

**NATIONAL ELECTORAL COMMISSION (AMENDMENT) (NO. 2)
DECREE 1989**



Decree No. 37

[11th December 1989]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The National Electoral Commission Decree 1987 (as amended by the National Electoral Commission (Amendment) Decree 1989) is hereby further amended as follows, that is—

Amendment
of
1987 No. 23.
1989 No. 8.

(a) in section 3 thereof—

(i) by deleting paragraphs (b) and (c) of subsection (1) and substituting therefor the following new paragraphs, that is—

“(b) to register the two political parties established by the Armed Forces Ruling Council, namely—

(i) the National Republican Convention ; and

(ii) the Social Democratic Party ;

(c) to determine the eligibility of the two political parties to sponsor candidates for any of the elections prescribed by paragraph (a) of this section” ;

(ii) by deleting paragraphs (e), (f), (g) and (h) of subsection (1) and substituting therefor the following new paragraphs, that is—

(d) to monitor the organisation and conduct of the two political parties as named in paragraph (b) of this subsection ;” ;

(e) to determine the number of registration centres for each ward of the Federation ;

(f) to provide guidelines to the two political parties stipulating the rules and procedure for electioneering campaigns ;

(g) to specify the mechanism for fund raising and other sources of financing for the two political parties.”

(iii) by inserting between the words “State” and “into” in paragraph (a) of subsection (2) thereof, the words “or Local Government ;” ;

(b) in section 5 thereof, by deleting the existing subsection (1) and substituting therefor the following new subsection, that is—

“Directives by the Armed Forces Ruling Council. 5.—(1) The Armed Forces Ruling Council may give to the Commission such directives as appear to it to be just and proper for the effective discharge of the functions of the Commission under this Decree.”

(c) in section 9 thereof, by inserting immediately after the existing subsection (3) the following new subsections, that is—

“(4) Nothing in subsection (3) of this section shall preclude the Commission from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.

(5) All employees of the Commission appointed pursuant to subsections (3) and (4) of this section, excluding such as are appointed on a temporary basis for an honorarium, shall have the same rights and obligations as the members of the public service defined by section 24 of the Pensions Act 1979.

(6) The Commission shall be an organisation declared as a public service as specified in Schedule 2 to the Pensions Act 1979.” ; and

(d) in section 10 thereof, by deleting the definition of “political party” and substituting therefor the following new definition, that is—

““political party” means—

- (a) the National Republican Convention ; or
- (b) the Social Democratic Party.”

Citation.

2. This Decree may be cited as the National Electoral Commission (Amendment) (No. 2) Decree 1989.

MADE at Lagos this 11th day of December 1989.

GENERAL I. B. BABANGIDA,
President, 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 purport)

The Decree further amends the National Electoral Commission Decree 1987 to make provisions, amongst other things, for the registration of the two political parties established by the Federal Military Government.

CITIZENSHIP AND LEADERSHIP TRAINING CENTRE DECREE 1989



ARRANGEMENT OF SECTIONS

Section

Establishment of the Citizenship and Leadership Training Centre, etc.

1. Establishment of the Citizenship and Leadership Training Centre.
2. Objects of the Centre.
3. Establishment of the Management Board.
4. Membership of the Board.
5. Tenure of office of members.
6. Proceedings of the Board.

Powers of the Board

7. Powers of the Board.
8. Power to use land.
9. Delegation of power.
10. Power to co-opt members.

Director and other Staff of the Centre

11. Appointment, etc., of the Director.
12. Appointment of other staff.

13. Pensions.

Financial Provisions

14. Fund of the Board.
15. Accounts and audit.
16. Annual estimate.
17. Annual report.

Miscellaneous

18. Power of Minister to give directives to the Board.
19. Regulations.
20. Repeal.
21. Interpretation.
22. Citation.

SCHEDULES

Decree No. 38

[11th December 1989]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establishment of the Citizenship and Leadership Training Centre, etc.

1. There is hereby established a centre to be known as the Citizenship and Leadership Training Centre (hereafter in this Decree referred to as "the Centre") which shall be located in such place or places as the Minister may, from time to time, by order published in the *Gazette*, declare.

Establish-
ment of the
Citizenship
and Leader-
ship Train-
ing Centre.

2. The objects of the Centre shall be to—

Objects of the
Centre.

(a) provide training for the development of citizenship and leadership for public benefit ;

(b) enhance and expand individual awareness ;

(c) inculcate in the individual, qualities of self-discipline, self-reliance and selfless service ; and

(d) develop national consciousness and international understanding.

Establishment of the Management Board.

3.—(1) There is hereby established a Board to be known as the Citizenship and Leadership Training Centre Management Board (hereafter in this Decree referred to as "the Board") which, subject to the provisions of this Decree, shall be charged with the general management and control of the Centre.

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Membership of the Board.

4. The Board shall consist of—

(a) a Chairman to be appointed by the President, Commander-in-Chief of the Armed Forces ;

(b) five members to represent the States of the Federation to be chosen in rotation from the five zones set out in Schedule 1 to this Decree, on the recommendation of the Governors of the States concerned ;

(c) a representative of the Ministry charged with the responsibility for matters relating to the Centre ;

(d) the Director of the Centre ;

(e) seven other members appointed by the Minister from the following Ministry or bodies, that is—

(i) the Ministry of Education ;

(ii) the Nigerian Chambers of Commerce, Industry, Mines and Agriculture ;

(iii) the Nigeria Police Force ;

(iv) any arm of the Armed Forces of the Federation ;

(v) the National Council of Women's Societies ;

(vi) the Nigerian Youth Trust ; and

(vii) the Nigerian Employers Consultative Association.

Tenure of office of members.

