

L.N. 41 of 1975

INSTITUTE OF MEDICAL LABORATORY TECHNOLOGY

DECREE 1968

(1968 No. 56)

**Institute of Medical Laboratory Technology
(Disciplinary Tribunal and Assessors) Rules 1975**

Commencement : 18th June 1975

In exercise of the powers conferred upon me by paragraphs 2 and 4 of Schedule 3 to the Institute of Medical Laboratory Technology Decree 1968, and of all other powers enabling me in that behalf, I, Taslim Olawale Elias, Commander of the Federal Republic, the Chief Justice of Nigeria, hereby make the following rules :—

Proceedings before the Tribunal

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

- (a) the panel ;
- (b) the technologist whose conduct is the subject-matter of the proceedings ; and
- (c) any other person required by the tribunal to be joined or joined by leave of the tribunal.

Parties and appearance.

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner, so however that the tribunal may, if of opinion that it is necessary in the interest of justice so to do, order a party to the proceedings to appear in person but without prejudice to that person's right to counsel.

2.—(1) Before referring a case to the tribunal, the chairman shall direct the panel to prepare a report of the case and formulate any appropriate charge or charges and forward them to the secretary together with all the documents considered by the panel.

Reference of case to tribunal.

(2) The secretary shall refer the report and charges to the chairman who shall convene a meeting of the tribunal.

3.—(1) On the directions of the chairman the secretary shall fix a day for the hearing of the case and forthwith thereafter shall, in the form in the Schedule to these rules, serve notice thereof on each party to the proceedings.

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

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

(3) It shall be sufficient compliance with this rule if any process required to be served is handed personally to the party concerned or is sent by registered post to the last known place of residence or abode of the party.

4.—(1) Subject to paragraph (2) below, the tribunal may hear and determine a case in the absence of any party.

Hearing in absence of parties.

(2) Any party to the proceedings before a tribunal who fails to appear or be represented, or who has previously appeared before the tribunal but subsequently fails to appear or be represented may apply within 30 days after the date when the pronouncement of the findings and directions of the tribunal were given, for a re-hearing on the ground of want of notice or for other good and sufficient reason ; and the tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

Witnesses
and
evidence.

Cap. 62.

Amendment
of charges.

Proceedings
to be in
public.

Adjourn-
ment of
hearing.

False
evidence.

Findings
and costs.

Publication
of tribunal's
findings.

Record of
proceedings.

Dispensing
with certain
provisions.

Power to
retain
exhibits
pending
appeal.

5. The tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charges referred to it by the institute; and in the application of this rule, the provisions of the Evidence Act or Law in force in the State where the tribunal holds its sitting shall apply to any such proceedings.

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

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

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

9. If any person wilfully gives false evidence on oath before the tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

Findings, etc.

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

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

(b) may order any party (except the panel) to pay the costs of the proceedings if, having regard to that person's conduct and to all the circumstances of the case, the tribunal thinks fit so to order.

11. Subject to section 12 (5) of the Decree (which relates to appeals), any direction given by the tribunal shall be published in the *Gazette* as soon as may be after the direction takes effect.

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

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

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

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

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

Assessors, etc.

15.—(1) An assessor, when nominated in accordance with paragraph 4 (1) of Schedule 3 to the Decree, shall be appointed by the council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect of a particular sitting of the tribunal.

Appointment and duties of assessor.

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the tribunal as and when requested to do so by notice in writing given to him by the secretary not later than three clear days before the date appointed for the meeting; and he shall there advise the tribunal on questions of law arising in proceedings before it.

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

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

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

Supplementary

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

“the chairman” means the chairman of the Institute of Medical Laboratory Technology Disciplinary Tribunal;

Interpretation.

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

“the secretary” means the person appointed as the secretary to the council pursuant to section 3 (5) of the Decree.

17. These rules may be cited as the Institute of Medical Laboratory Technology (Disciplinary Tribunal and Assessors) Rules 1975.

Citation.

