaboration with appropriate organs(s) of government) Digital, Mobile and Computer Forensics Courses and Programmes for Universities or other Tertiary Institutions in Nigeria.

(l) Have powers to accredit Private Digital, Mobile and Computer Forensics Training Companies or Institutions for the purpose of preparing candidates for the Institute's Certification Examination.

(m) Have powers to accredit Digital Forensics Laboratories and for other matters connected therewith;

- (n) Have powers to accredit (in collaboration with appropriate organ(s) of government) Digital, Mobile and Computer Forensics Courses in Institutions of Learning in Nigeria;
  - (o) Have powers to accredit and license Distributors and Resellers of Forensic Equipment, Software and Forensic Tools in Nigeria;
  - (p) Have powers to accredit and certify (in collaboration with appropriate organ(s) of government) Forensic Hardware, Software and Tools in Nigeria;
  - (q) Have powers to enforce standards and ethics in the practice of Digital Forensics in Nigeria;
  - (r) Have powers to regulate the practice of the profession;
  - (s) Issue Professional Licenses and Seals to Fellows and Professional members for the purpose of practicing the profession and for sealing Digital, Mobile and Computer Forensics Reports generated by such members for the courts, tribunals, court martials, administrative panel of inquiries and all their clients;
  - (t) Doing such things as may promote the advancement of the profession of digital and computer forensics in both the public and private sector of the economy; and
  - (u) Performing, through the Executive Council, College of Fellows and the Certification Board established under Section 3 of this Bill, the functions conferred on it by this Bill.
- (2) The Institute shall have perpetual succession and a common seal which shall be kept in such custody as the Council established under Section 3 of this Bill may from time-to-time authorise.
- (3) The Institute may sue and be sued in its corporate name and may hold, acquire and dispose of any property, movable or immovable.

## **2. Membership of the Institute**

- (1) Subject to the provisions of this Bill, a person admitted to the membership of the Institute shall be registered as a member and shall be entitled to use the abbreviation "MCICFON" (Member, Chartered Institute of Computer Forensics of Nigeria) after his name.
- (a) The Institute may register a member as a Fellow, Honorary Fellow, Professional Member, Student, or Corporate Member;
  - (b) A Fellow shall be a person who has practiced as a Digital, Mobile and Computer Forensics Examiner for a period of not less than 7 years preceding the date of his application to the Institute for registration as a Fellow. The recommendation for approval of a nominated candidate shall be decided by a majority vote of the Certification Board and the final approval for a recommended candidate shall be decided by a majority vote of the Council. Persons registered as Fellows of the Institute shall be entitled to use after their names, the words "Fellow of the Chartered Institute of Computer Forensics of Nigeria" or the initials "FCICFON". Professional Fellows under the Incorporated Computer Forensics Institute prior to the commencement of this Bill shall upon the commencement of this Bill be granted a period of six (6) months to apply for transfer into Professional Fellowship of the Chartered Institute of Computer Forensics of Nigeria (CICFON);
  - (c) An Honorary Fellow shall be a person of repute and integrity who has contributed immensely towards the growth and development of the field of Digital, Mobile and Computer Forensics and Electronic Evidence in Nigeria. The recommendation for approval of a nominated candidate shall be decided by a majority vote of the Certification Board and the final approval for a recommended candidate shall be decided by a majority

vote of the Council. Persons registered as Honorary Fellows of the Institute shall be entitled to use after their names, the words "Honorary Fellow of the Chartered Institute of Computer Forensics of Nigeria" or the initials "FCICFON (Hon.)". Honorary Fellows under the Incorporated Computer Forensics Institute prior to the commencement of this Bill shall upon the commencement of this Bill be granted a period of six (6) months to apply for transfer into Honorary Fellowship of the Chartered Institute of Computer Forensics of Nigeria (CICFON);

(d) A Professional Member shall be a person who has undergone the Institute's approved Certification Training Programme or who has completed a similar Training and Certification from the list of approved foreign Professional Bodies as listed in the Fourth Schedule (Section 9) of this Bill, in as long as such foreign certification covers, subject by subject, the course contents of the Institute's Certification program. Where a candidate is deficient in certain subject area(s), the candidate must sit for the appropriate CICFON examination(s) in such subject area(s);

(e) Candidates who have completed their Certification Training Programme under Digital and Computer Forensics Associates and First Digital & Techno- Law Forensics Co. Ltd. who are the accredited Training Partners to Incorporated Computer Forensics Institute and have passed the Incorporated Computer Forensics Institute Examination prior to the commencement of this Bill shall upon the commencement of this Bill be granted a period of six (6) months to apply for transfer into Professional Membership of the Chartered Institute of Computer Forensics of Nigeria (CICFON);

(f) Corporate membership shall consist of Companies, which produce or market Digital, Mobile and Computer Forensics goods, software, hardware and tools and or provide Digital, Mobile and Computer Forensics Consultancy, Expert witness and Laboratory Services in Nigeria, which at the date of application, employ not less than two (2) Registered Professional Members of the Institute and satisfy the rules and regulations of the Institute. Corporate members under the Incorporated Computer Forensics Institute prior to the commencement of this Bill shall upon the commencement of this Bill be granted a period of six (6) months to apply for transfer into Corporate Membership of the Chartered Institute of Computer Forensics of Nigeria (CICFON);

(g) Candidates as Fellow, Honorary Fellow, Professional Member, Student, or Corporate Member must be inducted and sworn to an Oath of Professional Ethics by the Institute.