5.—(1) Subject to the provisions of this section, a member of the Board shall hold office for four years and shall be eligible for re-appointment except if appointed on zonal basis under section 4 (b) of this Decree in which case the appointment shall terminate at the end of the first four years.

(2) Notwithstanding the provisions of subsection (1) of this section, the President, Commander-in-Chief of the Armed Forces may, at any time remove a member from the Board, if the President, Commander-in-Chief of the Armed Forces is of the opinion that it is not in the national interest or the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(3) Any member may, in writing under his hand addressed to the Minister at any time, resign his appointment.

(4) The office of a member of the Board shall become vacant if—

(a) the period of his appointment has expired ;

(b) he absents himself without leave of the Board from three consecutive ordinary meetings of the Board and without reasonable excuse for so doing ;

(c) he is guilty of misconduct in his office as a member and a resolution of the Board approves the termination of his membership ;

(d) he dies, resigns or is removed from office.

(5) Soon after the office of a member of the Board becomes vacant, the authority by whom he was appointed shall appoint another person in his place in accordance with the provisions of this Decree.

(6) Members of the Board, other than *ex-officio* members, shall be paid, out of the moneys at the disposal of the Board, such remunerations and allowances as the Minister may, with the approval of the President, Commander-in-Chief of the Armed Forces, determine.

6. The provisions contained in Schedule 2 to this Decree shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Proceedings
of the Board.

Powers of Board

7. The Board shall have power to—

(a) erect, provide, equip and maintain training schools, with libraries, lecture halls, halls of residence, refectories, sports grounds, playing fields, and such other buildings or things as are necessary, suitable or required for any of the objects of the Centre ;

Powers of
the Board.

(b) establish Man O' War clubs and associations and formulate policy guidelines for running such clubs and associations ;

(c) encourage and provide for research at the Centre ;

(d) accept gifts, legacies and donations which are consistent with the objects of the Centre ;

(e) enter into contracts ;

(f) acquire and hold movable and immovable property ;

(g) subject to the Land Use Act 1978, and with the approval in writing of the Minister, sell, mortgage, transfer or otherwise deal with movable and immovable property ;

1978 No. 6.

(h) with the approval of the Minister, borrow at interest on the security of land or movable property of the Board such moneys as the Board may, from time to time, require for the purposes of this Decree ;

(i) with the approval of the Minister, invest the funds of the Board as it thinks fit ; and

(j) do anything which in its opinion may advance the objects for which the Centre was set up.

8.—(1) In furtherance of the objects of the Centre, the Board or any person authorised by the Board may, upon giving such notice as is specified in subsection (2) of this section, use any land to do such things as are necessary or incidental to the promotion of the training programme of the Centre.

Power to
use land.

(2) In the exercise of its powers under subsection (1) of this section, the Board or the Director on behalf of the Board, as the case may be, shall give notice to the occupier of any land of the Board's intention to use the said land for a specific period.

(3) The Board shall pay reasonable compensation for any damage attributable to the exercise of its powers under subsection (1) of this section.

9. The Board may appoint committees from among its members to—

Delegation
of power.

(a) inquire into and report to the Board on matters affecting the Centre ; or

(b) deal with matters of an urgent or local nature where directed or approved by the Board, subject to such conditions as the Board may, in writing, specify ; or

(c) appoint staff for the Centre and exercise disciplinary control over such staff.

Power to
co-opt
members.

10.—(1) The Board may, from time to time, co-opt any person or persons not exceeding two in number to assist the Board in carrying out the objects of the Centre under this Decree.

(2) Any person co-opted under subsection (1) of this section may take part in the deliberations of the Board but shall not be deemed a member of the Board for the purpose of voting at a meeting or forming a quorum.

Director and other Staff of the Centre

Appoint-
ment, etc. of
the Director.

11.—(1) There shall be a Director of the Centre who shall be appointed by the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister.

(2) The Board shall not exercise any disciplinary control over the Director without the approval of the Minister.

(3) Subject to the provisions of this Decree and the control of the Board over matters affecting the finance of the Centre, the Director shall be the chief executive of the Centre and shall be charged with the general responsibility for the day-to-day running and management of the affairs of the Centre and in particular shall—

(a) direct and regulate the programme of work at the Centre ;

(b) promote research within and outside the Centre ;

(c) keep safe custody of all the records of the Centre ;

(d) demand and receive from any trainee or any person attending courses at the Centre such fees as the Board may, from time to time, determine ;

(e) prepare and present to the Board annual and other reports on the progress of work at the Centre and on the expenditure or liabilities incurred by the Centre ; and

(f) exercise such powers and perform such duties as may be conferred or imposed upon him, from time to time, by the Board.

Appointment
of other staff.

12.—(1) Subject to section 11 of this Decree, the Board may appoint such other staff for the Centre as it may determine and pay to its staff such remuneration and allowances as are payable to persons on equivalent grades in the civil service of the Federation.

(2) The power of the Board under subsection (1) of this section shall include the power to—

(a) promote and control the staff of the Centre as may appear to the Board necessary or expedient ;

(b) dismiss, terminate, consider resignation or withdrawal of appointment and exercise disciplinary control over the staff of the Centre other than the Director.

(3) The Board may delegate to the Director generally or specifically, the power to appoint such categories of staff of the Centre as the Board may, from time to time, specify.

13.—(1) Service in the Centre shall be approved service for the purposes of the Pensions Act 1979.

Pensions.
1979 No.102.

(2) Officers and other persons employed in the Centre shall be entitled to pensions, gratuities and other retirement benefits as are prescribed in the Pensions Act 1979, so however, that nothing in this Decree shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(3) For the purposes of application of the provisions of the Pensions Act 1979, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) shall be vested in the Board and shall not be exercisable by any other person or authority.

Financial Provisions

14.—(1) The Board shall establish and maintain a fund from which shall be defrayed, with the general or specific approval of the Minister in any case, all expenditure incurred by the Board.

