

*Extraordinary*



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NATIONAL EMERGENCY MEDICAL SERVICES AGENCY  
(ESTABLISHMENT) BILL 2021  
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*Clause-*

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# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL EMERGENCY MEDICAL SERVICES AGENCY TO BE SADDLED WITH THE RESPONSIBILITIES OF COORDINATION AND HANDLING OF THE EMERGENCY TREATMENT OF PATIENTS RANGING FROM VICTIMS OF ROAD TRAFFIC ACCIDENTS, HOME ACCIDENTS AND INJURIES, INDUSTRIAL AND WORK PLACE ACCIDENTS, TO SUFFERERS OF ACUTE EMERGENCY MEDICAL CONDITIONS THAT MAY LEAD TO LOSS OF LIFE OR LIMB; AND THE MANAGING OF EMERGENCY AMBULANCE SERVICES FOR CONVEYING EMERGENCY PATIENTS FROM THE LOCATIONS OF THEIR ACUTE ILL-HEALTH TO DESIGNATED HOSPITALS FOR EMERGENCY MEDICAL ATTENTION ACROSS THE FEDERATION AND FOR RELATED MATTERS, 2021

*Sponsored by Senator Oloriegbe Yahaya Ibrahim*

[ ] Commencement

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

### 1 PART I - NATIONAL EMERGENCY MEDICAL SERVICES AGENCY

2 1.-(1) There is established an Agency to be known as the National  
3 Emergency Medical Services Agency (in this Bill referred to as "the  
4 Agency").

Establishment  
of the Agency

5 (2) The Agency shall be a body corporate with a perpetual  
6 succession and a common seal, may sue and be sued in its corporate name.

7 2.-(1) There is established for the Agency a Governing Council (in  
8 this Bill referred to as "the Council").

Establishment  
and composition  
of the Governing  
Council of the  
Agency

9 (2) The Council shall consist of-

10 (a) Chairman, who shall be a Medical Doctor with at least 15  
11 (fifteen) years post basic qualification and experience in emergency care  
12 and systems management, appointable by the President, on the  
13 recommendation of the Minister of Health;

- 1 (b) One representative of the Federal Ministry of Health not less than  
2 a Director;
- 3 (c) members shall be the following:
- 4 (a) Focal Person, United Nations Decade of Action on Road Safety  
5 and Traffic Injury Prevention (UNDARSTIP); One of Representation
- 6 (b) President, Nigeria Medical Association (NMA);
- 7 (c) President, National Association of Nigerian Nurses and Midwives  
8 (NANNM);
- 9 (d) President, Association of Medical Social Workers of Nigeria  
10 (AMSWoN);
- 11 (e) President, Association of General and Private Medical  
12 Practitioners of Nigeria (AGPMPN);
- 13 (f) President, Guild of Medical Directors (GMD);
- 14 (g) A Commissioner of Health from each of the six geo-political  
15 zones, to be appointed by the President on the recommendation of the Minister;
- 16 (h) Chairman, Committee of Chief Medical Directors (CCCMDs);
- 17 (i) President, National Union of Road Transport Workers (NURTW);
- 18 (j) President, Nigerian Association of Road Transport Owners  
19 (NARTO);
- 20 (k) representative of-
- 21 (i) Federal Ministry of Information and Culture,
- 22 (ii) Federal Ministry of Transportation,
- 23 (iii) Federal Ministry of Works,
- 24 (iv) Federal Fire Service,
- 25 (v) Federal Road Safety Commission (FRSC),
- 26 (vi) National Emergency Management Agency (NEMA),
- 27 (vii) Nigeria Police Force (NPF),
- 28 (viii) Nigerian Communications Commission (NCC),
- 29 (ix) Nigerian Insurance Commission National Blood Transfusion  
30 Service (NBTS),

1 (x) National Health Insurance Scheme (NHIS), and  
 2 (xi) Nigeria Centre for Disease Control (NCDC);  
 3 (l) Association of Telecommunications Operators of Nigeria  
 4 (ATCON); and  
 5 (m) the Director General of the Agency; who shall be the secretary  
 6 of the Board

7 (3) The supplementary provisions contained in the schedule to this Schedule  
 8 Bill, shall have effect with respect to the proceedings of the Council and  
 9 other matters.

10 3. The objectives of the Agency shall be to- Objectives of  
 11 the Agency

12 (a) ensure that all Nigerians have access to good and qualitative  
 13 pre-hospital and in-hospital emergency medical service including access to  
 14 early operative and critical care when needed;

15 (b) provide assistance and encouragement for the development of  
 16 comprehensive area emergency medical services systems in Nigeria,  
 17 including State, Zonal and Regional systems;

18 (c) respond rapidly to the acute needs of Nigerians even before a  
 19 diagnosis is known, and ensure continuity of care and safe transition from  
 20 the primary to the secondary level of the health system;

21 (d) implement community-based education and first-aid training,

22 (e) implement certification for prehospital providers;

23 (f) provide 24-hour availability of access to emergency care  
 24 services at first-level hospitals, save lives and maximize the effectiveness of  
 25 later interventions;

