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

NURSES AND MIDWIVES BILL

EXPLANATORY MEMORANDUM

Modern progressive views of the two professions of nursing and midwifery have for some time not been adequately reflected in existing legislation in Nigeria; and the establishment of a national standard of training of nurses and midwives with supervision and general control exercisable by a national council is desirable.

This Bill seeks to give effect to this desire, and includes provision for the setting up of experimental schemes of basic and post-basic training in Nigeria.

The Council for which provision is made in *clause* one of the Bill will exercise control over both professions; and membership will be drawn from the two professions as well as from associated specialised fields such as child health, mental health, public health and the like. As an indication of its national character there will be in addition representatives of all the Regional Ministries of Health as well as of voluntary agencies and of the Nigerian university teaching hospitals.

M. A. MAJERODUNMI,
Federal Minister of Health

NURSES AND MIDWIVES BILL

ARRANGEMENTS OF CLAUSES

The Nursing and Midwifery Council

Clause

1. Establishment of Nigeria Nursing and Midwifery Council.
2. Financial provisions.
3. Control of council by Minister.
4. Regional Nursing and Midwifery Committees.
5. Appointment of officers.

The Registers

6. Preparation and maintenance of registers.
7. Publication of registers and lists of corrections.

Registration

8. Registration of nurses and midwives
9. Approval of courses of instruction.
10. Withdrawal of approval of courses etc.
11. Power to prescribe further training before registration.
12. Supervision of instruction, etc., leading to approved qualifications.

Discipline

13. Special powers as to discipline.
14. Penalties for unprofessional conduct, etc.

Miscellaneous

15. Proof of registration, etc.
16. Power to exempt midwives in certain cases.
17. Restricted effect of registration on use of name.
18. Appeals to High Court in certain cases.
19. Midwives to notify intention to practise.
20. Payment to nurses and others to be recoverable in certain cases.
21. Offences generally.
22. Unauthorised training an offence.
23. Power to amend schedules.
24. Regulations, rules and orders.
25. Transitional provisions.
26. Interpretation.
27. Short title, extent, commencement and repeals.

SCHEDULES

FIRST SCHEDULE—Supplementary provisions relating to the Council.

SECOND SCHEDULE—Supplementary provisions relating to the disciplinary tribunal, etc., conducting a preliminary investigation.

A BILL

FOR

AN ACT TO REGULATE NURSING AND MIDWIFERY AND FOR PURPOSES CONNECTED THEREWITH.

[See section 27]

Commencement.

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 :—

The Nursing and Midwifery Council.

- 5 1.—(1) On a day to be appointed by the Minister (in this Act referred to as "the appointed day") the Nursing Council for Nigeria and the Midwives Board shall cease to exist, and all property owned or held immediately before the appointed day by such council or board as the case may be shall, without further authority than this subsection, vest
- 10 in the council hereinafter mentioned ; and such council and board shall on the appointed day commence and with all reasonable speed complete the winding up of their respective affairs. In so doing the council and the board shall comply with such directions as they may receive from the Minister.

Establishment of Nigeria Nursing and Midwifery Council.

(2) There shall be a body to be known as the Nursing and Midwifery Council for Nigeria (in this Act referred to as "the council") which under that name shall be a body corporate with perpetual succession and a common seal and be charged with the general duty of—

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become nurses or midwives as the case may be, and raising those standards from time to time as circumstances may permit ;

(b) securing in accordance with the provisions of this Act the establishment and maintenance of registers of persons as nurses or midwives and the publication from time to time of lists of those persons ; and

(c) performing the other functions conferred on the council by this Act.

