

Extraordinary



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CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
SB. 904	A Bill for an Act to Amend the Companies and Allied Matters Act, 2020 and for Related Matters	C 275 - 280
SB. 942	A Bill for an Act to Amend the Raw Materials Research and Development Council Act Cap.R3 Laws of the Federation of Nigeria, 2004 and for Related Matters	C 281 - 281
SB. 943	A Bill for an Act to Amend the Public Enterprises (Privatization and Commercialization) Act Cap. P38 Laws of the Federation of Nigeria 2004 and for Related Matters	C 283 - 283
SB. 944	A Bill for an Act to Amend the National Automotive Council Act Cap. N8 LFN, 2004 and for Related Matters	C 285 - 285
SB. 945	A Bill for an Act to Amend the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act No. 25, 2007 and for Related Matters	C 287 - 287
SB. 946	A Bill for an Act to Amend the Nigeria Reinsurance Corporation Act Cap. N131 LFN, 2004 and for Related Matters	C 289 - 290
SB. 954	A Bill for an Act to Amend the Child's Right Act 2003 and for Related Matters	C 291 - 291
SB. 955	A Bill for an Act to Amend the Cybercrimes (Prohibition, Prevention Etc.) Act, 2015 and for Related Matters	C 293 - 294
SB. 956	A Bill for an Act to Amend the Federal Airport Authority of Nigeria Act, cap. F5, LFN 2004 and for Related Matters	C 295 - 295
SB. 958	A Bill for an Act to Amend the Compulsory Treatment and Care for Victims of Gunshots Act, LFN, 2017 and for Related Matters	C 297 - 298
SB. 959	A Bill for an Act to Amend the Standards Organisation of Nigeria Act No. 18 LFN 2004 and for Related Matters	C 299 - 299
SB. 960	A Bill for an Act to Establish the Medical Physics Regulatory Council of Nigeria and for Related Matters	C 301 - 326

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COMPANIES AND ALLIED MATTERS ACT (AMENDMENT) BILL, 2022

ARRANGEMENT OF CLAUSES

Clauses:

1. Amendment of the Principal Act
2. Amendment of Section 2
3. Amendment of Section 831
4. Amendment of Section 838
5. Amendment of Section 839
6. Amendment of Section 842
7. Amendment of Section 843
8. Amendment of Section 844
9. Amendment of Section 845
10. Amendment of Section 846
11. Amendment of Section 848
12. Amendment of Section 849
13. Citation

A BILL

FOR

AN ACT TO AMEND THE COMPANIES AND ALLIED MATTERS ACT, 2020 TO
STRENGTHEN THE OPERATIONS OF NON-GOVERNMENTAL ORGANISATIONS
IN NIGERIA, AND THEIR COMPLIANCE WITH THE PROVISIONS OF THIS ACT
AND FOR RELATED MATTERS

Sponsored by Senator Ibrahim Yahaya Oloriegbe

[] Commencement

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

- | | | | |
|----|----|---|--|
| 1 | 2 | 1. The Companies and Allied Matters Act, 2020 (in this Bill | Amendment of
the Companies
and Allied Matters
Act, 2020 |
| 3 | 4 | referred to as the "Principal Act") is hereby amended as contained herein. | |
| 5 | 6 | 2. Section 2 (2) (b) of the Principal Act is amended by inserting a | Amendment of
Section 2 |
| 7 | 8 | new sub-paragraph "ix" as follows: | |
| 9 | 10 | "(ix) Non-Governmental Organisations Community appointed by | |
| 11 | 12 | the Minister, and" | |
| 13 | 14 | 3. Section 831 of the Principal Act is hereby deleted. | Amendment of
Section 831 |
| 15 | 16 | 4. Section 838 (3) of the Principal Act is amended by deleting the | Amendment of
Section 838 |
| 17 | 18 | word "he" in Line Two, to read as follows- | |
| 19 | 20 | "(3) A person who knowingly acts or joins in acting in | |
| 21 | 22 | contravention of this section, is liable to refund such income or property so | |
| 23 | 24 | misapplied to the association." | |
| 25 | 26 | 5. Section 839 of the Principal Act is amended by- | Amendment of
Section 839 |
| 27 | 28 | (a) Substituting for sub-section (1) a new sub-section "(1)"- | |
| 29 | 30 | "(1) The Commission or one-fifth of members of an association | |
| 31 | 32 | may apply at the Federal High Court, through a motion on notice, for an | |
| 33 | 34 | order to suspend the trustees of an association and appoint an interim | |
| 35 | 36 | manager or managers to manage the affairs of an association where there is | |
| 37 | 38 | demonstrable evidence that- | |

1 (a) there is or has been any misconduct or mismanagement in the
2 administration of the association;

3 (b) it is necessary or desirable for the purpose of-

4 (i) protecting the property of the association,

5 (ii) securing a proper application for the property of the association
6 towards achieving the objects of the association, the purposes of the
7 association of that property or of the property coming to the association,

8 (iii) public interest; or

9 (c) the affairs of the association are being run fraudulently."

10 (b) Substituting for sub-section (2) a new sub-section "(2)"-

11 "(2) The court upon hearing the motion on notice, may issue an order
12 suspending the trustees and proceed to appoint an interim manager or
13 managers upon the petitioners presenting all reasonable evidence or such
14 evidence as may be requested by the Court in respect of the petition;

15 Provided that duration for the appointment of an interim manager or
16 managers shall not exceed a period of 6 months from the date of the order for
17 suspension of the trustees."

18 (c) Substituting for sub-section (3) a new sub-section "(3)"-

19 "(3) The Court with the assistance of the Commission, may-

20 (a) make provision with respect to the functions to be performed by
21 the interim manager or managers appointed, which may include the powers
22 and duties of the trustees of the association concerned and any other power or
23 duty specified in the order;

24 (b) make provision for the remuneration of the interim manager or
25 managers, which payment shall not be made from the funds of the association."

26 (d) Substituting for sub-section (4) a new sub-section "(4)"-

27 "(4) The functions referred to in subsection (3) shall be performed by
28 the interim manager or managers under the supervision of the Commission and
29 they shall report on their activities to the Commission in the manner prescribed
30 by the Commission."

1	(e) Deleting sub-sections (5), (6), (7), (8), and (9).	
2	6. Section 842 of the Principal Act is hereby deleted.	Amendment of Section 842
3	7. Section 843 of the Principal Act is hereby deleted.	Amendment of Section 843
4	8. Section 844 of the Principal Act is hereby deleted.	Amendment of Section 844
5	9. Section 845 (1) of the Principal Act is amended by-	Amendment of Section 845
6	(a) deleting the words "a bi-annual" in Line One and replacing it	
7	with the words "an annual".	
8	(b) inserting immediately after the word "Association" in Line	
9	Two, the words "at the end of its fiscal year", and to read as follows:	
10	“(1) The trustees of an association shall submit to the Commission	
11	an annual statement of affairs of the association at the end of its fiscal year,	
12	as the Commission shall specify in its regulations."	
13	10. Section 846(5) of the Principal Act is amended by substituting	Amendment of Section 846
14	for sub-section (5) a new sub-section "(5)"-	
15	"(5) The financial year of an association, where not made by the	
16	association shall be determined by the Commission through regulations	
17	issued under subsection (3) for the purposes of this Act and any regulation	
18	made under it."	
19	11. Section 848 (1) of the Principal Act is amended by deleting the	Amendment of Section 848
20	words "earlier than 30th June or" in Line One, to read as follows:	
21	"(1) The trustees of the association shall, not later than 31st	
22	December each year (other than the year in which it is incorporated), submit	
23	to the Commission a return showing the name of the association, the names,	
24	addresses and occupations of the trustees, and members of the council or	
25	governing body, particulars of any land held by the corporate body during	
26	the year, and of any change which has taken place in the constitution of the	
27	association during the preceding year."	
28	12. Section 849 of the Principal Act is amended by-	Amendment of Section 849
29	(a) inserting immediately after the word "may" in Line One, the	
30	words "decide to",	

1 (b) deleting the word "to" in Line Two and replacing it with the word
2 "the", to read as follows:
3 “(849) Two or more associations with similar aims and objects may
4 decide to merge under terms and conditions as the Commission may prescribe
5 by regulation.”