26 (g) implement simple systematic processes to improve the quality  
 27 of emergency care including protocols that guide prehospital providers to  
 28 transport patients to the most appropriate facility thereby reducing delays in  
 29 life-saving treatment;

30 (h) create simple checklists and processes to ensure that life-  
 threatening conditions are recognized and that critical actions are taken;

- 1 (i) ensure that available resources are within reach when they are  
2 needed;
- 3 (j) improve and harness private sector participation in the provision of  
4 emergency medical services;
- 5 (k) ensure adequate distribution of emergency management facilities  
6 within the Federation;
- 7 (l) create policies to ensure sustainable funding, effective governance  
8 and access to emergency care for all Nigerians;
- 9 (m) provide, without prior inquiry as to ability to pay, necessary  
10 emergency medical services to all patients requiring such services;
- 11 (n) conduct an emergency care system assessment or other standard  
12 national assessment to identify gaps and priorities for context-relevant action;
- 13 (o) implement mechanisms for standardized data collection in order  
14 to characterize the local burden of acute disease and identify high-yield  
15 mechanisms for improving quality of care;
- 16 (p) facilitate emergency care training for all relevant health provider  
17 cadres, for instance through the creation of specialty training programmes,  
18 training frontline providers in basic emergency care, and integrating dedicated  
19 emergency care training into undergraduate nursing and medical curricula;
- 20 (q) ensure that prehospital and hospital emergency units have plans in  
21 place to protect providers, patients and infrastructure from violence, and clear  
22 protocols for the prevention and management of hazardous exposures;
- 23 (r) interface between Pre-hospital Emergency Medical Services and  
24 Hospital Emergency Departments; and
- 25 (s) implement multimodal emergency transport services including  
26 road, water and air emergency transport services.

Powers and  
functions of  
the Council

- 27 **4.** The Council shall have power to-
- 28 (a) coordinate and monitor all activities of the Agency;
- 29 (b) manage the Agency in accordance with the provisions of this Bill;
- 30 (c) determine the overall policies of the Agency, including its

- 1 financial and operative procedures;
- 2 (d) ensure the effective implementation of the policies and
- 3 procedures of the Agency;
- 4 (e) assess, from time to time, the research, consultancy and training
- 5 programmes relative to the Agency;
- 6 (f) arrange for the financial and medical audit of the State
- 7 Emergency Medical Services Agencies established under this Bill; and audit
- 8 of the collaborative activities within each geo-political zone
- 9 (g) set guidelines for effective co-operation with other
- 10 organisations to promote the objectives of the Agency;
- 11 (h) coordinate the manpower training of the Agency;
- 12 (i) determine the general policy and programmes of the Agency;
- 13 (j) provide for the discipline and general welfare of staff of the
- 14 Agency;
- 15 (k) approve quarterly and annual reports of the Agency;
- 16 (l) constitute relevant committees to assist in executing specific
- 17 programmes and projects for the Agency; and
- 18 (m) carry out such other activities as are necessary and expedient
- 19 for the purpose of achieving the objectives of the Scheme as set out in this
- 20 Bill.

21 **5.-(1)** The Chairman and members of the Governing Council shall

22 hold office for a period of four years and may be eligible for re-appointment

23 for another term of four years and no more, and on such terms and conditions

24 as specified by their letter of appointment.

Tenure and  
cessation of office  
for members of  
the Council

25 (2) The office of the Chairman or any other member of the

26 Governing Council shall become vacant if-

27 (a) the person resigns his appointment by notice in writing under

28 his hand addressed to the Minister;

29 (b) the Minister is satisfied that it is not in the best interest of the

	1	Agency for the person to continue in office and notifies the member to that
	2	effect;
	3	(c) the person is incapable of performing the functions of the office by
	4	reason of disease of body or mind and was declared so by a medical
	5	practitioner; or
	6	(d) by reason of bankruptcy or conviction of a criminal offence.
Allowances of members of the Council	7	<b>6.</b> Members of the Agency may receive allowances as are applicable
	8	to government agencies in accordance with applicable Federal Government
	9	Regulations.
	10	PART II - FUNCTIONS AND POWERS OF THE AGENCY
Functions of the Agency	11	<b>7.</b> Subject to the provisions of this Bill, the Agency shall be
	12	responsible for-
	13	(a) issuing appropriate guidelines to maintain the viability of the
	14	Agency;
	15	(b) advising the relevant bodies on inter-relationship of the Agency
	16	with other social security services;
	17	(c) assisting in formulating and reviewing policies on emergency
	18	medical service;
	19	(d) conducting research and statistics of matters relating to the
	20	Agency;
	21	(e) to manage ambulance and associated transport services including
	22	relevant emergency fleet management?
	23	(f) exchanging information and data with the National Health
	24	Management Information System, National Primary Healthcare Development
	25	Agency, National Health Insurance Scheme, Nigerian Social Insurance Trust
	26	Fund, the Federal Office of Statistics, the Central Bank of Nigeria, banks and
	27	other financial institutions, the Federal Inland Revenue Service, the State
	28	Internal Revenue Services and other relevant bodies; and
	29	(g) doing such other things as are necessary or expedient for the
	30	purpose of achieving the objectives of the Agency under this Bill.

