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1961—Part C

The following Bill, which will in due course be presented to Parliament for enactment, is published for general information.

LAGOS UNIVERSITY TEACHING HOSPITAL

EXPLANATORY MEMORANDUM

The object of this Bill is to establish the Lagos University Teaching Hospital and a Management Board for the Hospital.

M. A. MAJEKODUNMI,
Minister of Health

LAGOS UNIVERSITY TEACHING HOSPITAL

ARRANGEMENT OF CLAUSES

Preliminary

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SCHEDULE : Constitution, etc., of the board.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TEACHING HOSPITAL FOR LAGOS AND OF A MANAGEMENT BOARD FOR THE HOSPITAL; AND FOR PURPOSES CONNECTED THEREWITH.

[]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

Preliminary

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1. This Act may be cited as the Lagos University Teaching Hospital Act, 1961, and shall apply to the Federal territory,

Short title
and extent.

Interpreta-
tion, etc.

2.—(1) In this Act, unless the context otherwise requires,—

“the board” means the Lagos University Teaching Hospital Management Board established by this Act ;

“the chairman” and “the deputy-chairman” mean respectively the chairman and deputy-chairman of the board ;

“functions” includes powers and duties ;

“the hospital” means the Lagos University Teaching Hospital established by this Act ;

“medical student” means a student whose course of instruction is—

(a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner ; or

(b) designed for the further training of medical practitioners ;

“member” means a member of the board ;

“the Minister” means the Minister of the Government of the Federation responsible for matters relating to medical and health services in the Federal territory ;

“student” means a person enrolled at an institution controlled by the board for the purpose of pursuing a course of instruction at the institution.

(2) Any direction, notice, report, representation, or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, be served by post.

Establishment of Teaching Hospital and Management Board, etc.

3.—(1) There shall be established in the Federal territory—

(a) a teaching hospital, to be known as the Lagos University Teaching Hospital, for the purpose of providing such facilities for the training of medical students as are usually provided by teaching hospitals of internationally high repute ; and

(b) a board of management for the hospital, which shall be a body corporate by the name of the Lagos University Teaching Hospital Management Board.

(2) The provisions of the Schedule to this Act shall have effect with respect to the constitution of the board and the other matters there mentioned.

Establish-
ment of the
hospital and
the board.

General
duty of the
board.

4.—(1) The board shall be charged with the general duty of constructing, equipping, maintaining and operating—

(a) the hospital ;

(b) such training schools and similar institutions as the board considers necessary for providing the hospital from time to time with a proper staff of hospital technicians and nurses ; and

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(c) such clinics, laboratories, research stations and other institutions as the board considers necessary for the efficient functioning of the hospital ;

and of securing that the standards of teaching provided at all establishments controlled by the board and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of internationally high repute.

(2) The duty of operating the hospital imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction (including pre-clinical instruction) for medical students ; and the board may perform the last-mentioned duty by arranging, with the approval of the Minister, for medical students to attend courses of instruction at institutions not controlled by the board.

5.—(1) Subject to subsections (2) and (3) of this section, the board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

Powers of the board.

(2) Except with the approval of the Minister, the board shall not have power—

- (a) to incur expenditure ; or
- (b) to borrow money ; or
- (c) to charge fees for any facilities provided by, or by arrangement with, the board (including in particular the provision of tuition, treatment and accommodation) ; or
- (d) to dispose of any immovable property or minerals.

(3) The Minister may give the board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise of its functions by the board, and it shall be the duty of the board to comply with the directions ; but no direction shall be given which is inconsistent with the duties of the board under this Act.

6.—(1) Subject to the provisions of this section, it shall be the duty of the person in charge of any government medical institution situated in the Federal territory to make available to the board such facilities of the institution as the board may request.

Use of government medical institutions by the board.

(2) If at any time the person aforesaid gives notice to the board that he objects to all or part of a request under this section, the duty to comply with the request or part shall be suspended until the Minister directs that it shall take effect ; and the Minister may at any time revoke or vary a direction under this subsection by a subsequent direction.