(h) A person who desires to take the Certification Examination for Professional Membership of the Institute shall obtain the necessary Application Form for Student Membership, attend an accredited Training Programme, sit for the Certification Examination and be inducted into the Institute;

(i) No organization or person may practice as a Digital, Mobile and Computer Forensic Examiner, Ethical Hacker or Licensed Penetration Tester or offer Digital, Mobile and Computer Forensics Services including sales of forensic hardware, software and tools in Nigeria unless they have been registered by the Institute.

### **3. Council of the Institute**

-(1) There shall be established, a Council of the Institute, which shall be charged with the administration and general management of the Institute.

(2) The Council shall consist of:

(a) the President of the Institute who shall be a person of proven ability and integrity and a registered Fellow of the Institute with not less than seven (7) years post registration

practical experience to be voted for by registered members of the Institute at an Annual General Meeting (AGM);

- (b) the 1st Vice-President of the Institute with same criteria as the office of the President;
  - (c) the 2nd Vice-President of the Institute with same criteria as the office of the President;
  - (d) The Provost, College of Fellows;
  - (e) The Chairman, Certification Board;
  - (f) The Chairman, Membership Committee;
  - (g) The Chairman, Finance Committee;
  - (h) The Chairman, Examinations Committee;
  - (i) The Chairman, Conferences Committee;
  - (j) The Chairman Ethics and Disciplinary Matters Committee;
  - (k) The Chairman, External Relations Committee;
  - (l) The Chairman, Laboratories & Facilities (Accreditation & Enforcement) Committee;
  - (m) The Chairman, Education & Mandatory Continuous Education (MCE) Committee;
  - (n) The Chairman, Research and Publications Committee;
  - (o) The Chairman, Audit Committee;
  - (p) Ex- Officio Member #1;
  - (q) Ex- Officio Member #2;
  - (r) Two (2) representatives of Special Interest Groups registered with the Institute, with not less than five (5) years practical experience who shall be voted into the Executive Council from among the registered members of the Institute at an Annual General Meeting (AGM);
  - (s) All immediate past presidents of the Institute, including the Incorporated Computer Forensics Institute;
  - (t) Two persons who shall be registered members of the Institute to represent Institutions of higher learning in Nigeria offering courses leading to an approved qualification in Digital, Mobile and Computer Forensics, in rotation, so however that the two shall not be nominated from the same Institution;
  - (u) One (1) Representative of the Chief of Staff to the President, Federal Republic of Nigeria;
  - (v) One (1) member of the Council nominated by the Honorable Minister of Science and Technology;
  - (w) One (1) Representative of the Office of the National Security Adviser (ONSA);
  - (x) One (1) Representative of the Honorable Attorney General of the Federation and Minister of Justice;
  - (y) One (1) Representative of the Honorable Minister of Education;
  - (z) One (1) Representative of the Office of Minister of Communications and Digital Economy;
  - (aa) One (1) Representative of Head of Service of the Federation;
  - (ab) The Registrar of the Institute, as Secretary to Council;
- The Executive Council of the Institute shall be an elected body, with the exception of the Provost of the College of Fellows, Chairman of the Certification Board, Past Presidents and Government Representatives.

For items 'u' to 'ab' above, nominated representatives shall be Chartered Digital Forensics Examiners.

**Tenure of Office:**

The tenure of office for Executive Council members shall be for a single term of five (5) years.

The Executive Council shall have the power to add to the number or amend the names of their respective committees and sub-committees as necessary from time to time.

(3) The President and the Vice-Presidents shall be elected into the Council by members of the Institute.

(4) The President and Vice-Presidents shall each hold office for a single term office (5) years from the date of their election for the same position.

(5) The President shall be the Chairman at meetings of the Institute, so however that in the event of the death, incapacity or inability for any reason of the President, the 1st Vice-President shall act as President for the unexpired portion of the term of office and as Chairman, as the case may be and references in this Bill to the President shall be construed accordingly. In the absence of both the President and the 1st Vice-President, the 2nd Vice-President shall chair the meeting of the Institute, as long as a quorum is formed.

(6) The President and the two Vice-Presidents shall respectively be Chairman, 1st Vice-Chairman and 2nd Vice-Chairman of the Council of the Institute respectively under this Bill.

(7) If the President or any Vice-President ceases to be a member of the Institute, he/ she shall cease to hold any of the offices designated under this section.

(8) The other Members of Council shall be elected for a single term of five (5) years for the same position.

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

#### **4. Certification Board**

(1) There is hereby established under this Bill, a Body as the implementation, certification and disciplinary body of the Institute, to be known as the "Certification Board" (the Board) of the Institute.

