

INSTITUTE OF MEDICAL LABORATORY TECHNOLOGY DECREE 1968



ARRANGEMENT OF SECTIONS

Section

The Institute of Medical Laboratory Technology

1. Establishment of Institute of Medical Laboratory Technology.
2. President, etc., of the institute.
3. Council and membership of the institute.
4. Financial provisions.
5. Transitional provisions as to property and functions, etc.

The Register

6. Appointment of registrar, etc. and preparation of the register.
7. Publication of register and lists of corrections.
8. Registration of technologists and others.
9. Approval of qualifications, etc.
10. Supervision of instruction and examinations leading to approved qualifications.

Professional Discipline

11. Establishment of disciplinary tribunal and investigating panel.

12. Penalties for unprofessional conduct, etc.

Miscellaneous and General

13. Application of Decree to unenrolled persons.
14. When persons are deemed to practise as technologists.
15. Rules as to articles, practising fees, etc.
16. Provision of library facilities, etc.
17. Regulations and rules
18. Offences.
19. Interpretation.
20. Citation, etc

SCHEDULES

Schedule 1—Supplementary Provisions relating to the council and the institute.

Schedule 2—Transitional Provisions as to property, etc.

Schedule 3—Supplementary Provisions relating to the Disciplinary Tribunal and Investigating Panel.

Decree No. 56

[See section 20(2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees
as follows :—

The Institute of Medical Laboratory Technology

1.—(1) There shall be for the profession of medical laboratory technology in Nigeria a body to be known as the Institute of Medical Laboratory Technology (hereafter in this Decree referred to as "the institute") which shall be a body corporate under that name and be charged with the general duty of—

Establish-
ment of
Institute of
Medical
Laboratory
Technology.

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become medical technologists, laboratory technicians and laboratory assistants (hereafter in this Decree respectively referred to as "technologists", "technicians" and "assistants") and raising those standards from time to time as circumstances may permit ;

(b) securing in accordance with the provisions of this Decree the establishment and maintenance of a register of technologists, technicians and assistants subdivided into all grades necessary for the purpose of recording persons entitled under this Decree and the publication from time to time of lists of any persons qualified as technologists ;

(c) performing through the council under this Decree the functions conferred upon it by this Decree.

(2) The institute shall have perpetual succession and a common seal which shall be kept in such custody as the institute under this Decree may from time to time authorise.

(3) The institute may sue and be sued in its corporate name and may hold, acquire and dispose of any property, movable or immovable.

(4) Subject to the provisions of this Decree, members admitted to the institute shall be enrolled in the category of—

(a) fellows,

(b) associates, and

(c) members, either ordinary or student,
and shall have status therein as accorded by the rules of the institute, so however that no ordinary or student member admitted under this subsection shall hold office under this Decree, and a student member shall not be entitled to a vote at any meeting.

(5) Any fit person shall be accorded by the institute on election by the council under this Decree status as a fellow or as an associate in the following cases, that is to say—

(a) as a fellow, if—

(i) whether or not at the commencement of this Decree entitled to status as an associate he is or would, but for this Decree, be entitled to status as a fellow of the corresponding laboratory authority in the United Kingdom, or

(ii) at any time after the commencement of this Decree he acquires status in Nigeria as an associate of the institute, and thereafter becomes the holder of any subsequent qualification which in the opinion of the council is sufficient to entitle him to recognition as a fellow of the institute ;

(b) as an honorary fellow if, not being a member of the institute he has, in the opinion of the council, substantially contributed to the advancement of the objects of the institute ;

(c) as an associate, if being enrolled as an ordinary member, he thereafter satisfies the institute that he is the holder of the qualification prescribed by the council as sufficient for admission to that status :

and any fit person shall be accorded status—

(d) as an ordinary member if he satisfies the council as to his qualification for admission to such category, or

(e) as a student member if being a student he satisfies the council of his qualification for enrolment as a student member.

