

**UNIVERSITY OF BENIN TEACHING HOSPITAL
MANAGEMENT BOARD DECREE 1977**



ARRANGEMENT OF SECTIONS

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SCHEDULE—Constitution, etc. of the Board.

Decree No. 51

[1st April 1976]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establishment of the Hospital and Board of Management, etc.

1.—(1) There is hereby established a teaching hospital by the name of the University of Benin Teaching Hospital for the purpose of providing such facilities for the training of medical and other students as are usually provided by teaching hospitals of internationally high repute.

(2) There shall be established for the management of the hospital a body to be known as the University of Benin Teaching Hospital Management Board (in this Decree hereafter referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal.

Commence-
ment.

Establish-
ment of the
Teaching
Hospital and
Management
Board.

Composition
of the Board.

2.—(1) The Board shall consist of a chairman and the following other members, that is—

- (a) one representative of the Federal Ministry of Health ;
- (b) the Vice-Chancellor of the University or his representative ;
- (c) three persons nominated by the Commissioner to represent a wide variety of community interests on health matters ;
- (d) one representative of the Nigeria Medical Association not being a person who is a member of the teaching staff of any University in Nigeria ;
- (e) one representative of the Senate of the University ;
- (f) the Provost of the Medical School of the University ; and
- (g) the chairman of the Medical Advisory Committee of the Hospital.

(2) The chairman shall be a person of proved integrity coupled with experience and outstanding ability in administration and professional or technical education.

(3) The chairman shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

(4) The chairman shall hold office on such terms and for such period as the Federal Executive Council may determine.

(5) The members specified in paragraphs (a), (b), (f) and (g) of subsection (1) above are hereafter referred to as "ex-officio members."

(6) The provisions of the Schedule to this Decree shall have effect with respect to the constitution of the Board and other matters there mentioned.

Secretary to
the Board.

3.—(1) There shall be appointed a Secretary to the Board, to be known as the Secretary and Director of Administration (hereinafter referred to as "the Secretary") who shall have such experience and qualifications as are appropriate for a person required to perform the functions conferred on the Secretary by or under this Decree.

(2) The Secretary shall be appointed by the Board and shall, subject to the directions of the Board, be responsible for the general administration of the hospital, and shall carry out such other duties as the Board may, from time to time, direct.

*Powers of the Board*General duty
of the Board.

4.—(1) It shall be the duty of the Board—

- (a) to equip, maintain and operate the hospital which is to provide facilities for comprehensive medical services, teaching and clinical research ;
- (b) to construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the hospital at all times with a proper staff of hospital technicians, nurses, and members of other allied professions or calling ;

(c) to construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board may consider necessary for the efficient functioning of the hospital.

(2) The duty of operating the hospital imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction for medical students ; and the Board may perform the last mentioned duty by arranging with the approval of the Commissioner for students to attend courses at other institutions not controlled by the Board.

(3) The Board shall secure that the standards of teaching provided at all establishments controlled by the Board and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of internationally high repute.

(4) Subject to this Decree, the Board shall have power to do anything which, in its opinion, is calculated to facilitate the carrying out of its functions under this Decree.

5. Subject to the provisions of this section, the Commissioner may at the request of the Board arrange with the person in charge of any State government medical institution for the person aforesaid to make available to the Board such facilities at that institution as the Board may request.

Use of State government medical institutions by the Board.

6.—(1) The Board shall be responsible for laying down general policies and guidelines relating to major expansion of the hospital and the provision of facilities for the training of medical students and it shall be the duty of the Secretary to execute such policies and to keep within such guidelines.

Powers of the Board in relation to expansion, staff, etc. of hospital.

(2) Subject to the foregoing section, the Board shall have the power of appointment, promotion, advancement, discipline and the determination of appointments of members of the staff of the hospital.

7. The Commissioner may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Decree, and it shall be the duty of the Board to comply with the directions ; but no direction shall be given which is inconsistent with the duties of the Board under this Decree.

Power of Commissioner to give directions.

Finance and Discipline

8.—(1) The Commissioner shall pay to the Board such sums of money as may be provided for that purpose by the Federal Military Government and such payments shall be on such terms as may be approved by the Federal Executive Council.

Financial provisions.

(2) Except with the approval of the Commissioner the Board shall not have the power—

(a) to borrow money ; or

(b) to charge fees for any facilities provided by or by arrangement with the Board (including in particular the provision of tuition, treatment and accommodation).

(3) The Board shall prepare and submit to the Commissioner, not later than the 31st day of December in each financial year, an estimate of its income and expenditure during the next succeeding financial year ; and such estimates shall be submitted by the Commissioner for approval by the Federal Executive Council.

(4) The Board shall keep proper accounts in respect of each financial year (and proper records in relation to those accounts) and shall cause the accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Federal Commissioner for Finance.

Discipline of
students.