## PART III - STRUCTURE OF THE AGENCY

**8-(1)** There shall be established for the Agency, such departments and units as the Agency may deem necessary.

Departments of  
the Agency

(2) Each Department shall be headed by a Director who shall be professionally qualified to hold the office appointed through competitive process.

(3) Subject to the approval of the Council the management committee, established under Clause 9 of this Bill, may create additional departments, divisions and units as it may deem necessary to achieve the objective of the Agency.

**9.** There is established for the Agency, a State Office in each of the States of the Federation and Federal Capital Territory to carry out some of the functions of the Agency.

Establishment  
of State office  
and its functions

**10.-(1)** There is established for the Agency, a management committee comprising of all the Directors and the Director-General of the Agency who shall be the Chairperson of the Committee.

Establishment  
of management  
and other committees  
for the Agency

(2) The management committee shall be responsible for the general administration of the Agency.

(3) The Council may create additional committees, either standing or ad-hoc, and give it/them specific functions.

**11.-(1)** There shall be appointed for the Agency, a Director-General who shall possess appropriate qualification and cognate working experience in the Medical Profession.

Appointment of  
Director-General  
and Secretary of  
the Agency

(2) The Director-General shall-

(a) be the Chief Executive Officer of the Agency and shall be responsible for the general administration and other matters relating to the day-to-day management and operations of the Agency;

(b) be appointed by the President, Commander in-Chief of the Armed Forces, of the Federal Republic of Nigeria, on the recommendation of the Minister;

	1	(c) hold office for a period of four years and may be re-appointed for
	2	further term of four years and no more; and
	3	(d) be answerable to the Council.
Other staff of the Agency	4	<b>12.</b> -(1) The staff of the Agency other than those mentioned in this Bill,
	5	shall be employed according to the procedure stipulated by the Council.
	6	(2) The Staff can be on permanent basis, or on the terms which
	7	precludes the grant of pension and gratuity.
No. 2, 2004	8	(3) The provisions of Pension Reform Act, 2004 apply to the service
	9	of this Agency.
Staff regulations	10	<b>13.</b> -(1) The Council may subject to the provision of this Bill, make
	11	staff regulation relating generally to the condition of service of the employees
	12	of the Agency, such regulation may provide for appointment, promotion,
	13	discipline and appeals of the staff of the Agency.
	14	(2) The staff regulation made under sub-clause (1) of this clause, shall
	15	not have effect until they are approved by the Minister and gazetted by the
	16	federal government printers.
	17	PART IV - FINANCIAL PROVISIONS
Establishment of fund for the Agency	18	<b>14.</b> -(1) The Agency shall establish and maintain a fund which shall be
	19	applied towards the promotion of the objectives of this Bill.
	20	(2) There shall be paid and credited to the Fund established for the
	21	Agency-
	22	(a) its statutory allocation from the annual appropriation of the
	23	Federal Government;
	24	(b) such portion of the Basic Health Care Provision Fund as has been
	25	set aside for emergency medical treatment and as may be prescribed from time
	26	to time in relevant laws;
	27	(c) sums donated by the State and Local Governments;
	28	(d) gifts, donations and contributions from international Institutions
	29	and philanthropists; and other corporate or private donors;
	30	(e) fees, if any, charged by the Agency for services rendered.

1	<b>15.-(1)</b> The Agency shall manage and apply its Fund in accordance	Application and management of the Fund
2	with the general guidelines made by the Management Committee, subject to	
3	the approval of the Council.	
4	(2) The Agency shall apply its Funds in the-	
5	(a) realization of the functions of the Agency;	
6	(b) administration of the Agency,	
7	(c) fees payable for procurement; and	
8	(d) consultancy services made for the benefits of the Agency.	
9	<b>16.</b> The Agency may, with the written approval of the Council and	Power to borrow money
10	subject to the guidelines and policy of the Federal Government, borrow such	
11	money needed for the exercise of its function, provided that such borrowing	
12	shall be made on the terms and condition that do not compromise the	
13	competence of the Agency.	
14	PART V - MISCELLANEOUS PROVISIONS	
15	<b>17.</b> A person who has a cause of action against the Agency shall-	Procedure and limitation of suit against the Agency
16	(a) give the Agency three months' notice of intention to commence	
17	an action in writing disclosing the cause of action and be served to the	
18	principal office of the Agency; and	
19	(b) commence the action within four years from the date the cause	
20	of action arose.	
21	<b>18.</b> Any document, summons, notices, process or any other thing	Service of process
22	required or authorised to be served to the Agency shall be served by	
23	delivering same to the office of the Director-General of the Agency.	
24	<b>19.-(1)</b> Every member of the Council, agents or employees of the	Indemnity of members etc.
25	Agency shall be indemnified from the Fund of the Agency against any	
26	liability incurred in defending any proceeding brought against the persons	
27	under this Clause, in the person's capacity as member, agent or employee of	
28	the Agency.	
29	(2) For the purpose of official functions of members and staff of the	Cap. L5 LFN, 2004
30	Agency, the members and the staff of the Agency shall enjoy the provisions	

	1	of Public Officers Protection Act.
Acquisition of property Cap. L40 LFN, 2004	2	<b>20.</b> The Agency may subject to the provisions of Land Use Act and
	3	any other applicable Law, have powers to lease, rent or acquired an interest in
	4	land and other properties.
Regulations	5	<b>21.</b> The Minister shall have power to make regulations to give effect
	6	to the provisions of this Bill.
Interpretation	7	<b>22.</b> In this Bill-
	8	"Chairman" means Chairman of the Council;
	9	"Director-General" means Chief Executive Officer of the Agency; and
	10	"Minister" means Minister responsible for Health.
Citation	11	<b>23.</b> This Bill may be cited as the National Emergency Medical
	12	Services Agency Bill, 2021.

