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FEDERAL REVENUE ENFORCEMENT CORPS BILL, 2020

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A BILL

FOR

AN ACT TO ESTABLISH FEDERAL REVENUE ENFORCEMENT CORPS (FREC)
TO ASSIST IN THE DEVELOPMENT AND RESUSCITATION OF MEASURES FOR
THE EFFICIENT IMPLEMENTATION OF REVENUE COLLECTIONS BY
RELEVANT GOVERNMENT AGENCIES AND FOR OTHER RELATED MATTERS,
2020

Sponsored by Senator Ademola Aliero

[] Commencement

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

1 PART I - ESTABLISHMENT, FUNCTIONS AND OBJECTIVES OF THE 2 REVENUE ENFORCEMENT CORPS

3 1.-(a) There is established a body to be known as Federal Revenue Establishment
4 Enforcement Corps (in this bill referred to as: Revenue Enforcement Corps)
5 and shall be a corporate body with perpetual succession with a Common
6 Seal and may sue and be sued in its corporate name;

7 (b) The Headquarters of the Revenue Enforcement Corps shall be The Headquarters
8 located in the Federal Capital Territory, Abuja, and shall have offices in all of Revenue
9 the States and Local Governments in Nigeria; and Enforcement
Corps

10 2. Functions of Revenue Enforcement Corps shall include: Functions of
11 (a) Develop and deploy mechanisms for the enforcement of Revenue
12 government revenue collections across board; Enforcement
Corps

13 (b) Assist in the development and resuscitation of measures for the
14 efficient implementation of revenue collections by relevant government
15 agencies;

16 (c) Enforce the reactivation and resuscitation of revenue potentials
17 of Federal government monuments all over the country;

18 (d) Identify major road setbacks and convert such setbacks to

1 viable revenue sources for the Federal Government;

2 (e) Provide operational capacity to relevant revenue generating
3 agencies of the federal government for improved revenue collections across
4 the country;

5 (f) Provide enforcement framework for recovery of penalties for
6 violations of carbon emission control regulations, general fines and carbon
7 trading management;

8 (g) Facilitate the enforcement of payments of fines, royalty, profits
9 and interests in Intellectual Property Rights accruing to the federal government
10 and assist in intellectual piracy of Arts & Cultural creative works;

11 (h) For the purpose of efficiently carrying out the functions set out in
12 section 3 of this Act, the Enforcement Corps shall maintain its squad which will
13 be entitled to enforce law and order and be deployed by the Commandant -
14 General:

15 (a) Discharge such other functions that will facilitate the
16 accomplishment of its objectives.

17 PART II - GOVERNING BOARD COMPOSITION AND POWERS

18 **3.** There is established for the management of the Revenue
19 Enforcement Corps a Governing Board (in this Act referred to as "the Board").

20 **4.** The Board shall consist of:

21 (a) A Chairman;

22 (b) A representative each of the following Ministries/Agencies:

23 (i) Ministry of Finance;

24 (ii) Federal Inland Revenue Service;

25 (iii) Central Bank Of Nigeria;

26 (iv) National Orientation Agency; and;

27 (c) The National Commandant to serve as Secretary.

28 **5.-(a)** The Chairman shall be a person having cognate experience and
29 proven capacity in discharging his responsibilities to facilitate the
30 accomplishment of the Revenue Enforcement Corps Objectives;

Governing Board
of the Federal
Revenue
Enforcement
Corps

Composition of
the Board of the
Revenue
Enforcement

Qualification
of the Chairman
and other members
Revenue
Enforcement

1 (b) A member referred to in Section 5(2) shall not be below the rank
2 of Director or its equivalent in the force;

3 (c) A member referred to in Section 5(2) shall be a person having
4 cognate experience and proven capacity to discharge his duties.

5 **6.**-(a) The Chairman and members of the Board shall be appointed
6 by the President, Federal Republic of Nigeria on the recommendation of the
7 Minister;

Appointment of
the Chairman and
Members of the
Board of the
Revenue
Enforcement

8 (b) Without prejudice to the provisions of this Act, the Minister
9 shall perform the functions of the Board where:

10 (i) The Board has not been constituted;

11 (ii) The Board has been dissolved; and

12 (iii) The provisions of the schedule to this Act shall have effect with
13 respect to the proceedings of the Board and other matters contained therein.

14 **7.** The Chairman and other members of the Board, other than ex-
15 officio members:

Tenure of Office

16 (a) Shall hold office for a period of Four (4) Years on such terms
17 and conditions as contained in their letters of appointment; and

18 (b) May be re-appointed for one further period of Four (4) Years
19 and no more.

20 **8.**-(a) Notwithstanding the provisions of Section 8 of this Act, a
21 member may at any time be removed from office by the President of the
22 Federal Republic of Nigeria if:

Removal from
Office

23 (i) He is unable to discharge the functions of his office whether
24 arising from infirmity of the body or mind;

25 (ii) He is convicted by a Court of Law of a felony, fraud or any
26 serious act of misconduct; and

27 (iii) He without permission of the Board is absent for more than
28 three consecutive meetings of the Board without such permission is absent
29 from the country for a period exceeding one year.

30 (b) The Chairman or member may resign by a notice addressed

	1	through the Secretary to the Government of the Federation to the President and
	2	such notice of resignation shall become effective from the date of acceptance
	3	of the resignation by the President.
Allowances	4	9. A member shall be paid such allowance as the Federal Government
	5	may from time to time direct.
Powers of the Board	6	10. The Board shall be responsible for:
	7	(a) Providing the general policies and guidelines relating to major
	8	expansion programmes of the Revenue Enforcement Corps;
	9	(b) The supervision of management and general administration of the
	10	Revenue Enforcement Corps;
	11	(c) Recruiting regular members and volunteers of the Revenue
	12	Enforcement Revenue Enforcement Corps;
	13	(d) Organizing basic developments and refresher courses for
	14	members of the Revenue Enforcement Corps;
	15	(e) Fixing, with the approval of the Minister the terms and conditions
	16	of service of members and employees of the Revenue Enforcement Corps,
	17	including their remuneration; and
	18	(f) Do such other things, which in the opinion of the Board are
	19	necessary to ensure the efficient performance of the functions of the Revenue
	20	Enforcement Corps.
	21	PART III - STAFF AND MEMBERSHIP OF THE REVENUE
	22	ENFORCEMENT CORPS
National Commandant of the Revenue Enforcement	23	11. -(a) There shall be for the Corps a National Commandant who shall
	24	be appointed by the President and Commander-in-Chief on the
	25	recommendation of the Minister;
	26	(b) The National Commandant shall:
	27	(i) Hold office in the first instance for a period of Five (5) years and
	28	shall be eligible for reappointment for a further period of Five (5) years and no
	29	more;

1 (ii) On such terms and conditions as may be specified in his letter of
2 appointment;

3 (iii) The National Commandant shall be the Chief Executive and
4 Accounting Officer of the Revenue Enforcement Corps;

5 (iv) The National Commandant shall in the performance of his
6 function be directly responsible to the President and Commander-in-Chief
7 of the Armed Forces, but shall regularly consult with Minister and the
8 Board;

9 (v) The National Commandant shall be responsible for the
10 execution of the policies of the Revenue Enforcement Corps and its day-to-
11 day administration; and

12 (vi) Subject to the provisions of this Act, the National
13 Commandant shall hold office on such terms and emolument as may be
14 specified in his letter of appointment, and as may from time to time, be
15 approved by the President.

16 12.-(a) The Board shall appoint for the Revenue Enforcement
17 Corps such number of Deputy National Commandants, National Corps
18 Secretary, Assistant National Commandants, Commandants and such
19 officers and other Ranks and employees as it may, from time to time, deemed
20 necessary for the purposes of the effective administration of the Revenue
21 Enforcement Corps;

Deputy National
Commandants,
National Corps
Secretary, Assistant
National
Commandants,
etc. and other
employees of of
the Revenue
Enforcement
Corps

22 (b) The terms and conditions of service (including remunerations,
23 allowances, benefits and pensions) of regular members and employees of
24 the Revenue Enforcement Corps shall be as determined by the Board using
25 same criteria as may be applied to other similar Agencies with the approval
26 of the Minister; and

27 (c) The Volunteers of the Revenue Enforcement Corps shall, for
28 any period they are on duty for the Corps, be paid such allowances and other
29 benefits, as may be approved by the Minister.

Membership
of the Revenue
Enforcement
Corps

1 **13.** Membership/Personnel of the Revenue Enforcement Corps shall
2 consist of:
3 (a) Regular members and volunteers;
4 (b) Officers and other Ranks;
5 (c) Members of the Corps shall be Nigerians within the ages of 18-35
6 years as at the time of enlistment; and
7 (d) Regular Members, Volunteers and other Staff shall be recruited by
8 the Board periodically to meet the personnel requirements of the Revenue
9 Enforcement Corps.

Pensions

10 **14.**-(a) The service in the Revenue Enforcement Corps shall be
11 approved service for the purposes of the Pensions Act and, accordingly, regular
12 members and employees of the Revenue Enforcement Corps shall be entitled
13 to pensions, gratuities and other retirement benefits as prescribed under the
14 Pensions Act;
15 (b) Notwithstanding the provisions of Sub-Section (a) of this Section,
16 nothing in this Act shall prevent the appointment of a person to any office on
17 such terms, which preclude the grant of pension, gratuity or other retirement
18 benefit in respect of that office;
19 (c) For the purposes of the application of the provisions of the
20 Pensions Act, any power exercisable by the Minister or other authority of the
21 Federal Government, other than the power to make regulations under Section
22 23 of the Act, is hereby vested in and shall be exercisable by the Revenue
23 Enforcement Corps and not by any other person or authority;
24 (d) Service in the Revenue Enforcement Corps shall be approved
25 service for the purpose of the Pensions Reform Act 2004 and, accordingly,
26 officers and the other persons employed in the Revenue Enforcement Corps
27 shall; be entitles to pensions, gratuities and other benefits as are prescribed here
28 under; and
29 (e) For the purpose of the application of the provisions of the Pension
30 Reform Act, 2004 any power exercisable there under by a Secretary to the

1 Government of the Federation or other authority of the Government of the
 2 Federation, other than the power to make regulations under Sections 23
 3 thereof is hereby vested in and shall be exercisable by the Revenue
 4 Enforcement Corps and not by any other persons or authority.