(6) Where a person is enrolled in the institute he shall, if he is a fellow or an associate, but not otherwise, be entitled to the use of such letters after his name as may be authorised by the institute ; and shall, when enrolled, receive a certificate in such form as the institute may approve for the purpose.

President,
etc., of the
institute.

2.—(1) The chief medical adviser to the Federal Military Government (hereafter in this Decree referred to as "the chief medical adviser") shall be president of the institute and at any time when the president is absent or otherwise incapable of acting as such, or there is a vacancy in the office of president, the deputy chief medical adviser shall exercise any of the functions of the president.

(2) There shall be a vice-president who, subject to the provisions of section 5 and of the Schedule therein referred to, shall be appointed by the Commissioner from a panel of fellows who are technologists, prepared for the purpose by the registrar under this Decree.

(3) The president shall hold office so long as he continues to be chief medical adviser as aforesaid and the vice-chairman shall hold office for a term of three years from the effective date of his appointment.

(4) The president shall be chairman at meetings of the institute, so however that, in the event of his death, or inability to act for any other reason in that capacity, the deputy chief medical adviser shall act in his stead until a new chief medical adviser to the Government aforesaid is appointed, or as the case may require ; and references in this Decree to the president shall be construed accordingly.

(5) The president and vice-president shall respectively be chairman and vice-chairman of the council under this Decree.

(6) If the president or his deputy ceases to hold office as chief medical adviser or the vice-president ceases to be a member of the institute the person concerned shall cease to hold any of the offices designated under this section.

Council and
membership
of the
institute.

3.—(1) There shall be as the governing body of the institute, a council charged with the administration and general management of the institute, the members of which shall, unless otherwise provided in this Decree, hold office for a term of three years.

(2) In so far as it is practicable, membership shall be representative and members shall be drawn from all states of the Federation, in such a way that, in the case of pathologists, the Commissioner shall appoint eight pathologists as members to represent—

(a) universities having faculties of medicine,

(b) universities having faculties of veterinary medicine,

- (c) veterinary establishments, and
- (d) Federal and State Ministries of Health.

(3) Accordingly, the membership shall consist of twenty-four members comprising—

- (a) the chief medical adviser or his deputy, as the case may require ;
- (b) the person in the category of fellow appointed as vice-president under this Decree ;
- (c) the person holding office as registrar under this Decree ;
- (d) eight pathologists appointed as provided in subsection (2) above ;
- (e) one technologist from each of the states of the Federation appointed by the Commissioner on the nomination of the respective Military Governors of the states ;
- (f) one technologist appointed by the Commissioner from the Federal Ministry of Health.

(4) The Commissioner may at any time review the representation after consultation with the council and may increase or reduce the number of members, so however that a reduction in numbers shall not have effect in the case of a state nomination before the expiry of the term of office of a member, without the approval of the person nominating him.

(5) The registrar of the institute shall be secretary to the council.

(6) The supplementary provisions contained in Schedule 1 to this Decree shall, so far as applicable to the council and the institute respectively, have effect in relation to those bodies.

Schedule 1

4.—(1) The council shall cause to be prepared annually a budget showing the estimates of revenue and expenditure of the council for the ensuing financial year.

Financial provisions.

(2) The council shall, in addition, cause to be prepared a statement of the income and expenditure during the previous financial year, a statement of the assets and liabilities of the council on the last day of such year, and a statement and valuation of the assets of the council. The statements duly certified under the seal of the institute shall be submitted to and be audited by an auditor approved by the Commissioner within six months of the end of the previous financial year ; and verified copies of the statements with the auditor's report thereon shall be forwarded by the executive committee appointed under paragraph 7 (2) of Schedule 1 to this Decree to, and be published as directed by, the Commissioner.

(3) The revenue of the institute shall include,—

- (a) fees charged by the council, and charges, dues or amounts recoverable by the council or by the institute as the case may be ; and
- (b) all revenue accruing to the institute or to the council, as the case may be, by way of grant-in-aid or otherwise howsoever.

