

REGULATED AND OTHER PROFESSIONS (PRIVATE
PRACTICE PROHIBITION) DECREE 1984



Decree No. 34

[12th December 1984]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Subject to this Decree and notwithstanding anything to the contrary in any other enactment or instrument, no public officer shall, as from the commencement of this Decree, engage in or continue to engage in private practice in or in connection with any scheduled profession.

Prohibition
of private
practice by
professionals
employed in
the public
service, etc.

(2) For the purposes of this Decree but subject as hereinafter provided, private practice in relation to any scheduled profession includes the rendering of or offer to render to any other person (not being the employer or any other person normally entitled in the course of his official duties to receive such services) of any service relative to the profession concerned whether or not after his normal hours of work or on work free days, for money or money's worth or for any other valuable consideration and, without prejudice to the generality of the foregoing, includes in particular—

(a) the performance of services of all descriptions relating to the profession concerned including the tendering of advice or provision of consultancy services connected with or relating to the profession concerned; or

(b) the issue of certificates, the certification of documents or any other matter concerned with the issue or certification of documents connected with or relating to any of the aforementioned services; or

(c) the establishment of any undertaking either by the professional concerned or in partnership, or in any other form of association with any other person (whether or not himself a public officer) for the provision of any of the services or matters referred to in this subsection.

(3) Notwithstanding any provision of this section, it shall be lawful for the professional concerned, apart from during the course of his normal official duties, to render any of the services referred to in subsection (2) of this section—

(a) to himself ;

(b) to any person in an emergency ;

(c) to any person (whether corporate or unincorporate) authorised either generally or specifically by the Government to receive the services of that professional for the time being or, where a period is specified, for that specified period ;

(d) where such services are rendered free of charge to any of the following, that is—

- (i) any member of the family of that professional ;
- (ii) any charitable organisation or any other person on purely humanitarian grounds ; and
- (iii) any professional association to which he belongs.

(4) For the purposes of this Decree—

“public officer” means any person who holds office in the public service of the Federation or a State within the meaning of the Constitution of the Federal Republic of Nigeria 1979 ;

“scheduled profession” means any profession or calling specified in column (A) of the Schedule to this Decree and professions allied thereto being, where so specified, a profession or calling for the meantime regulated by or pursuant to the corresponding enactment (as amended from time to time) specified in column (B) thereof.

(5) The Head of the Federal Military Government may by order published in the *Gazette* amend the Schedule to this Decree, either by way of deletion therefrom, addition thereto or otherwise howsoever.

Penalties.

2.—(1) Any public officer who engages or continues to engage in private practice otherwise than in compliance with the provisions of this Decree shall be guilty of an offence.

(2) Any public officer found guilty of an offence under this Decree shall be liable—

(a) upon conviction for the first offence to a fine of ₦2,000 or imprisonment for one year ;

(b) upon conviction for the second offence, to a fine of ₦5,000 or imprisonment for two years ;

(c) upon conviction for a third offence, to imprisonment for three years without the option of a fine.

(3) Any public officer convicted for a third offence under this Decree shall have his name and particulars removed from the register or struck off the roll by the appropriate disciplinary tribunal or, where there is no such tribunal, by the relevant professional association, as the case may be.

Prosecution, etc.

3.—(1) Prosecution for an offence under this Decree may be commenced and proceeded within the Federal High Court, the High Court of a State or the High Court of the Federal Capital Territory.

(2) No appeal shall lie from a decision of the Court under this Decree but the registrar of the Court which has awarded the conviction shall within 15 days after delivery of such judgment forward a certified copy thereof to the Head of the Federal Military Government for confirmation or disallowance.

(3) An Order of the Head of the Federal Military Government under this section confirming or disallowing a conviction shall have effect according to its tenor.

Exclusion of rights, etc.

4.—(1) Subject to section 3 of this Decree, the question whether any provision of Chapter IV of the Constitution of the Federal Republic of

Nigeria is being or would be contravened by anything done in pursuance of this Decree shall not be enquired into in any court of law.

(2) Notwithstanding subsection (1) of this section, but subject to any other enactment or any instrument, nothing in this Decree shall be construed as—

(a) preventing the dismissal by a recognised organisation of any professional or the exercise of disciplinary control over any professional holding or acting in any office in any such organisation ; or

(b) preventing any professional employed in any recognised organisation from resigning his appointment or otherwise terminating his contract of service.

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

“Constitution” means the Constitution of the Federal Republic of Nigeria 1979 ;

“enactment” includes any Act, Decree, Law, Edict and any subsidiary instrument made under such enactment ;

“instrument” includes any contract of service or any document whatever relating to conditions of service of the staff of any recognised organisation ;

“professional” means any practitioner of or any person entitled to practise any scheduled profession under this Decree and “professional concerned” shall be construed accordingly ;

“public officer” has the meaning assigned thereto by section 1 (4) of this Decree ;

“recognised organisation” means the public service of the Federation or a State within the meaning of section 277 of the Constitution ;

“scheduled profession” has the meaning assigned thereto by section 1 (4) of this Decree.

Interpreta-
tion.

6.—(1) This Decree may be cited as the Regulated and Other Professions (Private Practice Prohibition) Decree 1984.

Citation and
repeal.

(2) The following provisions of the Regulated and other Professions (Miscellaneous Provisions) Act 1978, that is to say—

1968 No. 5.

(a) Part I (that is, sections 1 to 8) thereof ; and

(b) Part III (that is, subsection (2) of section 12 and sections 13 and 14) thereof ;

are hereby repealed.

SCHEDULE

SCHEDULED PROFESSIONS		<i>Section 1 (4)</i>	
(A) PROFESSION	(B) CORRESPONDING ENACTMENT		
	<i>Title</i>	<i>Cap. or No.</i>	
Architecture	Architects (Registration, etc.) Act 1969	1969	No. 10
Accountancy	Institute of Chartered Accountants Act 1965	1965	No. 15
Dental Hygiene	—		
Dental Technology	—		
Engineering	Engineers (Registration, etc.) Act 1970	1970	No. 55
Estate Management ..	Estate Surveyors and Valuers (Registration, etc.) Act 1975 ..	1975	No. 24
Law	Legal Practitioners Act 1975 ..	1975	No. 15
Medical Technology ..	Institute of Medical Laboratory Technologists Act 1969 ..	1968	No. 56
Medicine and Dentistry	Medical and Dental Practitioners Act 1969	1969	No. 44
Midwifery and Nursing	Nursing and Midwifery (Registra- tion, etc.) Act 1979	1979	No. 89
Pharmacy	Pharmacists Act 1964	1964	No. 26
Physiotherapy	—		
Quantity Surveying	—		
Radiography	—		
Surveying	Survey Act and Survey Act 1970	Cap. 194 1970	No. 37
Teaching	—		
Veterinary Medicine ..	Veterinary Surgeons Act 1969 ..	1969	No. 35

MADE at Lagos this 12th day of December 1984.

MAJOR-GENERAL M. BUHARI,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

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

The Decree repeals what is left of the Regulated and other Professions (Miscellaneous Provisions) Act 1978 (popularly known as the "Private Practice" Decree), as affected by Schedule 3 to the Constitution of the Federal Republic of Nigeria (Certain Consequential Repeals) 1979, to permit newly qualified professionals to get into private practice if they so desire.

The Decree also re-enacts certain provisions of the repealed Act to continue in force the ban on public officers from engaging in private practice. Penalties for breach of the Decree are imposed.