5 PART IV -APPOINTMENT, PROMOTION, OFFENSES AND

6 DISCIPLINE OF STAFF

7 **15.-(a)** The Senior Staff of the Rank of Commandant and above
 8 shall be appointed by the President and Commander-in-Chief of the Armed
 9 Forces upon nomination by the National Commandant and on the
 10 recommendation of the Board;

Appointment
and promotion
of staff of the
Revenue
Enforcement
Corps

11 (b) The promotion matters of officers below the ranks shall be
 12 vested with the Board on the recommendation of the National Commandant;

13 (c) The post of the Deputy National Commandant shall be a
 14 terminal post on which the holder shall retire from Revenue
 15 Enforcement Corps as may be determined by the President, and
 16 Commander-in-Chief of the Armed Forces;

17 (d) The National Commandant shall, in consultation with the
 18 Board, establish such number of offices/units in the Headquarters and
 19 recruit officers to discharge responsibilities;

20 (e) If for any reason, the National Commandant is unable to
 21 perform his functions and there exist a vacancy in the office of the National
 22 Commandant, the Board may designate an officer who is next in rank to the
 23 National Commandant to act as the National Commandant during the period
 24 of his inability or vacancy until a National Commandant is appointed in
 25 accordance with the provisions of this Act and the officer shall while so
 26 acting have all the powers to perform all the functions of the National
 27 Commandant.

28 **16.-(a)** The appointment of Staff of the Revenue Enforcement
 29 Corps shall be governed, mutatis mutandis, by the general terms and
 30 conditions of service as the Board may, after consultation with the Federal

Appointment of
Staff of the
Revenue
Enforcement
Corps

1 Civil Service Commission or related organizations determine.

2 (b) The Board may, subject to the provisions of this Act, make Staff
3 Regulations relating generally to the Conditions of Service of the Staff of the
4 Revenue Enforcement Corps; and without prejudice to the generality of the
5 foregoing. Such regulations may provide for:

6 (i) The appointment, promotion, termination, dismissal and
7 disciplinary control of the Staff of the Revenue Enforcement Corps; and

8 (ii) Appeals by such Staff against wrongful dismissal or other
9 disciplinary measures, and until such regulations are made any instrument
10 relating to the conditions of Service of Officers in the Civil Service of the
11 Federation or related organization shall be applicable with such modifications
12 as may be necessary, to the staff of the Revenue Enforcement Corps.

13 (c) The Staff of the Revenue Enforcement Corps shall be public
14 officers as defined in the Constitution of the Federal Republic of Nigeria 1999
15 (as amended);.

16 (d) Staff Regulations made under Sub-Section 17(b) of this Section
17 shall not have effect until it has been approved by the Board, and when so
18 approved, the Board shall cause them to be brought to the notice of all affected
19 persons.

Offences of the
Staff of Revenue
Enforcement
Corps

20 **17.** A Revenue Enforcement Corps member who:

21 (a) Performing his duties in contravention of the objects of the
22 Revenue Enforcement Corps;

23 (b) Perpetrate or involved in fraud, embezzlement or any form of
24 misappropriation of fund;

25 (c) Takes part in any subversive activity, including mutiny of any
26 offence;

27 (d) Abets, incites, conceals or condones the commission of any
28 offence;

29 (e) Takes part in an illegal assembly of persons with intention to
30 breach public Revenue Enforcement, destroy property or assault any person or

1 group of persons;

2 (f) Having knowledge that an offence or any illegal act is about to
3 be committed, fails to inform his superior officer;

4 (g) Takes part in a strike; and

5 (h) Offers violent assault on his Superior Officer commits an
6 offence and is liable on conviction to imprisonment for a term of not less
7 than one year.

8 **18--**(a) The National Commandant may delegate his powers in Discipline of the
9 respect of discipline of Junior Staff to Deputy or Assistant National Staff of the
10 Commandants in the Headquarters and State Commandant who shall Revenue
11 discipline such staff in their Departments and commands respectively in Enforcement
12 accordance with existing Revenue Enforcement Corps Regulations; Corps

13 (b) The power of appointment, promotion and discipline of the
14 junior Staff of the Revenue Enforcement Corps vested in the National
15 Commandant;

16 (c) Appeal against all decisions concerning the discipline of such
17 staff be with the Senior Staff Disciplinary Committee;

18 (d) The power to discipline the Senior Staff is vested with the
19 Disciplinary Committee hereby established; and

20 (e) The Senior Staff Disciplinary Committee shall comprise the
21 following members:

22 (i) The Deputy National Commandant and the Assistant National
23 Commandant with the Deputy National Commandant serving as Chairman,
24 while in the absence of the Deputy National Commandant, the most Senior
25 Assistant National Commandant shall serve as Chairman;

26 (ii) The Provost Marshall;

27 (iii) The Head of Legal Matters;

28 (iv) National Corps Secretary;

29 (v) In addition to function specified in Sub-Section 19(e) of this
30 section, the Senior Staff Disciplinary Committee shall consider and

1 determine appeals emanating from decisions of the Junior Staff Disciplinary
 2 Committee of the Revenue Enforcement Corps. The decisions such appeals
 3 shall be final;

4 (vi) Appeal against the decisions of the Senior Staff Disciplinary
 5 Committee shall lie with the Board; and

6 (vii) The National Commandant shall in relation to the Staff of the
 7 Revenue Enforcement Corps ensure:

8 (i) Probity and accountability;

9 (ii) Maintenance of a system of screening and vetting at the
 10 recruitment stages and which shall be a continuous exercise throughout the
 11 career of personnel in the Revenue Enforcement Corps; and

12 (iii) Maintenance of a policy of continuous Staff assessment.

13 (viii) The National Commandant shall promulgate and distribute a
 14 Code of conduct to Staff of the Revenue Enforcement Corps the breach of
 15 which shall attract the appropriate penalty stipulated therein; and

16 (ix) For the purpose of proper legal guidance and accountability, the
 17 Heads of the Legal and Audit Departments shall report directly to the National
 18 Commandant.

19 PART V - ADMINISTRATIVE STRUCTURES AND ZONAL COMMANDS OF
 20 THE REVENUE ENFORCEMENT CORPS

Administrative
 Structure of the
 Revenue
 Enforcement
 Corps

21 **19.-(a)** The Revenue Enforcement Corps Headquarters shall be in the
 22 Federal Capital Territory and headed by the National Commandant;

23 (b) There shall be established in National Headquarters of the
 24 Revenue Enforcement Corps various Departments each of which shall be
 25 headed by an officer not below the rank of Deputy National Commandant. The
 26 Departments are:

27 (i) Finance and Administration;

28 (ii) Training and Operations;

29 (iii) Planning, Development and Statistics;

30 (iv) Enforcement;

- 1 (v) General Duties;
 2 (vi) Monitoring and Evaluation;
 3 (vii) Personnel, Record and Welfare; and
 4 (viii) Logistics and Supplies.

5 (c) Each of these departments shall be established at the various
 6 Command structure of the Revenue Enforcement Corps as provided in Sub-
 7 Sections 21(a) above and shall be headed by an Officer not below the rank of
 8 Assistant State Commandant.

9 **20.-(a)** The Board shall:

10 (i) Divide Nigeria into such number of Zones as it may, from time
 11 to time determine for the effective organization of the Revenue Enforcement
 12 Corps; and

Zones and Zonal
 Commands of the
 Revenue
 Enforcement
 Corps

13 (ii) Establish, in each Zone, a Zonal Command, which shall be
 14 headed by an officer not below the rank of Assistant National Commandant.

15 (b) The Zonal Command shall, subject to the direction and overall
 16 command of Revenue Enforcement Corps, be responsible for coordinating
 17 the activities of the Revenue Enforcement Corps in the Zone.

18 **21.-(a)** The Revenue Enforcement Corps shall have a State
 19 Command in each State of the Federation and the Federal Capital Territory,
 20 Abuja; and

State Command

21 (b) The State Command shall, subject to the directive and overall
 22 command of the Revenue Enforcement Corps Headquarters and Zonal
 23 Command, be responsible for carrying out the functions of the Revenue
 24 Enforcement Corps in the State and the Federal Capital Territory, Abuja.