1 SCHEDULE

2 *Clause 2(3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY

4 PART I - PROCEEDINGS OF THE COUNCIL

5 1.-(1) Subject to the provisions of this Bill and other applicable  
6 laws the Council may make standing orders regulating its proceedings.

7 (2)The Council shall meet whenever it is summoned by the  
8 Chairman, or if required to do so by at least 6 members of the Council and  
9 shall meet for a minimum of 4 times in a year.

10 (3)The Chairman shall preside over the meetings of the Council  
11 and in his absence; members of the Council shall appoint one person among  
12 themselves to act for that meeting as the Chairman.

13 (4)The quorum of the Council shall be formed by the Chairman or a  
14 person sitting in his place and five other members the Council including the  
15 Secretary or his/her representative.

16 PART II - COMMITTEES

17 2.-(1) The Management Committee may appoint sub-committees  
18 to carry out, on its behalf, such functions that the Committee shall so do.

19 (2) The decision of the sub-committee appointed under paragraph  
20 2(1) shall have no effect until it is approved by the Management Committee.

21 PART III - MISCELLANEOUS

22 3.-(1) The Secretary of the Council shall be the custodian of the  
23 seal of the Agency.

24 (2) Fixing of the common seal of the Agency shall be authenticated  
25 by the signature of the Chairman of the Council or some other persons  
26 authorized to do so.

27 (3) Any contract or instrument, which if made or executed by a  
28 person not being a body corporate, shall not be required to be made under  
29 seal, shall be executed on behalf of the Agency by the Director-General or  
30 any other person authorized to do so.

1           (4) Where the Council desires to obtain an expert opinion from a  
2     person not being a member of the Council, the Council may co-opt such person  
3     for such period the Council may determine but the co-opted person shall not  
4     have the right to vote or to count in forming a quorum.

5           (5) The validity of any proceeding of the Council or of a committee  
6     shall not be adversely affected by any vacancy in the membership of the  
7     Council or Committee or by any defect in the appointment of a member of the  
8     Council or Committee or by reason that a person not entitled to take part in the  
9     proceedings of the Council or the Committee took part.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Emergency Medical Services Agency to be saddled with the responsibilities of coordination and handling of the emergency treatment of patients ranging from victims of road traffic accidents, home accidents and injuries, industrial and work place accidents, to sufferers of acute emergency medical conditions that may lead to loss of life or limb; and the managing of emergency ambulance services for conveying emergency patients from the locations of their acute ill-health to designated hospitals for emergency medical attention across the Federation.

FOR

*Sponsored by Senator Stephen Odey*

[ ] Commencement

Establishment  
of National  
Paediatric Centre,  
Yala

### Establishment of the Board of Management of the Centre

## Membership of the Board

	1	(g) a representative of the President
	2	(h) the Federal Ministry of Health;
	3	(i) the National Planning Commission;
	4	(j) the Pharmaceutical Society of Nigeria;
	5	(k) the Paediatric Association of Nigeria;
	6	(l) the National Association of Nigerian Nurses and Midwives; and
	7	(m) one person to represent public interest.
	8	(2) The Chairman and members of the Board, other than ex-officio
	9	members, shall be:
	10	(a) appointed by the President; and
	11	(b) persons of proven integrity and ability.
Schedule	12	(3) The supplementary provisions set out in the Schedule to this Bill
	13	shall have effect with respect to the proceedings of the Board and the other
	14	matters contained therein.
Tenure of office	15	4. Subject to the provisions of clause 5 of this Bill, a member of the
	16	Board, other than ex-officio members, shall each hold office:
	17	(a) for a term of three years in the first instance and may be
	18	reappointed for a further term of three years and no more; and
	19	(b) on such terms and conditions as may be specified in his letter of
	20	appointment.
Cessation of Membership	21	5.-(1) Notwithstanding the provisions of clause 4 of this Bill a person
	22	shall cease to hold office as a member of the Board if:
	23	(a) he becomes bankrupt, suspends payment principal loan with his
	24	creditors;
	25	(b) he is convicted of a felony or any offence involving dishonesty or
	26	fraud;
	27	(c) he becomes of unsound mind or is incapable of carrying out his
	28	duties;
	29	(d) he is guilty of a serious misconduct in relation to his duties; or
	30	(e) in the case of a person possessed of professional qualifications, he

1 is disqualified or suspended, other than at his own request, from practicing  
 2 his profession in any part of the world by an order of a competent authority  
 3 made in respect of that member; or

4 (f) he resigns his appointment by a letter addressed to the President.