Fund of the
Board.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section—

(a) all moneys as may be granted to the Centre by the Federal Government ;

(b) all moneys raised for the general purposes of the Centre ;

(c) all moneys accruing to the Board on behalf of the Centre by any means, including grants-in-aid, endowments and donations ;

(d) all charges, dues, fees or amounts recovered by the Board ;

(e) all interests on moneys invested by the Board ; and

(f) such other moneys as may, from time to time, accrue to the Centre or the Board.

(3) All sums of money received on account of the Centre by the Board and accruing to the fund shall be paid into the Central Bank of Nigeria for the credit of the Centre.

15.—(1) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year—

Accounts
and audit.

(a) a statement showing the income and expenditure of the Centre for the immediately preceding year ; and

(b) a statement of the assets and liabilities of the Centre as at the last day of the immediately preceding year.

(2) The Board shall cause every statement prepared under this section to be audited within six months after the end of the year to which the statement relates by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

16. The Board shall cause to be prepared not later than 1st of June in each year an estimate of the expenditure necessary to carry out the programme approved by the Board for the next succeeding year and shall not later than 31st October in each year submit to the Minister the estimate of expenditure and that of its income during the next succeeding year.

Annual
estimate.

Annual
report.

17.—(1) The Board shall prepare and submit to the Minister once every year a report, in such form as the Minister may direct, on the activities of the Board during the immediately preceding year and shall include in the report a copy of the audited accounts of the Centre for that year and of the auditor's report thereon.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before the National Council of Ministers.

*Miscellaneous*Power of
Minister to
give direc-
tives to the
Board.

18. The Minister may give to the Board directives of a general nature with regard to the carrying out of the objects of the Centre under this Decree and it shall be the duty of the Board to comply with such directives.

Regulations.

19.—(1) The Board may, with the approval of the Minister, make regulations for prescribing fees to be paid by students and sponsors for training by the Centre and generally for carrying into effect the provisions of this Decree and the due administration thereof.

(2) Any regulations made under subsection (1) of this section shall be published in the *Gazette*.

Repeal.
1960 No. 45

1969 No. 21.

1964 No 1

20.—(1) The Citizenship and Leadership Training Centre Act 1960 is hereby repealed and the Citizenship and Leadership Training Centre (Amendment) Act 1969 is hereby, consequentially, repealed.

(2) Without prejudice to section 6 of the Interpretation Act 1964, the repeal of the enactments specified in subsection (1) of this section shall not affect anything done under or pursuant to the enactments.

Interpreta-
tion.

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

“Board” means the Citizenship and Leadership Training Centre Management Board established under section 3 (1) of this Decree ;

“Centre” means the Citizenship and Leadership Training Centre established by section 1 of this Decree ;

“Chairman” means the Chairman of the Board ;

“Director” means the Director of the Centre appointed under section 11 of this Decree ;

“member” means a member of the Board and includes the Chair-
man ; and

“Minister” means the Minister charged with responsibility for matters relating to the Centre ;

“power” includes duties and functions.

Citation

22. This Decree may be cited as the Citizenship and Leadership Training Centre Decree 1989.

SCHEDULES

SCHEDULE 1

Section 4 (b)

ZONING FOR STATES REPRESENTATION

Zone 1—Plateau, Bauchi, Kano, Gongola and Borno States (Jos as Headquarters).

Zone 2—Rivers, Benue, Anambra, Imo, Akwa Ibom and Cross River States (Port Harcourt as Headquarters).

Zone 3—Ogun, Oyo, Ondo and Bendel States (Ibadan as Headquarters).

Zone 4—Sokoto, Kwara, Niger, Katsina and Kaduna States and the Federal Capital Territory, Abuja (Sokoto as Headquarters).

Zone 5—Lagos State (Lagos as Headquarters).

SCHEDULE 2

Section 6

PROCEEDINGS OF THE BOARD, ETC.

1. Subject to this Decree and to 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 to regulate the proceedings of the Board and of any committee thereof.

1964 No. 1.

2.—(1) The Board shall meet not less than two times in every year for the exercise of any of its functions under this Decree and at such times and places, as the Chairman may, from time to time, appoint.

(2) The Chairman shall, if required to do so by notice in writing by not less than five other members, call a special meeting of the Board to be held within 28 days from the date on which the notice is given.

(3) Any notice given under sub-paragraph (2) of this paragraph shall state the matters to be discussed at the special meeting and any matter not so stated shall not be discussed at the meeting.

(4) At every meeting of the Board, the Chairman shall preside and in his absence the members present shall appoint one of their number to preside at that meeting.

3. The quorum of the Board shall be seven and the quorum of any committee of the Board shall be determined by the Board.

4. Minutes of every meeting of the Board shall be regularly entered in a book to be kept for the purpose, and shall, after approval by members, be signed by the Chairman at the next ensuing meeting.

5. The Board may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the fact that any person not entitled to do so took part in the proceedings.

6.—(1) The seal of the Board shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Board.

(2) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or the Director or of some other member authorised generally or specifically to act for that purpose by the Board.

(3) 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 and executed on behalf of the Board by any person generally or specially authorised to act for that purpose by the Board.

(4) 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.

7. Members of the Board who are not public officers shall be paid out of moneys at the disposal of the Board, such travelling and other allowances in accordance with such scales as may be approved, from time to time, by the Minister.

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

MADE at Lagos this 11th day of December, 1989.

GENERAL I. B. BABANGIDA,
*President, 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 purport)*

The Decree provides for the continuing in being of the Citizenship and Leadership Training Centre and renames the Governing Council as the Citizenship and Leadership Training Centre Management Board and provides amongst other things, for the appointment of a Director to be the chief executive of the Centre.