(3) Subject to the provisions of this Act, the council shall consist of a total of twenty-four and shall comprise—

(a) one fit person to be appointed as chairman, and

(b) the following persons, namely,—

(i) the chief nursing officer of the Federal territory,

(ii) the principal matron or professional head of nursing in each Region nominated by the Minister charged with responsibility for health in the Region,

(iii) one matron representing university teaching hospitals in Nigeria,

(iv) one person being the principal of a post-basic school of nursing to be appointed as representative of all post-basic schools of nursing and midwifery associated with the university teaching hospitals in Nigeria,

(v) one person being the principal of a school of nursing to be appointed as representative of all schools of nursing and midwifery (other than post-basic) associated with the university teaching hospitals in Nigeria,

(vi) four persons in Nigeria nominated by the Minister after consultation with representatives of professional nursing and midwifery associations having knowledge and experience of training in public health, mental health, child health, obstetrics and gynaecology,

(vii) two persons from each Region who are nurses or midwives actually engaged in rendering service in direct connection with the nursing of the sick, on the nomination of the Minister charged with responsibility for health in the nominating Region and two shall be nominated by the Ministry as representing the Federal territory,

(viii) one female education officer anywhere in Nigeria on the recommendation of the Federal Minister charged with responsibility for education.

(4) Members other than those who are members by virtue of office shall be appointed by the Minister :

(5) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the council, the powers and procedure of the council and other matters there mentioned.

2.—(1) The council shall prepare and submit to the Minister, not later than the first day of September of the year in which this subsection comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.

Financial provisions.

5 (2) The council shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts, and shall cause its 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.

10 (3) The Minister may, out of moneys provided by Parliament, make to the council either by way of grant or by way of loan, payments of such amounts as Parliament may from time to time determine.

15 3.—(1) The Minister may give to the council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the council of its functions, and it shall be the duty of the council to comply with the directions.

Control of council by Minister.

20 (2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the council and shall afford the council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection the Minister may give the direction either without modification or with such modifications as

25 appear to him to be appropriate having regard to the representations.

30 4.—(1) It shall be the duty of the council to provide in and for each Region a committee to be called the (*name of Region*) Nursing and Midwifery Committee (in this Act referred to as the "regional committee") which shall, under the general direction and control of the Council, have and exercise such duties and powers as are conferred upon it by this Act or as the council may from time to time prescribe.

Regional nursing and midwifery committees.

(2) The qualifications for membership of regional committees shall be such as may from time to time be prescribed by regulations made under this Act, and any unqualified person shall not be appointed to a regional committee without the approval of the Minister.

35 (3) For the purposes of this section the Federal territory shall be deemed to be a Region.

40 5.—(1) The council shall with the prior approval of the Minister appoint fit persons to be secretary and registrar for the purposes of this Act:

Appointment of officers.

Provided that the office of registrar may, with the approval of the Minister, be held by the secretary.

45 (2) The council may from time to time prepare and submit for the approval of the Minister a list of other persons it thinks necessary to employ, and subject to such approval the council may appoint such other persons.

The Registers

Preparation and maintenance of registers.

6.—(1) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the council under this section, registers of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Act to be registered as nurses or midwives as the case may be, and who apply to be so registered in the manner specified in this Act. 5

(2) Accordingly there shall be kept and separately maintained registers of nurses and midwives, and supplementary registers of paediatric and psychiatric nurses, and, as directed by the council, any other category of nurse. 10

(3) Subject to the following provisions of this section, the council shall make rules with respect to the form and keeping of the registers and the making of entries therein, and in particular— 15

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications ;

(b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars ; 20

(c) authorising a registered person to have any qualification which is, in relation to the relevant profession, either an approved qualification or an accepted qualification for the purposes of subsection (2) of section eight of this Act, registered in relation to her name in addition to or, as she may elect, in substitution for any other qualifications so registered ; 25

(d) specifying the fees to be paid to the council in respect of the entry of names on the registers and authorising the registrar to refuse to enter a name on a register until any fee specified for the entry has been paid ; 30

(e) specifying anything falling to be specified under the foregoing provisions of this section ;

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister. 35

(4) It shall be the duty of the registrar—

(a) to correct any entry which in the opinion of the council is incorrectly made in a register ;

(b) from time to time to make any necessary alterations in the registered particulars of registered persons ; 40

(c) to remove from the relevant register the name of any registered person who has died, or who for any other reason satisfactory to the council ought not to continue to be registered.

