

A BILL

FOR

AN ACT TO ESTABLISH THE REGIONAL CENTRE FOR ORAL HEALTH RESEARCH AND TRAINING INITIATIVES AND FOR RELATED MATTERS

Sponsored by Hon. Gyang Istifanus Dung

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:-

1 PART I - ESTABLISHMENT OF THE REGIONAL CENTRE FOR ORAL
2 HEALTH RESEARCH AND TRAINING INITIATIVES AND ITS
3 MANAGEMENT BOARD ETC.

4 1.-(1) There is established a body to be known as the Regional
5 Centre for Oral Health Research and Training Initiatives (in this Act referred
6 to as "The Centre").

Establishment of the Regional Center for Oral Health Research and Training Initiatives

7 (2) The Centre:
8 (a) shall be a body corporate with perpetual succession and a
9 common seal;

10 (b) may sue and be sued in its corporate name; and
11 (c) may acquire, hold and dispose of property whether movable or
12 immovable.

13 (3) The head office of the Centre shall be located at Jos, Plateau
14 State.

15 2.-(1) There is established for the Centre, a governing body (in this
16 Act referred to as "The Board") which shall have overall control of the
17 Center.

Establishment and membership of the Governing Board

18 (2) The Board shall consist of:-

19 (a) A Chairman who shall be a person of integrity with a proven
20 track record of research and management of research project in the Region;

21 (b) a representative each of:

- 1 (i) the Federal Ministry of Health
2 (ii) the Federal Ministry of Science and Technology,
3 (iii) the Ministry of Health Plateau State,
4 (iv) the National Institute for Medical Research,
5 (v) the Member Countries of African Region of World Health
6 Organisation,
7 (vi) the world Health Organization Regional Officer for Africa,
8 (vii) the Nigeria Country Office of the World Health Organisation;
9 and
10 (c) the Director-General of the Centre.

11 (3) The Chairman and other members of the Board shall be appointed
12 by the President on the recommendation of the Minister.

13 (4) The Minister shall consult the World Health Organisation
14 Regional Office for African before recommending to the president for the
15 appointment of the Chairman.

16 (5) The supplementary provisions specified in the schedule to this Act
17 shall have effect with respect to the proceedings of the Board and the other
18 matters mentioned therein.

19 *Schedule*

Termination of office

20 3.-(a) The Chairman and Members of the Board shall each hold office
21 for a term of 4 years and may be re-appointed for a further term of 4 years and
22 no more; and

23 (b) on such terms and conditions as may be specified in their letters of
24 appointment.

Cessation of
membership of

25 4.-(1) Notwithstanding the provisions of Section 3 of this Act, a
26 person shall cease to hold office as a member of the board if he:-

27 (a) resigns his appointment by a letter addressed to the President;

28 (b) becomes of unsound mind or is incapable of carrying out his
29 duties;

30 (c) becomes bankrupt or makes a compromise with his creditors;

- 1 (d) is convicted of a felony or any offence involving dishonesty;
2 (e) is guilty of a serious misconduct in relation to his duties;
3 (f) is disqualified, in the case of a person who is possessed of
4 professional qualification or suspended from practicing his profession in
5 any part of the world by an order of competent authority made in respect of
6 that member; or
7 (g) is removed by the President on the recommendation of the
8 Minister if, in his opinion, he considers that the services of the member are
9 no longer required or that it is not in the interest of the public or the Board for
10 the member to continue in office.

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

15 5. The Board shall have power to:

Powers of the
Board

- 16 (a) formulate policies and approve action plans, strategies and
17 procedures for the achievement of the objectives of the Centre specified in
18 Section 7 of this Act;
19 (b) evaluate, from time to time, the impact of such policies,
20 strategies and procedures on the objectives of the Centre under this Act.
21 (c) appoint, when necessary, technical committees comprised of
22 persons with requisite technical competence from the private or public
23 sector to advise the centre on such matters as may be determined from time
24 to time; and
25 (d) do such other things as may, from time to time, be necessary to
26 achieve the objectives of the centre.

27 6. The Chairman and members of the Board other than members
28 referred to in paragraphs (v) - (vii) of section 2(2) shall be paid such
29 remunerations, allowances and benefits as may be approved by the Federal
30 Government, from time to time.