Citation

6 **13.** The Bill may be cited as the Companies and Allied Matters Act
7 (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Companies and Allied Matters Act 2020, to strengthen the operations of non-governmental organisations in Nigeria and their compliance with the provisions of this Act.

A BILL

FOR

AN ACT TO AMEND THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL ACT CAP.R3 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE PAYMENT OF ALL MONIES RECEIVED BY THE COUNCIL INTO THE FEDERATION ACCOUNT IN ACCORDANCE WITH SECTION 162 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED).AND FOR RELATED MATTERS

Sponsored by Senator Clifford Ordia

[] Commencement

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

- | | | |
|----|---|--------------|
| 1 | 1. The Raw Materials Research and Development Council Act | Amendment of |
| 2 | Cap.R3 Laws of the Federation of Nigeria, 2004 (in this Bill referred to as | Cap. R3, LFN |
| 3 | "the Principal Act") is amended as set out in this Bill. | 2004 |
| 4 | 2. Section 6 of the Principal Act is amended by the inserting a new | Amendment of |
| 5 | Sub section (3)- | Section 6 |
| 6 | “(2) All monies received by or on behalf of the Council shall be | |
| 7 | receipted and shall be paid into the Federation Account within 24 hours of | |
| 8 | receipt or the next working day.” | |
| 9 | 3. This Bill may be cited as the Raw Materials Research and | Citation |
| 10 | Development Council (Amendment) Bill, 2022. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Raw Materials Research and Development Council Act Cap. R3 Laws of the Federation of Nigeria, 2004 to provide for the payment of all monies received by the Council into the Federation Account in accordance with Section 162 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

A BILL

FOR

AN ACT TO AMEND THE PUBLIC ENTERPRISES (PRIVATIZATION AND COMMERCIALIZATION) ACT CAP. P38 LAWS OF THE FEDERATION OF NIGERIA 2004, TO PROVIDE FOR THE PAYMENT OF ALL MONIES RECEIVED BY THE BUREAU INTO THE FEDERATION ACCOUNT IN ACCORDANCE WITH SECTION 162 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) AND FOR RELATED MATTERS

Sponsored by Senator Clifford Ordia

[] Commencement

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

- | | | |
|----|---|---------------|
| 1 | 1. The Public Enterprises (Privatization and Commercialization) | Amendment of |
| 2 | Act Cap.P38 (in this Bill referred to as" the Principal Act") is amended as set | Cap. P38, LFN |
| 3 | out in this Bill. | 2004 |
| 4 | 2. Section 20 of the Principal Act is amended by inserting a new | Amendment of |
| 5 | sub-section (5)- | Section 20 |
| 6 | “(5) Without prejudice to the foregoing, all monies received by or | |
| 7 | on behalf of the Bureau shall be receipted and shall be paid into the | |
| 8 | Federation Account within 24 hours of receipt or the next working day”. | |
| 9 | 3. This Bill may be cited as the Public Enterprises (Privatization | Citation |
| 10 | and Commercialization)(Amendment) Bill, 2022. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Enterprises (Privatization and Commercialization) Act Cap. P38 LFN 2004, to provide for the payment of all monies received by the Bureau into the Federation Account in accordance with Section 162 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

A BILL

FOR

AN ACT TO AMEND THE NATIONAL AUTOMOTIVE COUNCIL ACT CAP. N8 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE PAYMENT OF ALL MONIES RECEIVED BY THE COUNCIL INTO THE FEDERATION ACCOUNT IN ACCORDANCE WITH SECTION 162 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) AND FOR RELATED MATTERS

Sponsored by Senator Clifford Ordia

[] Commencement

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

- | | | |
|----|--|--------------|
| 1 | 1. The National Automotive Council Act Cap.N8 Laws of the | Amendment of |
| 2 | Federation of Nigeria, 2004 (in this Bill referred to as “the Principal Act”) is | Cap. N8 LFN, |
| 3 | amended as set out in this Bill. | 2004 |
| 4 | 2. Section 9 of the Principal Act is amended by inserting a new | Amendment of |
| 5 | subsection(3)- | Section 9 |
| 6 | “(2) All monies received by or on behalf of the Council shall be | |
| 7 | receipted and shall be paid into the Federation Account within 24 hours of | |
| 8 | receipt or the next working day.” | |
| 9 | 3. This Bill may be cited as the National Automotive Council | Citation |
| 10 | (Amendment) Bill, 2022. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Automotive Council Act Cap. N8 Laws of the Federation of Nigeria, 2004 to provide for the payment of all monies received by the Council into the Federation Account in accordance with Section 162 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

A BILL

FOR

AN ACT TO AMEND THE NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS ENFORCEMENT AGENCY (ESTABLISHMENT) ACT NO. 25, 2007 TO PROVIDE FOR THE PAYMENT OF ALL MONIES RECEIVED BY THE AGENCY INTO THE FEDERATION ACCOUNT IN ACCORDANCE WITH SECTION 162 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED).AND FOR RELATED MATTERS

Sponsored by Senator Clifford Ordia

[] Commencement

ENACTED **by** the National Assembly of the Federal Republic of Nigeria -

- | | | |
|----|--|--------------|
| 1 | 1. The National Environmental Standards and Regulations | Amendment of |
| 2 | Enforcement Agency (Establishment) Act No. 25, 2007 (in this Bill referred | No. 25, 2007 |
| 3 | to as “the Principal Act”) is amended as set out in this Bill. | |
| 4 | 2. Section 13 of the Principal Act is amended by the insertion of a | Amendment of |
| 5 | new subsection (3)- | Section 13 |
| 6 | “(3) All monies received by or on behalf of the Agency shall be | |
| 7 | receipted and shall be paid into the Federation Account within 24 hours of | |
| 8 | receipt or the next working day.” | |
| 9 | 3. This Bill may be cited as the National Environmental Standards | Citation |
| 10 | and Regulations Enforcement Agency (Amendment) Bill, 2022. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act No. 25, 2007 to provide for the payment of all monies received by the Agency into the Federation Account in accordance with Section 162 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

A BILL

FOR

AN ACT TO AMEND THE NIGERIA REINSURANCE CORPORATION ACT CAP. N131 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE PAYMENT OF ALL MONIES RECEIVED BY THE CORPORATION INTO THE FEDERATION ACCOUNT IN ACCORDANCE WITH SECTION 162 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED).AND FOR RELATED MATTERS

Sponsored by Senator Clifford Ordia

[] Commencement

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

- 1 **1.** The Nigeria Reinsurance Corporation Act Cap. N131 Laws of Amendment of
2 the Federation of Nigeria, 2004(in this Bill referred to as “the Principal Cap. N131, LFN
3 Act”) is amended as set out in this Bill. 2004
- 4 **2.** Section 11 of the Principal Act is substituted for the following Substitution of
5 new Section 11- new Section 11
- 6 “11. The Funds of the Corporation shall consist of-
- 7 (a) such funds as budgetary allocations, trust funds, subventions,
- 8 grants-in-aid and loans as may, from time to time, be made by the Federal
- 9 Government;
- 10 (b) such sums or property which may, from time to time by way of
- 11 loans or grants and gifts accrue to the Corporation form any other
- 12 Government, non-governmental bodies or individuals; and
- 13 (c) other monies received by the Corporation which may in any
- 14 way, become payable to or vested in the Corporation by way of revenues,
- 15 fees, levies, taxes, penalties, gifts, grants-in-aid, testamentary disposition
- 16 and all other assets that may from time to time accrue to the Corporation.
- 17 (2) All monies received by or on behalf of the Corporation shall be

