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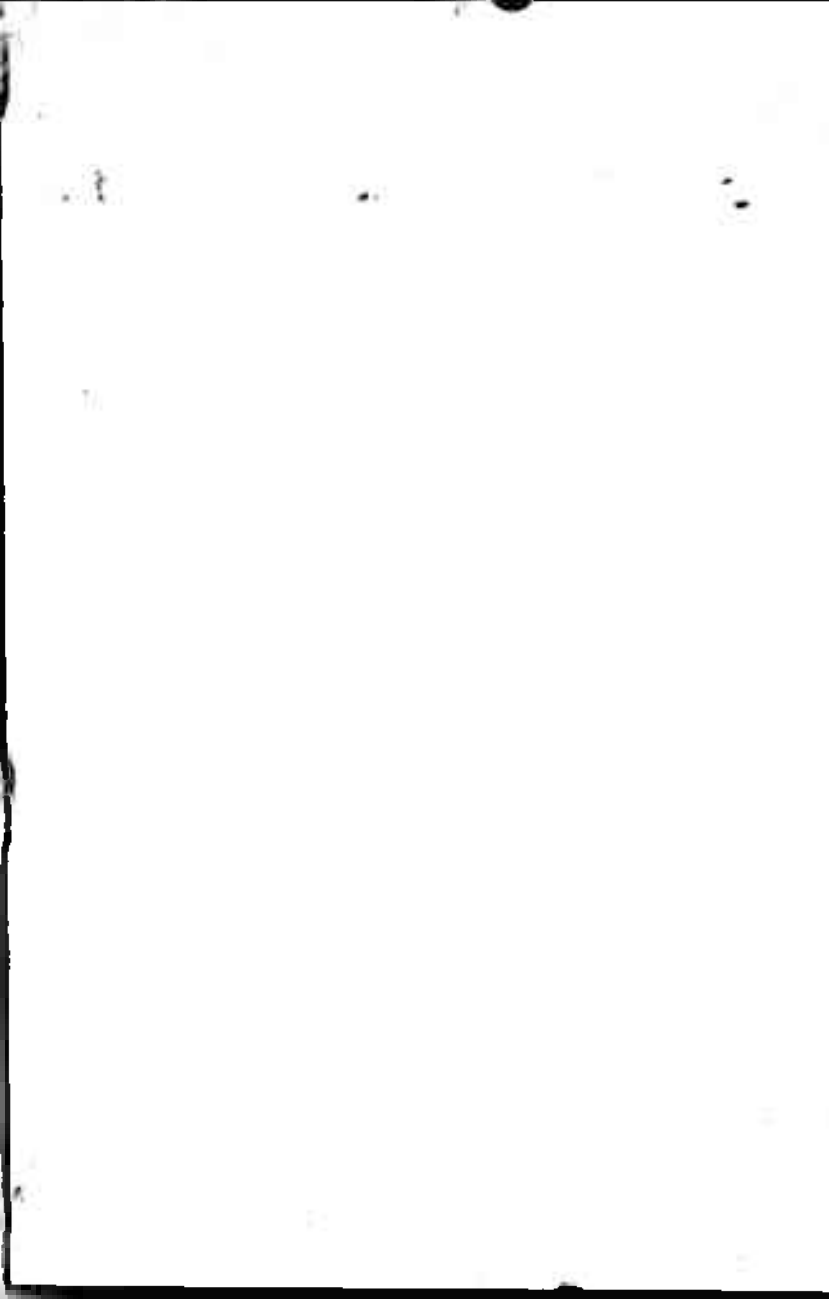
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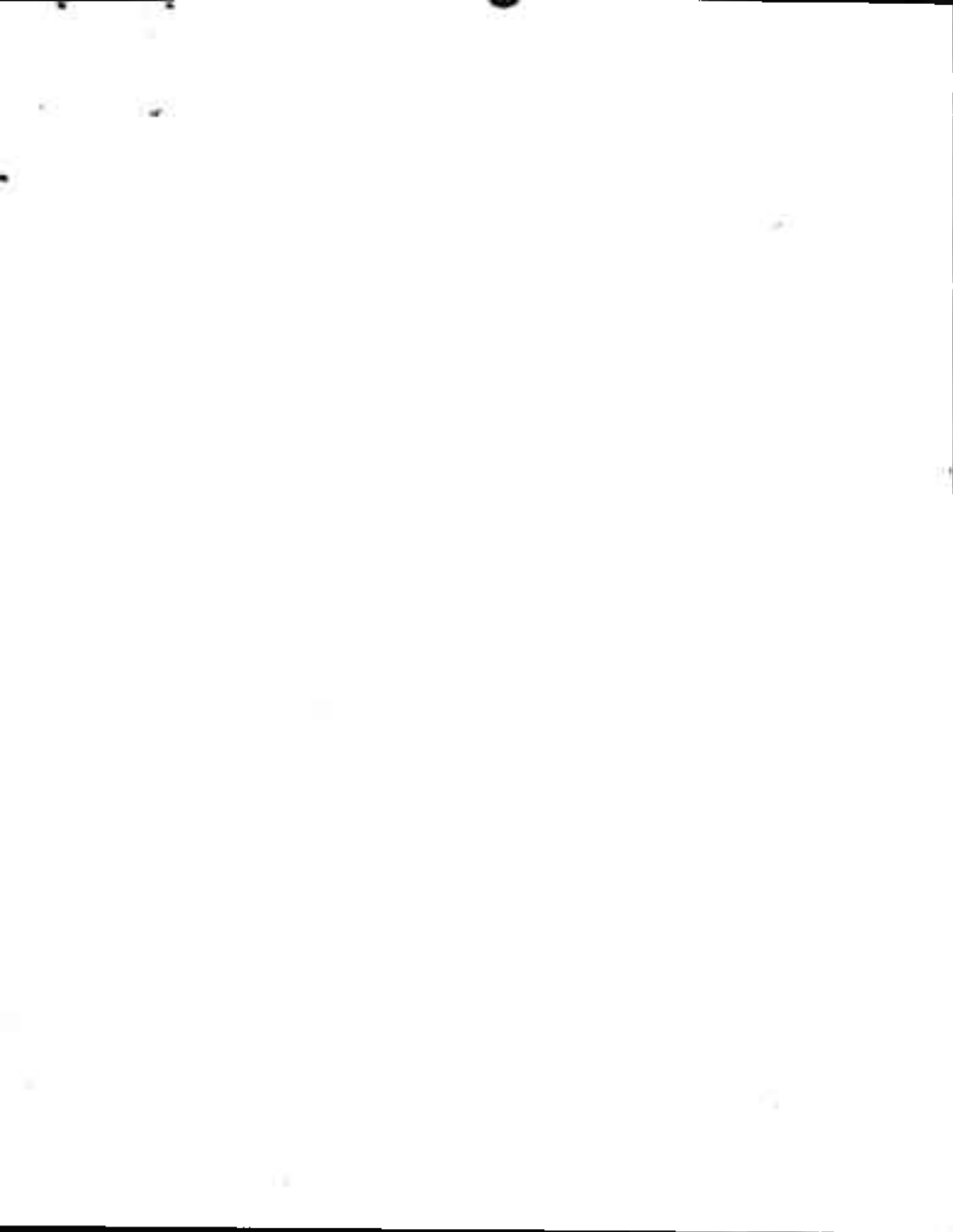
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**MEDICAL AND DENTAL PRACTITIONERS ACT
(CAP. 221 LFN)**