(5) If the registrar—

(a) sends by post to any registered person a registered letter addressed to him at his address in the register or elsewhere if so directed in writing by the chairman of the council enquiring whether 45

the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it, and

- 5 (b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,—

10 the registrar may remove the particulars relating to the person in question from the relevant register; and the council may direct the registrar to restore to the appropriate part of the register of nurses or, as the case may be, to the register of midwives, any particulars removed therefrom under this subsection.

7. It shall be the duty of the registrar—

- 15 (a) to cause both registers to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this subsection comes into operation; and

- 20 (b) in each year after that in which a register is first published under paragraph (a) above, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or a list of alterations made to the register since it was last printed; and

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at such places in Nigeria as the council may direct;

- 25 and the council shall cause the registers and lists so deposited to be kept open for public inspection.

Publication
of registers
and lists of
corrections.

Registration

- 30 8.—(1) Subject to section fifteen and to rules made under section six of this Act, a person shall be entitled to be registered as a nurse or midwife as the case may be if—

(a) the applicant for registration has in Nigeria attended a course of training approved by the council as respects the nursing profession or, as the case may be, as a midwife; and

- 35 (b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; and

(c) the applicant is of good character and holds a qualification so approved.

(2) Subject as aforesaid, a person shall be entitled to be registered as a nurse or midwife if the council is satisfied that such person—

- 40 (a) is of good character; and

(b) holds a qualification granted outside Nigeria and for the time being accepted by the council for the purposes of this subsection as respects the profession or occupation in question; and

Registration
of nurses
and mid-
wives.

(c) is by law entitled to practise for all purposes as a member of that profession or occupation in the country in which the qualification was granted; and

(d) has, if the council requires the information, had sufficient practical experience in the profession or occupation in question; and the council shall from time to time publish in the gazette particulars of the qualifications for the time being accepted for the purposes of this subsection.

9.—(1) The council may approve—

(a) any course of training which is intended for persons who are seeking to become, or are already, members of the nursing profession and which the council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession or for practice as members of a specialised branch of that profession;

(b) any course of training intended for persons who are seeking to become or are already midwives and which the council considers is designed to confer on persons completing it sufficient knowledge and skill for that occupation or for practice as members of a specialist branch thereof;

(c) any institution, either in Nigeria or elsewhere, which the council considers is properly organised and equipped for conducting the whole or part of a course of training approved by the council under this section;

(d) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the council, that they have sufficient knowledge and skill to practise the profession or occupation in question or to practise as members of a specialised branch thereof.

(2) The council may co-operate with any person interested in the preparation of experimental schemes for the basic and post-basic education of nurses and midwives; but no scheme of training and examination other than that prescribed for any recognised teaching hospital or institution in Nigeria shall, without the approval of the Minister, be adopted by the council, or be put into operation or be extended in its operation.

(3) Any examination passed upon completion of a course of training under a scheme adopted by the council under this section shall be accepted by the council as sufficient evidence of entitlement to registration in the appropriate register; and upon application and payment of fees in the prescribed manner, nurses or midwives so trained may be registered accordingly.

10.—(1) Subject to the provisions of subsection (2) of this section, the council may, if it thinks fit, withdraw any approval given in respect of any course, qualification or institution.

(2) The council shall not withdraw its approval without first giving notice to each person in Nigeria appearing to the council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be, and thereafter taking into consideration any representations which each such person shall be afforded opportunity by the council of making to it with regard to the such proposal.

Approval of courses of instruction, etc.

Withdrawal of approval of courses, etc.