25 **22.-(a)** The Revenue Enforcement Corps shall have a Local
 26 Command in each Local Government of the Federation and the Federal
 27 Capital Territory, Abuja; and

Local Government
 Command

28 (b) The Local Government Command shall, subject to the directive
 29 and overall command of the Revenue Enforcement Corps and State
 30 Command, be responsible for carrying out the functions of the Revenue

	1	Enforcement Corps in each of the Local Government or Area Council in the
	2	Federal Capital Territory, Abuja.
Squadron Command	3	23. -(a) The Revenue Enforcement Corps shall have a Squadron
	4	Command in each Educational Institution in the Federation, which shall be
	5	headed by a squadron Commander; and
	6	(b) The squadron Command shall subject to the direction and overall
	7	command of the Revenue Enforcement Corps State Command be responsible
	8	for carrying out the functions of the Revenue Enforcement Corps in the State
	9	and the Federal Capital Territory, Abuja.
	10	PART VI - FINANCIAL PROVISIONS
Funds of the Revenue Enforcement	11	24. The Revenue Enforcement Corps shall establish and maintain a
	12	Financial Account(s) with Commercial Banks into which shall be paid and
	13	credited:
	14	(a) All subventions and budgetary allocation from the Federal
	15	Government;
	16	(b) All sums accruing to Revenue Enforcement Corps from donation
	17	made by Local and International Donor Agencies;
	18	(c) Statutory allocations from Federal Government;
	19	(d) Gifts from three tiers of Government, their Ministries/Agencies
	20	and Private Corporations;
	21	(e) Loans, grants and aid for specific projects; and
	22	(f) Bequests.
Expenditure of the Revenue Enforcement	23	25. The Revenue Enforcement Corps may, from time to time, apply
	24	the proceeds of the fund established in Section 25 of this Act:
	25	(a) To the cost of administration of the Revenue Enforcement Corps;
	26	and
	27	(b) To the payment of salaries, fees or other remuneration or
	28	allowances, gratuities payable to the officers and other employees of the
	29	Revenue Enforcement Corps, so that no payment of any kind under this
	30	paragraph (except such as may be expressly authorized) shall be made to any

1 person who is in receipt of emoluments from the Federal or State
2 Governments;

3 (c) For the maintenance of any property vested in the Revenue
4 Enforcement Corps;

5 (d) For and in connection with all or any of its functions under this
6 Act;

7 (e) The accounts of the Revenue Enforcement Corps shall be
8 subject to external audit. The National Commandant shall, by the first week
9 of March each year render to the President and Commander-in-Chief of the
10 Armed Forces through the Minister returns of income and expenditure after
11 the approval of the Board.

12 **26.**-(a) The Revenue Enforcement Corps shall, not later than 30th
13 September in each year submit to the Minister an estimate of its expenditure
14 and income (including payments to the Revenue Enforcement Corps Fund)
15 during the next succeeding year after approval by the Board; and

Annual Estimates
and Accounts

16 (b) The Revenue Enforcement Corps shall keep proper accounts in
17 relation to those accounts and shall cause its accounts to be audited within
18 six months after the end of each year by auditors appointed from the list and
19 in accordance with the guidelines supplied by the auditor - General of the
20 Federation.

21 **27.** The Revenue Enforcement Corps shall prepare and submit to
22 the Federal Executive Council through the Minister after approval by the
23 Governing Board, not later than six months after the end of each year, a
24 report in such form as He may direct on the activities of the Revenue
25 Enforcement Corps during the immediate preceding year, and shall include
26 in such report a copy of the audited accounts of the Revenue Enforcement
27 Corps for that year and the auditor's report on the accounts.

Annual Report

28 **28.**-(a) The Revenue Enforcement Corps may accept gift of land,
29 money or other property on such terms and conditions, if any, as may be
30 specified by the person or organization making the gift; and

Power to accept
gifts

	1	(b) The Revenue Enforcement Corps shall not accept any gift if the
	2	conditions attached by the person or Organization offering the gift are
	3	inconsistent with the functions or objectives of the Revenue Enforcement
	4	Corps.
Power to borrow	5	29. -(a) The Revenue Enforcement Corps may, from time to time,
	6	borrow by overdraft or otherwise such sums as it may require for the
	7	performance of its functions under this Act;
	8	(b) The Revenue Enforcement Corps shall not, without the approval
	9	of the Board, borrow money, which exceeds, at any time, the amount set by the
	10	Boards; and
	11	(c) Notwithstanding Sub-Section 30(a) of this Section, where the sum
	12	to be borrowed is in foreign currency, the Revenue Enforcement Corps shall
	13	not borrow the sum without the prior approval of the Board.
Investment	14	30. Revenue Enforcement Corps may, subject to the provisions of this
	15	Act and the conditions of any trust created in respect of any property, invest all
	16	or any of its funds in any security prescribed by the Trustee Investments Act in
	17	such other securities as may, from time to time, be approved by the Minister.
Exemption from tax	18	31. -(a) The Revenue Enforcement Corps shall be exempted from
	19	payment of any income tax on any income accruing from investments made by
	20	the Board for the Revenue Enforcement Corps; and
	21	(b) The provisions of any enactment relating to the taxation of
	22	company or trust funds shall not apply to the Revenue Enforcement Corps or
	23	the Board.
	24	PART VII - LEGAL PROCEEDINGS
Limitation of suits against the Revenue Enforcement Corps	25	32. -(a) Subject to the provisions of this Act, the provisions of the
	26	Public Officers Protection Act shall apply in relation to any suit instituted
	27	against any officer employee of Revenue Enforcement Corps; and
	28	(b) Notwithstanding anything contained in any other enactment, no
	29	suit against any member of the Board or the National Commandant or any other
	30	officer or employee of the Revenue Enforcement Corps for any act done in

1 pursuance or execution or in respect of any alleged enactment or law, or of
2 any public duty or authority or in respect of any alleged neglect or default in
3 the execution of this Act or any other enactment or law, duty or authority,
4 shall lie or be instituted in any court unless it is commenced:

5 (i) Within three months after the act, neglect or default complained
6 of and/or

7 (ii) In the case of a continuation of damage or injury, within six
8 months after the teasing thereof.

9 (c) No suit shall be commenced against a member of the Board or
10 the National Commandant or any other officer or employee of the Revenue
11 Enforcement Corps before the expiration of a period of one month after
12 written notice of intention to commence the suit shall have been served on
13 Revenue Enforcement Corps by the intending plaintiff or his agent.

14 (d) The notice referred to in Sub-Section 33(c) of this section shall
15 clearly and explicitly state:

16 (i) The cause of action;

17 (ii) The particulars of claim;

18 (iii) The name and place of abode of the intending plaintiff; and

19 (iv) The relief, which the plaintiff claims.

20 **33.** A notice, summons or other document required or authorized
21 to be served on the Corps under the provisions of this Act or any other
22 enactment or law may be served by delivering it to the National
23 Commandant or by sending it by registered post and addressed to the
24 National Commandant at the principal office of the Revenue Enforcement
25 Corps.

Service of
documents

26 **34.-(a)** In any action or suit against the Revenue Enforcement
27 Corps, no execution or attachment of process in the nature thereof shall be
28 issued against the Revenue Enforcement Corps unless a notice of less than
29 three months of the intention to execute or attach has been given to the
30 Revenue Enforcement Corps; and

Restriction on
execution against
property of the
Revenue
Enforcement
Corps

	1	(b) Any sum of money, which may, by the judgment of any Court, be
	2	awarded against the Revenue Enforcement Corps shall, subject to any
	3	directions given by the Court where notice of appeal against the judgment has
	4	been given, be paid from the general reserve fund of the Revenue Enforcement
	5	Corps.
Indemnity of Officers	6	35. A member of the Board or the National Commandant or any
	7	officer or employee of the Revenue Enforcement Corps shall be indemnified
	8	out of the assets of the Revenue Enforcement Corps against any liability
	9	incurred by him in defending any proceeding, whether civil or criminal, if the
	10	proceeding is brought against him in his capacity as a member, National
	11	Commandant, officer or other employee of the Revenue Enforcement Corps.
Secrecy	12	36. A member of the Board or the National Commandant or any other
	13	officer or employee of the Revenue Enforcement Corps shall:
	14	(a) Not, for his personal gain, make use of any information, which has
	15	come to his knowledge in the exercise of his powers or is obtained by him in the
	16	ordinary course of his duty as a member of the Board as the National
	17	Commandant, officer or employee of the Revenue Enforcement Corps;
	18	(b) Treat as confidential any information, which has come to his
	19	knowledge in the exercise of his powers or is obtained by him in the
	20	performance of his duties under this Act;
	21	(c) Not disclose any information referred to under paragraph (b) of
	22	this Sub-Section except when required to do so by any Court or in such other
	23	circumstances as may be prescribed by the Board, from time to time; and
	24	(d) A person who contravenes the provisions of Sub-Section 37 (a) of
	25	this Section commits an offence and is liable on conviction to a fine of not less
	26	than One Hundred Thousand Naira (N100,000:00) only or imprisonment for a
	27	term not exceeding Two (2) years.
Power to obtain information	28	37.-(a) For the purpose of carrying out the functions conferred on the
	29	Revenue Enforcement Corps under this Act, the National Commandant or any

1 other officer or employee of the Revenue Enforcement Corps authorized in
2 that behalf:

3 (i) Shall have a right of access to all the records of any person or
4 authority affected by this Act for the specific purpose of discharging his
5 duties under
6 this Act; and

7 (ii) May by notice in writing served on any person or premises,
8 require that person or authority to furnish information on such matters as
9 may be specified in notice.

10 (b) The person or authority served with the notice under Sub-
11 Section 38(a) shall furnish information as required under Sub-Section 38(a)
12 of this section and comply with the notice within a reasonable time.

13 PART VIII - DISSOLUTION OF THE EXISTING FEDERAL TASK FORCE
14 OF NIGERIA AND SAVINGS

15 38.-(a) The body known as the Federal Task Force of Nigeria
16 existing before the commencement of this Act is dissolved;

Dissolution of
the existing
Revenue
Enforcement

17 (b) Accordingly, there shall be vested in the Revenue Enforcement
18 Corps immediately at the commencement of this Act and without further
19 assurance, all assets, funds, resources and other movable or immovable
20 property which immediately before the commencement of this Act were in
21 the Dissolved Federal Task Force;

22 (c) As from the commencement of this Act:

23 (i) All rights, interests, obligations and liabilities of the Dissolved
24 Federal Task Force existing immediately before the commencement of this
25 Act under any contract or instrument, or at law or in equity, shall by virtue of
26 this Act be assigned to and vested in Revenue Enforcement Corps;

27 (ii) Any contract or instrument as mentioned in Paragraph C(i) of
28 this Sub-Section shall be of the same force and effect against or in favour of
29 the Revenue Enforcement Corps and shall be enforceable as fully and
30 effectively as if, instead of been a party thereto; and

1 (iii) The Revenue Enforcement Corps shall be subject to all
2 obligations and liabilities to which the Dissolved Federal Task Force was
3 subject immediately before the commencement of this Act, and all other
4 persons shall, as from the commencement of this Act have the same rights,
5 powers and remedies against the Revenue Enforcement Corps as they had
6 against the Dissolved Federal Task Force immediately before the
7 commencement of this Act.