Deletion of
Section 12
Citation

- 1 received and shall be paid into the Federation Account within 24 hours of
- 2 receipt or the next working day.”
- 3 **3.** Section 12 of the Principal Act is deleted.
- 4 **4.** This Bill may be cited as the Nigeria Reinsurance Corporation
- 5 (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigeria Reinsurance Corporation Act Cap. N131 Laws of the Federation of Nigeria, 2004 to provide for the payment of all monies received by the Corporation into the Federation Account in accordance with Section 162 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

A BILL

FOR

AN ACT TO AMEND THE CHILD'S RIGHT ACT 2003 AND FOR RELATED MATTERS

Sponsored by Senator Uba Sani

[] Commencement

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

- 1 **1.** The Child's Right Act 2003, in this Bill referred to as ("the
2 Principal Act") is amended as set out in this Bill. Amendment of
the Child's Right
Act 2003
- 3 **2.** Section 11 of the Principal Act is amended by adding new Amendment of
Section 11
4 subsections (e) and (f) as follows:
5 “(e) subjected to extreme punishment by flogging with cane, belt
6 or other similar object in school, correctional institution or at home by a
7 parent, legal guardian or school authority or any other person or authority
8 having the care of the child;
9 (f) Where a child sustains serious bodily or health injury as a result
10 of extreme punishment envisaged in paragraph (e) of this section, the person
11 or institution who inflicts such punishment commits an offence under this
12 Act and shall be liable on conviction to a fine of N7,000,000.00 or
13 imprisonment for a term of not more than 2 years or to both such fine and
14 imprisonment.”
- 15 **3.** This Bill may cited as Child's Right Act (Amendment) Bill, Citation
16 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Child's Right Act, Cap. C23, Laws of the Federation of Nigeria, 2004 to stop the maltreating of children by parents, teachers, counselors, legal guardians and juvenile correctional centres.

A BILL

FOR

AN ACT TO AMEND THE CYBERCRIMES (PROHIBITION, PREVENTION ETC.)
ACT, 2015 TO CRIMINALIZE THE NON-CONSENSUAL CREATION OF NUDE
OR SEXUAL IMAGES AND FOR RELATED MATTERS

Sponsored by Senator Uba Sani

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria-

1 **1.** The Cybercrimes (Prohibition, Prevention Etc.) Act, 2015 in
2 this Bill referred to as (“the Principal Act”) is amended as set out in this Bill.

Amendment of
Cybercrimes
(Prohibition,
Prevention Etc.)
Act, 2015

3 **2.** The Principal Act is amended by inserting a new Section 25
4 after the existing Section 24 of the Principal Act as follows:

Insertion of a
new Section 25

5 25(1). Any person who intentionally or non-consensually creates
6 nude or sexual images, including but not limited to images that are digitally
7 altered or manipulated to add a person's face or other body parts to a pre-
8 existing nude or sexual image commits an offence under this Act and shall
9 be liable on conviction to a fine of not more than N7,000,000.00 or
10 imprisonment for a term of not more than 3 years or to both such fine and
11 imprisonment.

12 25(2). Any person who incites, aids, abets, counsels or causes
13 another person to commit the offence provided for in subsection 1 of this
14 section commits an offence and is liable on conviction to a fine of not more
15 than N5,000,000.00 or imprisonment for a term of not more than 2 years or
16 to both such fine and imprisonment.

17 **3.** This Bill may be cited as the Cybercrimes (Prohibition,
18 Prevention Etc.) Act (Amendment) Bill, 2022.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Cybercrimes (Prohibition, Prevention Etc.) Act (Amendment) Bill 2022 to criminalize the non-consensual creation of nude or sexual images and provide for the offence of Image Based Sexual Abuse.

A BILL

FOR

AN ACT TO AMEND THE FEDERAL AIRPORT AUTHORITY OF NIGERIA ACT,
CAP F5, LAWS OF THE FEDERATION OF NIGERIA 2004 AND FOR RELATED
MATTERS

Sponsored by Senator Uba Sani

[] Commencement

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

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1. The Federal Airport Authority of Nigeria Act 2004, in this Bill referred to as (“the Principal Act”) is amended as set out in this Bill.

2. Section 2(1) of the Principal Act is amended adding new subsection (j), (k), (l) and (m) to provide as follows:

“(j) One person to represent the Federal Ministry of Works and Housing;

“(k) One person to represent the Federal Ministry of Information, Culture and Tourism;

“(l) One person to represent the Federal Ministry of Science and Technology;

“(m) One person to represent Persons with Disabilities”.

3. This Bill may be cited as Federal Airport Authority of Nigeria Act (Amendment) Bill, 2022.
- Amendment of
Federal Airport
Authority of
Nigeria Act, 2004

Amendment of
Section 2(1)

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Airport Authority of Nigeria Act, Cap. F5, Laws of the Federation of Nigeria, 2004 to make the Board of the Agency more robust and effective by adding persons to the Board who can elevate Nigerian Airports to best international standards.

A BILL

FOR

AN ACT TO AMEND THE COMPULSORY TREATMENT AND CARE FOR
VICTIMS OF GUNSHOTS ACT, LAWS OF THE FEDERATION OF NIGERIA,
2017, AND FOR RELATED MATTERS

Sponsored by Senator Uba Sani

[] Commencement

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

1 **1.** The Compulsory Treatment and Care for Victims of Gunshots
2 Act, 2017, in this Bill referred to as ("the Principal Act") is amended as set
3 out in this Bill. Amendment of
the Principal Act

4 **2.** A new Subsection 2(2)c is hereby added to the existing Section
5 2 as follows:

6 2 (2)c Where a person with a gunshot wound dies as a result of
7 neglect by any hospital or security agency in Nigeria, such hospital or
8 security agency commits an offence under this Act and is liable on
9 conviction to imprisonment for a term of not more than 15 years and not less
10 than five years without the option of fine.

11 **3.** Section 3 of the Principal Act is amended by replacing the Amendment of
Section 3
12 existing Section 3(1) of the Principal Act with a new Section 3(1) as follows:

13 "3(1)(a) If a hospital, medical practitioner, or other person
14 prescribed for the purposes of this subsection, has reasonable cause to
15 suspect, in relation to a person whom he or she has seen in his or her
16 professional capacity, that the person is suffering from a wound inflicted by
17 a firearm, the medical practitioner, or other prescribed person, must make a
18 report to a police officer under this section.

19 (b) A report under this section-

20 (a) must be made to the nearest police station within two hours of

1 commencement of treatment; and

2 (b) must include-

3 (i) the name and address of the person who is the subject of the
4 suspicion or, if the name and address are not known, a description of the person;
5 and

6 (ii) details of the wound; and

7 (iii) any information provided to the practitioner or other person
8 about the circumstances leading to the infliction of the wound.

9 (c) If a medical practitioner, or other person prescribed for the
10 purposes of this subsection, treats a person for a wound that the practitioner or
11 person has reasonable cause to suspect was inflicted by a firearm, the
12 practitioner or person must take reasonable steps to retain any ammunition or
13 fragment of ammunition recovered from the wound until it can be collected by
14 a police officer;

15 (d) Upon receipt of the report under subsection (1)a of this section, the
16 police shall immediately commence investigation with a view to determining
17 the circumstances under which the victim was shot.

Citation

18 **4.** This Bill may be cited as the Compulsory Treatment and Care for
19 Victims of Gunshots Act (Amendment) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Compulsory Treatment and Care for Victims of Gunshots Act 2017 to safeguard the constitutional rights of victims of gunshot, provide for the content of Police Reports hospitals are required to send to the police station.

