

*Presented by Representatives : Josiah Y. M. Mallo, (Akwanga, Plateau).
Christopher K. Gutus (Pankshin, Plateau).*

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL INSTITUTE OF HANDICAPPED RESEARCH
AND FOR PURPOSES CONNECTED THEREWITH.

[] Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal Re-
2 public of Nigeria and by authority of same as follows :—

3 1.—(1) There is hereby established an institute to be known as the
4 National Institute of Handicapped Research (hereinafter referred to as
5 “the Institute”).

Establish-
ment of the
National
Institute of
Handicapped
Research.

6 (2) There shall be established for the management of the affairs of
7 the Institute a council to be known as the National Institute of Handi-
8 capped Research Council (hereinafter referred to as “the Council”) which
9 shall be a body corporate with perpetual succession and a common seal
10 and may sue or be sued in its corporate name.

11 (3) The Council shall be responsible for the determination of the
12 overall policy of the Institute and in particular for the financial and
13 operational programmes of the Institute, and for ensuring implementa-
14 tion of such policies and programmes.

1 (4) The provisions of the schedule to this Act shall have effect with
2 respect to the proceedings of the Council and the other matters therein
3 mentioned.

Membership
of the
Council.

4 2. The Council shall consist of a Chairman to be appointed by the
5 President of the Federation and the following other members, that is—

6 (a) eight persons appointed being persons representing organisa-
7 tions concerned with or are engaged in conducting medical or scientific
8 research relating to the handicapped individual ;

9 (b) the Director of the Institute ;

10 (c) the Director of Social Development of the Federal Ministry
11 of Social Development, Youth, Sports and Culture or his representa-
12 tive ;

Functions
of the
Institute.

13 3.—(1) The functions of the Institute shall be—

14 (a) to disseminate information acquired through research to the
15 public and private organisations engaged in rehabilitation or providing
16 rehabilitation services ;

17 (b) to co-ordinate all the Federal programmes and policies relating
18 to research in rehabilitation ;

19 (c) to disseminate educational materials to educational institutions,
20 the public and private entities concerning how the quality of life of
21 handicapped individuals may be improved ;

22 (d) to conduct an educational programme to inform the public
23 about ways of providing information relating to family care and
24 self-care ;

25 (e) to conduct conferences, seminars and workshops (including
26 in-service training programmes) concerning research and engineering
27 advances in rehabilitation pertinent to the problems of handicapped
28 individuals ;

1 (f) to collate, analyse and publish information relating to studies
2 on the employment, health, income and other demographic character-
3 istics of handicapped individuals and disseminate such reports and
4 studies to rehabilitation professional and others to assist in the
5 planning and evaluation of vocational and other rehabilitation services
6 for the handicapped ;

7 (g) to carry out such other activities as are conducive to the dis-
8 charge of its functions under this Act.

9 (2) The Institute shall develop and submit to the National As- Programme
10 ssembly within six months after the establishment of the Institute, a of Research.
11 long-range plan for rehabilitation research which shall—

12 (a) identify any research which should be conducted respecting
13 the problems encountered by the handicapped ;

14 (b) determine the funding priorities for research, including a
15 detailed description of any types of research ;

16 (c) specify appropriate goals and time-tables for activities to be
17 conducted.

18 4.—(1) There shall be appointed by the President of the Federa- The Director
19 tion, a Director, who shall have appropriate qualifications. to the
Institute.

20 (2) The Director shall be the Chief Executive of the Institute
21 and shall be responsible for the execution of the policy of the Institute
22 and the day to day running of the affairs of the Institute.

23 (3) The Director shall hold office in the first instance for a period
24 of 4 years and shall be eligible for re-appointment for such further
25 terms as the President may determine.

26 (4) Subject to this Section, the Director shall hold office in such
27 terms as to emoluments and otherwise as may be approved by the
28 President.

Staff of the
Institute.

1 5.—(1) The Institute may appoint other employees of the Insti-
2 tute to assist the Director in the exercise of his functions.

