

**FEDERAL CAPITAL TERRITORY HOSPITALS MANAGEMENT BOARD  
(ESTABLISHMENT) ACT, 2019**

**EXPLANATORY MEMORANDUM**

This Act establishes the Hospitals Management Board of the Federal Capital Territory to administer, control and manage all secondary health-care facilities in the Federal Capital Territory.

**FEDERAL CAPITAL TERRITORY HOSPITALS MANAGEMENT BOARD  
(ESTABLISHMENT) ACT, 2019**

Arrangement of Sections

Section:

**PART I – ESTABLISHMENT OF THE FEDERAL CAPITAL HOSPITAL MANAGEMENT BOARD**

1. Establishment of the Hospitals Management Board.
2. Establishment of the Governing Board.
3. Membership of the Board.
4. Schedule of tenure of office.
5. Cessation of membership.
6. Emoluments of members of the Board.

**PART II – POWERS AND FUNCTIONS OF THE BOARD**

7. Powers of the Board.
8. Functions of the Board.

**PART III – APPOINTMENT OF DIRECTOR-GENERAL AND OTHER STAFF OF THE BOARD**

9. Appointment of the Director-General.
10. Qualification of the Director-General.
11. Tenure.
12. Appointment of other staff of the Board.
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14. Staff regulations.
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17. Composition of the committee.
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**FEDERAL CAPITAL TERRITORY HOSPITALS MANAGEMENT BOARD  
(ESTABLISHMENT) ACT, 2019**

**A Bill**

**For**

**An Act to establish the Hospitals Management Board of the Federal Capital Territory to administer, control and manage all secondary health-care facilities in the Federal Capital Territory; and for related matters.**

[ ]

Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

**PART I- ESTABLISHMENT OF THE FEDERAL CAPITAL HOSPITALS  
MANAGEMENT BOARD**

1. (1) There is established for the Federal Capital Territory the Hospitals Management Board (in this Act referred to as “the Management Board”). Establishment of the Hospitals Management Board.
- (2) The Management Board –
  - (a) is a body corporate with perpetual succession and a common seal;
  - (b) may sue and be sued in its corporate name; and
  - (c) may hold or dispose of any property, moveable or immovable, for the purpose of performing the functions conferred on it under this Act.
2. (1) There is established for the Management Board a Governing Board (in this Act referred to as “the Board”). Establishment of the Governing Board.
- (2) The supplementary provision set out in the Schedule to this Act shall have effect with respect to the proceeding of the Board and other matters. Schedule.
3. The Board shall consist of—
  - (a) a chairman who shall serve on part-time basis;
  - (b) two part-time members who are residents of the Federal Capital Territory to represent the public interest on rotational basis;
  - (c) the Director, Medical and Diagnostics, Health and Human Services Secretariat;Membership of the Board.

- (d) the Director, Pharmaceutical Services, Health and Human Services Secretariat;
- (e) the Director Clinical and Diagnostics, Hospitals Management Board;
- (f) the Director, Nursing Services, Hospitals Management Board;
- (g) a representative of the medical profession in Federal Capital Territory on part-time basis;
- (h) a representative of other professions in the health sector in the Federal Capital Territory on part time basis; and
- (i) the Director-General of the Management Board who shall also serve as the Secretary to the Board.

4. The Chairman and other members of the Board shall each hold office —

Schedule of tenure of office.

- (a) for four years in the first instance and may be re-appointed for another four years and no more; and
- (b) on such terms and conditions as may be specified in their letters of appointment.

5. (1) A person ceases to hold office as a member of the Board if the person—

Cessation of membership.

- (a) becomes bankrupt;
- (b) is convicted of a felony or offence involving dishonesty or fraud;
- (c) becomes of unsound mind or incapable of discharging his duties;
- (d) is guilty of a serious misconduct in relation to his duties;
- (e) in the case of a person holding professional qualifications, he is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or

(f) resigns his appointment by a letter addressed to the Minister.

(2) If a member of the Board ceases to hold office for any reason, before the expiration of the term which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

(3) A member of the Board may be removed by the Minister, if the Board is satisfied that it is not in the interest of the Board or public that the member continues in that office.

6. There shall be paid to the members of the Board such remuneration as the Minister may determine. Emoluments of members of the Board.

## PART II - POWERS AND FUNCTIONS OF THE BOARD

7. The Board shall have powers to-

Powers of the Board.

- (a) consider plans and budgetary proposals of the hospitals and submit recommendations to the Minister.
- (b) provide the general policy guidelines relating to the functions of the Board; and
- (c) award contracts for procurement of goods and services not more than ₦50,000,000.00 only, or such threshold as is prescribed by the Public Procurement Act.

Act No. 14, 2007

8. (1) The Board shall -

Functions of the Board.