FOR

Sponsored by Senator Uba Sani

[] Commencement

1	1. The Standards Organisation of Nigeria Act 2015 in this Bill	Amendment of the Principal Act
2	referred to as ("the Principal Act") is amended as set out in this Bill.	
3	2. Section 5(e) of the Principal Act is amended by inserting the	Amendment of Section 5(e)
4	words "...and publishes quarterly", immediately after the words "To	
5	compile..." such that the new Section 5(e) reads thus:	
6	“5 (e) To compile and publish an inventory of products requiring	
7	standardization and publish in two major National daily newspapers."	
8	3. This Bill may be cited as Standards Organisation of Nigeria	
9	Act(Amendment) Bill, 2022.	Citation

10 EXPLANATORY MEMORANDUM

This Bill seeks to amend the Standards Organisation of Nigeria Act to ensure that the Organisation is given the legal mandate to compile and publish quarterly inventories of substandard products in circulation.

MEDICAL PHYSICS REGULATORY COUNCIL OF NIGERIA
(ESTABLISHMENT) BILL, 2022
ARRANGEMENT OF CLAUSES

Clause-

PART 1 - ESTABLISHMENT OF MEDICAL PHYSICS REGULATORY
COUNCIL OF NIGERIA

1. Establishment of the Medical Physics Regulatory Council of Nigeria
2. Composition of the Council
3. Chairman of the Council
4. Functions of the Council
5. Powers of the Council
6. Membership of Medical Physics profession

PART II - REGISTRY

7. Appointment of the Registrar
8. Functions of the Registrar
9. Publication of register and list of corrections
10. Registration of members of Medical Physicist
11. Registration of non-Nigerians
12. Publication of qualification of registration

PART III - PRACTICING FEES AND PRACTICING LICENCE

13. Practising fees and practising licence

PART IV - SUPERVISION AND EXAMINATIONS

14. Supervision of instructions and examinations

PART V - APPOINTMENT OF STAFF OF THE COUNCIL

15. Staff of Council

PART VI - FINANCIAL PROVISIONS

16. Financial provisions
17. Gifts to the Council
18. Account

19. Annual Budget
20. Annual Report
21. Audit

PART VII - MISCELLANEOUS

22. Offences and penalties- general
 23. Offences and penalties against Medical Physicist practitioners
 24. The practice of the Medical physics profession
 25. Power of the Minister to give directives
 26. Regulations
 27. Restriction on the disposal of land by the Council
 28. Establishment of Investigation Panel
 29. Establishment of Disciplinary Committee
 30. Interpretation
 31. Citation
- Schedules

FOR

AN ACT TO ESTABLISH THE MEDICAL PHYSICS REGULATORY COUNCIL OF NIGERIA TO BE SADDLED WITH THE RESPONSIBILITY OF REGULATING EXAMINATION LEADING TO THE PRACTICE OF MEDICAL PHYSICS PROFESSION IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Senator Ashiru Oyelola Yisa

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE MEDICAL PHYSICS REGULATORY
2 COUNCIL OF NIGERIA

3 **1.** There is established a Medical Physics Regulatory Council of
4 Nigeria (in this Bill referred to as "the Council"), which shall be a body
5 corporate with perpetual succession and a common seal, and may sue and be
6 sued in its corporate name.

Establishment
of the Medical
Physics Regulatory
Council of Nigeria

7 **2.-(1)** The Council shall consist of the following members-

8 (a) the Chairman who shall be a Medical Physicist who has been so

9 qualified for not less than ten years;

10 (b) a radiologist clinically and academically engaged in a Hospital;

11 (c) a Medical Physicist from any radio diagnosis, nuclear medicine

12 or radiotherapy centre in the country;

13 (d) a medical physicist representing any of the medical physics

14 departments in any Teaching Hospital in Nigeria;

15 (e) two academic medical physicists, each specialising in

16 diagnostic and therapeutic physics;

17 (f) two persons to represent the public interest;

18 (g) one oncologist from a radiotherapy department of a medical

19 school in Nigeria;

Composition of the Council

- 1 (h) a representative of the Federal Ministry responsible for Health;
- 2 (i) a representative of the Nigerian Nuclear Regulatory Authority with
- 3 knowledge of radiation safety;
- 4 (j) the President of the Nigerian Association of Medical Physicist; the
- 5 President of the postgraduate Medical Physics College of Nigeria;
- 6 (k) a representative of the Federal Ministry responsible for Finance;
- 7 (l) a representative from each accredited training centre; and
- 8 (m) Registrar to the Council who shall serve as the Secretary.

9 (2) The Minister shall make all appointments in this clause other than

10 the Chairman on the nomination of the bodies from which the membership of

11 the Council shall be constituted.

12 (3) The Chairman of the Council shall be appointed by the President

13 of the Federal Republic of Nigeria on the recommendation of the Minister.

Chairman of
Council

14 **3.-(1)** The Chairman of the Council shall hold office for four years

15 from the date of his appointment and shall be eligible for re-appointment for

16 another term of four years and no more.

17 (2) The Chairman shall preside over all the meetings of the Council.

18 However, in the event of the death, incapacity or inability of the Chairman or

19 for any reason, a new chairperson shall be appointed for the unexpired portion

20 of the term of office of the erstwhile Chairman.

Functions of the
Council

21 **4.** The Council shall-

- 22 (a) determine the standards of knowledge and skills to be attained by
- 23 persons seeking to become members of the medical physics profession;
- 24 (b) issue the appropriate licence to qualified members;
- 25 (c) secure, under the provisions of this Bill the establishment and
- 26 maintenance of a register of persons who are eligible to practice as members of
- 27 medical physics profession and publish from time to time the list of such
- 28 persons;
- 29 (d) review and prepare from time to time the code of conduct which

1 the Council considers appropriate for the practice of medical physics
2 profession;

3 (e) regulate and control the practice of the profession;

4 (f) review standards for medical physics practice to improve
5 quality of services rendered;

6 (g) update and modify, as the need may arise, existing standards in
7 the field of medical physics;

8 (h) appoint, promote and discipline the employees of the Council;

9 (i) determine the remuneration and condition of service of the
10 employees of the Council;

11 (j) liaise and foster co-operation with international bodies to
12 promote professionalism in medical physics in the country;

13 (k) grant approval for the accreditation of the premises for the
14 practice of medical physics;

15 (l) make policy for the advancement of medical physics practice;

16 (m) deal with the general administration of the Finance of the
17 Council;

18 (n) make rules concerning the form and keeping of the register and
19 making of entries and in particular-

20 (i) regulate the making of applications for the enrolment or
21 registration and providing for the evidence to be produced in support of such
22 applications,

23 (ii) provide for the notification to the Registrar, by the person to
24 whom any registered particulars relate of any change in those particulars,
25 and

26 (iii) specify the fees including an annual subscription to be paid to
27 the Council in respect of the entry of the names on the register and
28 authorising the Registrar to refuse to enter a name on the register until any
29 fee specified for the entry has been paid, and accredit academic and
30 residency training institutions for medical physics programmes;

	1	(o) conduct periodic publication of a list of such accredited
	2	institutions where the training shall take place;
	3	(p) identify, assess, accredit and recommend appropriate premises for
	4	the practice of the Medical Physics to the Council under the provisions of
	5	Clause 34 of this Bill; and
	6	(q) perform such functions as may be required by the Council under
	7	this Bill.
Power of the Council	8	5.-(1) The Council shall have powers to -
	9	(a) acquire land and landed properties;
	10	(b) fix terms and conditions of service of the employees of the
	11	Council;
	12	(c) establish offices as deemed necessary;
	13	(d) determine the entry eligibility of members into the profession;
	14	(e) set standards for the practice for the profession;
	15	(f) maintain discipline in the profession;
	16	(g) withdraw the certificate and practising licence of an erring
	17	member of the profession;
	18	(h) charge, receive and review, where necessary, practising fees, and
	19	other charges;
	20	(i) receive grants and gifts and deploy such appropriately;
	21	(j) deny, grant and withdraw accreditation given in respect of training
	22	and practice of Medical Physics; and
	23	(k) do anything necessary for the performance of its functions under
	24	this Bill.
First Schedule	25	(2) The Council shall regulate its proceedings in line with the first
	26	schedule.
Membership of the Medical Physics Profession	27	6. A person who is admitted to the membership of the medical physics
	28	profession shall be registered as a member in the following categories -
	29	(a) Member;
	30	(b) Associate member;

1 (c) Fellow; and

2 (d) Honorary member.