Remuneration,
Allowances etc
of members

PART II - OBJECTIVES AND FUNCTIONS OF THE CENTRE

Objectives of
the Centre

7. The objectives of the Centre shall be to:

(a) promote and strengthen collaborative research and training activities on oral health strategy among the member countries of the World Health Organisation in the African Region;

(b) develop strategic initiatives in oral health research and training;
and

(c) encompass oral health conditions with specific emphasis on priority issues concerning the management of oral manifestations of HIV infection and reduction of the incidence and prevalence of conditions such as caries, periodontal diseases, noma, oral cancer, cranio-facial anomalies, trauma and infections etc

Functions of
the Center

8. The Centre shall:

(a) stimulate and strengthen interest and collaborative efforts towards improving the oral health status of Nigerians, especially children and promoting such developments in the African region;

(b) promote collaborative efforts towards improving the structure of oral health services an integral part of primary healthcare and other national health programmes to prevent oral diseases through health manpower and rural health development, primary health care and health research;

(c) facilitate exchange of ideas, experience and information on oral health problems and programmes;

(d) co-ordinate and implement research programmes on matters relating to oral health, including epidemiology, prevention, simple techniques, appropriate technology, programme evaluation and facilitate the implementation of the outcome of such research;

(e) organize short-term training courses in oral health programme development, implementation and evaluation for public health officers and oral health professionals;

(f) organize short-term training courses in primary oral health care for

1 trainers of primary health workers, school teachers and other appropriate
2 community health workers;

3 (g) design and organize training courses for updating knowledge
4 and skills of existing personnel in primary oral health care methods;

5 (h) develop and evaluate alternate system for the delivery of oral
6 health care, including health services research, especially for children;

7 (i) Develop field demonstration, testing and evaluation
8 programmes in prevention of oral diseases and provide preventive care for
9 children at high risk;

10 (j) promote exchange of information, idea and experiences through
11 national and international conferences, seminars, workshops, training
12 courses and publications;

13 (k) serve as an advisory centre, coordinating institution and centre
14 of excellence for planning, monitoring and re-planning of the activities of
15 the Federal Government and the World Health Organization relating to oral
16 health and for the collaborative research projects in oral health and oral
17 health related areas; and

18 (l) perform such other functions as may be required to achieve the
19 objectives of the Centre under this Act or any oral health programmes as
20 may be formulated by the Federal Government and World Health
21 Organization from time to time, pursuant to this Act.

22 9. The Centre shall have power to:

23 (a) support and organize oral health research and training activities
24 in member countries of the World Health Organization in the African
25 Region;

26 (b) organize and convene national, regional and international
27 conferences and seminars in oral health and oral health related matters;

28 (c) appoint, promote and discipline staff of the Centre;

29 (d) enter into contractual agreement for the benefit of the Centre;

30 and

Power of the
Center

1 (e) do such other things as it may consider expedient and necessary for the
2 effective carrying out of its functions under this Act.

3 PART III - STAFF OF THE CENTRE

Director-General

4 10.-(1) There shall be for the Center a Director-General who shall be:

5 (a) appointed by the President on the recommendation of the
6 Minister;

7 (b) the Chief Executive and accounting officer of the Centre; and

8 (c) responsible to the Board for the policy direction and day-to-day
9 administration of the Centre.

10 (2) The Director-General shall hold office:

11 (a) for a term of 4 years in the first instance and may be re-appointed
12 for another term of 4 years and no more; and

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

Other staff of
the Center

15 11.-(1) The Board shall appoint for the Centre, such other number of
16 staff as it may deem necessary and expedient from time to time for the proper
17 and efficient performance of the functions of the Centre.

18 (2) The terms and conditions of the service (including remuneration,
19 allowances, benefits and pensions) of officers and employees of the Centre
20 shall be as determined by the Board.

21 (3) The Board shall have power to appoint either on transfer or on
22 secondment from any public service of the Federation, such number of
23 employees as may, in the opinion of the Board, be required to assist the Centre
24 in the discharge of any of its functions under this Act, and shall have power to
25 pay such persons so employed such remuneration (including allowances) as
26 may be determined by the Board.

27 (4) Subject to the approval of the President, the Board may recruit
28 technical experts or personnel from member countries of the World Health
29 Organization in the African Region.