5 (2) If a member of the Board ceases to hold office for any reason  
 6 whatsoever, before the expiration of the term for which he is appointed,  
 7 another person representing the same interest as that member shall be  
 8 appointed to the Board for the unexpired term.

9 (3) A member of the Board may be removed by the President if he is  
 10 satisfied that it is not in the interest of the Centre or the interest of the public  
 11 that the member continues in office.

12 **6.** There shall be paid to every member of the Board such  
 13 allowances and expenses as the Revenue Mobilization Allocation and Fiscal  
 14 Commission may, from time to time, direct.

Allowances of  
Members

15 **PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.**

16 **7.-(1)** The Boards shall:

Functions of the  
Board

17 (a) equip, maintain and operate the Centre so as to provide facilities  
 18 for diagnosis, curative, promotive and rehabilitative services in medical  
 19 treatment of children;

20 (b) construct, equip, maintain and operate such training schools  
 21 and similar institutions as the Board considers necessary for providing the  
 22 Centre at all times with a proper staff of the Centre, technicians and nurses;

23 (c) construct, equip, maintain and operate such clinics, out-patient  
 24 departments, laboratories, research or experimental stations and other like  
 25 institutions as the Board considers necessary for the efficient functioning of  
 26 the Centre.

27 (2) The Board shall ensure that the standards of teaching provided  
 28 at all establishments under its control and the standards of treatment and care  
 29 provided for patients at those establishments do not fall below those usually  
 30 provided by similar establishments of international repute.

Powers of the  
Board

1 (3) Subject to this Bill, the Board shall perform such other functions  
2 which in its opinion are calculated to facilitate the carrying out of its functions  
3 under this Bill.

4 **8.** The Board shall have power to:

5 (a) Provide the general policies and guidelines relating to major  
6 expansion programmes of the Centre;

7 (b) provide facilities for the training of medical students of associate  
8 universities;

9 (c) manage and superintend the affairs of the Centre;

10 (d) subject to the provisions of this Bill, make, alter and revoke rules  
11 and regulations for carrying on the functions of the Centre;

12 (e) fix terms and conditions of service, including remuneration of the  
13 employees of the Centre subject to the approval of National Salaries Incomes  
14 and Wages Commission;

15 (f) do such other things which in the opinion of the Board are  
16 necessary to ensure the efficient performance of the functions of the Centre.

#### 17 PART III - STAFF OF THE CENTRE

Chief Medical  
Director of the  
Centre

18 **9.-(1)** There shall be for the Centre a Chief Medical Director who  
19 shall be appointed by the President on the recommendation of the Board and on  
20 such terms and conditions as may be specified in his letter of appointment or as  
21 may be determined, from time to time, by the National Salaries Income and  
22 Wages Commission.

23 (2) The Chief Medical Director shall:

24 (a) be the chief executive and accounting officer of the Centre;

25 (b) be responsible to the Board for the day-to-day administration of  
26 the Centre;

27 (c) be appointed for a term of four years in the first instance and may  
28 be reappointed for a further term of four years subject to satisfactory  
29 performance;

30 (d) be a person who is a Paediatrician and shall have been so qualified

1 for a period of not less than 15 years;  
2 (e) have considerable administrative experience in matters of  
3 health, especially paediatrics;  
4 (f) hold a post-graduate specialist qualification obtained not less  
5 than ten years prior to the appointment as Chief Medical Director.

6 **10.-(1)** The Board shall appoint for the Centre:

Appointment of  
Directors and  
other staff of the  
Centre

7 (a) a Director of Administration, who shall:

8 (i) be responsible to the Chief Medical Director for the effective  
9 functioning of all the administrative divisions of the Centre;

10 (ii) conduct the correspondence of the Board and keep the records  
11 of the Centre; and

12 (iii) perform such other functions as the Board or the Chief Medical  
13 Director, as the case may be, may, from time to time, assign to him;

14 (b) a Director of Clinical Services;

15 (c) a Director of Finance;

16 (d) a Director of Maintenance.

17 (2) The Directors appointed under paragraphs (b), (c) and (d) of sub-  
18 clause (1) of this clause shall each be responsible to the Chief Medical  
19 Director for the effective running of the clinical services, the finance and  
20 accounts and the co-ordination of the maintenance of the Centre, as the case  
21 maybe.

22 (3) The Board shall appoint for the Centre such number of  
23 employees as may in the opinion of the Board be expedient and necessary  
24 for the proper and efficient performance of the functions of the Centre.

25 (4) Notwithstanding the provisions of sub-clauses (1) and (2) of  
26 sub-clause the Board shall have power to appoint for the Centre either  
27 directly or on secondment from any public service in the Federation, such  
28 number of employees as may, in the opinion of the Board, be required to  
29 assist the Centre in the discharge of any of its functions under this Bill.