3 PART II - REGISTRY

4 7.-(1) The Council shall appoint a Registrar and such other persons Appointment of
5 as the Council may deem fit to assist in performing his functions under this the Registrar
6 Bill on terms and conditions of service applicable in similar regulatory
7 bodies.

8 (2) The Registrar shall be the Secretary to the Council and
9 Disciplinary Committee.

10 8.-(1) The Registrar shall- Functions of the
11 Registrar

11 (a) head the Council Registry;

12 (b) administer the Council Registry;

13 (c) maintain and keep a register which shall contain the names,
14 addresses, approved qualifications and such other qualifications and
15 particulars as may be specified in the rules, of all persons who are entitled
16 under the provisions of this Bill to be enrolled and who, in the manner
17 prescribed by such rules apply to be so registered;

18 (d) maintain a register of premises where members of the
19 profession engage in the practice of the medical physics profession;

20 (e) administer the Registry functions in a way that will ensure the
21 attainment of the functions of the Council under this Bill;

22 (f) correct, under the Council's directions, any entry in the register
23 which the Council considers to be a wrong entry;

24 (g) make, when necessary, alterations to the registered particulars
25 of the registered persons and premises;

26 (h) remove from the register the name of any registered member
27 who has died or the person whose temporary registration has ceased; and

28 (i) record the names of registered persons who are in default for
29 more than six months in the payment of annual subscriptions and take such
30 action concerning the default, including removal of names of the defaulter

1 from the register as the Council may direct or require.

2 (2) Where the Registrar-

3 (a) sends by post to any registered person a registered letter addressed
4 to him at his address on the register enquiring whether the registered particulars
5 relating to him are correct and receives no reply to the letter within a period of
6 six months from the date of posting it; and

7 (b) upon the expiration of that period, send in the like manner to the
8 person in question a second similar letter and receives no reply to that letter
9 within three months from the date of posting it, the Registrar may remove the
10 particulars relating to the person in question from the register.

11 (3) Upon directives received from the Council, the Registrar may
12 return to the appropriate part of the register any particulars removed from the
13 register under this clause.

14 (4) The person whose name has been entered into the register shall be
15 taken to be a member of the Medical Physics Council of Nigeria.

Publication of
the register and
list of corrections

16 9.-(1) The Registrar shall-

17 (a) print, publish and put the register on sale to members of the public
18 not later than two years from the commencement of this Bill;

19 (b) print and publish for sale, every year, either a corrected edition of
20 the register or list of corrections made to the register;

21 (c) deposit each edition of the register and list of corrections to the
22 register at the principal office of the Council; and

23 (d) keep the register and the lists so deposited open to public members
24 at all reasonable times for inspection.

25 (2) A document purporting to be a print of an edition of the register
26 published under this edition by authority of the Registrar in the current year and
27 of the list of corrections to that edition so published, shall, notwithstanding any
28 other mode of proof, be admissible in any proceedings as evidence that any
29 person specified in the document or the list of corrections when to read together
30 as being registered was so registered at the date of the edition or of the list of

1 corrections and that any person not so specified was not registered.

2 (3) When under the provisions of sub-clause (2) of this clause, a
3 person is, in any proceeding shown to have been or not to have been
4 registered at a particular date, he shall, unless the contrary is proved, be
5 taken for those proceedings as having at all material times continued to be or
6 not to be so enrolled or registered.

7 **10.-(1)** A person shall not hold an appointment or practice as a
8 medical physicist in Nigeria unless registered with the Council under this
9 Bill. Registration of
members of
Medical Physicist

10 (2) A registered medical physicist shall be entitled to practice as
11 such throughout Nigeria.

12 (3) Subject to the provisions of this Bill, a person shall be
13 registered as-

14 (a) a medical physicist if he is a Nigerian citizen and-

15 (i) is of good character and fit and proper person,

16 (ii) has completed mandatory courses of training and programmes
17 of the Medical Physics College of Nigeria approved by the Council,

18 (iii) holds a qualification approved by the Council, and

19 (iv) pays the prescribed fees.

20 (b) an associate member, where he-

21 (i) for a period of not less than four years immediately preceding
22 the date of application in that behalf has been enrolled as an undergraduate
23 member and is the fit and proper person, and

24 (ii) has paid the prescribed fees.

25 (c) a Fellow, where he-

26 (i) possesses a postgraduate degree in the field of medical physics
27 or other approved relevant qualification recognised by the Council,

28 (ii) must have contributed to the development of the medical
29 physics Profession, and

30 (iii) must have paid the prescribed fees;

Registration of
members of
Medical Physicist

- 1 (d) an honorary member, where he-
- 2 (i) must have contributed to the development of the medical physics
- 3 Profession, and
- 4 (ii) fulfilled any other condition prescribed by the Council.
- 5 **11.-(1)** A person shall not hold an appointment or practice as a medical
- 6 physicist in Nigeria unless registered with the Council under this Bill.
- 7 (2) A registered medical physicist shall be entitled to practice as such
- 8 throughout Nigeria.
- 9 (3) Subject to the provisions of this Bill, a person shall be registered
- 10 as-
- 11 (a) a medical physicist if he is a Nigerian citizen and -
- 12 (i) is of good character and fit and proper person,
- 13 (ii) completed mandatory courses of training and programmes of the
- 14 Medical Physics College of Nigeria approved by the Council,
- 15 (iii) holds a qualification approved by the Council, and
- 16 (b) pays the prescribed fees;
- 17 (c) an associate member, where he-
- 18 (i) for a period of not less than four years immediately preceding the
- 19 date of application in that behalf has been enrolled as an undergraduate
- 20 member and is the fit and proper person, and
- 21 (ii) has paid the prescribed fees;
- 22 (d) a Fellow, where he-
- 23 (i) possesses a postgraduate degree in the field of medical physics or
- 24 other approved relevant qualification recognised by the Council,
- 25 (ii) must have contributed to the development of the medical physics
- 26 Profession, and
- 27 (iii) must have paid the prescribed fees;
- 28 (e) an honorary member, where he-
- 29 (i) must have contributed to the development of the medical physics
- 30 Profession, and

1 (ii) fulfilled any other condition prescribed by the Council.

2 (4) A citizen of Nigeria who qualified in an approved institution
3 outside Nigeria shall be registered under this Bill where he satisfies the
4 Council that-

5 (i) he holds a qualification outside Nigeria accepted by the Council
6 for this sub-clause as regards the profession,

7 (ii) in the country in which the qualification was granted, he was
8 under no legal disability in the practice of Medical Physics,

9 (iii) he holds a certificate of registration accepted to the Council,
10 and

11 (iv) in addition to any other condition that the Council may
12 prescribe, he had received instructions at the Medical Physics College of
13 Nigeria and passed such examinations as the Council may prescribe.

14 (5) A person aggrieved by the decision of the Council made under
15 this clause may appeal to the Minister within one month after the
16 notification of the refusal to register him is communicated to him.