The Decree also repeals the Citizenship and Leadership Training Centre Act 1960, as amended by the Citizenship and Leadership Training Centre (Amendment) Act 1969.

HEALTH RECORDS OFFICERS (REGISTRATION, ETC.) DECREE 1989



ARRANGEMENT OF SECTIONS

Section

Part I—Establishment of the Health Records Officers Registration Board, etc.

1. Establishment of the Health Records Officers Registration Board of Nigeria.
2. Membership of the Board.
3. Fund of the Board.
4. Annual estimates, accounts and audit.
5. Control of the Board by the Minister.
6. Registrar and other employees of the Board.

Part II—Registration and Related Matters

7. Preparation and maintenance of register.
8. Publication of register and lists of corrections.
9. Registration as health records officer.
10. Temporary registration.
11. Certificate invalid if given by unregistered person.
12. Appointment not to be held by unregistered person.
13. Prohibition of falsely professing to be a registered person.
14. Recovery of fees.
15. Securing registration through fraudulent means.
16. Burden of proof of registration.

Part III—Training

17. Approval of courses.
18. Supervision of instruction and examinations leading to approved qualification.

19. Power of the Board to consider matters relating to training.

20. Certificate of experience,

Part IV—Professional Discipline

21. Establishment of Disciplinary Committee and the Investigating Panel.
22. Proceedings of the Disciplinary Committee.
23. Penalties for unprofessional conduct.
24. Restoration of registration.
25. Striking off entries from the register on grounds of fraud or error.
26. Appeal to the Federal High Court.

Part V—Miscellaneous

27. Regulations.
28. Interpretation.
29. Citation.

SCHEDULES

Schedule 1—Supplementary provisions relating to the Board.

Schedule 2—Supplementary provisions relating to the Disciplinary Committee and the Investigating Panel.

Schedule 3—Accepted minimum qualification for the purpose of registration on the register established under this Decree.

Decree No. 39

[11th December 1989]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Part I—Establishment of the Health Records Officers Registration Board, etc.

Establish-
ment of the
Health Re-
cords Officers
Registration
Board of
Nigeria.

1.—(1) There is hereby established for health records officers a body to be known as the Health Records Officers Registration Board of Nigeria (hereafter in this Decree referred to as “the Board”).

(2) The functions of the Board shall include the following, that is—

(a) determining what standards of knowledge and skill shall be attained by a person seeking to become a member of the profession and improving those standards from time to time as circumstances may permit ;

(b) securing in accordance with the provisions of this Decree, the establishment and maintenance of a register of persons registered under this Decree as members of the profession and the publication from time to time of lists of those persons ;

(c) conducting examinations in health records management and awarding certificates or diplomas to successful candidates as appropriate, and for such purpose the Board shall prescribe fees to be paid in respect thereof ; and

(d) performing such other functions conferred on the Board by this Decree.

2.—(1) The Board shall comprise the following members, that is—

(a) a Chairman ;

(b) two Health Records Officers ;

(c) four Health Records Officers to represent the States in rotation for two years at a time ;

(d) one person to represent the Nigeria Medical Council ;

(e) one health records officer to represent schools involved in training members of the profession in rotation for two years at a time ;

(f) one person to represent the Federal Ministry of Health ;

(g) one person to represent public interest ; and

(h) one person to represent University Teaching Hospitals.

Membership
of the
Board.

(2) All appointments in this section shall be made by the President, Commander-in-Chief of the Armed Forces on the recommendations of the Minister.

(3) The provisions of Schedule 1 to this Decree shall have effect with respect to the matters therein mentioned.

3.—(1) The Board shall establish and maintain a fund into which shall be paid—

Fund of
the Board.

(a) all fees and other moneys payable to the Board in pursuance of this Decree ; and

(b) such moneys as may be payable to the Board whether in the course of the discharge of its functions or otherwise.

(2) There shall be paid out of the fund of the Board—

(a) all expenditure incurred by the Board in the discharge of its functions under this Decree ;

(b) the remuneration and allowances of the Registrar and other staff of the Board ; and

(c) such reasonable travelling and subsistence allowances of members of the Board in respect of the time spent on the business of the Board as the Board may, with the approval of the Minister, determine.

Annual estimates, accounts and audit.

4.—(1) It shall be the duty of the Board to prepare and submit to the Minister not later than the 31st day of August of the year in which this subsection comes into force, (so however that the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its income and expenditure during the next succeeding year.

(2) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each year to which the accounts relate.

Control of the Board by the Minister.

5. The Minister may give to the Board directions of a general character or relating generally to a particular matter (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.

Registrar and other employees of the Board.

6.—(1) The Board shall appoint a fit and proper person who is duly registered to be Registrar for the purposes of this Decree.

(2) The Registrar shall, in addition to his other functions under this Decree, be the Secretary to the Board and shall on the instructions of the Chairman of the Board or any committee of the Board convene meetings of the Board or of any committee of the Board and shall keep minutes of the proceedings of all such meetings.

(3) The Board may appoint such other persons to be employees of the Board as the Board may determine to assist the Registrar in the exercise of his functions under this Decree.

(4) The Board may, whenever the Registrar is absent or for any other reason unable to discharge the functions of his office, appoint an acting Registrar to discharge those functions.

(5) The Registrar and other employees of the Board shall hold office on such conditions as the Board may, with the approval of the Minister, determine.

Part II—Registration and Related Matters

Preparation and maintenance of register.

7.—(1) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Board under this section, a register of the names, addresses, approved qualifications and of such other particulars as may be specified, of all persons who are entitled in accordance with provisions of this Decree to be registered as health records officers and who apply in the specified manner to be so registered.

