

**MEDICAL AND DENTAL PRACTITIONERS DECREE 1969****ARRANGEMENT OF CLAUSES***Clause*

1. Composition of council amended.
2. Amendment of the Act to allow temporary registration in registers.
3. New provision as to licensing inserted in the Act.
4. New provision as to temporary registration inserted in the Act.
5. Power to declare certain offices to be pensionable.

6. Miscellaneous amendments to section 18 of the Act.
7. Citation, application, repeals, etc.

**SCHEDULES**

Schedule 1—Minor Amendments  
etc. to the Act of  
1963.

Schedule 2—Enactments re-  
pealed.

**Decree No. 44**

[8th October 1969]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 1 of the Medical and Dental Practitioners Act 1963 (in the Decree hereafter referred to as "the Act of 1963") is amended by substituting for all words in subsection (2) after the words "a total of" the words following, that is to say—

Composition  
of council  
amended.  
1963 No. 9.

"twenty-seven members, all being citizens of Nigeria, and shall comprise—

- (a) one person who shall be appointed as president of the council ;
- (b) two fully registered practitioners (medical or dental) as representing the Federal Ministry of Health ;
- (c) twelve fully registered medical practitioners being one person from each state of the Federation and in the employ of the Government of the state, appointed by the Federal Commissioner on the nomination of the appropriate Military Governor ;
- (d) six fully registered practitioners (medical or dental) nominated as to two by the Head of the College of Medicine of the University of Lagos, as to two by the Dean of the Faculty of Medicine of the University of Ibadan and as to the remaining two by the Dean of the Faculty of Medicine Ahmadu Bello University, Zaria, and in all cases appointed by the Federal Commissioner ;

(e) three fully registered medical practitioners elected by the Nigeria Medical Association and appointed by the Federal Commissioner ;

- (f) one fully registered dental practitioner elected by the Nigeria Medical Association and appointed by the Federal Commissioner ;
- (g) the Director-General of the Armed Forces Medical Services ;
- (h) one Military member qualified in medicine or dentistry."

Amendment  
of Act to  
allow  
temporary  
registration  
in registers.

2. Section 4 of the Act of 1963 is amended—

- (a) by substituting for subsection (3) the following new subsection—

"(3) Separate registers shall be maintained for medical practitioners and dental surgeons respectively so however that—

(a) the register of medical practitioners shall consist of three parts, of which the first shall be in respect of fully registered persons, the second shall be in respect of provisionally registered persons, and the third shall be in respect of temporarily registered persons, and

(b) the register of dental surgeons shall consist of two parts, of which the first shall be in respect of fully registered persons, and the second shall be in respect of temporarily registered persons."

(b) in subsection (4) and in paragraph (c) by inserting after the words "this Act" the words "or section 11A thereof" ;

(c) in subsection (5) by inserting after paragraph (c) the following new paragraph—

"(cc) to remove from the part of the register of medical practitioners or dental surgeons, as the case may be, which relates to temporarily registered persons, all particulars relating to a person whose temporary registration has ceased in accordance with section 11A (2) of this Act ;"

(d) in subsection (6) by omitting the words "to the register" ;

(e) by inserting after subsection (6) the following new subsections—

"(7) For the avoidance of doubt it is declared that a person shall not be entitled to have his name included in more than one of the registers appropriate to medical practitioners ; and the council may direct the removal of the name of any medical practitioner to give effect hereto, so however that if the medical practitioner is a citizen of Nigeria, his name shall not be removed from the register of fully registered persons under the authority of this subsection.

(8) The registrar shall give notice in writing by registered post to any medical practitioner concerned of the direction of the council given under subsection (7) above, and thereafter no appeal shall lie from the removal."

3. Immediately after section 7 of the Act of 1963 there shall be inserted a new section 7A as follows—

"Power of council to examine and confer appropriate licences, etc.

7A.—(1) Subject to and in accordance with this section, the council may in addition to any other of its powers, conduct post graduate examinations of candidates in the various specialised branches of medicine, surgery, midwifery and dental surgery, and for such purpose the council may prescribe fees to be paid in respect thereof ; and a successful candidate shall be entitled to the award of a diploma by the council in the specialised branch in which he was examined.

New provision as to licensing inserted in the Act.