9.—(1) The Board may make rules providing for the holding by a proper person of enquiries into alleged breaches of discipline (including lack of diligence) by students ; and such rules may make different provisions for different circumstances.

(2) The rules shall provide for the procedure to be followed and the rules of evidence to be observed at enquiries under this section and shall secure that the student concerned—

(a) is given reasonable notice in writing of the enquiry and of particulars of the allegations to be enquired into ;

(b) is afforded a proper opportunity of hearing and considering the evidence adduced against him, of cross-examining witnesses called to give evidence against him and of giving evidence and calling and examining witnesses on his own behalf ; and

(c) is entitled, if he so desires, to be represented at the enquiry by a person (whether a legal practitioner or not) of his own choosing and to exercise any of his rights under paragraph (b) above through that person.

(3) Subject to the following provisions of this section, the person by whom an enquiry into an allegation is held under this section may, if he finds the allegation proved, impose on the student concerned one or more of the following penalties, that is to say—

(a) expulsion from all or any of the institutions controlled by the Board at which he is a student ;

(b) suspension for a specified period of his entitlement to use all or any facilities controlled by the Board ;

(c) a fine of an amount not exceeding ₦20 ;

and shall send a report of the enquiry (including, subject to the next following subsection, a statement of his findings and of any penalty imposed by him) to the Board.

(4) The rules may provide that an authority may, in such circumstances as may be prescribed by the rules and after considering—

(a) the report of the person by whom an inquiry into any allegation was held under this section ; and

(b) any further representations made to the authority by the student concerned in the manner and within the period so prescribed,

exercise, as respects the allegations, to the exclusion of the person who held the enquiry, the powers conferred by the last foregoing subsection of finding whether an allegation is proved and of imposing penalties.

(5) In the case of a medical student—

(a) no penalty shall be imposed under this section in respect of any allegation unless the person holding the enquiry, or as the case may be the authority referred to in the last foregoing subsection, finds that the act or omission to which the allegation relates occurred on premises under the control of the Board ; and

(b) any penalty (other than a fine) imposed under this section shall subject to the next following subsection, not take effect until the Board gives notice to the authority that it has confirmed the penalty ;

and in the case of any other student any penalty imposed under this section (other than a fine of an amount not exceeding ₦20) shall not take effect until it is confirmed by the Board.

(6) In the case of a medical student, who for any reason is not a member of the hospital, any such penalty as is mentioned in paragraph (b) of the last foregoing subsection shall take effect when it is confirmed by the Board.

(7) Rules under this section shall not come into force until they are confirmed with or without modification by the Attorney-General of the Federation and published in such manner as he may determine.

(8) A student liable to pay a fine under this section who fails to pay it within such period as may be provided by the rules shall, except in so far as the Board otherwise directs, be precluded from participating in any course of instruction provided by the Board until the fine is paid.

(9) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other related profession or calling.

(10) In this section, "authority" means any person or body of persons authorised by the Board to appoint a proper person to hold enquiries pursuant to this section.

Miscellaneous and Supplementary

10.—(1) The Board may, with the approval of the Commissioner, make bye-laws—

(a) as to the access of members of the public either generally or of a particular class, to premises under the control of the Board and as to the orderly conduct of the members of the public on those premises ; and

(b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.

(2) Bye-laws made under this section shall not come into force until they are confirmed (with or without modification) by the Commissioner and published in such manner as he may direct.

Bye-laws
regulating
behaviour of
the public.

(3) Bye-laws made under this section may provide that a breach of the bye-laws or of a particular provision of the bye-laws shall be punishable by a fine (not exceeding ₦10) and in default of payment of the fine by imprisonment for such a term as may be so specified, not exceeding seven days.

(4) Bye-laws made under this section shall not apply to any member of the Board and shall not, in their application to a particular institution, apply to an employee of the Board employed in connection with the institution or to a student at the institution.

Inspection of institutions controlled by the Board.

11.—(1) The Commissioner, the Permanent Secretary, Federal Ministry of Health, the Director of Medical Services and Training, and (on production, if so required, of his authority) any person authorised in that behalf by any of the persons aforesaid may at any time enter and inspect any institution controlled by the Board.

(2) The Board shall render to the Director of Medical Services and Training, at such times and in such form as he may specify, such statistical and other returns as he may from time to time require.

(3) Any direction, notice, report, representation or request authorised or required to be given or made by or under this Decree shall be in writing and may, without prejudice to any other method of service, be served by post.

Annual report.

12. The Board shall prepare and submit to the Federal Executive Council, through the Commissioner, not later than the 30th day of June in each year, a report in such form as the Commissioner may direct on the activities of the Board during the immediately preceding financial year and shall include in such report a copy of the audited accounts of the Board for that year and of the auditors' report thereon.

Vesting of assets.