(3) Any dispute as to whether a particular institution is a government medical institution for the purpose of this section or what constitutes such an institution shall be determined by the Minister, so however that no determination shall extend to any property held otherwise than for the purposes of the Government of the Federation.

7.—(1) The board shall prepare and submit to the Minister, not later than the thirty-first day of December in the year nineteen hundred and sixty-two and each subsequent year, an estimate of their expenditure and income (excluding payments to the board by the Minister) during the next succeeding financial year.

Financial provisions.

(2) The board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts, and shall cause their accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Minister of the Government of the Federation responsible for finance. 5

(3) The Minister may make to the board payments for the purposes of this Act, either by way of grant or by way of loan, or both, of such amounts and on such terms as may be approved by the Minister of the Government of the Federation responsible for finance. 10

(4) Any sums required by the Minister for the purpose of making payments to the board under this Act shall be defrayed out of moneys provided by Parliament, and any sums received by the Minister by virtue of this Act shall be paid into the Consolidated Revenue Fund.

Annual
report.

8.—(1) The Board shall prepare and submit to the Minister, not later than the thirtieth day of May in the year nineteen hundred and sixty-three and each subsequent year, a report in such form as the Minister may direct on the activities of the board during the last preceding financial year, and shall include in the report a copy of the audited accounts of the board for that year and of the auditor's report on the accounts. 15 20

(2) The Minister shall cause a copy of each report made to him under this section to be laid before each House of Parliament.

(3) For the purposes of the board's first report under this section, the last preceding financial year shall be deemed to include so much of any period before the beginning of that year as begins with the date of the first meeting of the board. 25

Control of students and the public

Discipline
of students.

9.—(1) It shall be the duty of the board to make rules providing for the holding by a proper person of enquiries into alleged breaches of discipline (including lack of diligence) by students; and the rules may make different provision for different circumstances. 30

(2) The rules shall provide for the procedure to be followed and the rules of evidence to be observed at enquiries under this section, and shall secure that the student concerned— 35

(a) is given reasonable notice in writing of the enquiry and of particulars of the allegations to be enquired into; and

(b) is afforded a proper opportunity of hearing and considering the evidence adduced against him, of cross-examining witnesses called to give evidence against him and of giving evidence and calling and examining witnesses on his own behalf; and 40

(c) is entitled, if he so desires, to be represented at the enquiry by a person (whether a legal practitioner or not) of his own choosing and to exercise any of his rights under paragraph (b) above through that person. 45

(3) Subject to the following provisions of this section, the person by whom an enquiry into an allegation is held under this section may, if he finds the allegation proved, impose on the student concerned one or more of the following penalties, that is to say—

(a) expulsion from all or any of the institutions controlled by the board at which he is a student; 50

(b) suspension for a specified period of his entitlement to use all or any facilities controlled by the board ;

(c) a fine of an amount not exceeding ten pounds ;

5 and shall send a report of the enquiry (including, subject to the next following subsection, a statement of his findings and of any penalty imposed by him) to the board.

(4) The rules may provide that a person appointed in accordance with the rules may, in such circumstances as may be prescribed by the rules and after considering—

10 (a) the report of the person by whom an inquiry into any allegation was held under this section ; and

15 (b) any further representations made to the person so appointed by the student concerned in the manner and within the period so prescribed, exercise as respects the allegations, to the exclusion of the person who held the enquiry, the powers conferred by the last foregoing subsection of finding whether an allegation is proved and of imposing penalties.

(5) In the case of a medical student—

20 (a) no penalty shall be imposed under this section in respect of any allegation unless the person holding the enquiry, or as the case may be the other person referred to in the last foregoing subsection, finds that the act or omission to which the allegation relates occurred on premises under the control of the board ; and

25 (b) any penalty (other than a fine) imposed under this section shall, subject to the next following subsection, not take effect until the governing body of any university hereafter established by Parliament for Lagos gives notice to the board that the governing body has confirmed the penalty ;

30 and in the case of any other student any penalty imposed under this section (other than a fine of an amount not exceeding ten shillings) shall not take effect until it is confirmed by the board.