17 **12.-(1)** A person who is not a citizen of Nigeria may be registered as
18 a medical physics member under this Bill where the country of which he is a
19 citizen or national, grant reciprocal registration facilities to Nigerian
20 citizens and where he-

Registration of
non-Nigerians

21 (a) holds a qualification approved by the Council, and

22 (b) has passed the relevant examinations conducted by the Medical
23 Physics College of Nigeria under this Bill, and

24 (c) has been resident in Nigeria for not less than twelve calendar
25 months immediately preceding the date of his application for registration.

26 (2) The Council may, in its direction, provisionally accept a
27 qualification produced in respect of an application made in respect of an
28 application for registration under this clause or direct that the application be
29 renewed within such period as may be specified in the direction.

30 (3) An application for registration shall, in addition to the provision

1 of sub-clause (1) of this clause, satisfy the Council that he-

2 (a) is of good character,

3 (b) has attained the year of twenty-one years,

4 (c) has not been convicted in Nigeria or elsewhere of any offence

5 involving fraud or dishonesty, or professional misconduct; and

6 (d) has paid the prescribed fees.

7 (4) An entry made in the register under this sub-clause (2) of this
8 clause shall show that such registration is provisional, and no entry so made
9 shall be converted to complete registration without the consent of the Council.

Publication of
qualification for
registration

10 **13.** The Council shall publish in the gazette particulars of
11 qualifications accepted for registration from time to time under this Bill.

12 **PART III - PRACTICING FEES AND PRACTICING LICENCE**

Practising fees
and practising
licence

13 **14.**-(1) A member of the medical physics profession shall be entitled
14 to be issued with an annual practising licence upon payment of yearly
15 practising fee as may be determined by the Council in a Regulation made under
16 this Bill.

17 (2) A member of the medical physics profession shall be entitled to be
18 issued with an annual practising licence upon payment of yearly practising fee
19 as may be determined by the Council in a Regulation made under this Bill.

20 (3) A member with at least forty-five years post-registration
21 experience shall cease to pay an annual practising fee and shall remain entitled
22 to be issued with an annual practising licence by the Council.

23 (4) A member shall not practice as a medical physicist until he has
24 paid the annual practising fees.

25 (5) The Council may, with the approval of the Minister, vary the
26 practising fees stipulated under this Bill from time to time.

27 **PART IV - SUPERVISION AND EXAMINATION**

Supervision of
instructions and
examination

28 **15.**-(1) The Council shall keep itself informed of the nature of the-

29 (a) teaching instructions are given at the College and any other
30 approved institution; and

1 (b) examination of which approved qualifications are granted.

2 (2) For subclause (1) of this clause, the Council may appoint a
3 person from its members or a consultant to visit the College or any other
4 approved institutions or attend such examination.

5 (3) It shall be the duty of a visitor appointed under sub-clause (2) of
6 this clause to report to the Council on-

7 (a) the adequacy of teaching instructions given to persons
8 attending the College and any other approved institution;

9 (b) the sufficiency of the examination attended by him; and

10 (c) any other matter relating to the College or authorised
11 institutions which the Council may request him to report.

12 (4) A visitor shall not give any teaching instruction or hold any
13 examination.

14 (5) The Council may forward a copy of the report received under
15 sub-clause (3) of this clause to the President of the College or the person in
16 charge of any other institution responsible for examinations to which the
17 report relates, requesting that person to observe the report to the Council
18 within such period as may be stipulated in the request.

19 PART V - APPOINTMENT OF STAFF OF COUNCIL

20 **16.-(1)** The Council shall employ such staff on terms and
21 conditions in similar regulatory bodies as it may deem necessary for the
22 efficient performance of its functions under this Bill.

The staff of the
Council

23 (2) The terms and conditions of service, including remunerations,
24 allowances, benefits and pensions of officers and employees of the Council
25 shall be determined by the Council subject to the approval of the National
26 Income, Salaries and Wages Commission.

27 (3) The employees of the Council shall be entitled to pensions and
28 other benefits as stipulated under the extant Pensions Act.

29 (4) For the application of the provisions of the Pensions Act, any
30 power exercisable by the Minister or other authority of the Federal

Financial
provisions

1 Government, other than the power to make regulations under the Pensions Act
2 is vested in and shall be exercisable by the Council and not by any other person
3 or authority.

4 PART VI - FINANCIAL PROVISIONS

5 17.-(1) The Council shall establish a fund into which shall be paid -

6 (a) budgetary allocations made to the Council by the Federal
7 Government through the Federal Ministry responsible for Health;

8 (b) fees and levies, including practising fees;

9 (c) sums charged for services rendered by the Council; and

10 (d) other sums that may accrue to the Council from any other sources,
11 including such sums accruing to the Council by way of grants, gifts,
12 testamentary disposition and endowments or contributions from philanthropic
13 persons or organisations or otherwise, however, received.

14 (2) Monies received by the Council by way of endowments, gifts or
15 donations shall be entered into a register kept for that purpose showing the
16 names of donors and any special conditions attached to such monies.

17 (3) All property, monies or funds donated for any specified purpose
18 shall be applied and administered according to the purpose for which they were
19 donated and shall be accounted for separately.

20 (4) The Council may apply the proceeds from the investment made
21 with monies from funds established under sub-clause (1) of this clause to-

22 (a) the cost of administration to the Council;

23 (b) reimburse members of the Council or any of its Committee for
24 such expenses as may be expressly authorised by the Council under the rates
25 approved by the Federal Government under the Financial Regulations;

26 (c) the payment of salaries, fees or other remuneration, allowances
27 and pension payable to the employees of the Council;

28 (d) maintain any property vested in the Council; and

29 (e) give effect to the activities connected with the purposes of the
30 Council under this Bill.

1	18. -(1) The Council may accept the gift of land, money or other	A gift to the Council
2	property upon such terms and conditions specified by the persons or	
3	organisations making the gift.	
4	(2) The Council shall not accept a gift if the terms and conditions	
5	attached by the person or organisation making the gift are inconsistent with	
6	the functions of the Council or its position as a non-partisan institution free	
7	from any undue external influence.	
8	19. The Council shall keep proper accounts for the period of twelve	Account
9	months, and adequate records concerning those accounts notwithstanding	
10	any other requirement or control imposed, whether by an enactment or	
11	otherwise, concerning the finances of the lands, endowments and other	
12	property held by or for the Council.	
13	20. The Council shall prepare an annual budget showing the	Annual budget
14	estimates or income and expenditure of the Council for the ensuing year and	
15	shall submit the estimate to the Minister no later than three calendar months	
16	preceding the financial year or such earlier date as the Minister may request.	
17	21. The Council shall prepare and submit to the Minister not later	Annual report
18	than 30th June in each year a report in such form as the Minister may direct	
19	on the activities of the Council during the immediately preceding year and	
20	shall include in the report a copy of the audited account of the Council for	
21	that year and the auditor's report.	
22	22. The Council shall cause its account to be audited by an external	Audit
23	auditor appointed by the Council drawn from the approved list of auditors	
24	provided by the office of the Auditor-general of the Federation immediately	
25	after the end of each financial year to which the accounts relate.	
26	PART VII - MISCELLANEOUS	
27	23. -(1)A person who procures the registration of any name,	Offences and
28	qualification or other matter-	penalties - general
29	(a) makes a statement which he believes to be false;	
30	(b) recklessly makes a false statement; or	

1 (c) wilfully makes any falsification in any matter relating to the
2 register
3 commits an offence and is liable on conviction to a fine of not less than five
4 hundred thousand nairas or a term of imprisonment or not less than one year.

5 (2) A person other than a medical physicist who-

6 (a) practices or holds himself out as a medical physics practitioner;

7 (b) takes or uses the title ascribed to a Medical Physics practitioner; or

8 (c) wilfully makes or uses any name, title, addition or description
9 falsely implying or pretending that he is a medical physics practitioner,
10 commits an offence and is liable on conviction to a fine of five million naira or a
11 term of imprisonment of not less than two years.

