

L.N. 4 of 1969

THE MIDWIVES DECREE 1966  
(1966 No. 79)

**The Midwives (Disciplinary Tribunal and Assessors) Rules 1969**

*Commencement : 6th February 1969*

In exercise of the powers conferred upon me by paragraph 2 of the Schedule to the Midwives Decree 1966 and of all other powers enabling me in that behalf, I hereby make the following rules :—

*Proceedings before the Midwives Disciplinary Tribunal*

1.—(1) Parties to proceedings before the Midwives Disciplinary Tribunal (in these Rules hereafter referred to as “the tribunal”) shall be— Parties and appearance

(a) the complainant,

(b) the respondent,

(c) any other person required by the tribunal to be joined, or joined by leave of the tribunal.

(2) Subject to the next succeeding paragraph, parties to the proceedings may enter an appearance in person, or by their respective legal practitioners acting as counsel.

(3) The tribunal may require the attendance of the complainant or respondent in person if of opinion that it is necessary in the interest of justice.

Notice of  
hearing of  
complainant  
to be given.  
Schedule.

2.—(1) Where a complaint is referred by the board to the tribunal, the secretary to the board after consultation with the chairman of the tribunal shall appoint a time and place for the hearing ; and forthwith thereafter the secretary to the tribunal shall in the form in the Schedule hereto give notice to all interested parties (including members of the tribunal and the assessor) as directed or required by the chairman.

(2) If directions are for any reason not so given, it shall be sufficient compliance with this rule if the notice is—

(a) handed to the party concerned or affected personally ; or

(b) sent by registered post to the last known place of residence of the party.

3.—(1) Subject to the next succeeding paragraph, the tribunal may hear and determine a case in the absence of any party.

Absence of  
party to  
proceedings.

(2) Any party to proceedings before a tribunal who fails to appear or be represented may apply within one month after the date when the pronouncement of the findings and directions of the tribunal were given, for a re-hearing on the ground of want of notice or other good and sufficient reason ; and the tribunal, if satisfied may grant the application upon such terms as to costs or otherwise as it thinks fit.

Hearing of witnesses, etc.

4. The tribunal may in the course of its proceedings hear witnesses and receive documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct in the complaint referred to it by the board ; and in the application of this rule, the provisions of the Evidence Act or Law in force in the State where the tribunal holds its sitting shall apply to any such proceedings.

Amendments of complaints.

5. If in the course of the proceedings it appears to the tribunal that the complaint before it requires to be amended in any respect, the tribunal may, on such terms as it thinks fit, allow the amendment to be made and the complaint as so amended shall thereupon be dealt with accordingly.

Proceedings to be in public unless otherwise required.

6. Proceedings of the tribunal shall be held, and its findings and directions shall be delivered, in public, so however that if the Attorney-General of the Federation advises the tribunal in writing that the proceedings or any part thereof ought in the interest of public morality to be heard in private, or the assessor acting with the tribunal advises to the like effect, the proceedings or so much thereof as the tribunal may think necessary, shall be so heard.

Adjournment.

7. The tribunal may, of its own motion, or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the tribunal may think fit.

False evidence.

8. If any person wilfully gives false evidence on oath before the tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the tribunal may refer the matter to the Attorney-General of the Federation for necessary action.

Findings and costs.

9. After the hearing, the tribunal—

(a) shall record a finding of 'not guilty' if it adjudges that the charge of professional misconduct against the midwife has not been proved ;

(b) without finding any misconduct proved against a midwife, may order any party to pay the costs of proceedings if, having regard to her conduct and to all the circumstances of the case, the tribunal shall think fit so to order.

Publications of tribunal's finding, etc.

10. Subject to the provisions of section 14 of the Decree (which relates inter alia to appeals) any finding or direction given by the tribunal shall be published in the Federal Gazette as soon as may be after the direction takes effect.

Record of proceedings.

11.—(1) Notes of proceedings may be taken in shorthand by any person appointed by the tribunal and any party appearing at the proceedings shall be entitled to inspect the transcript thereof when made.

(2) The registrar shall supply to any person entitled to be heard upon an appeal against any finding or direction of the tribunal, and to the board, but to no other person, a copy of the transcript of such notes on payment of such charges as may be fixed by the registrar.

(3) If for any reason provision is not made for the taking of notes in shorthand, the chairman of the tribunal shall take notes of the proceedings ; and the provisions of this rule as to inspection and taking of copies shall apply to any such notes made by the chairman.

12. The tribunal may dispense with any requirements of these rules as to notices, affidavits, documents, service or time for doing or omitting anything, in any case where it appears to the tribunal to be just or expedient so to do ; and the tribunal in any particular case may extend the time for doing anything under the rules.

Miscellaneous powers of tribunal.

13. Books and other exhibits whatsoever produced or used at the hearing shall, unless the tribunal otherwise directs, be retained by the registrar until the expiry of the time for filing an appeal against a finding or direction of the tribunal or, if notice of any such appeal is given, until the hearing or other disposal of the appeal.

Power to retain exhibits pending appeal.