(2) The Board shall consist of:

(1) The Chairman;

(2) The Vice Chairman;

(3) The Chairman, Education & Mandatory Continuous Education (MCE) Committee;

(4) The Chairman, Examination Matters Committee;

(5) The Chairman, Ethics and Disciplinary Matters Committee;

(6) The Chairman, Laboratories & Facilities (Accreditation & Enforcement) Committee;

(7) The Chairman, Membership Committee;

(8) The Chairman, Finance Committee;

(9) The Chairman, Conferences Committee;

(10) The Chairman, External Relations Committee;

(11) The Chairman, Branch Networks Committee (South);

(12) The Chairman, Branch Networks Committee (North);

(13) The Chairman, Audit Committee;

(14) The Chairman, Research and Publications Committee;

(15) The Chairman, Special Duties Committee;

- (16) Past Presidents of the Institute who have successfully completed their terms of office;
- (17) Two (2) other Fellows of the institute elected by members of the institute at the institute's AGM;
- (18) One (1) member of the Board nominated by the Honorable Minister of Science and Technology;
- (19) One (1) Representative of the Honorable Attorney General of the Federation & Minister of Justice;
- (20) One (1) member of the Board nominated by the Office of the National Security Adviser (NSA);
- (21) One (1) Representative member of the Board nominated by the Honorable Minister of Education;
- (22) One (1) Representative of the Honorable Minister of Communications and Digital Economy;
- (23) One (1) Representative of the Honorable Minister of Interior
- (24) One (1) Representative of the Inspector General of Police;
- (25) One (1) Representative of the Chief Defense Staff;
- (26) One (1) Representative of the Governor of Central Bank of Nigeria;
- (27) One (1) Representative of the Standards Organization of Nigeria (SON); and
- (28) The Registrar of the Institute (Secretary to the Board).

For items 18-27 above, nominated representatives shall be Certified Digital Forensics Examiners.

**(3) Tenure of office of Chairman and Members of the Certification Board:**

The tenure of office of members of the Certification Board shall be two (2) terms of five (5) years each. However, the tenure of the Chairman of the Certification Board shall be a single term of five (5) years.

**(4) Duties of the Certification Board:**

The duties of the Certification Board shall include:

- (1) Accreditations of the following:
  - (a) Digital Forensics Courses in Universities and Institutions of Learning;
  - (b) Digital Forensics Laboratories;
- (2) Certification of Digital Forensics Practitioners;
- (3) Certification of Digital Forensics hardware, software, and Tools;
- (4) Enforcement of Standards and Professional Practice;
- (5) Submission of its Annual Budget to the Executive Council of the Institute for approval;
- (6) Any other duties as assigned to it by the Executive Council of the Institute.

The Certification Board shall have the power to add to the number and amend the names of their respective committees and sub-committees as necessary from time to time.

3) Members of the Board shall hold office for a period of five (5) years each and renewable for another term of five (5) years.

4) Each of the Board members listed 1 - 17 above must be a Fellow of CICFON with reputable character, whose membership subscription fees are paid up-to- date, with a minimum of seven years' experience in the profession, and active in their areas of specialization in the profession.

**(5) College of Fellows**

-(1) There is hereby established under this Bill, a Body as an " Advisory Body" to be known as the "College of Fellows" of the Institute, which shall be headed by the Provost of the College of Fellows and assisted by a Deputy Provost.

(2) The responsibilities of the College of Fellows shall include the following:

(a) Vetting and approval of Fellowship Application forms from Professional Members of CICFON;

(b) Nomination on Honorary Fellowship Awards to deserving members of the public;

(c) Advisory services to Executive Council and Certification Board;

(d) Can create and manage the internal structures and activities for Fellows;

(e) Submits Budget to Executive Council for approval;

(f) Other duties as assigned by the Executive Council and Certification Board;

(3) The tenure of office of the Provost and Deputy Provost, College of Fellows shall be for a single term of two (2) years.

(4) The Provost shall represent the College of Fellows on the Executive Council of the Institute while in office. In the absence of the Provost, the Deputy Provost shall represent the Provost at the CICFON Executive Council meetings.

(5) The College of Fellows shall have the power to appoint its own officers and to add to the number or amend the names of their respective committees and sub-committees as necessary from time to time.

PART II - Financial Provisions

### **6. Funding of the Institute**

-(1) The Institute shall be funded:

(a) by the payment of membership fees and other moneys payable to the Institute pursuant to this Bill; and

(b) such moneys as may be payable to the Institute, whether in the course of the discharge of its functions or not.

(2) There shall be paid out of the resources of the Institute:

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

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

(c) any other expenses approved by the Council or the Board in the discharge of their functions under this Bill.

(3) 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.

(4) The Council may, from time to time, borrow money for the purposes of the Institute with the approval of the Annual General Meeting (AGM) and any interest payable on moneys so borrowed shall be paid out of the fund.

### **7. Accounts, etc.**

-(1) The Institute shall keep proper accounts on behalf of the Institute in respect of each year.

(2) The Institute shall prepare monthly, quarterly and annual financial reports and submit same to both the Council and the Board;



(3) The institute shall keep proper records in relation to those accounts and shall cause its accounts to be audited at the end of the year by a firm of auditors approved by the Institute and, when audited, the accounts shall be submitted to the members of the Institute for approval by them at the Annual General Meeting of the Institute.