(4) All moneys received by the council on behalf of the institute shall be paid into an account to be established and maintained by the institute and be under the control of the council ; and there shall be paid out of the fund, accounts and other liabilities incurred by or on behalf of the institute under this Decree.

5.—(1) On a day to be appointed by the Commissioner by notice published in the Federal Gazette (hereafter in this Decree referred to as "the appointed day"),—

Transitional provisions as to property and functions, etc.

- (a) all property to which any group in Nigeria associated immediately before that date with medical laboratory technology in the United Kingdom

and now affected by this Decree is or may be entitled shall, unless otherwise agreed with the associated group aforesaid, by virtue of this subsection and without further assurance, vest in the institute and be held by it for the purposes of the institute, and

(b) the group in Nigeria so associated shall cease to exist, and subject to subsection (2) of this section, any act, matter or thing made or done by the group shall cease to have effect.

Schedule 2.

(2) The provisions of Schedule 2 to this Decree shall have effect with respect to, and to matters arising from, the transfer by this section to the institute of any property to which the institute is or may be entitled as aforesaid, and with respect to the transfer of functions and of other matters mentioned in that Schedule.

The Register

Appointment
of registrar,
etc. and
preparation
of the
register.

6.—(1) There shall be appointed after consultation with the Commissioner a member of the public service of the Federation, or of a state therein, not below the category of an associate member to be the registrar for the purposes of this Decree, and without consultation with the Commissioner, such other persons, not being members of the public service, as the institute may from time to time think necessary.

(2) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the council, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Decree to be enrolled as fellows, associates or as members, and who, in the manner prescribed by such rules, apply to be so registered.

(3) The register shall be divided into parts to the extent necessary to give effect to this section.

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

(a) regulating the making of applications for enrolment or 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 ;

(c) authorising a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Decree, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered ;

(d) specifying the fees, including any annual subscription, to be paid to the institute in respect of the entry of names on the register, and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid ;

(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 approved by the Commissioner.

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

(a) to correct, in accordance with the council's directions, any entry in the register which the council directs him to correct as being in the council's opinion an entry which was incorrectly made ;

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

(c) to remove from the register the name of any registered person who has died ;

(d) to record the names of members of the institute who are in default for more than four months in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the council under this Decree may direct or require.

(6) If the registrar—

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

(b) upon the expiration of that period sends in the 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,

the registrar may remove the particulars relating to the person in question from the register ; and the council may direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

7.—(1) Subject to the provisions of this section, it shall be the duty of the registrar—

(a) to cause the register 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 force ; and

(b) in each year after that in which the 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 the principal office of the institute ;

and it shall be the duty of the council to keep the register and lists so deposited available at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of the register published under this section by authority of the registrar, or documents purporting to be prints of an edition of the register so published and of a list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

(3) Where in accordance with subsection (2) of this section a person is, in any proceedings, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

(4) Nothing in this section shall be construed so as to require publication of the names of student members or of honorary fellows unless in either case the registrar is directed so to do by the council.

Publication
of register
and lists of
corrections.

Registration

Registration
of technologists and
others.

8.—(1) Subject to section 12 of this Decree and to rules made under section 6 of this Decree a person enrolled as an ordinary member shall be entitled to entry of his qualification in the register as a technologist and may so apply if—

(a) he passes the examination prescribed for the qualifying status in any institution approved for the purpose by the institute, and completes the practical training prescribed ; or

(b) he holds the equivalent qualification granted outside Nigeria and for the time being accepted by the institute, and satisfies the council in such manner as it may in its discretion require, that he has sufficient practical experience as a technologist.

(2) An applicant under subsection (1) above shall, if so required by the council, in addition to evidence of qualification, satisfy the council—

(a) that he is of good character, and

(b) that he has attained the age of twenty-one years.

(3) The council may in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section, and direct that an entry be made in the register accordingly, or where applicable direct that the application be renewed within such period as may be specified in the direction.