1963 No. 9.

(2) Post graduate examinations shall be conducted by the council in conjunction with external examiners, and awards shall be made accordingly; and subject thereto there shall be appointed by the council for the purposes of any examination, separate boards of examiners charged with the duties of advising the council on the specialised branches in the respective fields of medicine and dental surgery for inclusion as requisite examination standards, such specialised branches comprehending—

- (a) Surgery
- (b) Medicine (Physic)
- (c) Obstetrics and Gynaecology
- (d) Public Health
- (e) Paediatrics
- (f) Radiology
- (g) Anaesthesia
- (h) Psychiatry and Neurology
- (i) Dental Surgery
- (j) Pathology
- (k) General Practice.

(3) Membership of each board of examiners shall consist of such numbers of fully registered medical practitioners or dentists in any particular case as the council may direct or appoint; and where a board of examiners is appointed under this section, it shall appoint as a court of examiners from amongst its number (including therein as external examiners persons suitably qualified as medical practitioners or dentists, not members of the particular board) and the court shall be charged with the conduct of examinations under this section, and of reporting its findings to the board of examiners. Thereafter the board of examiners shall make its recommendations to the council.

(4) A board of examiners shall continue in office for such time as the council may from time to time approve, and while in office members shall not be entitled to any emolument other than expenses reasonably incurred in travelling; and any court of examiners shall continue in office for such time as the board of examiners may determine, and unless the council otherwise directs, a court of examiners shall be entitled to such remuneration as the council may authorise.

(5) Where a candidate offers himself for examination under this section he shall satisfy the appropriate board or boards of examiners—

- (a) that he is a registered medical practitioner or dentist as the case may be, so however that if the candidate is on the temporary register he may be examined only by leave of the council given either generally or as a special case; and

(b) that he is in possession of and is therein named as the holder of a certificate from an institution recognised by the council showing that he has satisfactorily attended the prescribed course of training in the particular specialised branch and for the prescribed period of the course.

(6) Where the council awards its diploma under this section, the holder shall be entitled to status as a fellow in the specialised branch of which the diploma is evidence; and a diploma under this section shall rank superior to the qualifications mentioned in paragraphs (b), (c) and (e) of section 7 of this Act.

(7) The council shall in respect of its requirements under this section from time to time publish in the Federal Gazette and elsewhere as it may think fit—

(a) particulars of the standards which are to be treated as sufficient for the purposes of examination mentioned in subsection (2) of this section; and

(b) lists of institutions approved or recognised for the purposes of subsection (5) of this section."

New provision as to temporary registration inserted in the Act.  
1963 No. 9.

4. Immediately after section 11 of the Act of 1963 there shall be inserted a new section 11A as follows—

"Temporary registration in special cases.

11A.—(1) Where a person satisfies the council—

(a) that he has been selected for employment for a specified period in a hospital or as the case may be, any other institution in Nigeria (any such hospital or other institution having already been approved by the council for the purposes hereof) in the capacity of a practitioner of medicine, surgery, dental surgery or midwifery, and that he is or intends to be in Nigeria temporarily for the purposes of serving for that period in the employment in question; and

(b) that he holds, or has passed the examinations necessary for obtaining, some qualification granted outside Nigeria which is for the time being accepted by the council for the purposes of this section as respects the capacity in which, if employed, he is to serve,

the council may, if it thinks fit, give a direction that he shall be temporarily registered as a medical practitioner, or as a dental surgeon, as the case may be.

(2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) above and shall cease—

(a) on the termination of the period of employment specified to the council under that subsection, or

(b) on the termination of the said employment before the end of that period,

whichever first occurs:

Provided that nothing in this subsection shall preclude the council from giving a further direction under subsection (1) above in respect of a specified period whose commencement coincides with the termination of another such period.

(3) A person who is temporarily registered shall, in relation to his employment as mentioned in subsection (1) (a) above, and to things done or omitted in the course of that employment, be deemed to be fully registered, but in relation to all other matters he shall be treated as not so registered.

(4) In case of doubt as to whether a person's employment has been terminated, the decision of the council shall be conclusive for the purposes of subsection (2) above."