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(3) As respects any period during which the approval of the council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved for the purposes of this Act; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the council may specify in that instrument; and the council shall—

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

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

11.—(1) Where any person has outside Nigeria completed a course of training as a nurse or midwife not acceptable to the council without further proof of competency, the council may require that person to undergo additional training in a teaching hospital or institution or under any scheme of training in Nigeria approved for the purposes of section nine of this Act; and upon completion of the prescribed further training to the satisfaction of the council, such person may apply for registration under this Act and be registered accordingly in the appropriate register.

(2) Every application for registration shall be accompanied by evidence of identity and payment of the prescribed fee.

12.—(1) It shall be the duty of the council to keep itself informed of the nature of—

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

(b) the examinations as a result of which approved qualifications are granted;

and for the purposes of performing that duty the council may appoint, or may direct any regional committee to appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of any person appointed under subsection (1) of this section to report to the council on—

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

(b) the sufficiency of the examinations attended by him; and

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

but no person so appointed shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the council shall as soon as may be send a copy of the report to the person appearing to the council to be in charge of the institution or responsible

Power to prescribe further training before registration.

Supervision of instruction, etc., leading to approved qualifications.

for the examinations to which the report relates requesting that person to make observations on the report to the council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Professional Discipline

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Special powers as to discipline.

13.—(1) There shall be a tribunal, to be known as the Nurses and Midwives Disciplinary Tribunal (in this Act referred to as "the tribunal"), which shall be charged with the duty of considering and determining any case referred to it by a regional committee under the powers conferred by this section, and any other case of which the tribunal has cognisance under the following provisions of this Act.

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(2) The tribunal shall consist of the chairman of the council and seven other members of the council appointed by the council.

(3) A regional committee shall be charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a registered person has in the Region misbehaved as a nurse or midwife, as the case may be, or should for any other reason be the subject of proceedings before the tribunal; and

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(b) deciding whether the case should be referred to the council with a recommendation that it be dealt with by the tribunal, and may of its own motion conduct any such preliminary investigation under this subsection.

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Second Schedule.

(4) The provisions of the Second Schedule to this Act shall, so far as applicable to the tribunal and a regional committee respectively, have effect with respect to those bodies.

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(5) Where any matter has been referred by a regional committee to the council under this section, it shall be considered by the council who may cause it to be dismissed or be dealt with by the tribunal.

Penalties for unprofessional conduct, etc.

14: (1) Where—

(a) any person registered under this Act is judged by the tribunal to be guilty of infamous conduct as a nurse or midwife as the case may be; or

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(b) any person registered under this Act is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a nurse or midwife, as the case may be; or

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(c) the tribunal is satisfied that the name of any person has been fraudulently registered,

the tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the registrar to strike the name of that person off the relevant register or registers.

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(2) The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the tribunal; but—

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(a) no decision shall be deferred under this section for periods exceeding twelve months in the aggregate; and

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

5 (3) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

10 (4) When the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause notice of the direction to be served on the person to whom it relates.

15 (5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the appropriate High Court; and the tribunal may appeal as respondent to the appeal and, for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

20 (6) A direction of the tribunal under subsection (1) of this section shall take effect—

(a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;

25 (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;

(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,

30 and shall not take effect except in accordance with the foregoing provisions of this subsection.

35 (7) A person whose name is removed from a register in pursuance of a direction of the tribunal under this section shall not be entitled to be registered in that register again except in pursuance of a direction in that behalf given by the tribunal on the application of that person; and a direction under this section for the removal of the name of a nurse or of a midwife from a register may prohibit an application under this subsection by the person affected until the expiration of such period from the date of the direction (and where the person affected has duly made such an application, from the date of the last application) as may
40 be specified in the direction.

Miscellaneous

15.—(1) Any certificate as to registration or non registration given by the registrar for the purposes of this Act shall, in any proceedings, be conclusive evidence of the fact stated in the certificate.

Proof of registration, etc.

45 (2) Without prejudice to any other mode of proof, a document purporting to be a print of an edition of a register or list of corrections published by authority of the registrar under this Act shall, in respect of the year to which its publication relates be admissible in any proceedings as evidence that any person specified in the document, or print of an
50 edition and list read together, is for the year of publication referred to in

this subsection registered as a nurse or midwife as the case may be, and that any person not specified therein is not so registered.