(4) Any entry directed to be made in the register under subsection (3) above shall show that registration is provisional, and no entry so made shall be converted to full registration without the consent of the council signified in writing in that behalf.

(5) The council shall from time to time publish in the Federal Gazette particulars of qualifications for the time being accepted as aforesaid.

Approval of
qualifications, etc.

9.—(1) The council may approve any institution for the purposes of this Decree, and may for those purposes approve—

(a) any course of training at an approved institution which is intended for persons who are seeking to become or are already technologists in the laboratory and which the council considers is designed to confer on persons completing it sufficient knowledge and skill for admission to status in the institute ;

(b) 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 members of the council that the candidates have sufficient knowledge and skill in the work performed in the laboratory.

(2) The council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution ; but before withdrawing such an approval the council shall—

(a) give notice that it proposes to do so 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 ; and

(b) afford each such person an opportunity of making to the council representations with regard to the proposal ; and

(c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(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 under this section ; 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 Federal Gazette ; and

(b) not less than seven days next preceeding the publication aforesaid, send a copy of the instrument to the Commissioner.

10.—(1) It shall be the duty of the members of the council of the institute to keep themselves 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 of the institute may 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 a visitor appointed under the foregoing subsection 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 standard 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 visitor 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 may, if it thinks fit, and shall if so required by the institute, send a copy of the report to the person appearing to the council to be in charge of the institution or responsible 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.

Supervision
of instruction
and examinations
leading to approved
qualifications.

Professional Discipline

Establishment of disciplinary tribunal and investigating panel.

11.—(1) There shall be a tribunal to be known as the Institute of Medical Laboratory Technology Disciplinary Tribunal (in this Decree hereafter referred to as "the tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section, and any other case of which the tribunal has cognisance under the following provisions of this Decree.

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

(3) There shall be a body, to be known as the Investigating Panel of the Institute (in this Decree hereafter referred to as "the panel"), which shall be charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a member of the institute, or should for any other reason be the subject of proceedings before the tribunal ; and

(b) deciding whether the case should be referred to the tribunal.

(4) The panel shall be appointed by the council and shall consist of three members of the institute.

Schedule 3.

(5) The provisions of Schedule 3 to this Decree shall, so far as applicable to the tribunal and the panel respectively, have effect with respect to those bodies.

(6) The council may make rules not inconsistent with this Decree as to acts which constitute professional misconduct.

Penalties for unprofessional conduct, etc.

12.—(1) Where—

(a) a member is judged by the tribunal to be guilty of infamous conduct in any professional respect, or

(b) a member is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the tribunal is incompatible with his status in the institute, or

(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 his name off the relevant part of the register.

(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—

(a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate ; and

(b) so far as possible 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.

(3) For the purposes of subsection (1) (b) of this section a person shall not be treated as convicted as therein mentioned 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.

(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.

(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 notice of the direction, appeal against the direction to the Supreme Court; and the tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs 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.

(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 such an appeal, on the expiration of that time;

(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;

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

(7) A person whose name is removed from the register in pursuance of a direction of the tribunal under this section shall not be entitled to be registered 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 a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Miscellaneous and General

13. Any person in Nigeria not a member of the institute who, but for this Decree would have been qualified to apply for and obtain membership of an approved institute outside Nigeria may within the period of three months beginning with the appointed day apply for membership of the institute in such manner as may be prescribed by rules made by the council; and if approved, he shall be enrolled according to his qualification.

Application of Decree to unenrolled persons.

14.—(1) Subject to subsection (2) of this section, a person shall be deemed to be actively engaged as a member of the institute if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person—

When persons are deemed to practise as technologists.

(a) he holds himself out to the public as a technologist under this Decree; or

(b) he offers to perform or performs any service involving knowledge of medical laboratory technology; or

(c) he renders professional service or assistance in or about matters of principle or detail relating to medical laboratory technology procedure or the processing of data; or

(d) he renders any other service which may by regulations made by the council with the approval of the Commissioner be designated as service constituting practice as a technologist under this Decree.