30 (5) Nothing in sub-clause (4) of sub clause shall preclude the Board

	1	from appointing persons from outside the public service of the Federation or of
	2	the State whenever it deems it necessary so to do.
	3	(6) The terms and conditions of service (including remuneration,
	4	allowances, benefits and pensions) of the employees of the Centre shall be as
	5	determined by the National Salaries Income and Wages Commission.
Service in the Centre to be pensionable	6	<b>11.</b> -(1) Service in the Centre shall be approved service for the
	7	purposes of the Pensions Reforms Act.
	8	(2) The officers and other persons employed in the Centre shall been
	9	titled to pensions, gratuities and other retirement benefits as are enjoyed by
	10	persons holding equivalent grades in the civil service of the Federation.
	11	(3) Nothing in sub-clauses (1) and (2) of sub clause shall prevent the
	12	appointment of a person to any office on terms which preclude the grant of
	13	pension and gratuity in respect of that office.
Establishment of the Medical Advisory Committee, etc.	14	<b>12.</b> -(1) There shall be for the Centre a Medical Advisory Committee
	15	which shall:
	16	(a) consist of a chairman who shall be the Director, Clinical Services
	17	and such number of other members as may be determined from time to time;
	18	(b) be responsible to the Chief Medical Director for all the clinical and
	19	training activities of the Centre; and
	20	(c) be appointed by the Board.
	21	(2) Subject to this Bill, the Board shall have power to appoint either
	22	directly or on secondment and discipline consultants holding or acting in any
	23	office in the Centre; and any such appointment shall be made having due regard
	24	to the approved personnel establishment of the Centre.
	25	(3) Notwithstanding anything to the contrary, the Board may, from
	26	time to time, appoint consultants outside the Centre to perform such medical
	27	duties as the Board or the Chief Medical Director may assign to such
	28	consultants.
	29	PART IV - FINANCIAL PROVISIONS
Fund of the Centre	30	<b>13.</b> There shall be established and maintained for the Centre a fund in

1 to which shall be paid and credited:

2 (a) all subventions and budgetary allocation from the Government  
3 of the Federation;

4 (b) all fees and funds accruing from the sale of drugs and other  
5 services;

6 (c) all sums accruing to the Centre by way of gifts, endowments,  
7 bequests, grants or other contributions by persons and organisations;

8 (d) foreign aid and assistance from bilateral agencies; and

9 (e) all other sums which may, from time to time, accrue to the  
10 Centre.

11 14. The Centre shall, from time to time, apply the funds at its Expenditure of  
12 disposal to: the Centre

13 (a) the cost of administration and maintenance of the Centre;

14 (b) publicize and promote the activities of the Centre;

15 (c) pay allowances, expenses and other benefits of members of the  
16 Board and committees of the Board;

17 (d) pay the salaries, allowances and benefits of employees of the  
18 Centre;

19 (e) pay other overhead allowances, benefits and other  
20 administrative costs of the Centre; and

21 (f) undertake such other activities as are connected with all or any  
22 of the functions of the Centre under this Bill.

23 15.-(1) The Centre may accept gifts of land, money or other Power to accept  
24 property on such terms and conditions, if any, as may be specified by the gifts  
25 person or organisation making the gift.

26 (2) The Centre shall not accept any gift if the conditions attached  
27 by the person or organisation making the gift are inconsistent with the  
28 functions of the Centre under this Bill.

29 16.-(1) The Board shall, not later than 30 September in each year, Annual estimates  
30 submit to the President through the Secretary to the Government of the and expenditure

	1	Federation an estimate of the expenditure and income of the Centre during the
	2	next succeeding year.
	3	(2) The Board shall cause to be kept proper accounts of the Centre in
	4	respect of each year and proper records in relation there to and shall cause the
	5	accounts to be audited not later than six months after the end of each year by
	6	auditors appointed from the list and in accordance with the guidelines supplied
	7	by the Auditor-General for the Federation.
Annual Report	8	17. The Board shall prepare and submit to the President, not later than
	9	30 June in each year, a report in such form as the President may direct on the
	10	activities of the Centre during the immediately preceding year, and shall
	11	include in the report a copy of the audited accounts of the Centre for that year
	12	and the auditor's report thereon.
Power to borrow	13	18.-(1) The Centre may, from time to time, borrow by over draft or
	14	otherwise such sums as it may require for the performance of its functions'
	15	under this Bill.
	16	(2) The Centre shall not, without the approval of the President,
	17	borrow money which exceeds, at any time, the limit set by the President.
	18	(3) Notwithstanding sub-clause (1) of sub clause, where the sum to be
	19	borrowed is in foreign currency, the Centre shall not borrow the sum without
	20	the prior approval of the President.
Exemption from tax	21	19.-(1) The Centre shall not pay income tax on any income derived by
	22	the Federal Centre under this Bill or accruing to it from any of its investments.
	23	(2) Accordingly, the provisions of any enactment relating to the
	24	taxation of companies or trust funds shall not apply to the Board of the Federal
	25	Centre.
Exemption from Customs duties, etc.	26	20. The Centre shall not pay customs duty on or be restricted or
	27	prohibited from importing any equipment, material, supply and any other thing
	28	required by the Centre for the purposes of this Bill.
	29	PART V - GENERAL
Discipline of students	30	21.-(1) Notwithstanding anything to the contrary contained in any

1 other enactment, where it appears to the Board that any student of the Centre  
2 has been guilty of misconduct, the Board may, without prejudice to any  
3 other disciplinary powers conferred on it by regulations, direct:

4 (a) that the student shall not, during such period as may be specified  
5 in the direction, participate in such activities of the Centre, or make use of  
6 such facilities of the Centre as may be so specified;

7 (b) that the activities of the student shall, during such period as may  
8 be specified in the direction, be restricted in such manner as may be so  
9 specified;

10 (c) that the student be rusticated for such period as may be specified  
11 in the direction; or

12 (d) that the student be expelled from the Centre.