MEDICAL AND DENTAL PRACTITIONERS (DISCIPLINARY TRIBUNAL) RULES 2004

Commencement : 10th June 2004

In exercise of the powers conferred upon me by paragraph 2 (1) of the Second Schedule to the Medical and Dental Practitioners Act and of all other powers enabling me in that behalf, I, Akinlotu Olujinmi, S.A.N., Attorney-General of the Federation, hereby make the following Rules :

1. In any case where in pursuance of section 15 (3) of the Act the panel is of the opinion that a *prima facie* case is shown against a medical practitioner or a dental surgeon, the panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the panel.

Reference to
the tribunal.

2. The secretary shall refer the report and the charges to the Chairman of the Medical and Dental Council of Nigeria who shall convene a meeting of the tribunal in accordance with the provisions of rule 3 of these Rules.

Chairman to
convene the
tribunal.

3.—(1) Whenever any case of professional misconduct against a medical practitioner or a dental surgeon is referred to the tribunal by the panel such a case shall be heard by the Chairman of the Council and ten other members of the Council appointed by the Council who shall include not less than two persons who are fully registered dental surgeons.

Composition
of the
tribunal.

(2) The Chairman of the Council or in his absence anyone appointed in that behalf shall be the chairman of the tribunal.

(3) The quorum of the tribunal shall be determined by the Medical and Dental Council of Nigeria of whom—

(a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner ; and

(b) one at least shall be a registered dental surgeon in a case relating to a registered dental surgeon.

(4) An assessor appointed by the Council on the nomination of the Chief Justice of Nigeria in accordance with paragraph 4 (1) of the Second Schedule to the Act shall sit with the tribunal and advise the tribunal on questions of law as to evidence, procedure or other matters specified in the rules made by the Chief Justice of Nigeria pursuant to paragraph 4 (2) of the Second Schedule to the Act.

4.—(1) The parties to the proceedings before the tribunal shall be—

(a) the chairman of the panel ;

(b) the medical practitioner or dental surgeon whose conduct is the subject matter of the proceedings ; and

Parties to the
proceedings
before the
tribunal.

(c) if the tribunal so directs, the complainant, who may be represented by a legal practitioner.

(2) The medical practitioner or dental surgeon whose conduct is the subject matter of the proceedings may appear either in person or be represented by a legal practitioner and the tribunal may also employ the services of a legal practitioner to present the case before it.

Fixing of hearing day and service of notice, etc., thereof by the secretary.

5.—(1) On the direction of the chairman of the tribunal, the secretary shall fix a day for the hearing of the case and shall cause the service thereof of the notice of hearing on each party to the proceedings.