(2) Nothing in this section shall be construed so as to apply to persons who, while employed by persons approved by the council under this section or employed by any government or university in Nigeria, are required under the terms or in the course of their employment to perform duties as technologists under this Decree.

Rules as to
articles,
practising
fees, etc.

15.—(1) The council may make rules—

- (a) for the training with suitable persons of approved members ;
- (b) for the supervision and regulation of the engagement, training and transfer of such approved members ;
- (c) for distinguishing between technologists and other auxiliary medical laboratory personnel.

(2) The council may also make rules—

- (a) prescribing the amount and due date for payment of the annual subscription and for such purpose different amounts may be prescribed by the rules according as the member of the institute is a fellow, an associate, an ordinary member, or a student member ;
 - (b) prescribing (otherwise than in respect of a student who shall not require it) the form of licence to practise to be issued annually or, if the council thinks fit, by endorsement on an existing licence ;
 - (c) restricting the right to practise as a member of the institute in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules.
- (3) Rules when made shall, if the chairman of the council so directs, be published in the Federal Gazette.

Provision of
library
facilities,
etc.

16. The institute shall—

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of medical laboratory technology, and such other books and publications as the council may think necessary for the purpose ;
- (b) encourage research into medical laboratory technology and allied subjects to the extent that the council may from time to time consider necessary.

Regulations
and rules.

17.—(1) Regulations made under this Decree shall be published in the Federal Gazette as soon as may be after they are made.

(2) Rules made for the purposes of this Decree shall be subject to confirmation by the institute at its next annual general meeting or at any special meeting of the institute convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

Offences.

18.—(1) 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, he shall be guilty of an offence.

(2) If, on or after the relevant date, any person not a member of the institute practises for or in expectation of reward, or takes or uses any name, title, addition or description implying that he is in practice as a member of the institute, he shall be guilty of an offence :

Provided that, in the case of a person falling within section 13 of this Decree—

(a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section ; and

(b) if within that period he duly applies for membership of the institute, then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or is notified as aforesaid.

(3) If, on or after the relevant date, a member not otherwise entitled holds himself out as a fellow or an associate of the institute or takes or uses any name, title, addition or description implying that he is a fellow or associate as aforesaid, he shall be guilty of an offence.

(4) If the registrar or any other person employed by or on behalf of the institute wilfully makes any falsification in any matter relating to the register, he shall be guilty of an offence.

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

(a) on conviction for a first offence by any magistrates' court, to a fine of an amount not less than ten pounds or more than fifty pounds, and for a second or any subsequent offence to a fine of not less than fifty pounds or more than one hundred pounds, or to imprisonment for a term of three months, or to both ;

(b) on conviction for a first offence by any court of superior jurisdiction, to a fine of one hundred pounds or to imprisonment for a term of twelve months, or to both, and for a second or any subsequent offence to a fine of not less than five hundred pounds, or to imprisonment for not less than twelve months, or to both.

(6) Where an offence under this section 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 body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) In this section "the relevant date" means the third anniversary of the appointed day or such earlier date as may be prescribed for the purposes of this section by order of the Commissioner published in the Federal Gazette ; and for the purposes of this section different dates may be prescribed for different States in the Federation.

19. In this Decree unless the context otherwise requires—

"the appointed day" means the day to be appointed by the Commissioner under section 5 (1) of this Decree ;

"approved" means for the time being approved by the Council under section 9 of this Decree ;

"Commissioner" means the Federal Commissioner for Health ;

"council" or "council under this Decree" means the council established as the governing body of the institute under section 3 of this Decree ;

Interpreta-
tion.