35 (6) In the case of a medical student who is not a member of the university aforesaid (either because the university is not established or for any other reason) any such penalty as is mentioned in paragraph (b) of the last foregoing subsection shall take effect when it is confirmed by the board.

(7) Rules under this section shall not come into force before they are confirmed (with or without modification) by the Minister of Justice and published in such manner as he may determine.

40 (8) Paragraph (b) of subsection (1) and subsections (3), (4) and (7) of section twenty-two of the Interpretation Ordinance (which provide for the publication and coming into force of subordinate legislation and for the imposition and recovery of penalties for breaches thereof) shall not apply to rules under this section ; but a student liable to pay a fine
45 under this section who fails to pay it within such period as may be provided by the rules shall, except in so far as the board otherwise directs, be precluded from participating in any course of instruction provided by the board until the fine is paid.

(9) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.

By-laws
regulating
behaviour
of the
public.

10.—(1) The board may make by-laws—

(a) as to the access of members of the public, either generally or of a particular class, to premises under the control of the board, and as to the orderly conduct of members of the public on those premises ; 5

(b) for safeguarding any property belonging to or controlled by the board from damage by members of the public ;

and the by-laws may make different provision for different circumstances. 10

(2) By-laws under this section shall not come into force before they are confirmed (with or without modification) by the Minister and published in such manner as he may direct.

(3) Paragraph (b) of subsection (1) and subsections (3) and (4) of section twenty-two of the Interpretation Ordinance (which provide for the publication and coming into force for subordinate legislation and for imposing penalties for breaches thereof) shall not apply to by-laws under this section ; but the by-laws may provide that a breach of the by-laws, or of a particular provision of the by-laws, shall be punishable by a fine of such amount as may be specified by the by-laws (not exceeding five pounds) and, in default of payment of the fine, by imprisonment for such a term as may be so specified (not exceeding one month). 15 20

(4) By-laws under this section shall not apply to any member of the board and shall not, in their application to a particular institution, apply to an officer or servant of the board employed in connection with the institution or to a student at the institution. 25

Miscellaneous

Inspection
of institu-
tions con-
trolled by
the board.

11. The Minister, the Permanent Secretary of the Federal Ministry of Health, the Chief Medical Adviser to the Federal Government, the chairman of the governing board of any university hereafter established by Parliament for Lagos and (on production, if so required, of his authority) any person authorised in that behalf by any of the persons aforesaid may at any time enter and inspect any institution controlled by the board. 30

Section 3 (2).

SCHEDULE

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CONSTITUTION, ETC., OF THE BOARD

Membership of the board

1.—(1) Subject to the provisions of this Schedule, the board shall consist of fifteen members, and shall comprise—

(a) seven persons appointed by the Minister, of whom— 40

(i) one shall be designated by the Minister as the chairman of the board and shall be a person appearing to the Minister to be of outstanding ability in the fields of administration and professional or technical education ; and

(ii) the other six shall be persons appearing to the Minister to have special knowledge of the organisation of teaching hospitals or to have other qualifications likely to be of particular benefit to the board ;

(b) the Permanent Secretary of the Federal Ministry of Health ;

(c) the Chief Medical Adviser to the Federal Government ;

(d) one person appointed by the governing board of any university which may hereafter be established by Parliament for Lagos ;

(e) one person appointed by the Lagos Town Council ;

(f) two persons appointed by the Nigeria Medical Association ;

(g) two persons, of whom one shall be appointed by the Minister of the Federal Government responsible for finance and the other by the Minister of the Federal Government responsible for education from among the officers of their respective Ministries.

(2) Before exercising the power of appointment conferred on him by head (i) of clause (a) above at any time after the expiration of six months from the date of the commencement of this Act, the Minister shall consult the board with respect to the appointment.

(3) A member holding office otherwise than by virtue of clause (b), (c), or (g) above is hereafter in this Schedule referred to as a "nominated member".

Tenure of office of members

2.—(1) Subject to the provisions of this Schedule, a member holding office otherwise than by virtue of clause (b) or (c) above shall hold office for such period, not exceeding four years in the case of a nominated member, as may be specified in his instrument of appointment.