12 (3) Where an offence under this clause is committed by a body
13 corporate and approved to have been committed with the consent or
14 connivance of or attributed to any neglect on the part of a director, manager,
15 Secretary or another similar officer of the body corporate or any person
16 purporting to act in such capacity, the person, as well as the body corporate
17 shall be liable to be proceeded against and punished accordingly.

Offences and
penalties against
Medical Physicist
practitioners

18 **24.-(1) Where-**

19 (a) the Disciplinary Committee has convicted a member whose name
20 is on the register of infamous conduct in any professional respect;

21 (b) a member whose name is on the register is convicted of a criminal
22 offence by a court of competent jurisdiction, which in the opinion of the
23 Disciplinary Committee is incapable with the status of a medical physics
24 practitioner; or

25 (c) the Disciplinary Committee is satisfied that the name of a person
26 has been fraudulently registered,
27 the Disciplinary Committee shall, where it deems it fit, give direction-

28 (i) ordering the Registrar to strike out the person's name from the
29 register,

30 (ii) suspending that person from the practice by ordering him to stop

1 engaging in the practice of medical physics for such period as may be
2 specified in the direction, or

3 (iii) admonishing that person,

4 and any such direction may, where appropriate, include a provision
5 requiring the refund of monies paid or the handing over of documents or any
6 other thing as the circumstances of the case may require.

7 (2) Where the Disciplinary Committee finds a member to be guilty
8 of misconduct not amounting to infamous conduct which in the opinion of
9 the Disciplinary Committee is incapable with the status of a medical physics
10 practitioner, the Disciplinary Committee may, where it deems fit, give such
11 direction as is authorised under subclause (1) (c) (ii) or (iii) of this clause and
12 any such direction may, where appropriate include direction requiring the
13 refund of monies paid or the handing over of document or any other thing as
14 the circumstances of the case may require.

15 (3) The Disciplinary Committee may defer or further defer its
16 decision as to the giving of a direction under subclause (1) and (2) of this
17 clause until a subsequent meeting of the Committee.

18 (4) A person shall not be a member of the Disciplinary Committee
19 to reach a decision that has been deferred or further deferred under subclause
20 (3) of this clause, except he was present as a member of the Committee when
21 the decision was deferred.

22 (5) A person shall not be treated as convicted under subclause
23 (1)(b) of this clause except the conviction stands at a time when no appeal or
24 further appeal is pending or may, without extension of time, be brought in
25 connection with the sentence.

26 (6) The Disciplinary Committee gives a direction under subclause
27 (1) or (2) of this clause, and it shall cause notice of the direction to be issued
28 to the person to whom the direction relates.

29 (7) The person to whom such a direction relates may, at any time
30 within twenty-eight days from the date of service on him of notice of

1 direction, appeal against the direction to the Council and the disciplinary
2 Committee shall be a respondent to the appeal whether or not it appears on the
3 hearing of the appeal.

4 (8) A direction of the Disciplinary Committee under subclause (1) or
5 (2) of this clause shall take effect-

6 (a) where an appeal under this clause is brought against the direction
7 after the time specified for the request;

8 (b) where an appeal is withdrawn or stuck out for want of diligent
9 prosecution; or

10 (c) where an appeal is dismissed.

11 (9) Where a direction is given under subclause (1) or (2) of this clause
12 for the refund of the monies paid or the handing over of documents or any other
13 thing and where within twenty-eight days of the date of the direction, the
14 member fails to comply with the direction, the disciplinary Committee may
15 deal with the matter as one involving misconduct by the member in his
16 professional capacity.

17 (10) The provisions of subclause (8) of this clause shall apply
18 notwithstanding that the member has appealed to the Council against the
19 direction of the Disciplinary Committee.

The practice of
medical physics
profession

20 **25.-(1)** A person shall not hold an appointment or practice as a
21 medical physicist in Nigeria except registered with the Medical Physics
22 Regulatory Council of Nigeria.

23 (2) A registered medical physicist shall practice as a medical physicist
24 practitioner throughout Nigeria.

25 (3) A document or any part of it which is required by any law for the
26 time being in force in Nigeria to be issued or signed by a medical physicist
27 practitioner shall not be valid where it is issued or signed after this Bill comes
28 into force except it is issued or signed by fully registered medical physicist
29 practitioner.

30 (4) No person except a fully registered medical physicist shall be

1 entitled to bring any proceedings in any court of law to recover any fee or
 2 other consideration whatsoever payable in respect of services rendered,
 3 facilities or things supplied by him when purporting to act as a medical
 4 physicist practitioner.

5 (5) A person in charge of a medical school of a university or similar
 6 institution in Nigeria where a course of training intended for persons
 7 desirous of becoming members of the medical physicist profession shall
 8 furnish the Registrar of the Council a list of successful candidates
 9 immediately after the publication of the pass list.

10 **26.** The Minister may give directives to the Council relating to the
 11 performances by the Council of any or all of its functions under this Bill and
 12 shall be the duty of the Council to comply and give effect to the directives.

Power of the
Minister to give
directives

13 **27.** The Council shall make regulations with the approval of the
 14 Minister for the procedure for the accreditation of training and practice of
 15 medical physics and for all other matters necessary for carrying into effect
 16 the provisions of this Bill.

Regulation

17 **28.** Without prejudice to the provisions of the Bill and the Land
 18 Use Act, the Council shall not dispose of or charge any land or interest in any
 19 land except with the prior written consent of the Minister.

Restriction on
the disposal of
land by the Council

20 **29.-(1)** There shall be established a body to be known as the
 21 Medical Physicist Investigation Panel (herein referred to as "the Panel"),
 22 which shall be charged with the functions of -

Establishment
of Investigation
Panel

23 (a) investigation of any matter where it is alleged that a registered
 24 member has committed an act of misconduct in his capacity as a medical
 25 physics practitioner;

26 (b) compelling any person by subpoena to give evidence before it;

27 (c) deciding where it is necessary to make an order for an interim
 28 suspension of a member for a period of three months during the
 29 investigation of the allegation against him provided that the Disciplinary
 30 Committee shall give the matter an accelerated hearing within three months

	1	from the completion of the study; and
	2	(d) He is deciding where it is in the public interest or in his interest to
	3	make an order for his interim conditional registration or that his registration
	4	shall be conditional for a period not exceeding two months subject to his
	5	compliance with the directive of the Investigation Panel.
	6	(2) The Panel shall be appointed by the Council and shall consist of
	7	ten members.
Establishment of Disciplinary Committee	8	30. -(1) There shall be established for the Council, a Medical Physicist
	9	Disciplinary Committee (in this Bill referred to as the "Disciplinary
	10	Committee") which shall be charged with the duty of considering and
	11	determining any matter referred to it by the Investigation Panel established
	12	under this Bill and any other matter of which the Disciplinary Committee has
	13	cognisance under the provision of this Bill.
	14	(2) The Disciplinary Committee shall consist of-
	15	(a) a Chairman whom the Chairman of Council shall appoint;
	16	(b) three other members of the Council who shall be fully registered
	17	Medical Physicists;
	18	(c) one representative each, from the Federal Ministry responsible for
	19	Health and the Nigerian Nuclear Regulatory Authority and National
	20	Association of Medical Physicists; and
	21	(d) a legal assessor nominated by the Attorney-General of the
	22	Federation and Minister of Justice.
Second Schedule	23	(3) The provisions of the second schedule to this Bill shall apply to the
	24	Investigation Panel and Disciplinary Committee of the Council.
Interpretation	25	31. In this Bill-
	26	"Assessor" means a legal assessor appointed under this Bill;
	27	"Council" means Medical Physics Regulatory Council of Nigeria;
	28	"Court of examiners" means a committee of the faculty responsibly for setting
	29	and vetting questions;
	30	"Disciplinary Committee" means Disciplinary Committee of the Medical

- 1 Physics Regulatory Council of Nigeria;
- 2 "Investigation Panel", "Panel" means Investigation Panel established by the
- 3 Medical Physics Regulatory Council of Nigeria;
- 4 "Minister" means Minister responsible for Health;
- 5 "President" means President of the Medical Physics College of Nigeria;
- 6 "Register" means register for the enrolment of the members of the medical
- 7 physics profession under this Bill;
- 8 "Registrar of the Council" means Registrar of the Medical Physics
- 9 Regulatory Council of Nigeria.