"enrolled", in relation to a fellow or an associate, means registered in the part of the register relating to fellows or associates as the case may be, and in relation to any other member means registered in that part of the register pertaining to the category of the particular member ;

"fees" includes annual subscriptions ;

"the institute" means the Institute of Medical Laboratory Technology under this Decree ;

"laboratory" or "the laboratory" means the medical technology laboratory under this Decree, and where used in its adjectival sense it shall be construed accordingly ;

"member" means a member of the institute ;

"the panel" has the meaning assigned by section 11 (3) of this Decree ;

"president" and "vice-president" mean respectively the office-holders under those names in the institute ;

"register" means the register maintained in pursuance of section 6 of this Decree ;

"technologist" means a person qualified for admission to the institute as a fellow or as an associate as the case may be, but does not include any person entitled in an honorary capacity ;

"the tribunal" has the meaning assigned to it by section 11 (1) of this Decree.

Citation,
etc.

20.—(1) This Decree may be cited as the Institute of Medical Laboratory Technology Decree 1968 and shall apply throughout the Federation.

(2) This Decree shall save as to section 5 come into force on the making of this Decree, and section 5 shall come into force on the appointed day.

SCHEDULES

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND THE INSTITUTE

Qualifications and tenure of office of members

1.—(1) Subject to the provisions of this paragraph a member of the council shall hold office from the effective date of the instrument of his appointment, or of his appointment, as the case may be.

(2) Any member of the institute who ceases to be a member thereof shall, if he is also a member of the council, cease to hold office on the council.

(3) Any elected member may by notice in writing under his hand addressed to the president resign his office and any appointed member may, with the consent of the Commissioner, likewise so resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the council shall be eligible again to become a member of the council, and any appointed member may be reappointed.

(5) Elections to the council shall be held in such manner as may be prescribed by rules made by the council, and until so prescribed they shall be decided by a show of hands.

Section 3 (6)

(6) If for any reason there is a vacation of office by a member and—

(a) such member was appointed by the Commissioner, the Commissioner shall appoint another fit person from the territory in respect of which the vacancy occurs ; or

(b) such member was elected, the council may, if the time between the unexpired portion of the term of office and the next general meeting of the institute appears in its opinion to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

Powers of Council

2. The council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the institute.

Proceedings of the Council

3.—(1) Subject to the provisions of this Decree the council may in the name of the institute make standing orders regulating the proceedings of the institute or of the council, and in the exercise of its powers under this Decree, may set up committees in the general interest of the institute, and make standing orders therefor.

(2) Standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, for the president or the chairman, as the case may be, to have a second or casting vote.

(3) Standing orders made for a committee shall provide that the committee is to report back to the council on any matter not within its competence to decide,

(4) The quorum of the council shall be seven ; and the quorum of a committee of the council shall be fixed by the council.

Meetings

(a) of the institute

5.—(1) The council shall convene the annual meeting of the institute on 30th April in every year or on such other day as the council may from time to time appoint, so however that if the meeting is not held within one year after the previous annual meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.

(2) A special meeting of the institute may be convened by the council at any time ; and if not less than twenty members of the institute require it by notice in writing addressed to the secretary of the institute setting out the objects of the proposed meeting, the chairman of the council shall convene a special meeting of the institute.

(3) The quorum of any general meeting of the institute shall be ten, and that of any special meeting of the institute shall be fifteen.

(b) of the council

6.—(1) The council shall meet not less than twice in any financial year, and subject to the provisions of any standing orders of the council, it shall meet at other times according as it is summoned by the chairman ; and if the chairman is required to do so by notice in writing given to him by not less than five other members, he shall summon a meeting of the council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the council, the chairman or in his absence the vice-chairman shall preside; but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the council shall be summoned by the Commissioner, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

7.—(1) The council may appoint one or more committees either standing or ad hoc to carry out on behalf of the institute or of the council, such functions as the council may determine.

(2) The initiating of policy shall be the principal duty of a standing committee to be known as the executive committee appointed under this paragraph, and persons who are not members of the council shall be ineligible for appointment. Persons who are members of the executive committee shall hold office during the pleasure of the council.