Power to exempt midwives in certain cases.

16. The council may authorise a regional committee to exempt by notice in the gazette persons attending child-birth from the requirements of registration under this Act for a period of up to six months in a designated locality where the regional committee is satisfied that there is not a sufficient number of registered midwives in active practice, and the persons to be exempted appear to the regional committee to be experienced in attending child-birth delivery.

Restricted effect of registration or use of name.

17. Registration under this Act shall not confer the right to assume any name, title or designation suggesting or implying that the person registered is by law entitled to practise medicine or surgery, or take charge of cases of abnormality or disease requiring medical attention; and no person so registered shall (without the authority of the council) issue any medical certificate.

Appeals to High Court in certain cases.

18. Any person aggrieved,—

(a) by the refusal of the council to cause her name to be entered in the appropriate register; or

(b) by the refusal of the council to approve a hospital or other similar institution as a training school; or

(c) by any direction of the council withdrawing approval of a training school for nurses or midwives as the case may be; may within one month after the person is notified of such refusal appeal to the High Court of the Region where such person resides.

Midwives to notify intention to practise.

19.—(1) Every midwife authorised under this Act shall, before commencing to practise, give notice of her intention to do so to the regional committee; and if a midwife registered under this Act wishes to transfer to any area or place for the purpose of practising there, the midwife shall within seven days after the transfer, give notice to the regional committee of the fact.

(2) Nothing in this section shall authorise an exempted midwife to practise outside the locality designated in the exemption; and any midwife who fails to comply with the requirements of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds.

Payment to nurses and others to be recoverable in certain cases.

20.—(1) Subject to subsection (2) of this section, no person whether or not registered under this Act, shall be entitled to payment in cash or in kind for services performed while engaged or acting as a nurse or midwife; and if payment is made, the amount or its equivalent in terms of money, as the case may be, shall be recoverable in any court of competent jurisdiction.

(2) The council may exempt from the provisions of this section any registered nurse, or any midwife whether registered or exempted from registration under this Act.

Offences generally.

21.—(1) Any person not registered under this Act, who—

(a) for or in expectation of reward practises or holds himself out to practise as a nurse; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a nurse, shall be guilty of an offence.

(2) If any person registered under this Act takes or uses without reasonable excuse any name, title, addition or description implying that he has qualifications as a nurse superior to or other than those to which he is entitled, he shall be guilty of an offence.

5 (3) Subject as aforesaid, any person not registered or exempted as a midwife who—

(a) for or in expectation of reward, practises or holds herself out to practise as a midwife ; or

(b) employs any unregistered person as her substitute ; or

10 (c) without reasonable excuse takes or uses any name, title, addition or description implying that she is authorised by law to practise as a midwife ;

shall be guilty of an offence.

15 (4) If any person, for the purpose of procuring the registration of any name, qualification or other matter—

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

(b) recklessly makes a statement which is false in a material particular,—

20 he shall be guilty of an offence.

(5) If the registrar or any other person employed by the council wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence.

(6) A person guilty of an offence under this section shall be liable—

25 (a) on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term of four months, or to both ;

(b) on conviction on indictment, to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years, or to both.

30 (7) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the
35 body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

22.—(1) It shall be an offence for any person outside a recognised teaching hospital or institution in Nigeria, or without the approval of the Minister given on the recommendation of council, to train or
40 purport to train any person as a nurse or midwife or both, or to provide any course of training or establish any school for such purpose or as one of its purposes ; and any such person shall be liable—

(a) on summary conviction to a fine of not less than fifty pounds, or to imprisonment for a term of six months, or to both ;

45 (b) on conviction on indictment to a fine of not less than one hundred pounds or more than five hundred pounds or to imprisonment for a term not exceeding two years, or to both.

(2) The provisions of this section shall extend to any case where approval is withdrawn under section ten of this Act.