(4) Appointment and renewal of appointments of the firm of external auditors shall be by the Annual General Meeting of the Institute.

PART III - Appointment of Registrar etc., and preparation of the Register

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

-(1) The Institute shall appoint a fit and proper person to be the Registrar for the purposes of this Act, and such other persons as the Institute may, from time to time think necessary to assist the Registrar in the performance of his function under this Bill.

(2) The Registrar must be a Fellow of the Institute, with seven years' experience in the profession and a proven additional qualification and track record in administration. The Registrar shall hold office for a period of five (5) years and renewable for another term of five (5) years.

(3) The Registrar shall be the Secretary to the Council and the Board.

(4) It shall be the duty of the Registrar to prepare and maintain in accordance with rules made by the Institute, 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 Bill to be registered as members of the Institute or such persons who have applied to be so registered.

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

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

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

(c) authorizing a registered person to have any qualification which is required in relation to the relevant division of the profession, whether an approved qualification or accepted qualification for the purposes of this Bill; 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 authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid. Provided that such fees or dues, the entry of names or the refusal to do so have been confirmed at a meeting of the Institute.

(e) specifying the doing of anything omitted to be done under the foregoing provisions of this section,

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

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

(b) to make, from time to time, any necessary alteration to the registered particulars of members or the Register of members:

(c) to remove from the register, the name of any registered member who has Died.

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

(7) If the Registrar:

(a) requests a registered member to either provide or confirm the particulars regarding his/her membership and such a member neglects to do so within six months of the request, the Registrar may send a notice of reminder requesting the member to provide the required information within a further period of three months;

(b) Where the member fails to provide the requested information at the expiration of the additional period of three months period, the Registrar may remove the particulars relating to such member from the register of members, and report same to the Certification Board.

(7) The Council and the Board may direct the Registrar to restore the particulars of any member removed under this subsection.

### **9. Publication of register and list of corrections**

-(1) It shall be the duty of the Registrar:

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

(b) thereafter in each year, to cause to be printed, publish and put-on sale as aforesaid, either a corrected edition of the register of members or a list of corrections made to the register, since it was last printed;

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

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

(2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar, or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other means of proof) be admissible in any proceedings as evidence) that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be and that any person not so specified was not so registered.

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

## **PART IV - Registration**

### **10. Registration of members**

-(1) Subject to section 9 of this Bill and to rules made under section 7 (4) of this Bill, a person shall be entitled to be registered as a member of the profession if he satisfies the Council that:

(a) immediately before the commencement of this Bill, he holds a qualification approved for membership of any of the professional bodies mentioned in the Fourth Schedule to the Bill or any other professional forensics body approved by the Council on the recommendation of the Board, in as long as such certification covers, subject by subject,

the course contents of the Institute's Certification program. Where a candidate is deficient in certain subject area(s), the candidate must sit for the appropriate CICFON examination(s) in such subject area(s);

[Fourth Schedule.]

(b) before 1st January 2017, he was a graduate in forensics science of any Nigerian or foreign university with three years' post-qualification experience in digital, mobile and computer forensics;

(c) he is a citizen of Nigeria and was immediately before the commencement of this Act, the Head of Forensics Department, provided he possesses a Bachelor's degree in forensics or an equivalent qualification;

(d) he has completed the required Boot Camp or online training and passed the Professional Certification Examination conducted by the Incorporated Computer Forensics Institute.

(2) Subject as aforesaid, a person shall also be entitled to be registered as a member under this Bill, if he holds such certificate as may be recognized by the Institute from time to time on the recommendation of the Board to the Council.

(3) An Applicant for registration under this Bill 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 (this requirement may be waived for student members of the Institute); and

(c) he has not been convicted in Nigeria or elsewhere of an offence involving Fraud or dishonesty; and

(d) he has not been declared or adjudged a bankrupt in Nigeria or elsewhere.

(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 and the recommendation of the Board signified in writing in that behalf.

(6) The Council shall, from time to time, publish in the Gazette of the Ministry particulars of qualifications for the time being accepted for registration under this Bill.

#### **11. Approval of qualifications, etc.**

-(1) The Certification Board may approve any institution for the purposes of this Bill and may for those purposes approve:

(a) any course of training at any approved institution which is intended for persons seeking to become or are already members of the forensics profession and which in the opinion of the Board is designed to confer on persons 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 Board under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the Certification Board, that the candidates have sufficient knowledge and skill for the practice of the profession.

(2) The Board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the Board shall:

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Board 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 Board 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 cease to be recognized during any period an approval has been 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 eligibility 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) A foreign forensic examiner or a person with a foreign qualification and license to practice as a forensic examiner who seeks to practice in Nigeria or render forensic services in Nigeria:

(6) Must either obtain license from the Board to practice as such or seek for a waiver from the Council through the Board.

(7) An approval or waiver obtained for the purposes of rendering forensic service(s) shall only be for the duration of the period for which such service(s) is to be performed and shall be so stated in the license or waiver. Such approved period shall not exceed a period of 90 days.