13. Subject to this Decree, all property, rights, liabilities and obligations which immediately after the take-over of the University of Benin Teaching Hospital became vested in the Federal Military Government shall, as from the commencement of this Decree, vest or be deemed to have vested in the Board.

Interpretation.

14. In this Decree, unless the context otherwise requires—

“the Board” means the University of Benin Teaching Hospital Management Board established by section 1 (2) of this Decree ;

“the chairman” means the chairman of the Board ;

“the Commissioner” means the Federal Commissioner for Health ;

“functions” includes powers and duties ;

“the hospital” includes all institutions (however called) controlled by the Board of the University of Benin Teaching Hospital ;

“medical student” means a student whose course of instruction is—

(a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner ; or

(b) designed for the further training of medical practitioners ;

“student” means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution ;

“the University” means the University of Benin.

15.—(1) This Decree may be cited as the University of Benin Teaching Hospital Management Board Decree 1977 and shall be deemed to have come into force on 1st April 1976.

Citation,
commence-
ment and
repeals.

(2) Part III of the University of Benin Edict 1975 of the Mid-Western State of Nigeria and sections 4 and 5 of the University of Benin (Transitional Provisions) Decree 1975 are hereby consequentially repealed.

Edict No. 3
of 1975.
Decree No. 20
of 1975.

SCHEDULE

Section 2 (6)

CONSTITUTION, ETC. OF THE BOARD

Tenure of Office of Members

1. A member of the Board other than an ex-officio member shall—

(a) hold office for such period, not exceeding four years, and on such terms as may be specified in his instrument of appointment ;

(b) unless he previously vacates his office, be eligible for re-appointment without limitation to the number of times he may be re-appointed :

Provided that nothing in this paragraph shall be construed as entitling any person who has held office as chairman for a term and who is being re-appointed under this paragraph to be appointed again as chairman ;

(c) be paid out of moneys at the disposal of the Board such remuneration and allowances as the Commissioner may with the approval of the Federal Executive Council determine.

2. The office of a member of the Board shall become vacant if—

(a) the period of his appointment has expired ; or

(b) there is passed by the Board a resolution declaring—

(i) that he has become incapable, by reason of mental or bodily infirmity, of discharging his duties ; or

(ii) that he has become unfit for membership of the Board by reason of the fact that he has an interest in a contract entered into by the Board and has not disclosed that fact ; or

(iii) that he has been absent from three consecutive meetings of the Board without leave of the Board ; or

(iv) he is convicted of an offence which involves moral turpitude ; or

(c) not being an ex-officio member, he previously resigns his office by notice in writing given to the Commissioner.

Proceedings of the Board

1964 No. 1.

3. Subject to the provisions of this Decree and section 26 of the Interpretation Act 1964 (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

4. The quorum of the Board shall be five including the chairman or deputy chairman and one other member who is not an ex-officio member ; and the quorum of any committee of the Board shall be determined by the Board.

5.—(1) The Board shall elect from among its members a member to be the deputy chairman of the Board for such period as the Board may determine, so however that a deputy chairman, who ceases to be a member shall cease to be a deputy chairman.

(2) At any time while the office of chairman is vacant or the chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the deputy chairman shall perform those functions, and references to the chairman in this Schedule shall be construed accordingly.

6.—(1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever a meeting is summoned by the chairman ; and if the chairman is required so to do by notice given to him by not less than four other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board the chairman or in his absence the deputy chairman shall preside.

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

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

Committees

7.—(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

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

(3) A decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the Board.

Employees of the Board

8. Subject to this Decree, the Board shall have power—
- (a) to appoint such employees of the Board as it may determine ;
 - (b) to pay its employees such remuneration and allowances as the Board may, with the approval of the Commissioner, determine ;
 - (c) to pay any member or any other person appointed to a committee of the Board such remuneration (whether by way of salary, fees or otherwise) in respect of the performance of his functions under this Decree, and such travelling and subsistence allowances while on any business of the Board, as the Board may determine ;
 - (d) as regards employees in whose case it may determine so to do, to pay to or in respect of them such pensions and gratuities, or to provide and maintain for them such superannuation scheme (whether contributory or not) as the Board may determine ; and
 - (e) to give loans to its employees for purposes approved by the Board.

Miscellaneous

9.—(1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Board 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 Board by any person generally or specially authorised to act for that purpose by the Board or a committee of the Board.

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

10. The validity of any proceedings of the Board or a committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member or of any other person to serve on the committee.

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

MADE at Lagos this 22nd day of June 1977.

LT.-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree repeals Part III of the University of Benin Edict 1975 and sections 4 and 5 of the University of Benin (Transitional Provisions) Decree 1975 (which established the University of Benin Teaching Hospital as part of the University of Benin and effected the take-over of the University of Benin Teaching Hospital by the Federal Government, respectively) and makes fresh provisions for the continuing in being of that institution including the establishment of a new Management Board for the running of the affairs of the Teaching Hospital.