(2) The secretary shall serve on each party, other than the complainant, during the day time, copies of the report and all the charges prepared by the panel and all the documents considered by the panel.

(3) Service of any document on the medical practitioner or dental surgeon whose conduct is the subject matter of the proceedings may be effected either by handing the document to him personally, or by sending it by registered post or by courier service to the address recorded in the register maintained under section 6 of the Act.

Hearing in the absence of parties.

6.—(1) If any party fails to appear at the hearing, the tribunal may, upon proof of service on such party of the notice of hearing, proceed to hear and determine the case in his absence.

(2) Any party to a proceeding before the tribunal who has failed to appear at the hearing, may, within one calendar month from the pronouncement of the findings and directions of the tribunal and upon giving notice to every other party and to the secretary, apply to the tribunal for a re-hearing.

(3) The tribunal may, if satisfied that it is just that the case should be re-heard, grant the application on such terms and costs or otherwise as it thinks fit.

Hearing of witnesses and reception of documents.

7. The tribunal may, in the course of its proceedings, hear such other witnesses and receive such documentary evidence as in its opinion may assist it in arriving at a conclusion as to the truth or otherwise of the allegations of misconduct referred to it by the panel.

Amendment of charges before the tribunal.

8. If in the course of the proceedings it appears to the tribunal that the charges forwarded to it by the panel require to be amended or added to the tribunal may permit such amendments or addition, as it shall think fit.

Holding of proceedings in the public.

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

Adjournment.

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

11. If any person wilfully gives false evidence on oath before the tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the tribunal may refer the matter to the Attorney-General of the Federation for necessary action. **Penalty for giving false evidence.**
12. If, after the hearing, the tribunal adjudges that the allegations of infamous conduct in a professional respect have not been proved, the tribunal shall record a finding that the medical practitioner or the dental surgeon is not guilty of such conduct in respect of the matter to which the allegation relates. **Finding of not guilty.**
13. The tribunal may without finding any misconduct proved against a medical practitioner or dental surgeon, nevertheless order any party to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the tribunal shall think fit so to order. **Costs.**
14. Subject to the provisions of section 16 of the Act (relating to lodging of appeal against the direction of the tribunal) any direction given by the tribunal in accordance with section 16 (1) of the Act shall be published in the *Federal Gazette* as soon as such direction takes effect. **Publication of directions of the tribunal.**
- 15.—(1) Shorthand notes or electronic recordings of proceedings may be taken by a person appointed by the tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof. **Records of proceedings.**
- (2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the tribunal, and to the Council, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.
- (3) If no shorthand notes or electronic recordings be taken, the Chairman of the tribunal shall take a note of the proceedings and the provisions of these Rules as to inspection and taking of copies shall apply to such notes accordingly.
16. The tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the tribunal to be just to do so. **Dispensing with provisions.**
17. The tribunal may in any given case extend or abridge the time to do anything under these Rules. **Extension or abridgment of time.**
18. The tribunal may order that any books or other exhibits, produced or used at a hearing shall be retained by the secretariat until the time within which an appeal may be entered has expired, and if notice of appeal is given until the appeal is heard or otherwise disposed of. **Exhibits and books.**
19. The Medical and Dental Practitioners (Disciplinary Tribunal) Rules 1993 is hereby repealed. **Repeal of the Medical and Dental Practitioners (Disciplinary Tribunal) Rules 1993.**

Interpretation.

Cap. 221
LFN.

20. In these Rules, unless the context otherwise requires—

"act" means the Medical and Dental Practitioners Act :

"complainant" means any person who makes allegation of professional misconduct against a medical practitioner or a dental surgeon :

"council" means the Medical and Dental Council of Nigeria ;

"secretary" means a person appointed to act as the Registrar of the Medical and Dental Council of Nigeria ;

"panel" means the Medical and Dental Practitioners Investigating Panel :

"practitioner" means a person registered as a medical practitioner or dental surgeon ;

"tribunal" means the Medical and Dental Practitioners Disciplinary Tribunal and shall include a division of the tribunal.

21. These Rules may be cited as the Medical and Dental Practitioners (Disciplinary Tribunal) Rules 2004.

SCHEDULE

Rule 5

The Medical and Dental Practitioners Act

NOTICE OF HEARING BY THE TRIBUNAL

IN THE MATTER OF A. B., A MEDICAL PRACTITIONER/DENTAL SURGEON

AND

IN THE MATTER OF THE MEDICAL AND DENTAL PRACTITIONERS ACT

TAKE NOTICE that the report and charges prepared by the Medical and Dental Practitioners Investigating Panel in the above matter are fixed for hearing by the Medical and Dental Practitioners Disciplinary Tribunal at on the day of 20.....

.....
Secretary to the Tribunal

DATED at Abuja this 10th day of June, 2004.

CHIEF AKINLOLU OLUJINMI, S.A.N.
Attorney-General of the Federation

EXPLANATORY NOTE

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

The Rules repealed the Medical and Dental Practitioners (Disciplinary Tribunal) Rules 1993 and prescribes the rules to be observed by the Medical and Dental Practitioners Disciplinary Tribunal in respect of membership and procedures and matters connected therewith.

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