(8) The grant or withdrawal of an approval or license under this section shall have effect from such date, either before or after the execution of the instrument signifying the grant or withdrawal of the approval or license, as the Board may specify in the instrument and the Board shall:

(a) as soon as may be, publish a copy of every such instrument in the Gazette; and

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

## **12. Supervision of instructions and examinations leading to approved qualifications**

-(1) The Board shall be 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 purposes of performing that duty, the Board may appoint either from among its members or otherwise, persons to visit approved institutions or to observe such examinations.

(2) It shall be the duty of a person appointed under this section to report to the Board on:

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

(b) the adequacy of the examinations administered by such institution; and

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

Provided that 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 Board 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 Board to be in charge of the institution or responsible for the examination to which the report relates.

PART V - Professional Discipline

### **13. Establishment of Disciplinary Tribunal and Investigating Panel**

-(1) There shall be a tribunal to be known as the Chartered Institute of Computer Forensics of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case of professional misconduct referred to it by the investigating Panel established by the following provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Bill.

(2) The Tribunal shall consist of the Chairman of the Council and six other members of the Council appointed by the Council (including the representative of the Minister of Justice on the Council), the President of Council and three other members of Council. The Registrar shall act as the Secretary.

(3) There shall be a body to be known as the Chartered Institute of Computer Forensics of Nigeria Investigating Panel (in this Bill referred to as "the Panel") which shall be charged with the duty of:

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

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

(4) The Panel shall be appointed by the Council and shall consist of five Members, four from the Council and the other one from outside the Council.

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

(6) The Council and the Board, jointly, may from time to time make rules not inconsistent with this Bill as to acts which constitute professional misconduct.

### **14. Penalties for unprofessional conduct, etc.**

-(1) Where:

(a) a person registered under this Bill is judged by the Tribunal to have committed any act of professional misconduct; or

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

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

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

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

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

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

(5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before Court of Appeal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the Tribunal under subsection (1) of this section, shall take effect 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 as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this sub section:

(7) A person whose name is struck off the register in pursuance of a direction of the Tribunal under this section, shall not be entitled to be 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 for re-registration 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

### **15. Application of this Bill to unregistered persons**

Any person not a member of the Computer Forensics Institute incorporated under the then Land Perpetual Succession Act (in this Bill referred to as "the Incorporated Institute") who but for this Bill, would have been qualified to apply for and obtain membership of the Incorporated Institute may, within the period of six (6) months beginning from the commencement of this Bill, apply for membership of the Institute in such manner as may be prescribed by rules made by the Board and approved by the Council. If such an application is approved, he shall be registered according to his qualification.

### **16. When a person is deemed to practice as a member**

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

(a) he engages himself in the Digital, Mobile and Computer Forensics practice or holds himself out to the public as a member of the Institute; or

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

(c) he renders any other service which may by regulations made by the Council be designed as service constituting digital, mobile and computer forensics practice; or

(d) describes himself as a Chartered Digital Forensics Examiner; and are entitled to use the acronym of "C.dfe" after their names in addition to MCCFI or FCCFI (the latter which shows the class of membership of the Institute.)

(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 digital, mobile and computer forensics field perform the duties or any of the duties of a certified forensics examiner. Such persons shall within a period of two (2) years from the commencement of this Bill regularize their membership with the Institute.

### **17. Rules as to practice, etc.**

-(1) The Board may make rules for the approval of the Council:

a) for the training of suitable persons in digital, mobile and computer forensics methods and practice; and

(b) for the supervision and regulation of the engagement, training, development and transfer of such persons.

(2) The Council may make rules:

(a) prescribing the amount and due date for payment of the annual subscription;

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

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

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

### **18. Provision of library facilities, etc.**

The Institute shall:

(a) provide and maintain a library comprising books and publications for the advancement of knowledge of cyber security, digital, mobile and computer forensics, and cognate subjects as applied to all or any of the professional services provided by forensic experts engaged in either public or private practice, industry and commerce or the civil service and such other books and publications as the Council may think necessary for the purpose;

(b) encourage research into digital, mobile and computer forensics and crime management and such subjects as maybe relevant to the profession to the extent that the Council and the Board may, from time to time consider necessary.

### **19. Offences**

-(1) If any person, for the purpose of procuring the registration of any name, qualification or other matter:

(a) makes a statement which he believes to be false in a material particular or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(2) If, on or after the relevant date, any person who is not a member of the Institute practices or holds himself out to practice for or in expectation of reward or takes or uses

any name, title, addition or description implying that he is a member of the Institute shall be guilty of an offence:

Provided that, in the case of a person falling within Section 14 of this Bill:

(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 as aforesaid.

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

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

(a) on summary conviction, to a fine of an amount not exceeding N1,000,000.00;

(b) on conviction or indictment, to a fine of an amount not exceeding N5,000,000.00 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(5) Where an offence under this section which has been committed by a corporate body 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, Minister or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

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

## **20. Regulations and rules**

(1) Any regulations made under this Bill, shall be published in the Gazette after they are made and a copy of any such regulations shall be forwarded to the Minister not later than seven days before they are published.