(2) Subject to the following provisions of this section, the Board shall make rules with respect to the form of keeping of the register and the making of entries therein, and in particular—

(a) regulating the making of application for registration and providing for the evidence to be produced in support of such application ;

(b) providing for the notification to the Registrar by the person to whom any registered particulars relate, of any change in those particulars ;

(c) specifying the fees to be paid to the Board in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name on the register until any fees specified for entry has been paid ;

(d) authorising a registered person to have any qualification which is, in relation to his profession, whether an approved qualification or an accepted qualification under section 9 (2) of this Decree, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered ;

(e) specifying any other matters so required under the foregoing provisions of this section,

but rules made for the purposes of paragraph (c) of this subsection shall not come into force until they are confirmed by the Minister.

(3) It shall be the duty of the Registrar—

(a) to correct, with the directions of the Board, any entry in the register which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made ;

(b) to make from time to time any necessary alterations to the registered particulars of registered persons ;

(c) to remove from the register the name of any registered person who has died or has become insane or who has for any other reason ceased to be qualified to be a member of the profession.

(4) If the Registrar—

(a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three months from the date of posting it ; and

(b) upon the expiration of that period sends in like manner to the person in question a second letter and receives no reply to that letter within three months from the date of posting it,

the Registrar may remove the particulars relating to the person from the register ; but the Board may direct the Registrar to restore to the register any particulars removed therefrom under this subsection.

8.—(1) It shall be the duty of the Registrar—

(a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Decree comes into force ;

(b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to each register since it was last printed ; and

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Board ; and it shall be the duty of the Board to keep each register and lists so deposited open at all reasonable times for inspection by members of the public.

Publication
of
register and
lists of
corrections

(2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year or documents purported to be prints of an edition of a register so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together as being registered, is so registered and that any person not so specified is not so registered.

Registration
as health
records
officer.

9.—(1) Subject to section 27 of this Decree and to rules made under section 7 (2) thereof, a person shall be entitled to be registered under this Decree and being so registered to receive a registration certificate if—

(a) he has attended a course of training approved by the Board under section 17 of this Decree ;

(b) the course was conducted at an institution so approved, or partly at one of such institution and partly at another ;

(c) he holds at least one of the qualifications prescribed in Schedule 3 to this Decree for the purpose of registration on the register and has complied with the other requirements prescribed under section 7 (2) of this Decree ;

(d) he holds a certificate of experience issued in pursuance of section 20 of this Decree ;

(e) he is of good character ; and

(f) he thereafter pays any prescribed fee.

(2) Subject to section 27 of this Decree and to rules made under section 7 (2) of this Decree, a person shall also be entitled to be registered under this Decree and being so registered to receive a registration certificate, if he satisfies the Board—

(a) that he holds a qualification granted outside Nigeria for the time being accepted by the Board for the purposes of this subsection as respects the profession ;

(b) that in the country in which the qualification was granted, he was under no legal disability in the practice of the profession ;

(c) he holds a certificate of experience issued in pursuance of section 20 of this Decree ;

(d) that he is of good character ; and

(f) he thereafter pays any prescribed fee.

(3) The Board shall from time to time publish in the *Gazette* particulars of the qualifications for the time being accepted as aforesaid.

(4) The qualifications specified in Schedule 3 to this Decree are those accepted for the time being by the Board as the minimum qualifications for the purpose of registration on the register maintained under section 7 of this Decree.

(5) Subject as aforesaid, a person shall be entitled to be temporarily registered under this Decree in cases specified in section 10 of this Decree.

Temporary
registration.

10.—(1) Where a person satisfies the Board—

(a) that he has been selected for employment for a specified period in a capacity in which a registered person under this Decree would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question ;

(b) that he holds or has passed examinations necessary for obtaining some qualifications granted outside Nigeria which is for the time being accepted by the Board for the purpose of this Decree as respects the capacity in which, if employed, he is to serve ; and

(c) he pays any fees prescribed for registration, the Board may, if it thinks fit, give a direction that he shall be temporarily registered.

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

(a) on the termination of the period of employment specified to the Board under that subsection ; or

(b) on the termination of the said employment before the end of that period, whichever first occurs.

(3) Nothing in subsection (2) of this section shall preclude the Board from giving a further direction under subsection (1) of this section in respect of a specified period, the commencement of which coincides with the termination of another such period.

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

(5) In case of doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purposes of subsection (2) of this section.

(6) The Registrar, as directed, from time to time, by the Board, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

11. A certificate required by any written law from any class of persons for whom a register is maintained under this Decree shall not be valid unless the person signing it is registered in accordance with this Decree.

Certificate invalid if given by unregistered persons.

12.—(1) Subject to the provisions of this Decree, no person, not being registered as a health records officer, shall be entitled to hold any appointment in the civil service of the Federation or of a State or in any public or private establishment, body or institution, if the holding of such appointment involves the performance by him in Nigeria of any act pertaining to the profession.

Appointment not to be held by unregistered person.

(2) Nothing in this section or in any other provisions of this Part of this Decree shall prevent a person from holding any appointment referred to in subsection (1) of this section while he is undergoing training for the purpose of becoming qualified for registration under this Decree and the training is done under the supervision of persons who are registered in accordance with this Decree.

13. Any person, not being registered on any register maintained under section 7 of this Decree, who holds himself out to be so registered or uses any name, title, description or symbol calculated to lead any person to infer that he is so registered or is a member of the profession, shall be guilty of an offence and liable on conviction for a first offence to a fine of not less than ₦100 nor more than ₦200 or to imprisonment for a term of six months or to both such fine and imprisonment ; and on conviction for a second or any subsequent offence, to imprisonment for a term of not less than one year nor more than three years.

Prohibition of falsely professing to be a registered person.

Recovery of fees.

14.—(1) Subject to the provisions of this Decree, a registered health records officer shall be entitled to recover his fees for professional services by action in any court of competent jurisdiction.