13 (2) The fact that an appeal from a direction is brought in pursuance  
14 of sub-clause (1) of sub clause shall not affect the operation of the direction  
15 while the appeal is pending.

16 (3) The Board may delegate its powers under sub clause to a  
17 disciplinary committee consisting of such members of the Centre as the  
18 Board may nominate.

19 (4) Nothing in this clause shall be construed as preventing the  
20 restriction or termination of student's activities at the Centre otherwise than  
21 on the ground of mis conduct.

22 (5) A direction issued under sub-clause (1)(a) of this clause may be  
23 combined with a direction issued under sub-clause (1)(b) of this clause.

24 (6) Nothing in this Bill shall affect the provisions of any enactment  
25 relating to the discipline of medical practitioners, pharmacists, midwives,  
26 nurses or members of any other profession or calling.

27 **22.-(1)** If it appears to the Board that there are reasons for believing  
28 that any person employed as a member of the clinical, administrative or  
29 technical staff of the Centre, other than the Chief Medical Director,  
30 should be removed from his office or employment, the Board shall require

Removal and  
discipline of  
clinical,  
administrative  
and technical staff

1 the Director of Administration to:

2 (a) give notice of those reasons to the person in question;

3 (b) afford him an opportunity of making representations in person on  
4 the matter to the Board; and

5 (c) if the person in question so requests within a period of 1 month  
6 beginning with the date of the notice, make arrangements for:

7 (i) a committee to investigate the matter and report on it to the Board;  
8 and

9 (ii) the person in question to be afforded an opportunity of appearing  
10 before and being heard by an investigating committee setup with respect to the  
11 matter, and if the Board, after considering the report of the investigating  
12 committee, is satisfied that the person in question should be removed as  
13 aforesaid, the Board may so remove him by a letter signed on the direction of  
14 the Board.

15 (2) The Chief Medical Director may, in a case of misconduct by a  
16 member of the staff which in the opinion of the Chief Medical Director is  
17 prejudicial to the interest of the Centre, suspend any such member and any such  
18 suspension shall forth with be reported to the Board.

19 (3) For good cause, any member of staff may be suspended from his  
20 duties or his appointment may be terminated or he may be dismissed by the  
21 Board and for the purposes of sub clause, "good cause" means:

22 (a) a conviction for any offence which the Board considers to be such  
23 as to render the person concerned unfit for the discharge of the functions of his  
24 office;

25 (b) any physical or mental incapacity which the Board, after obtaining  
26 medical advice, considers to be such as to render the person concerned unfit to  
27 continue to hold his office;

28 (c) conduct of a scandalous or other disgraceful nature which the  
29 Board considers to be such as to render the person concerned unfit to continue  
30 to hold his office; or

1 (d) conduct which the Board considers to be such as to constitute a  
2 failure or inability of the person concerned to discharge the functions of his  
3 office or to comply with the terms and conditions of his service.

4 (4) Any person suspended shall, subject to sub-clauses (2) and (3)  
5 of sub clause be on half pay and the Board shall before the expiration of a  
6 period of three months after the date of such suspension consider the case  
7 against that person and come to a decision as to:

8 (a) Whether to continue the person's suspension and if so, on what  
9 terms (including the proportion of his emoluments to be paid to him);

10 (b) whether to reinstate the person, in which case the Board shall  
11 restore his full emoluments to him with effect from the date of suspension;

12 (c) whether to terminate the appointment of the person concerned,  
13 in which case he shall not be entitled to the proportion of his emoluments  
14 withheld during the period of suspension; or

15 (d) whether to take such lesser disciplinary action against the  
16 person (including the restoration of his emoluments that might have been  
17 withheld), as the Board may determine, and in any case where the Board,  
18 pursuant to subclause, decides to continue a person's suspension or decides  
19 to take further disciplinary action against a person, the Board shall before  
20 the expiration of a period of three months from such decision come to a final  
21 determination in respect of the case concerning any such person.

22 (5) It shall be the duty of the person by whom a letter of removal is  
23 signed in pursuance of sub-clause (1) of subclause to use his best endeavors  
24 to cause a copy of the letter to be served as soon as reasonably practicable on  
25 the person to whom it relates.

26 (6) Nothing in the foregoing provisions of subclause shall preclude  
27 the Board from making such regulations not inconsistent with the provisions  
28 of this Bill for the discipline of students and all other categories of  
29 employees of the Centre as the Board may prescribe.

30 (7) Regulations made under sub-clause (6) of sub clause need not

Discipline of  
junior staff

1 be published in the Gazette but the Board shall cause them to be brought to the  
2 notice of all affected persons in such manner as it may, from time to time,  
3 determine

4 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the  
5 Chief Medical Director may suspend him for not more than a period of 3  
6 months and shall direct a committee to:

7 (a) consider the case; and

8 (b) make recommendations as to the appropriate action to be taken by  
9 the Chief Medical Director.