8 (d) Notwithstanding or cause of action pending or existing
9 immediately before the commencement of this Act by or against the dissolved
10 Federal Task Force in respect of any right, interest, obligations or liability of
11 the Dissolved Federal Task Force may be commenced, continued or enforced
12 by or against Revenue Enforcement Corps as if this Act has not been made;

13 (e) Notwithstanding the provisions of this Act, but subject to such
14 directions as may be issued by Revenue Enforcement Corps, a person who
15 immediately before the commencement of this Act was a volunteer or regular
16 member of or held office in the Dissolved Federal Task Force shall be deemed
17 to have been transferred to the Revenue Enforcement Corps on terms and
18 conditions not less favourable than those obtaining immediately before the
19 commencement of this Act, and service in the Dissolved Federal Task Force
20 shall be deemed to be service in Revenue Enforcement Corps for purpose of
21 pension; and

22 (f) All regular officers of the Revenue Enforcement Corps before
23 dissolution shall retain their Ranks and Positions immediately after this Act
24 takes effect.

25 PART IX - MISCELLANEOUS

Directives by
the Minister

26 **39.**-(a) The Minister may give to the Revenue Enforcement Corps, the
27 Board or the National Commandant such directives:

28 (i) Of a general nature or relating generally to matters of policy with
29 regard to the exercise of its function; and

30 (ii) With respect to the maintenance and securing of public safety and

1 order, as he may consider necessary and the Revenue Enforcement Corps,
2 the Board or the National Commandant shall comply with the directives or
3 cause them to be complied with.

4 (b) Subject to the provisions of Sub-section 44(a) of this Section, a
5 Governor of a State may give to a State Commandant such directives with
6 respect to the maintenance and securing of public safety and order in the
7 State as he may consider necessary and it shall be the duty of the State
8 Commandant to comply with the directives or cause them to be complied
9 with.

10 **40.** The Revenue Enforcement Corps or the Board may, with the Regulations
11 approval of the Minister, make such regulations as in its opinion are
12 necessary or expedient for giving full effects to the provisions of this Act and
13 for the due Administration of its provisions.

14 **41.** In this Act: Interpretation
15 "The Revenue Enforcement Corps" means the Nigeria Revenue
16 Enforcement Corps established under Section I of this Act;
17 "Minister" means the Minister charged with responsibility for matters
18 relating to Youth Development; and
19 "The Board" means the Governing Board of Federal Revenue Enforcement
20 Corps.

21 **42.** This Bill may be cited as Federal Revenue Enforcement Corps Citation
22 Bill, 2020.

1 SCHEDULE

2 ADDITIONAL SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

3 *Proceedings*

4 (a) The Board shall, for the purpose of this Act, meet not less than four
5 times in each year;

6 (b) The Board shall meet whenever it is summoned by the Chairman
7 and if the Chairman is required to do so by a notice given to him by not less than
8 five other members, he shall summon a meeting of the Board to be held within
9 Fourteen (14) days from the date on which the notice is given; and

10 (c) Where the Board desires to obtain the advice of any person on a
11 particular matter, the Board may co-opt him to the Board for such period as it
12 thinks fit but a person who is a member by virtue of this sub-paragraph shall not
13 be entitled to vote at any meeting of the Board and shall not count towards a
14 quorum.

15 *Committees*

16 (a) The Board may appoint one or more Committees to carry out, on
17 behalf of the Board, its functions under this Act as the Board may determine;

18 (b) A committee appointed under this paragraph shall consist of such
19 number of persons (not necessarily members of the Board as may be
20 determined by the Board) and a person other than a member of the Board shall
21 hold office in the Committee in accordance with the terms of his appointment;
22 and

23 (c) A decision of a Committee of the Board shall be of no effect until it
24 is confirmed by the Board.

25 *Seal*

26 (a) The fixing of the Seal of the Revenue Enforcement Corps shall be
27 authenticated by the signature of the Chairman or any other person authorized
28 generally or specifically to act for that purpose by the Board and the National
29 Commandant;

30 (b) Any contract or instrument, which if made or executed by a person

1 not being a body corporate, would not be required to be under seal, may be
2 made or executed on behalf of the Board by the National Commandant or
3 any person generally or specially authorized to act for the purpose by the
4 Board; and

5 (c) Any document purporting to be a document duly executed
6 under the seal of the Board shall be received in evidence and shall, unless
7 and until the contrary is proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a statutory existence of Federal Revenue Enforcement Corps (FREC) which shall be a body charged with the responsibility to Empower, Develop and provide Alternative Employment for the Youths, to facilitate Revenue Enforcement, Community Services.

A BILL

FOR

AN ACT TO REPEAL THE MEDICAL AND DENTAL PRACTITIONERS ACT 1988; AND TO RE-ENACT THE MEDICAL AND DENTAL PRACTITIONERS' ACT TO ESTABLISH THE MEDICAL AND DENTAL COUNCIL OF NIGERIA FOR THE REGISTRATION OF MEDICAL PRACTITIONERS AND DENTAL SURGEONS AND TO PROVIDE FOR A DISCIPLINARY TRIBUNAL FOR THE DISCIPLINE OF MEMBERS AND RELATED MATTERS THERETO, 2020

Sponsored by Senator Adamu Aliero

[] Commencement

ENACTED By the National Assembly of the Federal Republic of Nigeria as-

1 **1.** This Bill may be cited as the Medical and Dental Practitioners Citation
2 Act 1988 (Repeal and Re-enactment) Bill, 2020.

3 **2.** In this Bill, unless the context otherwise requires: Interpretation

4 "Alternative Medicine" means homeopathy, naturopathy, acupuncture and
5 osteopathy as defined in the Code of Conduct issued by the Council for
6 Alternative Medicine Practice;

7 "Approved medical or dental qualification" under section 24 of this Bill
8 means a qualification which is approved in respect of the medical or dental
9 profession;

10 "Certificate of experience" means a certificate granted in pursuance of
11 section 38 of this Bill;

12 "Chairman" means the Chairman of the Council appointed under section 7
13 of this Bill;

14 "Council" means the Medical and Dental Council of Nigeria established
15 pursuant to Section 4 of this Bill;

16 "Dentistry" in relation to its practice includes the giving of any advice or
17 treatment or the performance of any procedure necessary for the cure or

1 preservation of the mouth and its surrounding structures usually given by or
2 performed by a Dental Surgeon and includes all operations necessary or
3 incidental to the preparation and fitting of dentures, artificial teeth or other
4 dental appliances or other maxillo-facial operation so however that:

5 (a) in case of emergency of which the medical practitioner shall be the
6 sole judge, nothing shall preclude a medical practitioner from extracting teeth;
7 and

8 (b) a qualified Dental Therapist or Dental Nurse acting under the
9 supervision of a Registered Dental Surgeon may scale and polish teeth;

10 "Gazette" means the Gazette of the Federal Republic of Nigeria;

11 "Minister" means the Minister charged with responsibility for matters relating
12 to health;

13 'Panel' means Medical and Dental Practitioners' Investigation Panel
14 established under this Bill;

15 "Register" means a Register maintained under this Bill;

16 "Registrar" means the Registrar appointed pursuant to section 13 of this Bill;

17 "Regulations" means regulations made by the Council;

18 'Tribunal' means Medical and Dental Practitioners' Disciplinary Tribunal
19 established under this Bill.

Application 20 3. The provision of this Bill shall apply to all persons who are
21 authorized to practice as Medical Practitioners or Dental Surgeon under this
22 Bill or any other law in Nigeria.

Establishment
of the Council 23 4.-(1). The Medical and Dental Council of Nigeria (hereafter in this
24 Bill referred to as 'the Council') is hereby established.

25 (2). The Council shall be a body corporate with perpetual succession
26 with a common seal and may sue and be sued in its name.

Functions of
the Council 27 5. Notwithstanding the provision of any other Act to the contrary, the
28 Council shall to the exclusion of any other body, perform the following
29 functions:

30 (1) determine the standard of knowledge and skill to be attained by a

- 1 person seeking to become a member of the medical or dental profession;
- 2 (2) review from time to time as the Council deems fit, the standard
- 3 of knowledge and skill determined by the Council pursuant to subsection (1)
- 4 of this Section;
- 5 (3) subject to the provisions of this Bill, establish and maintain a
- 6 register of persons entitled to practice as members of the medical or dental
- 7 profession in Nigeria;
- 8 (4) make rules with respect to the types of and the keeping of the
- 9 register of persons and the making of entries therein.
- 10 (5) specify from time to time, the fees to be paid by a person who
- 11 possess the qualification(s) and has applied to be registered.
- 12 (6) publishing from time to time with such modification the
- 13 registers maintained by the Council pursuant to subsection (3) of this
- 14 section;
- 15 (7) prepare and issue from time to time, a code of conduct, which
- 16 the Council considers desirable for the professions of Medicine and
- 17 Dentistry in Nigeria;
- 18 (8) control the practice of homeopathy and other forms of
- 19 alternative medicine;
- 20 (9) make regulations for the operation of clinical laboratory
- 21 practice in the field of Pathology; and
- 22 (10) any other function that is necessary to give effect to the
- 23 provision of this Bill.
- 24 **6.** The Council shall consist of following
- 25 (a) Chairman;
- 26 (b) Vice Chairman;
- 27 (c) two representatives of the Federal Ministry in charge of health
- 28 who are registered medical or dental practitioners;
- 29 (d) The Chief Medical Officer (however designated) of each State
- 30 of the Federation and the Federal Capital Territory;