(3) Subject as provided in the case of the executive committee, any committee appointed under this paragraph shall consist of the number of persons determined by the council; and any committee other than the executive may co-opt any person whose advice is desired as a member but the co-opted member shall not be entitled to vote at any meeting of the committee and shall not count towards a quorum.

(4) A decision of the committee of the council shall be of no effect until it is confirmed by the council.

Miscellaneous

8.—(1) The fixing of the seal of the institute shall be authenticated by the signature of the president or of some other members of the council authorised generally or specially by the institute 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 institute or of the council as the case may require, by any person generally or specially authorised to act for that purpose by the council.

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

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

10. Any member of the institute or 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 on behalf of the institute, or on behalf of the council or a committee thereof, shall forthwith disclose his interest to the president or to the council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

11. A person shall not by reason only of his membership of the institute be treated as holding an office of emolument under the Federal Republic or any state thereof.

SCHEDULE 2

Section 5 (2)

TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

Transfer of property

1.—(1) Every agreement to which any associated group affected by the creation of the institute was a party immediately before the appointed day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Decree to the institute, as if—

(a) the institute had been a party to the agreement ;

(b) for any reference (however worded and whether express or implied) to the associated group there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the institute ; and

(c) for any reference (however worded and whether express or implied) to a member of the council of the associated group or an officer thereof there were substituted, as respects anything falling to be done on or after the appointed day, a reference to a member of the council under this Decree or the officer thereof who corresponds as nearly as may be to the member or officer in question of the associated group.

(2) Other documents which refer, whether specially or generally, to the associated group shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or of section 5 of this Decree, any right, liability or obligation vests in the institute, the institute and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and, in particular the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the institute.

(4) Any legal proceedings or application to any authority pending on the appointed day by or against the associated group and relating to property transferred by this Decree to the institute may be continued on or after that day by or against the institute.

(5) If the law in force at the place where any property transferred by this Decree is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly without payment of any fee by the council.

Transfer of functions, etc.

2.—(1) At its first meeting the council of the institute shall fix a date (not later than six months after the appointed day) for the annual general meeting of the institute.

(2) Anything to the contrary in this Decree notwithstanding the persons named as members of the committee which recommended the establishment of the institute under this Decree shall, on the making of this Decree, be deemed to be members of the council of the institute until the date determined in pursuance of the foregoing subparagraph when the institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting, but shall be eligible for re-appointment.

(3) All regulations, rules and similar instruments made for the purposes of the committee aforesaid and in force immediately before the making of this Decree shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect, with any necessary modifications as if duly made for the corresponding purposes of the institute.

Section 11(5)

SCHEDULE 3

**SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATING PANEL**

The Tribunal

1. The quorum of the tribunal shall be five of whom at least two shall be pathologists.

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—

(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;

(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 section 12 (5) of this Decree, as to the costs of proceedings before the tribunal;

(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 ;

(g) for publishing in the Federal Gazette notice of any direction of the tribunal which has taken effect providing that a person's name shall be struck off a register.

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

(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 thereat or, if the advice is tendered while the tribunal is deliberating in private, that every such party or person as 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.

The Panel

5. The quorum of the panel shall be three of whom at least one shall be a pathologist, and one a technologist.

6.—(1) The panel may, at any meeting of the panel attended by all the members of the panel, make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7.—(1) A person ceasing to be a member of the tribunal or the panel 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 the panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the tribunal with respect to that case.

8. The tribunal or the panel 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 paragraph 7 (2) above) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. Any document authorised or required by virtue of this Decree to be served on the tribunal or the panel shall be served on the registrar.

10. Any expenses of the tribunal or the panel shall be defrayed out of moneys voted for the purpose by the Federal Military Government.

11. A person shall not, by reason only of his appointment as a legal assessor to the tribunal or as a member of the tribunal, be treated as holding an office of emolument under the Federal Republic or any state thereof.

MADE at Lagos this 19th day of November 1968.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*