10 (2) In all cases under subclause of this Bill, the officer shall be  
11 informed of the charge against him and given a reasonable opportunity to  
12 defend himself.

13 (3) The Chief Medical Director may, after considering the  
14 recommendation made pursuant to sub-clause(I)(b) of subclause, dismiss, or  
15 take such other disciplinary action against the officer concerned.

16 (4) Any person aggrieved by a decision of the Chief Medical Director  
17 made under sub-clause (3) of subclause may, within a period of 21 days from the  
18 date of the letter communicating the decision to him, address a petition to the  
19 Board to reconsider his case.

#### 20 PART VI - MISCELLANEOUS

Regulations

21 **24.**-(1) The Board may, with the approval of the President, make  
22 regulations-

23 (a) As to the access of members of the public either generally or of a  
24 particular class, to premises under the control of the Board and as to the orderly  
25 conduct of members of the public on those premises; and

26 (b) for safeguarding any property belonging to or controlled by the  
27 Board from damage by members of the public.

28 (2) Bye-laws under subclause shall not come in to force until they are  
29 confirmed (with or without modification) by the National Assembly and  
30 published in such manner as he may direct.

1	<b>25.</b> The President may give to the Board directions of a general	Power to give Directives
2	character or relating generally to particular matters (but not to any individual	
3	person or case) with regard to the exercise by the Board of its functions	
4	under this Bill, and it shall be the duty of the Board to comply with the	
5	directions; but no direction shall be given which is inconsistent with the	
6	duties of the Board under this Bill.	
7	<b>26.</b> In this Bill, unless the context otherwise requires:	Interpretation
8	"associate universities" means the universities whose medical students	
9	receive aspects of their training from the Centre;	
10	"Board" means the Board of Management of the Centre;	
11	"chairman" means the chairman of the Board; "functions" include powers	
12	and duties;	Citation
13	"Centre" means the National Paediatric Centre Yala, Cross River State;	
14	<b>26.</b> This Bill may be cited as the National Paediatric Centre Yala	
15	(Establishment) Bill, 2021.	

## 1 SCHEDULE

2 [Clause 3 (3).]

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

5 1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the  
6 Board may make standing orders regulating its proceedings or those of any of  
7 its committees.

8 (2) The quorum of the Board shall be the chairman or the person  
9 presiding at the meeting and 5 other members of the Board, 2 of whom shall be  
10 ex-officio members, and the quorum of any Committee of the Board shall be as  
11 determined by the Board.

12 2.-(1) The Board shall meet whenever it is summoned by the  
13 chairman and if the chairman is required to do so by notice given to him by not  
14 less than 8 other members, he shall summon a meeting of the Board to be held  
15 within 14 days from the date on which the notice is given.

16 (2) At any meeting of the Board, the chairman shall preside but if he is  
17 absent, the members present at the meeting shall appoint one of their number to  
18 preside at the meeting.

19 (3) Where the Board desires to obtain the advice of any person on a  
20 particular matter, the Board may co-opt him to the Board for such period as it  
21 deems fit, but a person who is in attendance by virtue of this sub-paragraph  
22 shall not be entitled to vote at any meeting of the Board and shall not count  
23 towards a quorum.

24 *Committees*

25 3.-(1) The Board may appoint one or more committees to carry out, on  
26 behalf of the Board, such functions as the Board may determine.

27 (2) A committee appointed under this paragraph shall consist of such  
28 number of persons as may be determined by the Board and a person shall hold  
29 office on the committee in accordance with the terms of his appointment.

30 (3) A decision of a committee of the Board shall be of no effect until it

1 is confirmed by the Board.

2 *Miscellaneous*

3 4.-(1) The fixing of the seal of the Centre shall be authenticated by  
4 the signatures of the Chairman, the Chief Medical Director or any person  
5 generally or specifically authorized by the Board to act for that purpose.

6 (2 )Any contract or instrument which, if made or executed by a  
7 person not being a body corporate, would not be required to be under seal  
8 may be made or executed on behalf of the Centre by the Chief Medical  
9 Director or any person generally or specifically authorized by the Board to  
10 act for that purpose.

11 (2) Any contract or instrument which, if made or executed by a  
12 person not being a body corporate, would not be required to be under seal  
13 may be made or executed on behalf of the Centre by the Chief Medical  
14 Director or any person generally or specifically authorized by the Board to  
15 act for that purpose.

16 (3) A document purporting to be a document duly executed under  
17 these all of the Centre shall be received in evidence and shall, unless and  
18 until the contrary is proved, be presumed to be so executed.

19 5. The validity of any proceedings of the Board or of a committee  
20 shall not be adversely affected by:

21 (a) a vacancy in the membership of the Board or committee;

22 (b) a defect in the appointment of a member of the Board or  
23 committee; or

24 (c) reason that a person not entitled to do so took part in the  
25 proceedings of the Board or committee.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Legal Framework to Establish the National Paediatric Centre, Yala, to provide for its management, operations, remuneration and discipline of staff, in addition to other matters provided for smooth running of the Centre.