(2) Rules made for the purposes of this Bill, 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 annulled, shall cease to have effect on the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

## **21. Transfer to the Institute of certain assets and liabilities**

(1) On the commencement of this Bill:

(a) all assets and liabilities held or incurred immediately before the commencement of this Bill shall, by virtue of this Act and without further assurance, vest in the Institute and be held by it for the purposes of the Institute;

(b) the Incorporated Institute shall cease to exist; and

(c) subject to subsection (2) of this Section, any act or thing made or done by Incorporated Institute shall be deemed to have been made or done by the Institute.

(2) The provision of the Third Schedule to this Bill 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.

## **22. Interpretation**

In this Bill, unless the context otherwise requires:



"accredited Training partners" means institutions and organizations recommended by the Board and approved by the Council to provide digital, mobile and computer forensics training leading to certification under this Bill and organizations who before the commencement of this Act were the training partners to the incorporated institute, and who from the commencement of this act become accredited training partners of the institute;

"Certification Board" by this Bill means the Implementation body delegated by the Executive Council to supervise the Certification, Accreditation and Disciplinary arm of the Institute;

"Chairman and Vice-Chairman" means respectively the office-holders under those names in the Institute's Executive Council and the Certification Board;

"Chartered Digital Forensics Examiner" means a member of the Institute licensed to practice as a digital, mobile and computer forensics expert, after completing the training, examination, practical testing, experience and other requirements for membership of the Institute; and are entitled to use the acronym of C.dfe after their names in addition to MCCFI or FCCFI;

"computer" means any device for storing and processing information, and any reference to information being derived from other information is a reference to its being derived from it by calculation, comparison or any other process. (Evidence Act, 2011: S.258.(1)(d));

"computer forensics" (or "digital forensics")

Computer Forensics: is a branch of forensic science that deals with the scientific method of transforming digital data into digital evidence i.e. scientifically, using approved digital forensics methodology to obtain evidence from digital data or by scientifically processing digital data into digital evidence, in accordance with the Rules of Evidence. The digital forensic processes include: digital evidence data (exhibit) acquisition, exhibit administration, forensic examination and extraction, forensic analysis, evidence reporting and review, and evidence presentation;

It is the scientific process of acquiring digital or electronic exhibit or data, preserving same and processing them through forensic examination/extracting, forensic analysis, reporting and presenting the resultant digital or electronic evidence in a manner that is legally acceptable, using an approved methodology, and for legal purpose. The digital evidence data may be extracted from computers, telephones and mobile devices, tablets, various hand-held devices, data storage media, networks, cloud storage, vehicles, technologies for biometrics, questioned documents examination and handwriting analysis, drones/unmanned aerial vehicles, and other emerging digital technologies.

The areas of digital, mobile and computer forensics in this Bill, shall include:

- (1) Computer Forensics;
- (2) Mobile and Phone Forensics;
- (3) Live Forensics;
- (4) Triage Forensics;
- (5) Network Forensics;
- (6) Cloud Forensics;
- (7) Photo (Image) Forensics;
- (8) Video Forensics;
- (9) Audio/Voice Forensics

- (10) Biometrics and Identity Forensics;
- (11) Vehicle Forensics;
- (12) Steganography;
- (13) Digital Questioned Document Examination;
- (14) Digital Handwriting Analysis;
- (15) Drones and aerial craft Forensics;
- (16) Cyber intelligence;
- (17) Emerging Technologies (digital) Forensics

"Council" means the arm of the Institute established under section 3 of this Bill and charged with the administration and general management of the Institute;

"cyber security" consists of technologies, processes and controls designed to protect systems, networks, programs, devices, technologies and data from cyber attacks, theft, unauthorized exploitation and damage;

"Digital Forensics" - see "Computer Forensics";

"Disciplinary Tribunal" means the Chartered Institute of Computer Forensics of Nigeria Disciplinary Tribunal established under section 12 of this Bill;

"electronic evidence" are data stored or transmitted using a computer or similar electronic device which have been forensically processed, and that support or refute a theory of how an offence occurred or that address critical elements of the offence such as intent and alibi. The data or information for the digital forensic processes can be extracted from computers, telephones and mobile devices, tablets, various hand-held devices, data storage media, networks, cloud storage, vehicles, technologies for biometrics, questioned documents examination and handwriting analysis, drones and unmanned aerial vehicles, and other emerging digital technologies.

Electronic/Digital Evidence must be:

- Legally seized and protected from alteration.
- Forensically acquired.
- Thoughtfully analyzed (to determine who, what, when, where, why, and how).
- Thoroughly documented.
- Clearly reported.
- Chain of custody must be maintained throughout the entire processes.

"ethical hacking" refers to the act of locating weaknesses and vulnerabilities of computer, networks and information systems by duplicating the intent and actions of malicious hackers. Ethical hacking is also known as penetration testing, intrusion testing, or red teaming.

"fees" includes annual subscription and other relevant fees as approved by the Institute;

"forensics examiner-in-training" means a person who has registered for training leading to the certification examinations of the Institute;

"Incorporated Institute" means the Computer Forensics Institute incorporated under the Land (Perpetual Succession) Act; [Cap. 981958 ed.]