Unauthorised
training an
offence.

(3) It shall be a sufficient defence that any such training, course, or school was approved in writing by the Minister before the date of commencement of this Act and approval has not been withdrawn; and subject thereto this section shall extend to any training, course, or school in operation or established before that date unless an application for approval thereof is received by the secretary to the council within seven days after the date of commencement of this Act, and approved by the Minister within two months thereafter. 5

Power to amend the Schedules.

23. The President may from time to time by order amend or replace any of the Schedules to this Act. 10

Regulations, rules and orders.

24.—(1) The Minister after consultation with the council may make regulations generally for the purposes of this Act, and without prejudice thereto any power to make regulations, rules or orders conferred by this Act shall include power—

(a) to make provision for such incidental and supplementary matters as the authority making the regulations, rules or orders considers expedient for the purposes thereof; and 15

(b) to make different provision for different circumstances.

(2) The Minister shall lay a copy of all regulations before each House of Parliament as soon as may be after the regulations are made; and if either House, on any of the twenty days on which it sits next after the date on which any regulations are laid before it, resolves that the regulations be annulled they shall, without prejudice to anything previously done in pursuance of the regulations, cease to have effect on the day next following the date of the resolution. 20 25

Transitional provisions.

25.—(1) Subject to section fourteen of this Act and to the next following subsection, a person shall, without payment of any fee, be entitled under this Act to be registered as a nurse if that person has any time been registered in the register of nurses maintained under the Nurses Act 1959, or to be registered as a midwife if that person has at any time been enrolled under the provisions of the Midwives Act. 30

No. 20 of 1959
Cap. 118.

(2) Any person registered or enrolled as the case may be under the Acts aforesaid in consequence of proceedings for the name of the person to be erased or removed before the disciplinary committee established by that Act shall be deemed for the purposes of this Act to have had his name removed, in pursuance of a direction of the tribunal which took effect on the date when this subsection came into force, from the register maintained under this Act in respect of nurses or, as the case may be, from the register of midwives maintained under this Act; and the provisions of subsection (7) of section fourteen of this Act shall have effect accordingly as if the direction aforesaid prohibited applications under that subsection for the period of six months. 35 40

(3) Where—

(a) there is in any Region an institution which was established before the first day of January, one thousand nine hundred and sixty-four, and which grants a qualification to persons who have completed a course of training in nursing or midwifery as the case may be conducted at the institution; and 45

(b) the institution, course and qualification are recognised by the council for the purposes of this subsection, any such qualification granted before that day to such a person as aforesaid, or after that day to a person who on that day was engaged in such a course at the institution with a view to obtaining such a qualification, shall be deemed to be a qualification approved by the council under section eight of this Act; and subject to the next following subsection and the provisions of section fourteen and of rules made under section six of this Act, a person shall, without obtaining a certificate of experience, be entitled to be fully registered by reference to a qualification which is an approved qualification by virtue of this subsection.

(4) In the case of a person who is registered by virtue only of such a qualification as is mentioned in subsection (3) of this section, the registrar shall, on the expiration of the period of two years beginning with the date of the grant of the qualification or of the coming into force of this subsection, whichever is the later, remove from the register all particulars relating to that person unless before the expiration of that period the person affected furnishes to the registrar a certificate issued by the Minister responsible for health in the government of the Region in question stating that the person has, since that date, been engaged in practice as a nurse or midwife as the case may be for a period of not less than twelve months.

(5) For the purpose of enabling persons to qualify for membership of the council at any time during the period of two years beginning with the date when section one of this Act comes into force, a person entitled by virtue of subsection (1) of this section to be registered as a nurse or midwife, as the case may be, shall be deemed to be so registered notwithstanding that the relevant register has not been established or that the name of that person is not registered in it.