- (a) administer, control and manage all secondary health care facilities in the Federal Capital Territory;
- (b) ensure that the curative and after care treatment provided for the public and patients at all health institutions under the Board are of high standards;
- (c) provide information and advice to Health and Human Services Secretariat of the Federal Capital Territory in order to facilitate the formulation of realistic health policies;
- (d) provide proper training courses for staff including clinical institutions within or outside Nigeria to ensure competence in operations and adequate opportunities for advancement;

- (e) implement the policies of Health and Human Services Secretariat;
- (f) perform such health functions and observe general directions as may be passed on to it in writing by the Minister of the Federal Capital Territory;
- (g) recruit employees of the Board;
- (h) promote, post, transfer and discipline staff of the Board;
- (i) maintain comprehensive database for all grades of its employees; and
- (j) handle pension matters of all employees of the Board.

(2) The Board shall enter into contracts for-

- (a) procurement of equipment, drugs, surgical consumables, reagents, furniture and general goods;
- (b) procurement of services, including specialised services; and
- (c) maintenance of medical equipment, infrastructural facilities, vehicles, plant and machinery.

(3) Without prejudice to the provisions of subsection (1), the Management Board may enter into such contracts or do such other things necessary or expedient for the performance of any of its functions under this Act.

### PART III - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER STAFF OF THE MANAGEMENT BOARD

9. There shall be for the Management Board a Director-General who shall be -

Appointment of the  
Director-General.

- (a) appointed by the Minister after a competitive selection process;
- (b) the Chief Executive and Accounting Officer of the Management Board; and
- (c) responsible for the management and administration of the Board.

10. The Director-General shall be-

Qualification of the  
Director-General.

(a) a qualified medical doctor or allied medical practitioner registered with relevant professional bodies for a period of at least 18 years, with considerable administrative experience in matters of health, and

(b) holds a post-graduate medical fellowship qualification obtained of at least eight years prior to his appointment as Director-General.

11. The Director-General shall hold office --

Tenure.

(a) for four years in the first instance and may be re-appointed for another four years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

12. (1) The Board may --

Appointment of other  
staff of the Board.

(a) appoint such other staff as it considers necessary for performing its functions under this Act; and

(b) determine the wages, salaries and conditions of service of such staff with the approval of the Minister.

(2) The staff of the Management Board shall be-

Constitution, 1999.

(a) public servants as defined in the Constitution; and

(b) governed by the civil service rules and regulations of the Federal Republic of Nigeria.

13. Service in the Management Board shall be approved service for the purposes of the Pensions Reform Act, and employees of the Management Board are entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act.

Pensions.

Act. No. 4, 2014.

14. (1) Subject to the provisions of this Act, the Board shall make staff regulations relating generally to the conditions of service of the staff and, in particular, such regulations may provide for-

Staff regulations.

(a) the appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Board; and

(b) appeals by staff or employees against dismissal or other



disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service in the Public Service of the Federation are to be applicable with such modifications as may be necessary to the employees of the Board.

(2) The staff regulations made under subsection (1) shall not have effect until they are published in the Federal Government Gazette, but the Board shall cause a notice of the staff regulations to be issued to all affected staff in such manner as the Board may determine.

(3) Any officer aggrieved by any decision of the Board in respect of discipline, dismissal or termination of appointment may appeal to the Minister for redress.

15. (1) Subject to subsection (2), relevant officers of the Health and Human Services Secretariat working in the secondary health care facilities immediately before the coming into effect of this Act is deemed to have been transferred to the Management Board. Staff transfer.

(2) Notwithstanding section (1), Health and Human Services Secretariat may retain any officer or servant whose services, in its opinion, are, for the time being, required by the Secretariat.

(3) During the period of transition, the existing schemes of service, regulations and standing orders for the various grades of serving officers in the Health and Human Services Secretariat shall remain effective until the Board makes appropriate regulations and rules.

#### PART IV - ESTABLISHMENT OF HOSPITAL MANAGEMENT COMMITTEES

16. The Board shall appoint a Hospital Management Committee (in this Act referred to as "the Committee") for each hospital in the Federal Capital Territory. Establishment of Committees.

17. (1) The Committee shall consist of-

Composition of the Committee.

(a) the Medical Director of the Hospital, who shall be the head and accounting officer of the hospital;

(b) all heads of major clinical departments and units in the hospital including the Departments -

(i) Paediatrics,

(ii) Obstetrics and Gynecology,

(iii) Surgery,

- (iv) Medicine,
- (v) Nursing,
- (vi) Pharmacy,
- (vii) Medical Records,
- (viii) Dental,
- (ix) Laboratory,
- (x) Radiology,
- (xi) Cardiovascular, and
- (xii) Orthopedic;

(c) a representative of the local community to be nominated by the Councilor for Health in the Area Council; and

(d) the hospital secretary shall be the Secretary to the Committee.