3 (2) Notwithstanding the provisions of subsection (1) above,
4 employees of the Institute maybe appointed by the Institute by way of
5 transfer or secondment from any of the public services of the Federation.

6 (3) The Institute, subject to the approval of the Minister responsible
7 for Establishment matters, may determine the conditions of service of the
8 employees (other than the Director) including provision for the payment
9 of pensions.

10 (4) The Institute, subject to the approval of the Minister, may
11 obtain the services of consultants, establish and maintain fellowships
12 with such stipends and allowances necessary to procure the assistance of
13 highly qualified research fellows for purposes of this Act.

Power to
accept gifts.

14 6.—(1) Subject to subsection (2) below, the institute may accept
15 gifts of land, money or other property upon such trusts and conditions,
16 if any, as may be specified by the person making the gift.

17 (2) The Institute shall not accept any gift if the conditions attached
18 by the person making the gift are inconsistent with the functions of the
19 Institute under this Act.

Offices and
premises.

20 7.—(1) For the purpose of providing offices and premises necessary
21 for the performance of its functions, the Institute may—

22 (a) purchase or take on lease any land ; and

23 (b) build, equip and maintain offices and premises.

24 (2) The Institute may, with the approval of the Minister, sell or
25 lease any land, offices or premises held by it and no longer required for
26 the performance of its functions.

Financial Provisions.

Accounts and audits.

Power of the Minister to give directions to the Council.

Interpreta-
tion.

- 1 11. In this Act, unless the context otherwise requires—
2 “Chairman” means the person appointed as chairman of the council
3 pursuant to section (2) of this Act ;
4 “Council” means the Council established by section 1 (2) of this
5 Act ;
6 “Director” means the Director appointed pursuant to section 4
7 of this Act ;
8 “Handicapped individual” means an Individual who has a phy-
9 sical or mental disability which constitutes or results in a substantial
10 handicap to employment and can reasonably be expected to benefit
11 from rehabilitation services provided under this Act ;
12 “Minister” means the Federal Minister charged with respon-
13 sibility for Social Development, Youth, Sports and Culture.

Citation.

- 14 12. This Act may be cited as the National Institute of Handi-
15 capped Research Act 1981.

SCHEDULE

SECTION 1 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1.—(1) A member of the Council holding office by virtue of this Act not being a public officer shall hold office for a period of 4 years from the date of his appointment and subject to the provisions of sub-paragraph (2) of this paragraph shall be eligible for re-appointment.

(2) The office of a member of the Council mentioned in sub-paragraph (1) above shall become vacant if—

(a) he resigns his office by notice in writing under his hand, addressed to the President of the Federation ; or

(b) the President of the Federation is satisfied that it is not in the interest of the Institute for the person appointed to continue in office and notifies the member in writing to that effect.

2. Members of the Council not being ex-officio members may be paid such travelling and other allowances as may be approved by the President of the Federation.

3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings

4. Subject to this Act and Section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting Vote), the Council may make standing orders regulating the proceedings of the Council or any Committee thereof. 1964 No. 1.

5. Every meeting of the Council shall be presided over by the Chairman or, if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

6. The quorum at a meeting of the Council shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 5 above) and six other members.

7. Where upon any special occasion the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt that person to be a member for as many meetings as may be necessary and that person while so opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

8.—(1) Subject to its standing orders, the Council may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Council is concerned.

(2) Every Committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Council and shall be made up of such number of persons, not necessarily members of the Council, as the Council may determine in each case.

(3) The quorum of any committee set up by Council shall be as may be determined by the Committee.

9. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or the Director of the Institute.

10. Any contract or instrument which if made 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 Council or by any other person generally or specially authorised to act for that purpose by the Council.

11. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Council shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

12. The validity of any proceedings of the Council or a Committee thereof shall not be affected—

- (a) by any vacancy in the membership of the Council or Committee ;
- (b) by any defect in the appointment of a member of the Council or Committee ;
- (c) by reason of the fact that any person not entitled to do so took part in the proceedings.