(6) Any proceedings under the Nurses Act 1959 or the Midwives Act which, immediately before the date when the provisions of those Acts relating to such proceedings are repealed, were pending before the disciplinary committee, by whatever name called, established or appointed thereunder or in the Supreme Court may be continued, and any right of appeal under the relevant Act which was exercisable immediately before that date may be exercised, as if this Act had not been passed; and for the purposes of the foregoing provisions of this section and of enabling effect to be given to any order made or judgment given in connection with any such proceedings or appeal, but not for any other purposes, the register or roll as the case may be maintained under the relevant Act shall be deemed not to be abolished.

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

“the appointed day” means the day upon which this Act or so much thereof as is provided for therein comes into operation by order of the Minister;

“the council” means the Nursing and Midwifery Council for Nigeria;

“the gazette” means the Gazette of the Federation;

“the Minister” means the Minister of the government of the Federation charged with responsibility for matters relating to health services;

“regional committee” means Nursing and Midwifery Committee appointed by the council in respect of a Region;

No. 20 of
1959.
Cap. 118.

Inter-
pretation.

"register" means a register under this Act and includes a supplementary register, and cognate expressions shall be construed accordingly;

"the registrar" means the registrar appointed for the purposes of this Act.

(2) Any application, approval, consent, 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 prescribed mode, be served by post.

Short title,
extent,
commence-
ment and
repeals.

27.—(1) This Act may be cited as the Nurses and Midwives Act, 1964.

(2) This Act shall come into operation within the Federation on such date or dates as the Minister may by order appoint; and different dates may be appointed for different Regions and for the purposes of different provisions. Accordingly, the Acts mentioned in the Third Schedule to this Act shall be repealed to the extent to which they are affected by the commencement of this Act.

SCHEDULES

FIRST SCHEDULE

Section 1 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Tenure of Office of Members

1.—(1) A person who is a member of the council otherwise than by virtue of occupation of a particular office shall, subject to the following provisions of this paragraph, hold office for the period of three years beginning with the date of his appointment as a member.

(2) 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 council; or

(b) the council 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) been absent from two consecutive ordinary meetings of the council without the leave of the council; or

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

(3) A member holding office by virtue of occupation of a particular office shall vacate his office as a member if he ceases to occupy the particular office outside the council.

(4) As soon as may be after a person ceases to hold office as a member, the authority which appointed him shall fill the vacancy save in any case where the residue of the term does not exceed six months, but the council shall not be deemed to be improperly constituted by reason only of the failure to nominate or appoint any particular member.

(5) A person who has ceased to be a member of the council shall be eligible again to become a member.

(6) Where a member of the council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the person by whom he was appointed shall as soon as may be appoint to fill the vacancy for the residue of term aforesaid so however that the provisions of this paragraph shall not apply where a person holding office as a member of the council ceases to hold office at a time when the residue of his term does not exceed one year.

Powers of the Council

2.—(1) Subject to the provisions of this paragraph and to any directions of the Minister under this Act, the council shall have power to do anything which in its own opinion is calculated to facilitate the carrying on of its activities.

(2) The council shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister, and shall not have power to pay remuneration (including pensions), allowances or expenses to any member, officer or servant of the council or to any other person except in accordance with scales approved by the Minister.

Proceedings of the Council

3. Subject to the provisions of this Act and of section twenty-six of the Interpretation Act 1964 (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 council may make standing orders regarding the proceedings of the council or any committee thereof.

4. No meeting of the council shall be held unless there is present one member from each Region, and subject thereto the quorum of the council shall be eight and the quorum of any committee of the council shall be determined by the council.

5. If the chairman is absent from Nigeria or is otherwise unable to act and the council is unable to agree, the Minister may appoint a fit person to be temporary chairman of the council.

6. Subject to the provisions of any standing order of the council, the council 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 persons, he shall summon a meeting of the council to be held within seven days from the date on which the notice is given.

7. The chairman shall preside at any meeting of the council and if the person for the time being acting in his stead is unable to attend, the members present at the meeting shall appoint one of their number to preside at that meeting.