Composition
of the Council

- 1 (e) a representative of the Armed Forces Medical Services.
- 2 (f) a representative of the National Post-Graduate Medical College;
- 3 (g) Three representatives of Colleges or Faculties of Medicine in the
- 4 Country to be appointed by the Minister in rotation two years each, from
- 5 among the provosts or deans of such Colleges or faculties, provided no two of
- 6 such persons shall be from the same University or state;
- 7 (h) nine representatives of the Nigerian Medical Association;
- 8 (i) two representatives the Nigerian Dental Association;
- 9 (j) a representative of alternative medicine practitioners;
- 10 (k) two pathologists to be nominated by the National Post-Graduate
- 11 Medical College of Nigeria;
- 12 (l) the Registrar of the Council
- 13 (m) The appointment of the Chairman and other members of the
- 14 Council other than Ex-officio members shall be made by the President on the
- 15 recommendation of the Minister;
- 16 (n) The Vice Chairman of the council shall be elected from among its
- 17 ex-officio members by all members at the first meeting of the council after it is
- 18 inaugurated.
- 19 **7.** The Chairman and members of the Council appointed pursuant to
- 20 section 7 of this Bill shall, subject to the provision of this Bill, hold office for a
- 21 period of four years and may be reappointed for another period of four years
- 22 and no more.
- 23 **8.-(1)** The Chairman or member of the Council other than an ex-
- 24 officio member may by notice duly signed and addressed to the Registrar,
- 25 resign from the Council.
- 26 (2) The Vice Chairman elected under section 7 sub section 2 may
- 27 resign or be removed from the position by members of the council.
- 28 (3) the removal of the vice chairman shall be in accordance with the
- 29 procedure as may be provided in the Standing Orders and Rules of the council.
- 30 (4) Provided that the resignation or the removal in sub section (2) of

Appointment
and TenureResignation
and Removal

1 this section, shall not affect the membership of such person from the council.

2 **10.-(1)** Where the Chairman or any member of the Council ceases
3 to be the Chairman or member of the Council by any reason other than as
4 provided in section 8 of this Bill, the President shall in accordance with the
5 provisions of this Bill appoint another to complete the tenure of the person
6 who ceases to be the Chairman or members as the case may be.

7 (2) Where a person who ceases to be a member in accordance with
8 subsection (1) of this section was appointed to Council pursuant to
9 nomination under Section 6 of this bill, the body responsible for the
10 nomination of such person, shall nominate another person in accordance
11 with section 6 of this Bill

12 (3) The President shall have the power to remove from office the
13 chairman or any member of the Council other than Ex-officio members if he
14 is satisfied that it is in the interest of the public so to do.

15 (4) It is hereby declared that at no time would the Council be
16 dissolved in its entirety.

17 **11.** A person shall not be a member of the Council unless that Qualification
18 person is a registered Medical Practitioner or Dental Surgeon who has no
19 impairment as to fitness to practice at the point of appointment

20 **12.-(1).** There shall be a Registrar of the Council who shall be
21 responsible for the day-to-day management of the human, financial and
22 material resources of the Council in accordance with this Bill.

23 (2) the registrar shall be appointed by the Council.

24 **13.-(1)** A person is qualified to be appointed Registrar if the person; Appointment
of Rrgistrar of
the Council

25 (i) is fully registered medical practitioner or dental surgeon of not
26 less than 10 years post registration; and

27 (ii) possessed reasonable cognate administrative experience in the
28 health matters.

29 (2) The registrar shall hold office for a term of four years which

1 may be renewable, subject to satisfactory performance, for another term of four
2 years.

3 (3) The Registrar shall be paid such emoluments as may be
4 determined by the Council provided that such emoluments shall not be less
5 than those payable to the heads of agencies of the Government of the
6 Federation.

Duties of the
Registrar

7 **14.-(1)** In addition to any other duty conferred by any provision of this
8 Bill, the Registrar shall perform the following functions;

9 (a) establish and maintained such number of Registers of medical
10 Practitioners and dental Surgeons in accordance with the rules made by the
11 Council;

12 (b) record the names, address, qualification and such other particulars
13 all persons qualified to practice a medical practitioners or dental surgeon in
14 accordance with the provision of this Bill;

15 (c) with the directive of the council, make corrections or alterations
16 with respect to the record of any person whose name is in the relevant register;

17 (d) removed from the relevant register the name of any person whose name and
18 particulars is on any of the registers being maintained in accordance with
19 provision of this Bill;

20 (e) to transfer the name of a person from one register to another in
21 accordance with the directive of the council;

22 (f) cause the registers of medical practitioners and dental surgeons to
23 be printed, published and put on sale to members of the public at all times with
24 such modifications, corrections, and alterations to the registers in accordance
25 with the provision of this Bill;

26 (g) cause a print of each edition of the register to be kept at the
27 principal offices of the Council.

Other Staff of
the Council

28 **15.-(1)** The Council shall have power to appoint from time to time
29 such other staff as may be required for the purposes of the efficient
30 performance of the functions of the Council pursuant to this Bill.

1 (2) Subject to subsection (1) of this section, the remuneration of the
 2 staff of the Council shall be determined by the Council after consultation
 3 with the National Salaries and Wages Commission.

4 **16.** There shall be established the Medical and Dental Council of General Fund
of the Council
 5 Nigeria General Fund for the day-to-day administration of the Council into
 6 which shall be paid-

7 (a) such sums as shall be appropriated annually by the National
 8 Assembly pursuant to the provision of this Bill.

9 (b) such sums as the Council may receive as grants, gifts, fees or
 10 otherwise in accordance with provisions of this Bill or any other law.

11 **17.-(1).** The Council shall prepare and submit to the National Annual Account
and Audot
 12 Assembly, not later than the 30th day of July of each year, an estimate of its
 13 expenditure and income during the next succeeding financial year

14 (2) The Council shall keep proper records of accounts in respect of
 15 each financial year and shall cause its accounts to be audited as soon as may
 16 be practicable after the end of the financial year to which the accounts relate
 17 by a firm of auditors approved, with respect to that year, by the Council.

18 (3) The auditors to be approved by the Council shall be in
 19 accordance with the provision of Section 85 (3) of the Constitution of the
 20 Federal Republic of Nigeria, 1999 (as amended).

21 **18.** The Council shall, with the prior consent of the Minister, have Power to borrow
money
 22 power to borrow money, acquire or dispose of any property in accordance
 23 with the provision of this Bill or any other law for the time being in force
 24 with respect to borrowing power of government agencies

25 **19. -(1)** The Council may accept gifts of land, money or other Power to accept
gifts
 26 property upon such terms and conditions, if any as may be specified by the
 27 person or organization making the gift.

28 (2) The Council shall not accept any gift if the conditions attached
 29 by the person or organization making the gift to the acceptance thereof are
 30 inconsistent with or threaten the functions of the Council

Registers	1	20. -(1) The Council shall maintain separate registers for medical
	2	practitioners and dental surgeons in accordance with provisions of this section.
	3	(2) The registers to be maintained by the Council are:
	4	(i) Provisionally registered persons;
	5	(ii) Fully registered persons;
	6	(iii) Specialist registered persons; and
	7	(iv) Limited registered persons.
Regulations with respect to Registers	8	21. The council may from time to time make regulations specifying
	9	the qualifications, fees to be paid and mode of application to be made for the
	10	entry of a person's name into any of the registers maintained by the Council.
Removal of a name from the Register	11	22. Subject to the provisions of this Bill and direction of the Council,
	12	the Registrar shall cause the name of any person to be removed from the
	13	register if:
	14	(a) the person is dead;
	15	(b) the person is registered for a limited time and the time has elapsed;
	16	(c) the person is provisionally registered and has qualified or failed to
	17	qualify for full registration.
	18	(1) Nothing in subsection (1) of this section shall preclude the
	19	Registrar from removing the name of any person from any of the registers in
	20	compliance with an Order of the Tribunal or a Court of law;
	21	(2) Where the Registrar sends a correspondence either by registered
	22	post, email or any other form of correspondence to a registered person with
	23	respect to any thing concerning the registration of such person, the person shall
	24	within 30 days of postage or sending of such correspondence, respond to the
	25	issue(s) raised in the correspondence;
	26	(3) Where no response is received within the specified time under
	27	subsection (3) of this section, the Registrar shall remove the name of such
	28	person from the register if no response is received within fourteen days after
	29	similar correspondence is sent by the Registrar for the second time;
	30	(4) The Registrar shall by the direction of the Council restore the

1 name of any person removed from the Register pursuant to the provision of
2 this Bill;

3 (5) The Registrar shall give notice in writing by registered post to
4 any medical practitioner or dental surgeon concerned with respect to the
5 removal of the person's name from any of the registers pursuant to the
6 provision of this section.

7 **23.** Subject to the provision of this Bill and to any other Rules made
8 by the Council, a person shall be entitled to be fully registered as a medical
9 practitioner or as a dental surgeon if the person -

Registration of
Medical
Practitioners
and Dental surgeon

10 (a) has attended a course of training approved by the Council in one
11 or more approved institutions with respect to either medical or dental
12 profession and obtained an approved qualification; and

13 (b) holds a certificate of experience issued in pursuance of section
14 21 of this Bill.

15 **24.** A person who has obtained an approved medical or dental
16 qualification and satisfies the Registrar that the person is of good character
17 and is about to be employed for the purpose of obtaining certificate of
18 experience under this Bill, shall, subject to the provisions of Rules made by
19 the Council and provisions of section 39 of this Bill, be entitled to be
20 provisionally registered as a medical practitioner or dental surgeon.