13. The Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

14. Any member of the Council or a Committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or Committee shall forthwith disclose his interest to the Council or Committee and shall not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

The Act establishes the Nigerian Institute of Handicapped Research as an autonomous institution under a governing Council and confers upon it, among other things, the functions of conducting research so as to—

(a) provide for a comprehensive and co-ordinated approach to the administration and conduct of research and related activities for the rehabilitation of handicapped individuals ;

(b) facilitate the distribution of information concerning developments in rehabilitation procedures, methods and devices to rehabilitation professionals and to handicapped individuals to assist them to live more independently ; and

(c) increase the scientific and technological information available in the field of rehabilitation.

The Bill, which will be presented to the National Assembly in due course for enactment, is published for general information.

Presented by Representative Dr Obatayo Ogunkoya, M.B., M.D.

A BILL

FOR

AN ACT TO ENFORCE THE LAW RELATING TO THE TERMINATION OF PREGNANCY BY REGISTERED MEDICAL PRACTITIONERS.

[]

Commence-
ment.

1 BE IT ENACTED by the National Assembly of Nigeria and by an
2 authority of the same as follows :—

3 1.—(1) That notwithstanding the operation of Section 274 of the
4 Constitution and more so, the application of the present existing law in
5 relation to this matter, it shall be lawful and legal when a pregnancy is
6 terminated by a registered medical practitioner if two registered practi-
7 tioners are of the opinion, formed in good faith :—

Citation.

8 (a) that the continuance of the pregnancy would involve risk to the
9 life of a pregnant woman, or of injury to the physical or mental
10 health of the pregnant woman or any existing children of her family,
11 greater than if the pregnancy were terminated ; or

12 (b) that there is a substantial risk that if the child were born, it
13 would suffer such physical or mental abnormalities as to be seriously
14 handicapped.

1 (2) In determining whether the continuance of a pregnancy would
2 involve such risk of injury to mental or physical health of the pregnant
3 person, opinion of two registered practitioners must be sought or a
4 gynaecologist or a specialist in that field, the actual medical operation
5 being performed in a registered hospital, clinic or other safe place in
6 case of emergency.

Exception.

7 (3) No "Registered Medical Practitioner" shall be under a duty,
8 whether by contract or by any statutory or other legal requirement,
9 to participate in any treatment authorised by this Act, if his faith,
10 religion or creed, objects to the termination of Pregnancy to save life,
11 provided that in any legal proceedings, THE BURDEN OF PROOF rests on
12 such person. It shall also NOT be an offence for any "Registered Medical
13 Practitioner" to participate in treatment which is necessary to save life or
14 to prevent, save permanent injury to the physical or mental health of a
15 pregnant woman under this Act.

Interpre-
tation.

16 2. "Pregnant person" includes any young woman of age or old person
17 capable of being pregnant for not more than twelve weeks.

18 "Other safe place", health centres, medical home, clinic or a
19 maternity, reasonably in the case of an emergency or any place approved
20 by law or Ministry of Health as a clinic, medical home or a health centre
21 or a maternity.

22 "Registered Medical Practitioners" include all registered medical
23 practitioners under the Medical Practitioners Act of Nigeria or Overseas
24 and includes specialists of all types on the medical field, gynaecologists,
25 surgeons, irrespective of sex, creed, or religion or faith authorised by
26 law to perform such duties, and specifically EXCLUDE quacks, such
27 likes, and unauthorised persons not so accepted as medical practitioners
28 in the medical field.

- 1 "Life" includes any living human being of any sex, colour or religion
- 2 and also, a viable "Foetus" medically certified to be so.
- 3 3. This Act may be cited as "Termination of Pregnancy Law, 1980" Short Title.
- 4 and takes on assent or by Force of Law.

EXPLANATORY NOTE

This Act is made to save life of pregnant mothers or persons, especially in emergency cases which could cause the death of the mother and the child, or in extraordinary circumstances or conditions or situations where the mental or physical health of both the mother or child or both, if alive after delivery would be greatly impaired, as to be rendered useless for the rest of their lives.