### *Assessors*

14.—(1) An assessor, when nominated by the rule making authority pursuant to the power conferred by the Schedule to the Decree, shall be appointed by the board by instrument, and the assessor shall hold and vacate office as provided in the instrument ; and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the tribunal.

Appointment and duties of assessor.

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the tribunal as and when requested to do so by notice in writing given to him by the registrar not later than three clear days before the date appointed for the meeting ; and he shall there advise the tribunal on questions of law.

(3) The tribunal shall be sole judge of facts offered in evidence, so however that in respect of mixed questions of fact and law, questions of law shall be for the assessor to advise on, in relation to evidence and procedure, and matters specified by these rules ; and the tribunal shall confer with the assessor on the advisability of hearing proceedings in private, unless already so advised, in writing by the Attorney-General of the Federation.

(4) If advice is tendered by an assessor to the tribunal otherwise than in the presence of all parties entering an appearance or as may be of their counsel, the assessor shall as soon as may be thereafter, inform all parties to the proceedings entering an appearance, as to the nature of the advice given and the reaction thereto of the tribunal.

(5) Fees to be paid to an assessor shall be such as may be agreed from time to time by the board with the consent of the assessor, and they shall be included in the expenses of the tribunal.

15.—(1) The Interpretation Act 1964 applies for the interpretation of these rules as it applies for the interpretation of the enactment under which these rules are made ; and accordingly provisions relevant to the constitution and powers of a tribunal, and expressions where they appear or are used herein, have the like effect and meaning as they have where they appear or are used in the Midwives Decree 1966, and these rules shall have effect not inconsistent therewith.

Interpretation.

(2) Where used in these rules,—

“complainant” means a supervisory authority, and includes any other person alleging before the board, professional misconduct against a midwife, and cognate expressions shall have the like construction ;

“respondent” means the person required to answer to any charge of professional misconduct.

16. These rules may be cited as the Midwives (Disciplinary Tribunal and Assessors) Rules 1969 and shall apply throughout the Federation.

Citation and application.

## SCHEDULE

Rule 2(1)

## NOTICE OF HEARING BY THE MIDWIVES TRIBUNAL

IN THE MATTER of the Midwives Decree 1966

AND

IN THE MATTER of a charge of unprofessional conduct against A.B. of etc. a registered midwife.

TAKE NOTICE that the Midwives Disciplinary Tribunal sitting at.....  
on.....19..... will commence its hearing of charge(s) to  
be there preferred against A.B. aforesaid of unprofessional conduct as a  
midwife and that the said tribunal will thereafter present its findings.

This notice is given to you as.....  
(here state whether a party or a member etc.)

and a copy of the charge(s) to be preferred is annexed.

DATED at.....this.....day of.....19.....

.....  
*Registrar of the Midwives Tribunal*

MADE at Lagos this 6th day of February 1969.

A. ADE. ADEMOLA  
*Chief Justice of Nigeria*

L.N. 5 of 1969

## IMMIGRATION ACT 1963

(1963 No. 6)

**The Loutfallah Haj-Mohammed Hamzi (Prohibited Immigrant)  
(Revocation) Order 1969***Commencement : 31st January 1969*

WHEREAS in exercise of the powers conferred by section 18 (3) of the Immigration Act 1963 LOUTFALLAH HAJ-MOHAMMED HAMZI was on the 15th day of November 1968 classed as a Prohibited Immigrant and a Deportation Order 1968 made against him :

AND WHEREAS I, the Federal Commissioner for Internal Affairs, am of the opinion that the said Deportation Order be revoked :

NOW THEREFORE, in exercise of the powers conferred by section 20 (3) of the Immigration Act 1963 and of all other powers enabling me in that behalf I, the Federal Commissioner for Internal Affairs, hereby order that the said Deportation Order 1968 be revoked.

This Order may be cited as the LOUTFALLAH HAJ-MOHAMMED HAMZI (Prohibited Immigrant) (Revocation) Order 1969.

MADE at Lagos this 31st day of January 1969.

KAM SELEM,  
*Federal Commissioner for Internal Affairs*

L.N. 6 of 1969

## IMMIGRATION ACT 1963

(1963 No. 6)

**Hubert Albert Bertran Luserna De Campiglione (Prohibited Immigrant)  
Order 1969***Commencement : 10th February 1969*

I, the Federal Commissioner for Internal Affairs, being of opinion that the admission of HUBERT ALBERT BERTRAN LUSERNA DE CAMPIGLIONE into Nigeria would be contrary to the interest of national security and acting under the power conferred upon me by section 17 (1) (d) of the Immigration Act 1963 the said HUBERT ALBERT BERTRAN LUSERNA DE CAMPIGLIONE shall be deemed to be a prohibited immigrant and shall be refused admission into Nigeria and I hereby order accordingly.

This Order may be cited as the HUBERT ALBERT BERTRAN LUSERNA DE CAMPIGLIONE Prohibited Immigrant Order 1969.

MADE at Lagos this 10th day of February 1969.

KAM SELEM,  
*Federal Commissioner for Internal Affairs*