"Institute" means the Chartered Institute of Computer Forensics of Nigeria (CICFON) established by Section 1 of this Act;

"Investigating Panel" means the Chartered Institute of Computer Forensics of Nigeria investigating Panel established under Section 12 of this Act;

"MCFI" means Member Computer Forensics Institute;

"MCICFON" means Member Chartered Institute of Computer Forensics of Nigeria;

"member of the Institute" means a registered, financial member of the Institute;  
"Minister" means the Minister charged with the responsibility for matters relating to Science and Technology;

"President and Vice-President" means respectively the office-holders under those names in the Institute;

"profession" means the profession of digital, mobile and computer forensics, cyber security, biometrics, digital questioned documents examination and digital handwriting analysis, and other digitally-related arms of forensic sciences, such as Ethical Hacking, Penetration Testing, forensics related to other emerging technologies;

"register" means the register maintained in pursuance of Section 7 of this Bill.

"penetration test", also known as a "pen test", is a simulated cyber attack against a computer system or network to check for exploitable vulnerabilities. Pen testing are considered a more advanced level of ethical hacking.

## **22. Supervising Ministry**

As Digital, Mobile and Computer Forensics is part of Science; the supervising Ministry for the Chartered Institute of Computer Forensics of Nigeria (CICFON) shall be the Federal Ministry of Science and Technology.

## **23. Short Title**

This Bill may be cited as the Chartered Institute of Computer Forensics of Nigeria Bill, 2021.

## SCHEDULES

### FIRST SCHEDULE

[Sections 3 and 4]

**Supplementary' Provisions relating to the Council and Board** qualifications and Tenure of Office of Members of the Council and Member of the Board

1.-(1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a single term of five years beginning with the date of his appointment or election

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

(3) Any elected member of the Council or Board may, by notice in writing under his hand addressed to the President or Chairman, resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the Council or Board shall be eligible again to become a member of the Council or Board, and any appointed member may be reappointed, but not to the same office.

(5) Election to the Council shall be held in such manner as may be prescribed by rules made by the Council, while that of the Board shall be held in such manner as may be prescribed by rules made by the Board.

(6) If for any reason, a member of Council or Board vacates office and:

(a) such member 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) such member was elected, the Council or Board may, if the time between the unexpired term of the office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt a fit person for such time as aforesaid.

## **Proceedings of the Council and the Board**

2.-() Subject to the provisions of this Bill, the Council and the Board may with the name of the Institute make standing orders regulating the proceedings of the Institute or of any committee thereof.

(2) The standing orders made under sub-paragraph (1) of this paragraph shall provide for decisions to be taken by a majority of the members and, in the event of an equality of votes, the President or the Chairman shall have a second or casting vote.

(3) Standing orders made for a committee shall be for the committee to report back to the Council or Board on any matter referred to it by the Council or Board.

(4) The quorum of the Council shall be ten (10) and the quorum of a committee of the Council shall be determined by the Council.

(5) The quorum of the Board shall be ten (10) and the quorum of a committee of the Board shall be determined by the Board.

#### **Annual General Meeting of the Institute**

3.-() The Council shall convene the annual general meeting of the Institute on 30 June in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous meeting, not more than fifteen months shall elapse between the respective dates of the two meetings. The Council shall incorporate the reports of the Certification Board into the proceedings of the annual general meeting.

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

(3) The quorum of any annual general meeting of the Institute shall be fifty (50) members and that of any special meeting of the Institute shall be sixty (60) members.

#### **Meeting of the Council and Board**

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

(2) At any meeting of the Council, the President, or in his absence the 1st Vice-President, shall preside; but if both are absent, then the 2nd Vice-President shall preside, and if all the three are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be convened after consultation with the Minister.

(5) Subject to the provisions of any standing orders of the Board, the 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 five other members he shall summon a

meeting of the Board to be held within fourteen days from the date on which the notice is given.

(6) At any meeting of the Board, the Chairman, or in his absence the Vice-Chairman, shall preside; but if both are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

(7) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as the Board 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 Board and shall not count towards a quorum.

(8) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be convened after consultation with the Minister

5.-(1) The Councilor the Board may appoint one or more committees to carry out such function on behalf of the Institute as the Council or the Board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Councilor Board of whom not more than one third may be persons who are not members of the Council or Board.

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

(4) A decision of a committee of the Council or Board shall be of no effect until it is confirmed by the Councilor Board, as applicable.

#### **Seal of the Institute**

6.-(1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other members of the Councilor the Board authorized 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 or Board, as the case may require, by any person generally or specially authorized to act for that purpose by the Councilor Board.

(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 the Councilor Board or of a committee of the Councilor Board shall not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the Institute or of the Councilor Board 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 or Board and any person holding office on a committee of the Council, or Board who has a personal interest in any contract arrangement entered into or proposed to be considered by the Council or Board on behalf of the Institute or on behalf of the Councilor Board thereof, shall forth with disclose his interest to the President or to the Councilor Board, 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 12 (5).]

Supplementary Provisions relating to the Disciplinary Tribunal and Investigating Panel  
**The Disciplinary Tribunal**

1. The Disciplinary Tribunal shall consist of eleven members as provided in Section 12.2) of this Bill. The quorum of the Disciplinary Tribunal for any proceeding shall be seven (7).

2.-(1) The Attorney-General of the Federation may make rules as to the selection of other members of the Disciplinary Tribunal 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 Tribunal.

