

L.N. 47 of 1972

NURSES DECREE 1970
(1970 No. 2)

Nurses (Disciplinary Tribunal and Assessors) Rules 1972

Commencement : 17th July 1972

In exercise of the powers conferred upon me by paragraphs 2 and 4 (2) of Schedule 4 to the Nurses Decree 1970, and of all other powers enabling me in that behalf, I, Dr T. Olawale Elias, the Chief Justice of Nigeria, hereby make the following rules :—

Proceedings before the Tribunal

- 1.—(1) The parties to the proceedings before the tribunal shall be—
- Parties and appearance.
- (a) the supervisory authority,
- (b) the nurse whose conduct is the subject-matter of the proceedings, and
- (c) any other person required by the tribunal to be joined or joined by leave of the tribunal.
- (2) Any party to the proceedings may appear in person or be represented by a legal practitioner, so however that the tribunal may if of opinion that it is necessary in the interest of justice so to do, order a party to the proceedings to appear in person but without prejudice to that person's right to counsel.
- 2.—(1) Before referring a case to the tribunal, the chairman of the council shall direct the supervisory authority to prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the supervisory authority.
- Reference of case to tribunal.
- (2) The secretary shall refer the report and charges to the chairman of the council who shall convene a meeting of the tribunal.
- 3.—(1) On the directions of the chairman the secretary shall fix a day for the hearing of the case and forthwith thereafter shall, in the form in the Schedule to these rules, serve notice thereof on each party to the proceedings.
- Fixing of hearing day and service of notice, etc. thereof by secretary.
- (2) The secretary shall serve on each party, other than the supervisory authority, copies of the report and all the charges prepared by the supervisory authority and all documents considered by the supervisory authority.
- (3) It shall be sufficient compliance with this rule if any process required to be served is handed personally to the party concerned or is sent by registered post to the last known place of residence or abode of the party.
- 4.—(1) Subject to paragraph (2) below, the tribunal may hear and determine a case in the absence of any party.
- Hearing in absence of parties.
- (2) Any party to the proceedings before a tribunal who fails to appear or be represented, or who has previously appeared before that tribunal but subsequently fails to appear or be represented may apply within 30 days 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 for other good and sufficient reason ; and the tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

Witnesses and evidence.

Cap. 62.

5. The tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charges referred to it by the council; 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.

Amendment of charges.

6. If in the course of the proceedings it appears to the tribunal that the charges referred to it by the council require to be amended in any respect, the tribunal may permit such amendment as it thinks fit.

Proceedings to be in public.

7. The proceedings of the tribunal shall be held, and its findings and directions shall be pronounced, in public.

Adjournment of hearing.

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

False evidence.

9. 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 any action he may deem fit.

Findings, etc.

Findings and costs

10. If after the hearing, the tribunal adjudges that the charge of professional misconduct has not been proved, the tribunal—

(a) shall record a finding that the nurse concerned is not guilty of such conduct in respect of the matters to which the charge relates.

(b) may, without any misconduct proved against the nurse concerned, nevertheless order any party (except the supervisory authority) to pay the costs of the proceedings if, having regard to that person's conduct and to all the circumstances of the case, the tribunal thinks fit so to order.

Publication of tribunal's findings.

11. Subject to section 14 (5) of the Decree (which relates to appeals), any 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.

12.—(1) Shorthand notes of proceedings may be taken by a person appointed by the tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The secretary shall supply to any party entitled to be heard upon an appeal against the direction of the tribunal and to the Nursing Council of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.

(3) If no shorthand notes are taken, the chairman shall take a note of the proceedings and, accordingly, the provisions of this rule as to inspection and taking of copies shall apply to such notes.

13. The tribunal may dispense with any requirement of these rules respecting notices, affidavits, documents, service or time in any case where it appears to the tribunal to be just to do so; and the tribunal may in any appropriate case extend the time to do anything under these rules.

Dispensing with certain provisions.

14. The tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given until the appeal is heard or otherwise disposed of.

Power to retain exhibits pending appeal.

Assessors, etc.

15.—(1) An assessor, when nominated in accordance with paragraph 4 (1) of Schedule 4 to the Decree, shall be appointed by the council 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 sitting 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 secretary not later than three clear days before the date appointed for the meeting; and he shall there advise the tribunal on questions of law arising in proceedings before it.

(3) Except where the tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with the Decree shall be tendered in the presence of every party or of his counsel.

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

(5) Fees to be paid to the assessor shall be such as may be determined by the council from time to time with the consent of the assessor.

16. In these rules, unless the context otherwise requires—

Interpretation.

“the chairman” means the chairman of the Nurses Disciplinary Tribunal;

“party” or “the party” means any of the parties mentioned in rule 1 (1) of these rules;

“the secretary” means a person appointed to act as the registrar under section 9 (1) of the Decree.

17. These rules may be cited as the Nurses (Disciplinary Tribunal and Assessors) Rules 1972.

Citation.

SCHEDULE

Rule 3 (1)

NOTICE OF HEARING BY THE NURSES DISCIPLINARY TRIBUNAL

*In the Matter of the Nurses Decree 1970**and**In the Matter of....., a Nurse*

TAKE NOTICE that the report and charges prepared by the supervisory authority in the above matter are fixed for hearing by the Nurses Disciplinary Tribunal at.....

.....
 on the..... day of..... 19.....

COPIES of:—

(a) the report;

(b) the charges; and

(c)

are annexed hereto.

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

.....
Secretary of the Tribunal

MADE at Lagos this 17th day of July 1972.

DR T. OLAWALE ELIAS,
Chief Justice of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Rules but is intended to explain its effect)

The above rules provide for the procedure and other matters relating to the proceedings before the Nurses Disciplinary Tribunal. They also make provision with respect to the appointment and duties of an assessor.