Provisional
Registration

21 **25.** A person who is provisionally registered shall, for the purposes
22 of employment at any recognized institution with a view to obtaining a
23 certificate of experience, but not for any other purposes, be deemed to be
24 fully registered.

25 (1) Where a person other than a Nigerian satisfies the Council:

26 (a) that the person is a registered medical practitioner or dental
27 surgeon in any country other than Nigeria;

28 (b) that the person has been selected for employment for a specified
29 period in an approved hospital or in an approved institution in Nigeria in the
30 capacity of a medical practitioner or dental surgeon;

1 (c) that the person intends to be in Nigeria for a limited period for the
2 purposes of the employment in question; and

3 (d) the person has passed the assessment examination, if any, of the
4 Council;

5 (e) The Council may, if it thinks fit, give a direction that the person
6 shall be registered for a limited period as a medical practitioner or as a dental
7 surgeon as the case may be.

8 (2) The registration of a person for a limited period shall continue
9 only while the person is in such employment for the purpose of which the
10 limited registration is granted and shall cease on the termination of the
11 employment or the period specified by the Council, whichever is earlier.

12 (3) Nothing in subsection (2) of this section shall preclude the Council
13 from giving a further extension of the limited registration under subsection (1)
14 of this section in respect of the expiration of a specified period and whose
15 commencement coincides with the expiration of another such period.

16 (4) A person registered in accordance with the provisions of this
17 section shall, in relation to the employment for the purpose of which the limited
18 registration is granted, and to things done or omitted to be done in the course of
19 that employment, be deemed to be fully registered, but in relation to all other
20 matters shall be treated as not so registered.

21 (5) No person with limited registration shall be allowed to manage on
22 his own a public or private health institution.

23 (6) In the case of doubt as to whether a person's employment has been
24 terminated, the decision of the Council shall be conclusive for the purposes of
25 this section

Practicing
license

26 **26.** -(1). Every registered medical practitioner or dental surgeon shall
27 for each year pay to the Council, the prescribed practicing fees as may be
28 determined from time to time by the Council

29 (2). The Council shall share the aggregate amount collected as
30 practicing fees during the year as follows-

1 (a) sixty percent to the Nigeria Medical Association and Nigerian
2 Dental Association which shall be shared between them proportionally with
3 reference to the number of registered medical practitioners and dental
4 surgeons in the particular year; and

5 (b) Forty percent to the Council.

6 **27.** A registered medical practitioner or dental surgeon shall be Exemption
7 exempted from payment of practicing fee where the person -

8 (a) has attained the age of seventy years or forty-five years of post-
9 registration of good standing; or

10 (b) is undergoing the mandatory National service under the
11 National Youth Service Corps Scheme.

12 **28.** Where a registered medical practitioner or dental surgeon Default in payment
13 defaults in the payment of practicing fee prescribed by the council, and of Practicing Fees
14 practices within that period, the person shall:

15 (a) pay the outstanding practicing fee to the Council; and

16 (b) be levied one percent daily, of the outstanding practicing fee
17 from the day the person is in default of payment.

18 (c) where a person in default fails to comply with subsection (1) of
19 this section, and the council charge such person in accordance with the
20 provision of this Bill, the person shall be guilty of an offence and shall be
21 liable on conviction to:

22 (i) In the case of a first offender, comply with the provision of
23 subsection (1) of this section and to a fine of twice the prescribed practicing
24 fees; or

25 (ii) In any other case other first offender; comply with the provision
26 of subsection (1) of this section and to a fine of not less than ten times the
27 prescribed practicing fee.

28 (d) if a registered medical practitioner or dental surgeon who
29 contravenes Sections 26 (1) and 28 of this Bill is in the employment of any
30 person, that person shall also be guilty of an offence and punished in like

	1	manner as the medical practitioner or dental surgeon.
Approval of Institutions	2	29. Subject to the provision of this Bill, the Council may give
	3	approval to any institution in Nigeria which it considers properly organized
	4	and equipped, for conducting the whole or any part of a course of training
	5	approved by the Council under this Bill.
Approval of courses and qualification	6	30. The Council shall, for the purpose of this Bill, have power to
	7	approve:
	8	(1) any course of training intended for persons who are seeking to
	9	become, or are already members of the medical or dental profession, and which
	10	the Council considers is designed to confer on the persons sufficient or
	11	additional knowledge and skill for the practice of the profession or for practice
	12	of a specialized branch of the profession;
	13	(2) any qualification which, as a result of an examination taken in
	14	conjunction with a course of training approved by the Council under this
	15	section is granted to candidates reaching a standard at the examination
	16	indicating, in the opinion of the Council that they have sufficient knowledge
	17	and skill to practice the profession in question or to practice as members of a
	18	specialized branch of that profession.
Designation of qualifications	19	31. The Council shall in pursuance to Section 30 of this Bill, not
	20	approve a qualification granted by an institution in Nigeria with respect to
	21	persons seeking to be members of the medical or dental profession unless the
	22	qualification bears one of the following designations (with or without the
	23	addition of words indicating specialization in a particular field), that is to say-
	24	(a) Bachelor of Medicine and Bachelor Surgery (MBBS); or
	25	(b) Bachelor of Dental Surgery. (BDS)
Assessment Examination for Registration	26	32. The Council may institute an assessment examination for holders
	27	of foreign medical or dental qualifications recognized by the government of the
	28	Countries from where such qualifications were obtained before granting
	29	registration to the holders of such qualification to practice the Medical or
	30	Dental profession in Nigeria.

1	33. -(1). The Council may, if it thinks fit, withdraw any approval	Withdrawal of approval for Institution, courses or qualification
2	given under this Bill in respect of any institution, course or qualification.	
3	(2). the Council shall, before exercising the powers conferred on it	
4	by this section shall-	
5	(a) give notice that it proposes to do so to each person by whom the	
6	course is conducted or the qualification is granted or the institution is	
7	controlled, as the case may be;	
8	(b) afford each such person an opportunity of making to the	
9	Council presentation with regard to the proposal; and	
10	(c) take into consideration any presentations made with respect to	
11	the proposal in pursuance of paragraph (b) of this subsection.	
12	(3). Where the Council pursuant to the provisions of this section	
13	withdraws the approval of an institution, course or qualification, such	
14	withdrawal shall not prejudice the registration or eligibility for registration	
15	of any person who by virtue of the prior approval was registered or eligible	
16	for registration (either unconditionally or subject to the obtaining a	
17	certificate of experience) immediately before the approval was withdrawn.	
18	(4). The giving or withdrawal of any approval under this section	
19	shall have effect on such date, either before or after the execution of the	
20	instrument signifying the withdrawal of approval, as the Council may	
21	specify in the instrument and the Council shall:	
22	(a) publish a copy of every such instrument in the Federal Gazette;	
23	and	
24	(b) not later than seven days before the publication aforesaid,	
25	send a copy of the instrument to the Minister.	
26	34.-(1). The Council shall have a supervisory role on all approved	Supervision of Institutions and Examinations
27	institutions in Nigeria, established for the training of Medical practitioners	
28	and Dental surgeons and the examinations conducted therein.	
29	(2). every institution shall keep the Council informed of the nature	
30	of;	

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

3 (b) the examinations through which approved qualifications are
4 granted.

5 (3). The Council may appoint, either from among its members or
6 other persons to visit approved institutions or to observe such examination at
7 least once in three years.

Visitation report

8 **35.**-(1). It shall be the duty of a visitor or visitors appointed under
9 section 34 of this Bill to report to the Council on-

10 (a) the sufficiency of the instructions given to persons attending
11 approved courses of training at institutions;

12 (b) the sufficiency of the examinations observed; and

13 (c) any other matter(s) relating to the institution(s) or examination(s)
14 on which the Council may, either generally or in a particular case request the
15 Visitor(s) to report,

16 (d) Notwithstanding the provision of this section, no visitor(s) shall
17 interfere with the giving of any instruction or the holding of any examination.

Right of response
to the Visitation
report

18 **36.**-(1) Upon receipt of report made pursuant Section 34 of this Bill,
19 the Council shall, as soon as practicable, send a copy of the report to the person
20 in charge of the institution to which the report relates, requesting such person to
21 make observation with respect to the report within a time specified by the
22 council;

23 (2). Provided that the time given by the Council pursuant to
24 subsection (1) of this section, shall not be less than thirty days beginning with
25 the date of the request.

Certificate of
Experience

26 **37.**-(1). A person who after obtaining an approved medical or dental
27 qualification, satisfies the conditions specified in subsection (2) of this section
28 shall be entitled to receive free of charge a certificate of experience in the
29 prescribed form.

30 (2). The conditions which a person must satisfy under subsection (1)

1 of this section are-

2 (a) employment for the prescribed period at a recognized
3 institution in Nigeria with a view to obtaining a certificate of experience;

4 (b) residence throughout that period either in the institution or near
5 to it in accordance with requirements in that behalf specified in the terms of
6 his employment;

7 (c) acquisition of practical experience during employment under
8 the personal supervision and guidance of one or more fully registered
9 medical practitioner or dental surgeon as the case may be, in the practice of
10 surgery, obstetrics and gynecology, pediatrics and medicine or dental
11 surgery, as the case may be, for such periods as may be prescribed in relation
12 to each of those subjects respectively; and

13 (d) the manner in which the person carried out the duties of the
14 employment and the person's conduct during the period of the employment
15 must have been satisfactory.

16 (3). It shall be the duty of the person in charge of a recognized
17 institution at which a person is employed with a view to obtaining a
18 certificate of experience to ensure that the person is afforded proper
19 opportunities of acquiring the practical experience required for the purposes
20 of subsection (2) of this section.

21 (4). The Council shall make regulations to provide for the issuance
22 of certificate of experience in respect of employment at institutions outside
23 of Nigeria.

24 (5). In this section, "recognized" means recognized for the time
25 being for the purposes of those sections by Order of the Council.