(2) A copy of each such instrument issued otherwise than by the Minister shall forthwith be sent to him by the authority which issued it, and the Minister shall send a copy of the instrument, and of any such instrument issued by him, to the board.

3.—(1) A nominated member shall vacate his office, notwithstanding that his term of office has not expired, if—

(a) he gives notice of his resignation to the board and the authority which appointed him ; or

(b) the board gives notice to the Minister stating that the member has—

(i) become incapable by reason of mental or physical infirmity of discharging his duties, or

(ii) become unfit for membership by reason of his having contravened the provisions of paragraph 12 of this Schedule, or

(iii) been absent from three consecutive meetings of the board without the leave of the board ; or

(c) he is convicted by a court of record in Nigeria of an offence involving dishonesty and the conviction still stands at a time when no appeal or further appeal is pending, or may (without extension of

time) be brought, in connection with the conviction; and a member holding office by virtue of clause (g) above shall vacate his office if the board receives from the Minister a copy of an instrument appointing another person in his place.

(2) As soon as may be after a person ceases to hold office as a member, the authority which appointed him shall fill the vacancy. 5

(3) A person ceasing to be a member otherwise than by virtue of head (i) or (ii) of clause (b) or clause (c) of sub-paragraph (1) of this paragraph shall be eligible for appointment as a member.

Proceedings of the board 10

4. Subject to the provisions of this Act and of section fifty-nine of the Interpretation Ordinance (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote), the board may make standing orders regulating the proceedings of the board or any committee thereof. 15

5. The quorum of the board shall be seven, and the quorum of any committee of the board shall be determined by the board.

6.—(1) The board shall elect a member to be the deputy-chairman of the board for such period as the board may determine, so however that a deputy-chairman who ceases to be a member shall cease to be deputy-chairman. 20

(2) At any time while the office of chairman is vacant or the chairman is in the opinion of the board permanently or temporarily unable to perform the functions of his office, the deputy-chairman shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly. 25

7.—(1) Subject to the provisions of any standing orders of the board, the board shall meet whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the board to be held within seven days from the date on which the notice is given. 30

(2) At any meeting of the board the chairman or in his absence the deputy-chairman shall preside, but if both are absent the members present at the meeting shall elect one of their number to preside at that meeting. 35

(3) A member other than a nominated member may, by an instrument signed by him, appoint a person to represent him at a particular meeting of the board, and when the instrument is produced to the proper officer of the board the representative shall be entitled to act at that meeting in the place of the member he represents. 40

(4) Where the board desires to obtain the advice of any person on a particular matter the board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the board and shall not count towards a quorum. 45

(5) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the board shall be summoned by the Minister, who may give such directions as he thinks fit as to the member who shall preside and the procedure which shall be followed at that meeting.

Committees

8.—(1) The board may appoint one or more committees to carry out, on behalf of the board, such of its functions as the board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the board, and not more than one-third of those persons may be persons who are not members of the board; and a person other than a member shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the board.

Officers and servants

9. Without prejudice to the generality of subsection (1) of section five of this Act but subject to subsections (2) and (3) of that section, the board shall have power—

(a) to appoint such officers and servants as it may determine;

(b) to pay any member or any other person appointed to a committee of the board such remuneration (whether by way of salary, fees or otherwise) in respect of the performance of his functions under this Act, and such travelling and subsistence allowances while on any business of the board, as the board may determine;

(c) to pay its officers and servants such remuneration as the board may determine;

(d) as regards any officers or servants in whose case it may determine to do so, to pay to or in respect of them such pensions and gratuities, or to provide and maintain for them such superannuation schemes (whether contributory or not), as the board may determine.

Miscellaneous

10.—(1) The fixing of the seal of the board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the board by any person generally or specially authorised to act for that purpose by the board or a committee of the board.

(3) Any document purporting to be a document duly executed under the seal of the board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

11. The validity of any proceedings of the board or a committee thereof shall not be affected by any vacancy in the membership of the board or committee, or by any defect in the appointment of a member or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

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12. Any member, and any person holding office on a committee of the board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or a committee thereof shall forthwith disclose his interest to the board and shall not vote on any question relating to the contract or arrangement.

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