(2) No fees shall be recoverable by legal proceedings in respect of any act pertaining to the profession of a registered person when performed by a person who is prohibited from performing such act.

Securing registration through fraudulent means.

15.—(1) If any person for the purpose of procuring the registration of any name, qualification or other matter—

(a) makes a statement which he knows to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(2) If the Registrar or any other person employed by the Board, wilfully makes any falsification in any matter relating to any register maintained under this Decree he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable—

(a) on conviction in a court of inferior jurisdiction, to a fine not exceeding ₦100;

(b) on conviction in a High Court, to a fine not exceeding ₦1,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(4) Where an offence under this Part of this Decree which has been committed by a body corporate is proved to have been committed with the connivance of or is attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Burden of proof of registration.

16. In any criminal proceedings against any person upon a charge of having performed an act which constitutes an offence if performed by an unregistered person, the person charged shall be deemed to be unregistered, unless he proves the contrary.

Part III—Training

Approval of courses.

17.—(1) Subject to subsection (2) of this section, the Board may approve for the purpose of section 7 of this Decree—

(a) any course of training which is intended for persons seeking to become members of the profession under this Decree and which the Board considers is designed to confer on persons completing the training sufficient knowledge and skill for the practice of the profession;

(b) any institution whether in Nigeria or elsewhere which the Board considers properly organised and equipped for conducting the whole or any part of the course of training approved by the Board under this section;

(c) any qualification which, as a result of examinations taken in conjunction with the course of training approved by the Board under this section, is granted to candidates reaching a standard at the examination indicating that they have sufficient knowledge and skill to practise the profession to which the qualification relates.

(2) The Board shall, from time to time, publish in the *Gazette* a list of qualifications relating to the profession approved by it for the purposes of subsection (1) of this section.

(3) The Board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution ; but before withdrawing such an approval the Board shall—

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Board to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be ;

(b) afford each such person an opportunity of making representations to the Board with regard to the proposal ; and

(c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.

(4) Any period during which approval of the Board under this section for a course, institution or qualification is withdrawn, the course or qualification shall not be treated as approved under this section ; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the Board may specify in that instrument and the Board shall—

(a) cause to be published a copy of every such instrument in the *Gazette* ; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

18.—(1) The Board shall keep itself informed of the instruction given at approved institutions to persons attending approved course of training ; and the examinations as a result of which approved qualification are granted.

(2) For the purpose of performing the duty specified in subsection (1) of this section, the Board may appoint either from among its own members or otherwise, persons to visit approved institutions or attend such examinations.

(3) A person appointed under this section shall report to the Board on—

(a) the sufficiency of the instruction given to persons attending approved courses of training at the institutions visited by him ;

(b) the sufficiency of examinations attended by him ; and

(c) any other matter relating to the institutions or examinations on which the Board may, either generally or in a particular case, request him to report,

but no such person shall interfere with the giving of any instruction or the holding of any examination.

(4) On receipt of a report in pursuance of this section, the Board shall as soon as may be send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations

Supervision
of instruc-
tions and
examinations
leading to
approved
qualifications.

to which the report relates requesting that person to make representations to the Board within such time as may be specified in the request, not being more than one month beginning with the date of the request.

Power of the Board to consider matters relating to training.

19.—(1) The Board may report to the Minister and seek his approval upon all matters relating to the professional and technical training and other qualifications required for admission to the profession under this Decree and the conditions of practice after registration.

(2) The Minister may require the Board to advise him on any matter referred to in subsection (1) of this section.

Certificate of experience.

20.—(1) A person who, after obtaining an approved qualification, satisfies the conditions mentioned in subsection (2) of this section shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection.

(2) The conditions which a person must satisfy under subsection (1) of this section are—

(a) he shall have served his time for the prescribed period in Nigeria with a view to obtaining a certificate of experience ;

(b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered Health records officers for such periods as may be prescribed ; and

(c) the manner in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.

(3) It shall be the duty of the employer being a registered Health records officers supervising the work of persons employed with a view to obtaining a certificate of experience, to secure that the last mentioned person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (b) of subsection. (2) of this section.

(4) Where after having served his time as mentioned in paragraph (a) of subsection (2) of this section, a person is refused a certificate of experience he shall be entitled—

(a) to receive from his employer particulars in writing of the grounds of the refusal ; and

(b) to appeal from the refusal to a committee of the Board in accordance with rules made by the Board in that behalf (including rules as to the time within which appeals are to be brought) ;

and on any such appeal the committee shall either dismiss the appeal or itself issue the certificate of experience in question or give such other directions in the matter as it considers just.

(5) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

Part IV—Professional Discipline

21.—(1) There shall be established a body to be known as the Health Records Officers Disciplinary Committee (hereafter in this Decree referred to as “the Disciplinary Committee”) which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this Decree.

Establishment of the Disciplinary Committee and Investigating Panel.

(2) The Disciplinary Committee shall consist of the Chairman of the Board and six other members of the Board elected from members holding office by virtue of paragraphs (b), (c) and (d) of subsection (1) of section 2 of this Decree.

(3) There shall be a body to be known as the Health Records Officers Investigating Panel (hereafter in this Decree referred to as ‘the Investigating Panel’) which shall be charged with the duty of—

(a) conducting preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as such or should for any other reason be the subject of proceedings before the Disciplinary Committee ; and

(b) deciding whether the case should be referred to the Disciplinary Committee.

(4) The Investigating Panel shall be appointed by the Board and shall consist of five members of the Board.

(5) The provisions of Schedule 2 to this Decree shall, so far as applicable to the Disciplinary Committee and the Investigating Panel respectively, have effect with respect to those bodies.

22.—(1) The Chairman shall preside at every meeting of the Disciplinary Committee.