(2) The rules shall in particular provide:

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

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

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

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

(e) subject to the provisions of section 12 (5) of this Bill, as to the costs of proceedings before the Disciplinary Tribunal;

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

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

3. For the purposes of any proceedings before the Disciplinary Tribunal any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may file at the registry of the High Court writs of subpoena ad testificandum and duces tecum, but no person appearing before the Disciplinary Tribunal shall be compelled:

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

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

4.-() For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years' standing.

(2) The Attorney- General of the Federation shall make rules as to the functions of assessors appointed under this paragraph and in particular such rules shall contain provisions for securing:

(a) that where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears there at or, if the advice is tendered while the Disciplinary Tribunal is deliberating in

private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered, and

(b) that every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

### **The Investigating Panel**

4. The quorum of the Investigating Panel shall be three.

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

(2) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own procedures Miscellaneous

6.-(1) A person ceasing to be a member of the Disciplinary Tribunal or the Investigating Panel shall be eligible for appointment as a member of the Disciplinary Tribunal or Investigating Panel, as the case may be.

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

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

8. Any document authorized or required by virtue of this Act to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.

9. Any expenses of the Disciplinary Tribunal or the Investigating Panel shall be defrayed by the Institute.

## **THIRD SCHEDULE**

### **Transitional Provisions as to Property, etc.**

#### **Transfer of Assets and Liabilities**

1.-(1) Every agreement to which the Incorporated Institute 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 there under could be assigned by the Incorporated Institute, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph have effect from the commencement of this Act, so far as it relates to assets and liabilities transferred by this Bill 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 respects anything failing to be done or after the commencement of this Act, a reference to the Institute and

(c) for any reference (however worded and 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 falling to be done on or after the commencement of this Bill, a reference to a member or members of the Council under this Bill or the officer of the Incorporated 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 specially 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 and all other persons shall, as from the commencement of this Act, have the same rights, power 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 appointed day by or against the Incorporated Institute and relating to assets or liabilities transferred by this Bill to the Institute may be continued on or after that day or against the Institute.

(5) If the law in force at the place where any property transferred by this Act is situate provides for the registration or transfers of property. the law shall, so far it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matters apply with the necessary modifications to the transfer to the officer of the registration authority, and for that officer to register the transfer accordingly.

**Transfer of Functions, etc.**

2.-() At its first meeting, the Council shall fix a date (not later than six months after the appointed day) for the annual meeting of the Institute,

(2) The members of the Council of the Incorporated Institute shall be deemed to be the members of the Council of the Institute until the date determined in pursuance of the foregoing subparagraph when the Institute shall have its first annual meeting and they shall cease to hold office at the conclusion of such meeting.

(3) Any person who, immediately before the appointed day, held office as the President or 1st Vice-President or 2nd 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 1st Vice-President or 2nd Vice President of the Institute, and shall be deemed to have been appointed:

(a) to that office in pursuance of the provision 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.

(4) The members of the Incorporated Institute shall, as from the appointed day, 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 appointed day, 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.



(5) Any person being an office-holder on or member of the Council of the Incorporated Institute immediately before the appointed day and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council or the Board 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 or Board, as the case may be.

(6) All new Council or Board positions that were non-existent in the Incorporated Institute before the appointed day shall be contested for by election at the general meeting of the Institute, except those nominated by the designated organizations.

(7) All regulations, rules and similar instruments made for the purposes of the Incorporated Institute and in force immediately before the appointed day 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.

#### FOURTH SCHEDULE

[Section 9.)

##### Professional Bodies

Certified Cyber Forensics Professionals (ISC)<sup>2</sup>

Computer Hacking Forensic Investigator-CHFI I EC-Council

The International Assurance Certification Review Board (IACRB): The Certified Computer Forensics Examiner (CCFE)

The International Society of Forensic Computer Examiners (ISFCE)

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Chartered Institute of Computer Forensics of Nigeria (CICFON) charged, among other things, with the responsibility of Regulating the practice, including: qualification, training, skill-set of Digital, Mobile and Computer Forensics in Nigeria; determining the standard of knowledge and skill required of persons seeking to become Members of the Institute; training, certification and licensing of Digital, Mobile and Computer Forensics Examiners (including Ethical Hackers and Licensed Penetration Testers) who can detect and investigate Cybercrimes and Terrestrial crimes using Digital, Mobile and Computer Forensics Methodologies, Ethical Hacking and Penetration Testing techniques, who can perform Digital, Mobile and Computer Forensics, and report and present Electronic Evidence in the courts, administrative panels of inquiry, court martials and tribunals; establishment and accreditation of Digital Forensics Laboratories and for other matters connected therewith; and developing of Digital Forensic Curriculums; and Accreditation of Digital, Mobile and Computer Forensics Courses in Institutions of Learning in Nigeria (in collaboration with appropriate organ(s) of government); Licensing of Distributors and Resellers of Forensic Equipment, Software and Forensic Tools in Nigeria; Certification of Digital Forensic Hardware, Software and Tools in Nigeria (in collaboration with appropriate organ(s) of government); Enforcement of standards and ethics in the practice of Digital Forensics in Nigeria.