26 **38.** Where after having been employed as mentioned for the
27 purpose of Section 36 of this section at any institution, a person is refused a
28 certificate of experience he shall be entitled to:

Denial of
Certificate

29 (a) receive from the person in charge of the institution particulars in
30 writing of the grounds of the refusal; and

Establishment,
appointment
and tenure of
Investigation
Panel

1 (b) appeal against the refusal to a committee of the Council in
2 accordance with Rules made by the Council in that behalf (including Rules as
3 to the time within which appeals are to be brought).

4 (2) After duly considering any such appeal the committee shall either
5 dismiss the appeal or issue the certificate of experience in question or give such
6 other directive in the matter as it considers just;

7 **39.** -(1). There shall be established a body to be known as the Medical
8 and Dental Practitioners Investigation Panel (hereafter in this Bill referred to as
9 "the Panel")

10 (2). The Panel established under subsection (1) of this Section shall be
11 charged with the duties of-

12 (a) conducting a preliminary investigation into any case where it is
13 alleged that a registered person has misbehaved in his capacity as a medical
14 practitioner or dental surgeon or for any other reason that may be subject of
15 proceedings before the Disciplinary Tribunal;

16 (b) compel the appearance of any person by subpoena to give
17 evidence before it;

18 (c) decide whether or not to refer any registered person to the
19 Tribunal;

20 (d) order the interim suspension of the registered person whom the
21 Panel has decided to refer to the Tribunal, if the Panel deems it necessary for the
22 protection of the public that the person's practice is unsafe;

23 (e) make an Order for Conditional Registration of a registered person
24 if satisfied that such an Order is necessary for the protection of the public or is
25 in the person's interest;

26 (f) an Order of Conditional Registration shall specify the conditions
27 upon which compliance the person's registration is conditioned, and specify
28 the period of such condition(s) not exceeding 18 months.

29 (g) A person on whom an Order of interim suspension has been
30 invoked shall remain suspended until the matter is determined by the Tribunal

1 or an appellate court

2 (3). The Panel shall be appointed by the Council and shall consist
3 of fifteen members, at least three of whom shall be dental surgeons.

4 (4). Members of the Panel shall hold office for a term of four years
5 and shall be eligible for reappointment.

6 (5). The provisions of the Second Schedule to this Bill shall be
7 applicable to the Panel with respect to its proceeding.

8 **40.**-(1). There shall be established a tribunal to be known as the Establishment
9 Medical and Dental Practitioners Disciplinary Tribunal (in this Bill referred of Disciplinary
10 to as "the Disciplinary Tribunal"), which shall be charged with the duty of Tribunal
11 considering and determining any case referred to it by the Panel established
12 under this Bill and any other case of which the Disciplinary Tribunal has
13 cognizance under the provisions of this Bill.

14 (2). The Disciplinary Tribunal shall consist of the Chairman of the
15 Council and ten other members of the Council appointed by the Council who
16 shall include not less than two persons who are fully registered dental
17 surgeons.

18 **41.**-(1). Where the Tribunal finds a registered person under this Bill Penalties for
19 to: misconduct

20 (a) Be guilty of infamous conduct in any professional respect;

21 (b) Have been convicted by any Court of Law or Tribunal in
22 Nigeria or elsewhere for an offence (whether or not an offence punishable
23 with imprisonment) which in the opinion of the Tribunal is incompatible
24 with the status of a registered persons under this Bill

25 (c) Have been fraudulently registered in any of the registers
26 maintained by the Council pursuant to this Bill;

27 The Disciplinary Tribunal shall give any of the directions specified in
28 subsection (2) of this section.

29 (2). The direction which the Disciplinary Tribunal shall give under
30 subsection (1) of this section are:

1 (a) ordering the Registrar to erase the person's name from the relevant
2 register;

3 (b) suspend the person from the profession for such period not less
4 than six months and not exceeding eighteen months as may be specified in the
5 direction; or

6 (c) Admonishing that person.

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

Right of Appeal

10 **42.**-(1). An appeal on the decision of the Tribunal shall lie as of right to
11 the Court of Appeal within 28 days of issuance of the direction pursuant to the
12 provision of this Bill.

13 (2). provided that an order of interim suspension pursuant to S. 39(2)
14 of this Bill shall remain applicable pending the determination of the appeal.

15 (3). there shall be no interlocutory appeal in respect to any direction or
16 order made by the Disciplinary Tribunal.

17 (4). there shall be no stay of proceeding in respect of any matter
18 pending before the Disciplinary Tribunal.

19 **43.** Subject to provision of Section 39(2), a direction of the Tribunal
20 shall take effect:

21 (a) where no appeal under this is pending against the direction within
22 the time allowed for the appeal, on the expiration of that time;

23 (b) where there is a pending appeal but the appeal is withdrawn,
24 struck out or dismissed

Power of the
Tribunal to
Register a person
again

25 **44.** -(1) . A person whose name is erased from a register in pursuance
26 of a direction of the Tribunal under this bill shall not be entitled to be registered
27 in that register again except in accordance with the direction of the tribunal.

28 (2) The Tribunal, pursuant to subsection (1) of this section, may upon
29 an application by the person direct the Registrar to register that person again,
30 on such terms it may deem fit.

1 45.-(1). Subject to subsections (4) of this section, no person other
2 than a registered medical practitioner shall:

3 (a) for or in expectation of reward, practice or hold himself out to
4 practice as a medical practitioner;

5 (b) take or uses the title of physician, surgeon, doctor or licentiate
6 of medicine, medical practitioner or apothecary;

7 (c) Without reasonable excuse takes or uses any name, title
8 addition or description implying that he is authorized by law to practice as a
9 medical practitioner;

10 (2). Subject to subsections (4) of this section, no person other than a
11 registered dental surgeon shall-

12 (a) for or in expectation of reward, practice or hold himself out to
13 practice as a dental surgeon;

14 (b) takes or uses the title of dental surgeon, dentist or dental
15 practitioner, or

16 (c) without reasonable excuse takes or uses any name, title,
17 addition or description implying that he is authorized by law to practice as a
18 dentist,

19 (3). A person who contravenes the of subsection (1) and (2) of this
20 section is guilty of an offence and is liable on conviction to a punishment
21 under this Bill.

22 (4). Where any person is acknowledged by the generality of
23 members of the community to which he belongs as having been trained in
24 the system of therapeutic medicine traditionally in use in that community,
25 nothing in subsection (1a) and (2a) of this subsection shall be construed as
26 making it an offence for that person to practice or to hold himself out to
27 practice that system.

28 (5). The provision of subsection (4) of this section shall not extend
29 to any activity involving an incision in human tissue or to administering,
30 supplying or recommending the use of any dangerous drugs within the

	1	meaning of Part V of the Dangerous Drugs Bill.
False Statement	2	46 -(1). any person who for the purpose of procuring the registration
	3	of any name, qualification or other matter under this Bill makes a statement
	4	which turns out to be false in a material particular is guilty of an offence
	5	(2). any person employed by the Council who makes any falsification
	6	in any matter relating to the Registers established pursuant to this Bill is guilty
	7	of an offence.
	8	(3). a person who contravenes the provision of this section shall be
	9	liable, on conviction to punishment under this Bill.
Vicarious liability of corporate body and its officers	10	47 -(1). A person who is guilty of an offence under sections 45 and 46
	11	of this Bill, shall be:
	12	(a) on summary conviction to a fine not exceeding N500, 000:00; or
	13	imprisonment for a term not exceeding two years or both on conviction after
	14	trial, to a fine not exceeding N1, 000,000:00; or imprisonment for a term not
	15	exceeding five years or to both such fine and imprisonment.
	16	(3). Nothing in section 45 of this Bill shall be construed as making it
	17	an offence for a person employed as a medical practitioner or dental surgeon on
	18	any ship, other than a Nigerian ship within the meaning of the Merchant
	19	Shipping Bill, to Bill as a medical practitioner or dental surgeon in relation to
	20	the master, crew and passengers of that Ship.
	21	48 . Where an offence, under sections 45 and 46 has been committed
	22	by a person and it is proved to have been committed with the consent or
	23	connivance of, or to be attributable to any negligence on the part of any
	24	Director, Manager, Secretary or other principal officer(s) of a body corporate,
	25	the officer and the body corporate shall also be deemed to be guilty jointly and
	26	severally of the same offence and shall be liable to be proceeded against and
	27	punished accordingly.
	28	49 -(1). A person shall not hold an appointment or practice as a
	29	medical practitioner or dental surgeon in Nigeria unless the person is registered
	30	by the Council under this Bill.

1 (2). A registered medical practitioner or dental surgeon shall be
2 entitled to practice as a medical practitioner or dental surgeon, throughout
3 Nigeria.

4 (3). A document or any part of a document which is required by any
5 Law in Nigeria to be issued or signed by a medical practitioner or a dental
6 surgeon of a particular description shall not, if issued or signed, after this
7 Bill comes into force, be valid unless it is issued or signed, by a fully
8 registered medical practitioner or dental surgeon.

9 (4). No person other than a fully registered medical practitioner or
10 dental surgeon shall be entitled to bring any proceedings in any Court of
11 Law for the purpose of recovering any fee or other consideration whatsoever
12 payable in respect of services rendered or facilities or things supplied by the
13 person when purporting to act as a medical practitioner or as a dental
14 surgeon.

15 (5). A fee for services rendered or any amount due to a medical
16 practitioner or dental surgeon in pursuit of the practice of the profession,
17 shall be due fourteen days after the service of the demand letter on the
18 person(s) or authority concerned, pursuant to Third Schedule to this Bill.

19 (6). The recovery procedure with respect to subsection (5) of this
20 Section shall be as provided in third schedule to this Bill.