SCHEDULE

Rule 3 (1)

NOTICE OF HEARING BY THE INSTITUTE OF MEDICAL LABORATORY TECHNOLOGY DISCIPLINARY TRIBUNAL

In the Matter of the Institute of Medical Laboratory Technology Decree 1968

and

In the Matter of.....
a Medical Laboratory Technologist.

TAKE NOTICE that the report and charges prepared by the Investigating Panel of the Institute are fixed for hearing by the Institute of Medical Laboratory Technology Disciplinary Tribunal at.....

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

COPIES of :—

- (a) the report ;
- (b) the charges ; and
- (c)

are annexed hereto.

DATED at this day of

.....19.....

.....
Secretary to the Tribunal

MADE at Lagos this 18th day of June 1975.

T. O. ELIAS,
Chief Justice of Nigeria

EXPLANATORY NOTE

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

The rules provide for the procedure and other matters relating to the proceedings before the Institute of Medical Laboratory Technology Disciplinary Tribunal. Provisions are also included with respect to the appointment and duties of an assessor.

L.N. 42 of 1975

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

**Trade Dispute (The National Union of Nigerian Bank Employees and the
United Bank for Africa Limited) Confirmation of Award Notice 1975**

Pursuant to the provision of section 4 (4) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, the Industrial Arbitration Tribunal award made on 27th November, 1974 and set out in the schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

<i>Name of Arbitration Tribunal, etc.</i>	<i>Terms of Award</i>
Industrial Arbitration Tribunal: The National Union of Nigerian Bank Employees and the United Bank for Africa Limited.	An immediate once-and-for-all payment of Hardship Bonus equal to 20% of the annual Basic Salary of our members in your establishment:
	No Award.

DATED at Lagos this 10th day of June 1975.

**MAJOR-GENERAL HASSAN USMAN KATSINA,
Ag. Federal Commissioner for Labour**

EXPLANATORY NOTE

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

The Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between the National Union of Nigerian Bank Employees and the United Bank for Africa Limited.

L.N. 43 of 1975

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

**Trade Dispute (The National Union of Nigerian Bank Employees and the
International Bank for West Africa Limited) Confirmation of Award
Notice 1975**

Pursuant to the provision of section (4) 4 of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, the Industrial Arbitration Tribunal award made on 27th November, 1974 and set out in the schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

<i>Name of Arbitration Tribunal, etc.</i>	<i>Terms of Award</i>
Industrial Arbitration Tribunal : The National Union of Nigerian Bank Employees and the International Bank for West Africa Limited.	An immediate once-and-for-all payment of Hard- ship Bonus equal to 20% of the annual Basic Salary of our members in your establishment : No Award.

DATED at Lagos this 10th day of June 1975.

MAJOR-GENERAL HASSAN USMAN KATSINA,
Ag. Federal Commissioner for Labour

EXPLANATORY NOTE

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

The Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between the National Union of Nigerian Bank Employees and the International Bank for West Africa Limited.

L.N. 44 of 1975

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

**Trade Dispute (National Union of Nigerian Bank Employees and the
National Bank of Nigeria Limited) Confirmation of Award
Notice 1975**

Pursuant to the provisions of section 4 (4) of the Trade Disputes (Emergency Provisions) (Amendment) (No. 2) Decree 1969, the Industrial Arbitration Tribunal award made on 22nd November, 1974, and set out in the Schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

<i>Name of Arbitration Tribunal, etc.</i>	<i>Terms of Award</i>
Industrial Arbitration Tribunal: National Union of Nigerian Bank Employees and the National Bank of Nigeria Limited.	<p>“An immediate once-and-for-all payment of hardship bonus equal to 20 per cent of the annual salary of our members in your establishment.”</p> <p>The dispute be struck out at the request of the parties as per their memorandum of agreement.</p>

DATED at Lagos this 10th day of June 1975.

**MAJOR-GENERAL HASSAN USMAN KATSINA,
Ag. Federal Commissioner for Labour**

EXPLANATORY NOTE

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

The Notice confirms the award made by the Industrial Arbitration Tribunal in respect of the trade dispute which arose between the National Union of Nigerian Bank Employees and the National Bank of Nigeria Limited.