10 **32.** This Bill may be cited as the Medical Physics Regulatory Citation

11 Council of Nigeria (Establishment) Bill, 2022.

1 FIRST SCHEDULE

2 *Clause 5(2)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

4 *Proceedings of the Council*5 1. The Council may make standing orders regulating its proceedings or
6 any Committee of the Council.7 *The quorum*8 2.-(1) The quorum of the Council's meeting shall be one-third of the
9 constituent members, and the Council shall fix the quorum of the Committee of
10 the Council.11 (2) Where a quorum is not formed within one and half hours of the
12 time fixed for the commencement of the meeting, if statutory, the meeting shall
13 be adjourned until a later date. Where it is an emergency or extraordinary
14 meeting, it shall stand adjourned indefinitely.15 (3) A quorum shall be maintained all through the duration of a
16 meeting.17 *Chairman of meeting*18 3. At any meeting of the Council, the Chairman shall preside, and
19 where the Chairman is absent, members present shall elect one person from
20 among themselves to preside at the meeting.21 *Committees of the Council*22 4. The Council may appoint one or more committees to carry out on
23 its behalf any of its functions as the Council may determine, but a decision of a
24 Committee shall be of no effect until the Council confirms it.25 *Meeting of the Council*26 5.-(1) Subject to the provisions of any standing orders of the Council,
27 the Council shall meet whenever it is summoned by the Chairman and where
28 the Chairman is required to do so, by notice in writing given to him by not less
29 than five other members, he shall summon a meeting of the Council to be held
30 within fourteen days from the date of which the notice is given.

1 (2) Where the Council desires to obtain the advice of any person on
2 a particular matter, the Council may co-opt him as a member for such period
3 as the Council deems fit; but a person who is a member under this
4 subparagraph shall not be entitled to vote at any meeting of the Council and
5 shall not count towards a quorum.

6 (3) A person appointed under subparagraph (2) of this paragraph
7 shall hold office on the Committee under the terms of the letter he is
8 appointed.

9 (4) The Minister shall summon the first meeting of the Council.

10 *Fixing of seal*

11 6.-(1) The fixing of the seal of the Council shall be authenticated by
12 the signature of the Chairman or any other member of the Council generally
13 authorised or mainly by the Council to act for that purpose.

14 (2) Any contract or instrument executed by a person who is not a
15 body corporate shall not be required to be under seal and may be made or
16 executed on behalf of the Council by any person generally or specially
17 authorised to act for that purpose by the Council.

18 (3) Any document purporting to be duly executed under the seal of
19 the Council shall be received in evidence and shall, except the contrary is
20 proved, be deemed to be so executed.

21 *Validity of proceedings of Council or Committee of the Council*

22 7. The validity of any proceeding of the Council or a committee of
23 the Council shall not be adversely affected by any vacancy in the
24 membership of the Council or by any defect in the appointment of a member
25 of the Council or of a person appointed to serve on the Committee or by
26 reason that a person not entitled to do so took part in the proceeding.

27 *The personal interest of a member of Council or*

28 *Committee of the Council*

29 8. Any member of the Council or any person holding office on a
30 committee of the Council, who has a personal interest in any contract or

1 arrangement entered into or proposed to be considered by the Council or
2 Committee shall disclose his interest and shall not vote on any question relating
3 to the contract or arrangement.

4 SECOND SCHEDULE

5 *Clause 30 (3)*

6 PROCEEDINGS OF THE DISCIPLINARY COMMITTEE

7 *A quorum of the Disciplinary Committee*

8 1. The quorum of the Disciplinary Committee shall be four members.

9 *Rules for the selection of members of the Disciplinary Committee*

10 2.-(1) The Attorney General of the Federation shall make rules as to
11 the selection of members of the Disciplinary Committee for any proceeding,
12 the procedure to be followed and the rules of evidence to be observed before the
13 Disciplinary Committee.

14 (2) The rule shall provide for-

15 (a) ensuring that the notice of the proceeding shall be given at such
16 time and in such manner as may be stipulated by the rules to the person who is
17 the subject of the proceedings;

18 (b) determine who, in addition to the person mentioned under
19 subparagraph (a) of this paragraph, shall be a party to the proceedings;

20 (c) ensuring that any party to the proceedings shall, where he requires,
21 be entitled to be heard by the Disciplinary Committee;

22 (d) ensuring that a legal practitioner may represent any party to the
23 proceedings;

24 (e) ensuring that where a Disciplinary Committee adjudges that the
25 allegation has not been proved against a person, it shall record a finding that the
26 person is not guilty of such misconduct in respect of the matters to which the
27 allegation relates; and

28 (f) ensuring the publication in the Gazette of notice of any decision of
29 the Disciplinary Committee to strike off a person's name from the register.

1 *Administration of oath*

2 3. A member of the Disciplinary Committee may administer the
3 oath to parties to the proceedings, but no party shall be compelled to make a
4 statement before the Disciplinary Committee tending to incriminate
5 himself.

6 *Assessor to the Disciplinary Committee*

7 4.-(1) For the purpose of advising the Disciplinary Committee on
8 questions of law arising in the proceeding before it, there shall appear in all
9 such proceedings by an assessor to the Disciplinary Committee who shall
10 be appointed by the Council on the nomination of the Attorney-General of
11 the Federation and shall be a legal practitioner of not less than ten years post-
12 call.

13 (2) The Attorney-General of the Federation shall make rules as to
14 the functions of the assessor appointed under this paragraph, and in
15 particular such rules shall contain provisions for securing that-

16 (a) where an assessor advises the Disciplinary Committee on any
17 question of law as to evidence, procedure or any other matter stipulated by
18 the rules, it shall do so in the presence of every party or person representing a
19 party to the proceedings or where the advice is rendered while the
20 Disciplinary Committee is deliberating in private, that every such party or
21 person shall be notified of the advice which the assessor has given; and

22 (b) every such party or person shall be notified where in any case
23 the Disciplinary Committee does not accept the advice of the assessor on
24 such question of law.

25 (3) An assessor may be appointed under this paragraph either
26 generally or for any particular proceeding or class of proceedings and shall
27 hold and vacate office under the terms and conditions stated in his letter of
28 appointment.

29 *Investigation panel*

30 5.-(1) The quorum of the Investigation Panel shall be six who shall

1 be members of the Medical Physics profession.

2 (2) At any of its meetings attended by all members of the Panel, the
3 Panel may make standing orders in respect to the practice and procedure of the
4 Panel.

5 (3) A member of the Panel concerning any matter he investigated shall
6 not act as a member of the Disciplinary Committee concerning the
7 determination of that particular matter.

8 *Effect of irregularity in the appointment and proceedings of members*
9 *of the Disciplinary Committee or the Investigation Panel*

10 6. Any irregularity shall invalidate the proceedings of the
11 Disciplinary Committee or the Investigation Panel in the appointment of a
12 member of that body or subject to this schedule or by reason that any person
13 who was not entitled to take part in the proceedings in that matter took part in
14 that proceedings.

15 *Expenses of the Disciplinary Committee and Investigation Panel*

16 7. The Council shall defray the expenses of the Disciplinary
17 Committee and Investigation Panel.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Medical Physics Regulatory Council of Nigeria to be saddled with the responsibility of regulating examinations leading to the practice of the Medical Physics Profession in Nigeria.