5.—(1) Where, in the case of any office constituted (whether before or after the passing of this Decree) by the council for the due performance of its functions under the Act of 1963, the Commissioner for Establishments is satisfied that the grading and salary structure of the staff employed in that office are in all respects the same as those obtaining in an equivalent office in the Federal Public Service, he may, by order published in the Federal Gazette, declare that office to be a pensionable office for the purposes of the Pensions Act.

Power to declare certain offices to be pensionable.

Cap. 147.

(2) Subject to subsection (3) below, the provisions of the Pensions Act shall apply to any office declared to be pensionable under subsection (1) above, as if that office were an office in the public service of the Federation as established under the Constitution of the Federation.

(3) In the application of the Pensions Act to offices declared pensionable under the preceding provisions of this section—

(a) paragraph (1) of section 7 (waiver of requirement to give notice of contemplated retirement on or after the age of 45), and

(b) section 9 (1) (retirement at 45 subject to notice in writing), shall in either section have effect as if for any reference therein to the public service and to the Commissioner for Establishments there were substituted a reference to service with the council, and as the case may require, to the council.

(4) Accordingly the name of the council shall be added in alphabetical sequence to the list in the Schedule to the Pensions Regulations.

6. Section 18 of the Act of 1963 (which provides for interpretation of sundry provisions) is amended—

Miscellaneous amendments to section 18 of the Act.

(a) in subsection (1),

(i) by inserting in the definition of "approved" and immediately before the word "means" the words "except where used in section 11A (1)";

(ii) by inserting in alphabetical sequence the following definition,—

"dentistry" in relation to its practice means the giving of any advice or treatment or the performance of any operation necessary for the cure or preservation of teeth usually given or performed by a



dental surgeon, and includes all operations necessary or incidental to the preparation and fitting of dentures, artificial teeth or other dental appliances so however that—

(a) in case of emergency of which the medical practitioner shall be the sole judge, nothing shall preclude a medical practitioner from extracting teeth, and

(b) a qualified dental hygienist acting under the supervision of a registered dental practitioner may scale and polish teeth, advise on dental care and carry out post operative care on maxillo-facial patients ; ;

(b) in subsection (2) and—

(i) in paragraph (a), by inserting after the word “registered” where it first occurs, the words “as a medical practitioner”,

(ii) in paragraph (b), by substituting for all words after “registered” up to the end of the paragraph the words “as a medical practitioner if his name is for the time being entered in the part of that register maintained in respect of provisionally registered medical practitioners ;”,

(iii) immediately after paragraph (b), by inserting the following new paragraph—

“(bb) a person is temporarily registered as a medical practitioner if his name is, for the time being, entered in the part of that register maintained in respect of temporarily registered medical practitioners, and his temporary registration has not ceased under section 11A (2) of this Act ; and”,

(iv) in paragraph (c), by substituting for all words after “a person is” up to the end of the paragraph, the words “fully registered as a dental surgeon if his name is for the time being entered in the part of the register of dental surgeons maintained in respect of fully registered dental surgeons ;”,

(v) immediately after paragraph (c), by inserting the following new paragraph—

“(cc) a person is temporarily registered as a dental surgeon if his name is, for the time being, entered in the part of that register maintained in respect of temporarily registered dental surgeons, and his temporary registration has not ceased under section 11A (2) of this Act ; and”,

(vi) in paragraph (d), by substituting for the words “is a registered dental surgeon” the words “temporarily registered as a dental practitioner or as a dental surgeon, as the case may be ;”,

(vii) immediately following paragraph (d), by substituting for all words up to the end of the subsection the words ‘and, subject to section 11A (2) and 11A (3) of this Act, “fully registered”, “provisionally registered” and “temporarily registered” shall be construed in accordance with paragraphs (a), (b), (bb), (c) and (cc) of this subsection.’

7.—(1) This Decree may be cited as the Medical and Dental Practitioners Decree 1969, shall apply throughout the Federation and shall be read as one with the Act of 1963 ; and that Act and this Decree may together be cited as the Medical and Dental Practitioners Acts 1963 to 1969.

(2) The provisions of Schedule 1 to this Decree shall have effect subject to the amendments specified therein being minor amendments and amendments consequential on the foregoing provisions of this Decree.

(3) The provisions of the enactments mentioned in Schedule 2 to this Decree shall be repealed to the extent there specified.