L.N. 48 of 1972

**TRADE DISPUTES (EMERGENCY PROVISIONS)
(AMENDMENT) (No. 2) DECREE 1969
(1969 No. 53)**

Trade Dispute (Fimcon Limited) Confirmation of Award Notice 1972

Pursuant to the provision of section 4 (4) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, the Industrial Arbitration Tribunal Award made on 14th March, 1972 as set out in the schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

<i>Name of Arbitration Tribunal, etc.</i>	<i>Terms of Award</i>
Industrial Arbitration Tribunal : Fimcon Workers' Union and Fimcon Limited.	<p style="text-align: center;"><i>The termination of the appointment of Mr Samuel Ogundairo of Anodizing Department :</i></p> <p>The award of the Tribunal shall be that in accordance with the agreement reached between the parties on the 4th day of November 1971 the agreed sum of £150 (one hundred and fifty pounds only) be paid to the said Mr Samuel Ogundairo and that payment of this sum of money shall operate to discharge the company from any further claim by the union or Mr Samuel Ogundairo in respect of the subject-matter of this dispute.</p>

DATED at Lagos this 18th day of July 1972.

ANTHONY ENAHORO,
Federal Commissioner for Labour

EXPLANATORY NOTE

*(This note does not form part of the above Notice
but is intended to explain its effect)*

The Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between Fimcon Workers' Union and Fimcon Limited.

**TRADE DISPUTES (EMERGENCY PROVISIONS)
(AMENDMENT) (No. 2) DECREE 1969
(1969 No. 53)**

**Trade Dispute (Nigerian Tobacco Company Limited)
Confirmation of Award Notice 1972**

Pursuant to the provision of section 4 (4) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, the Industrial Arbitration Tribunal Award made on 7th March, 1972 as set out in the schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

*Name of
Arbitration
Tribunal, etc.*

Terms of Award

Industrial Arbitration Tribunal : Nigerian Tobacco General Workers' Union and the Nigerian Tobacco Company Limited.	There shall be no award in respect of the following claims, that is— (a) Non-payment for the strike period. (b) Granting of bonus of 25 per cent basic pay without consultations. (c) Refusal to grant one month's salary advance to every employee for Independence Celebrations. (d) Company applying Decree No. 53 of 1969 which prohibits strikes to exploit the workers. (e) Inciting the workers to press their demand by strike action by refusing to reply to letters to Management on their demands.
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DATED at Lagos this 18th day of July 1972.

ANTHONY ENAHORO,
Federal Commissioner for Labour

EXPLANATORY NOTE

*(This note does not form part of the above Notice but is intended
to explain its effect)*

The Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between the Nigerian Tobacco General Workers' Union and the Nigerian Tobacco Company Limited.

L.N. 50 of 1972

**TRADE DISPUTES (EMERGENCY PROVISIONS)
(AMENDMENT) (No. 2) DECREE 1969
(1969 No. 53)**

**Trade Dispute (United Bank for Africa Limited) Confirmation of
Award Notice 1972**

Pursuant to the provision of section 4 (4) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, the Industrial Arbitration Tribunal Award made on 14th March, 1972 as set out in the schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

*Name of
Arbitration
Tribunal, etc.*

Terms of Award

Industrial Arbitration Tribunal ;
United Bank for Africa African
Staff Union and the United Bank
for Africa Limited

*Failure to honour written undertaking to pay full
month's salary to members as Christmas bonus :*

- (a) The award of the Tribunal shall, in accordance with the terms of the afore-mentioned Memorandum of agreement, be that the Company shall pay to all its clerical and non-clerical staff, not being in the Management class, a Christmas bonus (13th month) equal to 1/12th of their annual salary for every completed year of service beginning from and including the year 1971. Staff employed after 1st January of any year shall be entitled to a bonus calculated by reference to the number of complete calendar months served within that year.

Exploitation of members

- (b) Since the Union had withdrawn their claim in respect of "Exploitation of members", there shall be no award.

DATED at Lagos this 18th day of July 1972.

ANTHONY ENAHORO,
Federal Commissioner of Labour

EXPLANATORY NOTE

*(This note does not form part of the above Notice but is intended
to explain its effect)*

This Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between the United Bank for Africa African Staff Union and the United Bank for Africa Limited.

**TRADE DISPUTES (EMERGENCY PROVISIONS)
(AMENDMENT) (No. 2) DECREE 1969**

(1969 No. 53)

**Trade Dispute (Roadside Engineering and Foundry Limited)
Confirmation of Award Notice 1972**

Pursuant to the provision of section 4 (4) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, the Industrial Arbitration Tribunal Award made on 3rd March 1972, as set out in the schedule hereto has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

Name of Arbitration Tribunal etc.

Terms of Award

Industrial Arbitration Tribunal :
Roadside Engineering and
Foundry Workers' Union and
Roadside Engineering and
Foundry Limited.

1. Refusal by the Management of the Factory to pay Adebo Interim Award :
That Management do pay its employees so entitled Adebo Interim Award from 1st April 1970 till 31st August 1971.
2. Lock-out of the entire workers from 9th March 1971 to 12th March 1971, as a result of workers' demand for Adebo Interim Award :

That members of the union and the two officers who remain locked out be re-admitted into their respective posts with effect from 12th March 1971. This is without prejudice to any grades or sums of money to which the men in the meantime may have been entitled.

DATED at Lagos this 18th day of July 1972.

ANTHONY ENAHORO,
Federal Commissioner for Labour

EXPLANATORY NOTE

*(This note does not form part of the above Notice
but is intended to explain its effect)*

The Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between the Roadside Engineering and Foundry Workers' Union and the Roadside Engineering and Foundry Limited.