21 (7). It shall be the duty of the person in charge of the Medical
22 School of a University or similar institution in Nigeria at which there is held
23 a course of training intended for persons who are seeking to become
24 members of the medical or dental profession to furnish to the Registrar, a list
25 of successful candidates immediately after the publication of the pass list.

26 **50.-(1).** Any power to make Regulations, Rules or Orders Regulations
27 conferred by this Bill shall include the power to:

28 (a) make provisions for such incidental and supplementary matters
29 as the Council considers expedient for the purposes of that power; and

30 (b) make different provisions for different circumstances.

1 (2). The Minister shall submit a copy of all regulations made by the
2 Council to the President as soon as practicable.

3 (3). where the President decides not to approve, the regulation shall
4 without prejudice to anything previously done in pursuance thereof, cease to
5 have effect on the day after the date of the decision.

6 FIRST SCHEDULE

7 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

8 *Vice-chairman and Secretary*

9 1. At any time while the office of chairman is vacant or the chairman
10 is, in the opinion of the Council, permanently or temporarily unable to perform
11 the functions of his office, the vice-chairman shall perform those functions and
12 reference in this Schedule to the chairman shall be construed accordingly

13 2. A vice-chairman who ceases to be a member shall cease to be vice-
14 chairman.

15 3. The Registrar shall in addition to being a member, serve as the
16 Secretary of the Council.

17 4. Subject to the provisions of this Bill and of section 27 of the
18 Interpretation Act, the Council may make standing orders regulating the
19 proceedings of the Council or any committee thereof.

20 5. The quorum of the Council shall be one third of membership and
21 the quorum of any committee of the Council shall be determined by the
22 Council.

23 6. Subject to the provisions of any standing orders of the Council, the
24 Council shall meet whenever it is summoned by the Chairman and if the
25 chairman is required to do so by notice given to him by not less than six other
26 members, he shall summon a meeting of the Council to be held within fourteen
27 days from the date on which the notice is given.

28 7. At any meeting of the Council the chairman or, in his absence, the
29 vice chairman Shall preside, but if both are absent the members present at the
30 meeting shall appoint one of their member to preside at that meeting.

1 8. Where the Council desires to obtain the advice of any person on
2 a particular matter, the Council may co-opt that person as a member for such
3 period as it thinks fit but a person who is a member by virtue of this sub-
4 paragraph shall not be entitled to vote at any meeting of the Council and
5 shall not be counted for the purposes of reckoning a quorum.

6 9. Notwithstanding anything in the foregoing provisions of this
7 paragraph, the inauguration of the Council shall be summoned by and
8 presided over by the Minister.

9 10. The Council may appoint one or more committees to carry out,
10 on its behalf, such of its functions as the Council may determine.

11 11. A committee appointed pursuant to paragraph 10 of this
12 schedule, shall consist of the number of persons determined by the Council,
13 and not more than one-third of those persons who are not members of the
14 Council; and a person other than a member of the Council shall hold office
15 on the committee in accordance with the terms of the letter by which he is
16 appointed.

17 12. A decision of a committee of the Council (other than the
18 committee mentioned in Section 39 of this Bill) shall be of no effect until it is
19 confirmed by the Council.

20 13. The fixing of the seal of the Council shall be authenticated by
21 the signature of the Registrar and of Secretary to the Council.

22 14. Any contract or instrument which, if made or executed by a
23 person not being a body corporate, would not be required to be under seal
24 may be made or executed on behalf of the Council by any person generally
25 or specially authorized to Bill for that purpose by the Council.

26 15. Any document duly executed under the seal of the Council
27 shall be received in evidence and shall, unless the contrary is proved, be
28 deemed to be so executed.

29 16. The validity of any proceedings of the Council or a committee
30 thereof shall not be affected by any vacancy in the membership of the

1 Council or committee, or any defect in the appointment of a member of the
2 Council, or of a person to serve on the committee, or by reason that a person not
3 entitled to do so took part in the proceedings.

4 17. Any member of the Council, and any person holding office in a
5 committee of a Council, who has a personal interest in any contract or
6 arrangement entered into or proposed to be considered by the Council or a
7 committee thereof shall forthwith disclose his interest to the Council or
8 committee and shall not vote on any question relating to that contract or
9 arrangement.

10 18. A person shall not, by reason of his membership of the Council
11 only, be treated as holding an office in the public service of the Federation.

12 SECOND SCHEDULE

13 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
14 AND INVESTIGATING PANEL.

15 *The Disciplinary Tribunal.*

16 1. The quorum of the Disciplinary Tribunal shall be four (4) members
17 of whom:

18 (a) all shall be fully registered medical practitioners in a case relating
19 to a registered medical practitioner and;

20 (b) one at least shall be a registered dental surgeon in a case relating to
21 a registered dental surgeon.

22 2. The Attorney-General of the Federation shall make rules as to the
23 selection of members of the Disciplinary Tribunal for the purposes of any
24 proceedings and as to the procedure to be followed and the rules of evidence to
25 be observed in proceedings before the Disciplinary Tribunal.

26 3. The rules shall in particular provide:

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

30 (b) for determining who, in addition to the quorum aforesaid, shall be

- 1 a party to the proceeding;
- 2 (c) for securing that any party to the proceedings shall, if he so
- 3 requires, be entitled to be heard by the Council;
- 4 (d) for enabling any party to the proceedings to be represented by a
- 5 legal practitioner;
- 6 (e) as to the costs of proceedings before the Disciplinary Tribunal;
- 7 (f) for requiring, in a case where it is alleged that the person who is
- 8 the subject of proceedings is guilty of infamous conduct in any professional
- 9 respect, that where the Disciplinary Tribunal adjudges that the allegation has
- 10 not been proved it shall record a finding that the person is not guilty of such
- 11 conduct in respect of the matter to which the allegation relates:
- 12 (g) for publishing in the Federal Gazette, notice of any direction of
- 13 the Disciplinary Tribunal which has taken effect providing that a person's
- 14 name shall be erased from a register.
- 15 4. For the purpose of any proceedings before the Disciplinary
- 16 Tribunal, any member of the Disciplinary Tribunal may administer oaths
- 17 and any party to the proceedings may issue out of the registry of the Court of
- 18 Appeal writs of subpoena ad testificandum et duces tecum; but no person
- 19 appearing before the Disciplinary Tribunal shall be compelled to:
- 20 (a) make any statement before the Disciplinary Tribunal tending to
- 21 incriminate himself; or
- 22 (b) produce any document under such a writ which he could not be
- 23 compelled to produce at the trial of an action.
- 24 5. For the purpose of advising the Disciplinary Tribunal on
- 25 questions of law arising in proceedings before it, there shall in all such
- 26 proceedings, be a legal practitioner of not less than ten years standing at the
- 27 Bar, from a firm of Legal practitioners appointed by the Council on the
- 28 nomination of the Chief Justice of Nigeria, to serve as legal assessors
- 29 6. The Chief Justice of Nigeria shall make rules as to functions of
- 30 assessors appointed under this paragraph, and in particular such rules shall

1 contain provisions for securing that:

2 (a) where an assessor advises the Disciplinary Tribunal on any
3 question of law as to evidence, procedure or any other matters specified by the
4 rules, he shall do so in the presence of every party or person representing a
5 party to the proceedings who appears thereat or, if the advice is tendered while
6 the Disciplinary Tribunal is deliberating in private, that every such party or
7 persons aforesaid shall be informed what advice the assessor has tendered;

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

11 7. A law firm to serve as assessors may be appointed under this
12 paragraph either generally or for any particular proceedings or class of
13 proceedings and shall continue and cease to be appointed in accordance with
14 the terms of the letter by which the firm is appointed.

15 *The Panel*

16 8. The quorum of the Panel shall be five who:

17 (a) all shall be fully registered medical practitioners in a case relating
18 to a registered medical practitioner; and

19 (b) one at least shall be a fully registered dental surgeon in a case
20 relating to a registered dental surgeon.

21 9. The Panel may, at any meeting attended by not less than seven
22 members, including not less than one registered dental surgeon, make standing
23 orders with respect to the Panel.

24 10. Subject to the provisions of any such standing orders, the Panel
25 may regulate its own procedure.

26 11. a person ceasing to be a member of the Disciplinary Tribunal or
27 the Panel shall be eligible for reappointment as a member of that body.

28 12. A person may, if otherwise eligible, be a member of both the
29 Disciplinary Tribunal and the Panel; but no person who acted as a member of
30 the Panel with respect to any case shall act as a member of the Disciplinary

1 Tribunal with respect to that case.

2 13. The Disciplinary Tribunal or the Panel may act
3 notwithstanding any vacancy in its membership; and the proceedings of
4 either body shall not be invalidated by any irregularity in the appointment of
5 a member of that body, or subject to section 39 of this Bill, by reason of the
6 fact that any person who was not entitled to do so took part in the
7 proceedings of that body.

8 14. The Disciplinary Tribunal and the Panel may each sit in two or
9 more divisions.

10 15. Any document authorized or required by virtue of this Bill to
11 be served on the Disciplinary Tribunal or the Panel shall be served on the
12 Secretary concerned.

13 16. Any expenses of the Disciplinary Tribunal or the Panel shall be
14 defrayed by the Council.

15 17. A person shall not, by reason only of being a legal assessor to
16 the Disciplinary Tribunal or as a member of the Panel, be treated as holding
17 an office in the public service of the Federation.

18 THIRD SCHEDULE

19 RECOVERY OF SERVICES' FEE AND RELATED PAYMENTS

20 1. Demand letter specifying date, amount and the nature of the
21 services rendered.

22 2. Bill or note containing the details of the service(s) rendered.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Medical and Dental Practitioners Act 1988; and to Re-enact the Medical and Dental Practitioners' Act to Establish the Medical and Dental Council of Nigeria for the registration of Medical Practitioners and Dental Surgeons and to provide for a Disciplinary Tribunal for the discipline of Members.