## SCHEDULES

### SCHEDULE 1

### Section 7 (2)

Minor Amendments etc. to the Act of 1963

In section 5—

in subsection (2) for all words after "as being fully" up to the end of the subsection there shall be substituted the following words—

" , provisionally or temporarily registered as a medical practitioner or as being fully or temporarily registered as a dental surgeon, is so registered ; and that any person not so specified is not so registered."

In section 6—

in subsections (1) and (2)—

(a) after the word "person" where it occurs in both subsections, there shall be inserted the words "being a citizen of Nigeria but no other national", and

(b) for the words "to be registered" where they occur in both subsections, there shall be substituted the words, "as the case may be,"

In section 14—

in subsection (2) for the word "registered" where it first occurs there shall be substituted the words "fully or temporarily registered", and *thereafter in the same subsection and in paragraph (a)*, for the words "as a dentist" there shall be substituted the word "dentistry"

In section 15—

in subsection (1) the word "registered" *where it secondly occurs* shall be omitted and immediately following the word "surgeon" there shall be inserted the following words—

" , either fully or temporarily registered under this Act".

## SCHEDULE 2

Section 7 (3)

## Enactments Repealed

<i>Enactment</i>	<i>Extent</i>
1963 No. 9— Medical and Dental Practitioners Act 1963 .. ..	section 9
1966 No. 73— Medical Practitioners (Temporary Registration) Decree 1966 .. .. .	The whole Decree .

MADE at Lagos this 8th day of October 1969.

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



## PHARMACISTS (AMENDMENT) DECREE 1969



## Decree No. 45

[12th June 1968]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Pharmacists Act 1964 (in this Decree hereafter referred to as "the Act") is hereby amended—

Sundry  
amendments  
of the  
Pharmacists  
Act 1964.  
1964 No. 26.

(a) in paragraph (b) of section 1 (2) (membership of the Pharmacists Board) and—

(i) in sub-paragraph (ii) by substituting for the word "Region" the word "State",

(ii) in sub-paragraph (iv) by repealing that sub-paragraph, and

(iii) in sub-paragraph (v) by substituting therefor as new sub-paragraph (iv) the following—

"(iv) six members from such of the States of the Federation as the board may direct or require, appointed on the nomination of the Pharmaceutical Society of Nigeria, so however—

(a) that no State shall in any event be entitled to more than one member, and

(b) where a member resigns or his office is for any reason terminated, replacement shall as far as is practicable be made from a State (other than that of the member concerned) not represented on the board, unless in any particular case the Commissioner directs the filling for the unexpired portion (if any) of the term of office for which the member was appointed, by nomination from the State of which the member concerned was the representative." ;

(b) in section 10 (2) of the Act (composition of disciplinary committee) by substituting for the words "sub-paragraphs (iv) and (v)", the words "sub-paragraph (iv)" ;

(c) in the First Schedule to the Act—

(i) by substituting for paragraph 1 (2) a new sub-paragraph as follows—

"(2) Any member other than a member appointed by office shall—

(a) in the case of the president of the pharmaceutical society of Nigeria hold office for a term of three years beginning with the date of his appointment as a member, but shall be eligible for re-appointment at the expiration of that term ; and

(b) in the case of a member appointed under paragraph (b) (iv) of section 1 (2) hold office for a term of two years beginning with the date of his appointment, so however that where any such appointment expires by effluxion of time and a State (other than that in respect of which a member was appointed as aforesaid) has no representative member, the appointment by way of replacement shall, as far as is practicable, be made from any such State.”;

(ii) in paragraph 1 (3) by inserting immediately after the word “Commissioner” the words “, so however that where a member appointed for a fixed term pursuant to paragraph 1 (2) (b) above, resigns his office under this paragraph, the board may if it thinks fit appoint for the unexpired portion of the term, as one of its members, a fit person from the same State as that of the member resigning”;

(iii) in paragraph 4 by substituting therefor the following new paragraph—

“4. Where at least six of the States are represented, nine members (of whom the chairman for the meeting shall be one) shall be a quorum.”

Citation, etc

2.—(1) This Decree may be cited as the Pharmacists (Amendment) Decree 1969 and shall be read as one with the Act.

1964 No. 26.

(2) This Decree shall apply throughout the Federation and shall be deemed to have come into operation on 12th June 1968.

MADE at Lagos this 8th day of October 1969.

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