Proceedings of the Disciplinary Committee.

(2) At any meeting of the Disciplinary Committee three members shall form a quorum.

(3) Any question proposed for decision by the Disciplinary Committee shall be determined by the majority of the members present and voting at a meeting of the Disciplinary Committee at which a quorum is formed.

(4) At all meetings of the Disciplinary Committee each member shall have one vote and, in the event of an equality of votes, the Chairman shall have, in addition to a deliberative vote, a casting vote.

23.—(1) Where—

(a) a person registered under this Decree is convicted by any court or tribunal in Nigeria or elsewhere having power to award punishment for an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of such professional ; or

Penalty for unprofessional conduct.

(b) a registered person is adjudged by the Disciplinary Committee to be guilty of infamous conduct in a professional respect ; or

(c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may give a direction under subsection (2) of this section.

(2) Where any of the conditions stipulated in subsection (1) of this section occurs, the Disciplinary Committee may give a direction under this subsection—

(a) ordering the Registrar to strike the person's name off the relevant part of the register ;

(b) suspending that person from practice for such period as may be specified in the direction ;

(c) reprimanding the person ;

(d) ordering the person to pay to the Board any costs of and incidental to the proceedings incurred by the Board ; or

(e) cautioning him and binding him over for a period not exceeding one year on one or more conditions as to his conduct during that period, and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the case may require.

(3) In any inquiry under this section, any finding of fact which is shown to have been made in—

(a) any criminal proceedings in a court in Nigeria ;

(b) any civil proceedings in a court in Nigeria,

shall be conclusive evidence of the fact found.

(4) If after due inquiry the Disciplinary Committee is satisfied that during the period of binding over under paragraph (e) of subsection (2) of this section a person has not complied with the conditions imposed thereunder, the Disciplinary Committee may, if it thinks fit, impose any one or more of the penalties mentioned in sub-paragraphs (a), (b), (c) and (d) of that subsection.

(5) A certificate under the hand of the Chairman that any costs have been ordered to be paid by a person under this section shall be conclusive evidence thereof.

Restoration
of
registration.

24.—(1) Where the name of a person has been struck off from the register in pursuance of a direction given under section 23 of this Decree, the Disciplinary Committee may, if it thinks fit, at any time direct the restoration of the person's name to the register.

(2) An application for the restoration of a name to a register under this section shall not be made to the Disciplinary Committee before the expiration of such period from the date of the striking off (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

(3) There shall be payable to the Board by any person on the restoration of his name to a register in pursuance of a direction given under this section the like fees as would be payable by that person on first becoming registered in that register.

25.—(1) If it is proved to the satisfaction of the Disciplinary Committee that any entry made in a register has been fraudulently or incorrectly made, the Disciplinary Committee may direct that the entry shall be struck off from the register.

Striking off entries from the register on the ground of fraud or error.

(2) A person may be registered in pursuance of any provisions of this Decree notwithstanding that his name has been struck off in pursuance of a direction given under subsection (1) of this section, but if his name was struck off on grounds of fraud he shall not be registered except an application in that behalf is made to the Disciplinary Committee; and on any such application the Disciplinary Committee may, if it thinks fit, direct that he shall not be registered or shall not be registered until the expiration of such period as may be specified in the direction.

(3) Any reference in this Decree to the striking off from or the restoration to a register of the name of a person shall be construed as including a reference to the striking off from or the restoration to the register of any other registrable particulars relating to that person.

26.—(1) Where the Disciplinary Committee—

Appeal to the Federal High Court.

(a) makes a finding and imposes a penalty on a registered person under section 23 of this Decree; or

(b) rejects an application for restoration of a name to the register under section 24 of this Decree; or

(c) directs the striking off of an entry from a register under section 25 (1) of this Decree,

the Registrar shall give the person to whom the proceedings relate, notice in writing thereof and such person may, within twenty-eight days from the date of service on him of the notice, appeal to the Federal High Court.

(2) On any appeal under this section the Board shall be the respondent.

(3) No direction for the striking off of the name of a registered person from a register under sections 23 and 25 of this Decree shall take effect until the expiration of the time for appealing or if an appeal is brought, until such time as the appeal is disposed off, withdrawn or struck out for want of prosecution, as the case may be.

(4) The Federal High Court may, on an appeal under this section—

(a) confirm, vary or set aside any finding of fact, penalty imposed or direction given by the Disciplinary Committee;

(b) confirm the rejection of the Disciplinary Committee of the application for restoration or direct the restoration of the name to the register;

(c) remit the matter to the Disciplinary Committee for further consideration;

(d) make such other order as to costs or otherwise, as may, to it, seem just,

but no proceedings before the Disciplinary Committee shall be set aside by reason only of informality in those proceedings which did not embarrass or prejudice the appellant.

Part V—Miscellaneous

27.—(1) Any power to make regulations, rules or orders conferred by this Decree shall include—

Regulations.

(a) power to make provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument ; and

(b) power to make different provisions for different circumstances.

Interpre-
tation.

28.—(1) In this Decree, unless the context otherwise requires—
“accepted qualification” means a degree, diploma or other certificate prescribed under section 9 of this Decree ;

“Board” means the Health Records Officers Registration Board of Nigeria established under section 1 of this Decree ;

“health records” means a specialized branch of health management which embraces all technical and clerical procedures associated with management of patients from primary health care to tertiary levels of care ;

“health records management” includes logistics of admission and discharges routines, reception and registration, efficient appointment system, coding and classification of morbidity and mortality dates, maintenance of waiting lists, preservation of health medical records and provision of medical secretariat services ;

“Minister” means the Minister charged with responsibility for matters relating to health ;

“profession” means the health records management profession ;

“register” means a register maintained under this Decree and “registered” shall be construed accordingly ;

“Registrar” means the Registrar appointed under section 6 of this Decree ;

“registration certificate” means a registration certificate issued under section 9 of this Decree ; and

“student” means a person receiving basic training in an approved training school for the purpose of the profession covered by this Decree.