8. Where the council desires to obtain the advice of any person on a particular matter, the council may co-opt him as a member as such period as it thinks fit; but a member who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the council and shall not count towards a quorum. 5

9. The first meeting of the council shall, notwithstanding anything in the foregoing provision of this part of the schedule, be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.

10.—(1) The council may, in addition to any regional committee appointed under this Act, appoint one or more committees to carry out, on behalf of the council for any part of Nigeria such of its functions as the council may determine. 10

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council and not more than one third of those persons may be persons who are not members of the council; and a person other than a member of the council shall hold office on the committee in accordance with the terms of the instrument by which he was appointed. 15

(3) The quorum of every committee provided or appointed by the council shall, save in the case of a regional committee conducting a preliminary investigation, be fixed by the council. 20

(4) A decision of a regional committee or of any other committee shall not have effect until it is confirmed by the council.

Miscellaneous 25

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

(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 council by any person generally or specially authorised to act for that purpose by the council. 30

(3) Any document purporting to be a document duly executed under the seal of the council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed. 35

12. The validity of any proceedings of the council or a committee thereof shall not be affected by any vacancy in the membership or the council or committee, or by any defect in the appointment of a member of the council 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. 40

13. Any member of the council, and any person holding office on a committee of the council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the council or a committee thereof shall forthwith disclose his interest to the council and shall not vote on any question relating to the contract or arrangement. 45

14. A person shall not, by reason only of his membership of the council, be treated as holding an office of emolument under the State.

SECOND SCHEDULE

Section 13

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND A REGIONAL COMMITTEE CONDUCTING A
PRELIMINARY INVESTIGATION

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The Tribunal

1. The quorum of the tribunal shall be four of whom—

(a) where the case concerns a nurse, at least three shall be registered nurses together with one other person who may be a registered midwife; and

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(b) where the case concerns a midwife, at least three shall be registered midwives together with one other person who may be any registered nurse.

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2.—(1) The Chief Justice of Nigeria shall make rules as to the selection of members of the tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the tribunal.

(2) The rules shall in particular provide—

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

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

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

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

(e) subject to the provisions of subsection (5) of section fourteen of this Act, as to the costs or proceedings before the tribunal;

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

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(g) for giving effect by notice in the gazette of any direction of the tribunal that the name of a person shall be struck off a register.

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3. For the purposes of any proceedings before the tribunal, any member of the tribunal may administer oaths and any party to the proceedings may sue out of the registry of the Supreme Court writs of subpoena ad testificandum and duces tecum; but no person appearing before the tribunal shall be compelled—

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

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

4.—(1) For the purpose of advising the tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the tribunal who shall be appointed by the council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

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

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

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

5. The quorum of a regional committee when conducting a preliminary investigation shall be three of whom—

(a) all shall be registered nurses in a case relating to a registered person who is not a registered midwife; and

(b) one at least shall be a registered midwife in any other case.

6.—(1) A regional committee may, at any meeting of the committee attended by not less than six of its members including not less than one registered midwife, make standing orders with respect to the regional committee.

(2) No standing order of a regional committee made for the purposes of this schedule shall have effect without the approval of the council, and subject thereto, a committee may regulate its own procedure.

Miscellaneous

7.—(1) A person ceasing to be a member of the tribunal or a regional committee shall be eligible for reappointment as a member of that body.

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

8. The tribunal or a regional committee may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to sub-paragraph (2) of the immediately preceding paragraph) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The tribunal may sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the tribunal shall be served on the registrar.

5 11. Any expenses of the tribunal or of a regional committee conducting a preliminary investigation shall be defrayed by the council.

12. A person shall not, by reason only of his appointment as a legal assessor to the tribunal be treated as holding an office of emolument under the State.

THIRD SCHEDULE

Section 27 (2)

<i>Chapter or Number</i>	<i>Short Title</i>	<i>Extent of Application</i>
.118	The Midwives Act.	Federal territory
No. 20 of 1959	The Nurses Act, 1959.	Throughout the Federation

(822)