18. (1) Subject to the provisions of this Act, the Committee shall -

- (a) control and manage health services provided within a hospital;
- (b) identify community healthcare needs and provisions of services;
- (c) provide the Board with a full annual and performance reports as may be required by the Board;
- (d) receive and investigate any complaint from the public against the services provided in the hospital.

Functions of the Committee.

(2) The Committee is responsible to the Board for-

- (a) the hospital's administration and services;
- (b) the hospital's revenue and expenditure through its Drugs and Services Revolving Fund (DSRF) scheme, regular running cost and health insurance fees;

- (c) limited maintenance of buildings and equipment as well as environmental sanitation in the hospitals;
  - (d) purchase of stationeries, furniture, drugs, consumables, reagents and sundry items;
  - (e) processing of preliminary disciplinary matters that may be forwarded to the Board for further action; and
  - (f) supervising any health facility affiliated to the hospital.
19. Any person aggrieved by any act of the Committee may appeal to the Board for redress. Complaints against the Committee.
20. The Minister may by notice delegate to any person or body all or any of the powers conferred upon him by this Act. Delegation of powers.

#### PART VI-FINANCIAL PROVISIONS

21. (1) The Funds and resources of the Board shall consist of all- Funds of the Board.
- (a) money as may be allocated to the Board by way of budgets by the Federal Capital Territory Administration;
  - (b) legacies, grants, endowments, donations and other gifts received by the Board;
  - (c) all money earned in respect of any service or services provided by the hospitals and institutions under this Act;
  - (d) any investment or other property acquired by or vested in the Board including money arising from the investment or property;
  - (e) all money received by the Board in respect of any loan made by the Board or interest payable in respect of the loan; and
  - (f) all other money which may lawfully accrue to the Board from any other source.
- (2) The Board shall operate its own account but may delegate powers to the Hospital Committees to collect and disburse revenue on its behalf.
22. The Board shall, not later than 30 June in each year, submit to the appropriate Annual reports.

authority, a report of its activities covering its performance against agreed set target during the immediate preceding year, and shall include in that report an audited account of the Board.

23. The Board shall prepare and submit to the appropriate authority, not later than the 30 day of September in each financial year, an estimate of its income and expenditure for the succeeding year. Estimates.

24. The Board shall keep proper accounts and records to be audited by an auditor or auditors approved by the Federal Capital Territory Administration. Accounts and audits.

25. A copy of the annual report, the financial statement and the audited accounts of the Board shall be submitted to the Minister. Submission of reports.

26. The Minister may give to the Board directives of a specific or general nature with regard to the performance of its functions under this Act. General directives.

## PART VII - MISCELLANEOUS

27. The Board shall, with the approval of the Minister, make regulations for- Power to make regulations.

(a) prohibiting or restricting the access of members of the public to any premises vested in or under the control of the Board or to any portion of such premises;

(b) ensuring the maintenance of good order and discipline amongst members of the public at all time upon any such premises;

(c) prevent the unauthorised or improper use of any property under the control of the Board; and

(d) prescribing the fees payable in respect of any service provided by the hospitals under the Board.

28. Regulations made under this section are operational and effective only upon their gazetting. Commencement date and regulations.

29. (1) The Minister may, by notice and on the advice of the Board, set up a Special Committee with responsibilities for hospitals as specified in the notice. Special Committees.

(2) The notice shall specify the constitution of the Special Committee and its functions.

30. In this Act - Interpretation.

"appointed or appropriate authority" means the Federal Government representative responsible for the administration of Federal Capital Territory;

"Board" means the Federal Capital Territory Hospitals Management Board established

under section 1 (1) of this Act;

“Chairman” means and includes Hospital Management Committee established under this Act;

“commencement date” means the effective date the Act comes into operation;

“Director-General” means the Chief Executive Officer of the Board;

“employee” means any person employed in any capacity by the Board pursuant to the provisions of this Act;

“FCT” means the Federal Capital Territory, Abuja;

“hospital” means any hospital, convalescent home, clinic or nursing home with associated institutions and specialist services maintained or controlled by the Government, used or intended to be used for the reception and treatment of persons suffering from any sickness, injury, bodily or mental infirmity and for the reception of women in childbirth immediately after childbirth for the purposes of providing such person with nursing, medical or surgical attention;

“member of the committee” means a member of the Committee set up under this Act and includes the Chairman of the Committee;

“member of the Board” means a member of the Governing Board appointed by the Minister, and includes the Chairman of the Board;

“Medical Director” means Medical Officer in charge of a hospital under the Federal Capital Territory Administration; and

“Minister” means Minister of the Federal Capital Territory or any person appointed or elected for the time being, responsible for the administration of the Federal Capital Territory.