Citation.

29. This Decree may be cited as the Health Records Officers (Registration, etc.) Decree 1989.

SCHEDULES

SCHEDULE 1.

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Qualification and tenure of office of members

1.—(1) A person other than a person appointed under section 2(1)(a), (d), (f), (g), and (h) of this Decree shall not be a member of the Board unless he is a citizen of Nigeria and is fully registered as provided under this Decree and in the case of the first members of the Board, such a person shall be eligible for registration as a health records officer.

(2) Where a member of the Board ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall as soon as may be appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of this subparagraph shall not apply where a person holding office as a member of the Board ceases to hold office at the time when the residue of his term does not exceed one year.

(3) Subject to the provisions of this paragraph, a member of the Board other than a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment for a further period of three years ; thereafter he shall no longer be eligible for reappointment.

(4) A member of the Board, other than a public officer, may resign his appointment by a letter addressed to the Minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.

(5) The Minister may appoint any person who is registered to be a temporary member of the Board during a long absence or the temporary incapacity by illness of any member ; and that person may, while the appointment subsists, exercise the functions of a member under this Decree.

(6) The provisions of this paragraph shall have effect notwithstanding the provisions of section 11 of the Interpretation Act 1964 which relates to appointment.

Power of the Board

2.—(1) Subject to sub-paragraph (2) of this paragraph and to any directions of the Minister under this Decree, the Board shall have powers to do anything which in its opinion is calculated to facilitate the carrying on of its activities under this Decree.

(2) The Board shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister and shall not have power to pay remuneration (including pensions), allowances or expenses to any employee of the Board or any other person except in accordance with scales approved by the Minister.

Proceedings of the Board

3.—(1) Subject to the provisions of this Decree and of section 26 of the Interpretation Act 1964 (which provides for decisions of a body to be taken by a majority of the members of the body and for the Chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or of any committee thereof or elect a temporary Vice-Chairman in the absence of the Chairman for the conduct of the affairs of the Board.

(2) The quorum of the Board shall be seven and the quorum of any committee of the Board shall be determined by the Board.

(3) At any time while the office of the Chairman is vacant or the Chairman is in the opinion of the Board temporarily or permanently unable to perform the functions of his office, the Vice-Chairman shall perform those functions and references in this Schedule to the Chairman shall be construed accordingly.

(4) Subject to the provisions of any applicable standing orders, the Board shall meet whenever summoned by the Chairman ; and if the Chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Board to be held within twenty-one days from the date on which the notice is given.

(5) At any meeting of the Board, the Chairman or, in his absence, the Vice-Chairman shall preside but if both are absent the members present at the meeting shall appoint one of their number to preside at that meeting.

(6) Where the Board wishes 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.

(7) Notwithstanding anything to the contrary, the first meeting of the Board shall be summoned by the Minister who may give such directions as to the procedure to be followed at that meeting, as he may deem fit.

Committees

4.—(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 the number of persons 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 of the Board 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 of the Board shall be of no effect until it is confirmed by the Board.

(4) A person other than a member of the Board shall hold office on a committee in accordance with the terms of the instrument by which he is appointed.

Miscellaneous

5.—(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 by a person generally or specially authorised by the Board to act for that purpose.

SCHEDULE 2

Section 21 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND THE INVESTIGATING PANEL

The Disciplinary Committee

1.—(1) The Attorney-General of the Federation shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

(2) The rules shall in particular provide—

(a) for securing that notice of proceedings shall be given at such time, and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

(b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Committee ;

(d) for enabling any party to the proceedings to be represented by a legal practitioner ;

(e) subject to the provisions of section 23 (2) (d) of this Decree, for the costs of proceedings before the Disciplinary Committee ;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect that where the Disciplinary Committee adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct, in respect of the matter to which the allegation relates ;

(g) for publishing in the *Gazette* of notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register.

2.—(1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Board on the recommendation of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

(a) that where an assessor advises the Disciplinary Committee on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat, or, if the advice is tendered while the Disciplinary Committee is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered ;

(b) that every party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Investigating Panel

3. The quorum of the Investigating Panel shall be three.

4.—(1) The Investigating Panel may, at any of its meeting attended by not less than four of its members, make standing orders with respect to the proceedings of the Investigating Panel.

(2) Subject to the provision of any such standing orders, the Investigating Panel may regulate its own procedure.

Miscellaneous

5.—(1) A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for re-appointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and the Investigating Panel; but no person who has acted as a member of an Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

6. The Disciplinary Committee or Investigating Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to sub-paragraph (2) of paragraph 5 of this Schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

7. The Disciplinary Committee and the Investigating Panel may each sit in two or more places.

8. Any document authorised or required by virtue of this Decree to be served on the Disciplinary Committee or the Investigating Panel shall be served on the Registrar.

9. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Board.

SCHEDULE 3

Section 9 (1) (c)

ACCEPTED MINIMUM QUALIFICATION FOR THE PURPOSE OF REGISTRATION ON THE REGISTER ESTABLISHED UNDER THIS DECREE

Profession

Accepted Qualification for Registration

Health Records Management

1. Diploma of the Health Records Officers Registration Board of Nigeria.
2. Any equivalent qualification.
3. Degree, Higher National Diploma or Diploma in Health Statistics plus Diploma in Medical Records.
4. United Kingdom Certificate in Medical Records plus Diploma in Health Statistics.

MADE at Lagos this 11th day of December 1989.

GENERAL I. B. BABAGINDA,
*President, 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 purport)*

The Decree establishes a Board for the control and practice of the Profession of health records management.