31. This Act may be cited as the Federal Capital Territory Hospitals Management Board  
(Establishment) Act, 2019. Citation.

SUPPLEMENTARY PROVISION RELATING TO THE PROCEEDING OF THE  
BOARD, ETC.

*Proceedings of the Board*

1. The Board shall meet at least quarterly and more often as required, at a time and place determined by and upon reasonable notice to all members from the Chairman to-
  - (a) address all matters related to implementation of its operational or strategic health plans at all levels;
  - (b) coordinate and oversee all matters related to every Hospital Management Committee; and
  - (c) perform its functions under this Act.
2. Every meeting of the Board shall be presided over by the Chairman and in his absence the members present at the meeting shall appoint one of their members to preside at the meeting.
3. The quorum at a meeting of the Board shall be at least one-third of the total number of members of the Board at the date of the meeting and the quorum of a Committee of the Board shall be as determined by the Board.
4. The Board shall for the purposes of this Act, meet every quarter and at least three times in each year and subject, thereto, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so, by notice given to him by at least five other members, he shall convene a meeting of the Board to be held within 14 days from the date on which the notice was given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
6. A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in any contract made or proposed to be made by the Board shall -
  - (a) as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the meeting of the Board;

- (b) not, take part in any deliberation or decision of the Board;
- (c) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed, and
- (d) not vote on any question relating to the contract or arrangement.

#### *Voting and Casting*

- 7. (1) An issue to be decided by the Board, vote shall be determined by a simple majority of members present and voting and the Chairman or other person presiding over the meeting shall have a casting vote wherever necessary to avoid an equality of votes.
- (2) The Director-General shall provide secretarial services and shall take and retain minutes of all board meetings for proper custody.
- (3) Minutes of a Board meeting shall be reviewed, revised as required and approved at the next Board meeting.
- (4) The Chairman shall direct that minutes approved in terms of subsection (2) shall be timeously submitted to the Members.
- (5) The minutes of the Board shall at all reasonable times be open for inspection by any person, who shall be entitled to obtain a copy or extract, upon the payment of the prescribed fee.

#### *Vacancy*

- 8. The proceedings of the Board shall not be invalidated by reason of a vacancy among its members or by any defect in the nomination, appointment or qualification of a member.

#### *Committees*

- 9. (1) Subject to its standing orders, the Board may appoint such number of standing and ad-hoc Committees as it deems fit to consider and report on any matter with which the Board is concerned.
- (2) A Committee appointed under this paragraph shall be presided over by a member of the Board and consists of such number of persons, (not necessarily all members of the Board as may be determined by the Board), and a member, other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment.

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

(4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

*Miscellaneous*

10. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman and the Director-General of the Board.

11. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Secretary or by any other person generally or specially authorised by the Board to act for that purpose.

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

13. The validity of any proceedings of the Board or any of its Committees shall not be affected by –

(a) any vacancy in the membership of the Board, or Committees;

(b) any defect in the appointment of a member of the Board or Committee; or

(c) reason that any person not entitled to do so took part in the proceedings of the Board or Committee.

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

15. A member of the Board shall not be personally liable for any act or omission done or made in good faith while engaging in the business of the Board.



I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI  
CLERK TO THE NATIONAL ASSEMBLY

24<sup>th</sup> DAY OF MAY, 2019

**Schedule to the Federal Capital Territory Hospitals Management Board (Establishment) Bill, 2019**

<b>SHORT TITLE OF THE BILL</b>	<b>LONG TITLE OF THE BILL</b>	<b>SUMMARY OF THE CONTENTS OF THE BILL</b>	<b>DATE PASSED BY THE SENATE</b>	<b>DATE PASSED BY THE HOUSE OF REPRESENTATIVES</b>
Federal Capital Territory Hospitals Management Board (Establishment) Bill, 2019.	A Bill for an Act to establish the Hospitals Management Board of the Federal Capital Territory to administer, control and manage all secondary health-care facilities in the Federal Capital Territory; and for related matters.	This Bill establishes the Hospitals Management Board of the Federal Capital Territory to administer, control and manage all secondary health-care facilities in the Federal Capital Territory.	9 <sup>th</sup> May, 2019	9 <sup>th</sup> May, 2019

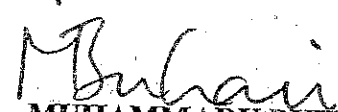
I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT

  
**MOHAMMED ATABA SANI-OMOLORI**

Clerk to the National Assembly

24<sup>th</sup> Day of May, 2019

  
**MUHAMMADU BUHARI, GCFR**

President of the Federal Republic of Nigeria

24<sup>th</sup> Day of May, 2019

*June*