Staff Regulations

30 12.-(1) The Board may, subject to the provisions of this Act, make

1 staff regulations relating to the conditions of service of the employees of the
2 Centre and without prejudice to the generality of the foregoing, such
3 regulations may provide for:

4 (a) the appointment, promotion and disciplinary control (including
5 dismissal) of the employees of the Centre;

6 (b) appeals by such officers and employees against dismissal or
7 other disciplinary measures,

8 (2) Any instrument relating to the conditions of service of the
9 officers in the civil service of the Federation shall be applicable.

10 (3) Staff regulations made under subsection (1) of this section,
11 shall not have effect until approved by the Minister, and when so approved
12 they need not be published in the Federal Gazette but the Centre shall bring
13 them to the notice of all affected persons in such manner as it may, from time
14 to time, determine.

15 13.-(1) service in the Centre shall be subject to the provisions of the
16 Pensions Reform Act and accordingly, officers and employees of the Centre
17 shall be entitled to pensions and other retirement benefits as are prescribed
18 under the Pension Reform Act.

Pension
Cap. 346 LFN

19 **PART VI - FINANCIAL PROVISIONS**

20 14.-(1) The Centre shall establish and maintain a fund from which
21 shall be defrayed all expenditures incurred by the Centre.

Fund for the
Center.

22 (2) There shall be paid and credited to the fund established
23 pursuant to subsection (1) of this section:

24 (a) the take-off grant from the Federal Government;

25 (b) such moneys as may, from time to time, be granted to the Centre
26 by the Federal Government and the World Health Organization or its
27 Regional Office for Africa.

28 (c) annual subvention from the Federal Government;

29 (d) such counter-part funding as may be provided, from time to
30 time, by the Federal, State or Local Government.

1 (e) loans and grants-in-aid from national, bilateral and multilateral
2 agencies;

3 (f) rents, fees and other internally generated revenues from services
4 provided by the Centre; and

5 (g) all sums of money accruing to the Centre by way of grants, gifts,
6 testamentary dispositions and endowments and contributions from any sources
7 whatsoever.

8 (3) The fund shall be managed in accordance with the rules made by
9 the Board and without prejudice of the power to make rules under this
10 subsection, the rule shall in particular contain provisions:

11 (a) Specifying the manner in which the assets or the fund of the Centre
12 are to be held and regulating the making of payments into and out of the fund;

13 (b) requiring the keeping of proper accounts and records for the
14 purpose of the fund in such form as be specified in the rules;

15 (c) for securing that the accounts are audited periodically by an
16 auditor appointed from a list of auditors approved by the Auditor-General of
17 the federation; and

18 (d) requiring copies of the accounts and of the auditor's report on them
19 to be furnished to the Federal Ministry of Finance and the Federal Ministry of
20 Health.

Expenditure of
the Centre

21 **15.** The Centre shall, from time to time, apply the proceeds of the
22 funds established pursuant to section 13 of this Act to:

23 (a) the cost of administration of the Centre;

24 (b) the payment of the emoluments, allowances and benefits of
25 members of the Board and for reimbursing members of the Board or of any
26 committee set up by the Board for such expenses as may be expressly
27 authorized by the Board;

28 (c) the payment of salaries, fees or other remuneration or allowances,
29 gratuities and pensions, and other benefits payable to the members of the Board
30 and other employees of the Centre, as the case may be;

1 (d) the payment for all consultancies, contracts, including
2 mobilization, variations, legal fees and cost of contract administration;

3 (e) the payment for all purchase; and

4 (f) undertaking such other activities as are connected with all or
5 any of the functions of the Centre under this Act.

6 16.-(1) The Centre may accept any gift of land, money or other
7 property on such terms and conditions, as may be specified by the person or
8 organization making the grant.

Power to accept
gift

9 (2) The Centre shall not accept any gift if the conditions attached
10 by the person or organization making the gift are inconsistent with the
11 objectives or functions of the Centre under this Act.

12 17. -(1) The Centre shall, not later than 30th September in each
13 year, submit through the Minister to the President an estimate of its
14 expenditure and income for the next succeeding year.

Annual estimates

15 (2) The Board shall cause to be kept proper accounts of the Centre
16 in respect of each year and proper records in relation thereto and shall cause
17 the accounts to be audited within six months after the end of each year by
18 auditors appointed from the list and in accordance with the guidelines
19 supplied by the Auditor-General for the Federation.

20 18. The Centre shall prepare and submit through the Minister to
21 the President, not later than 30th June in each year, a report in such form as
22 the President may direct on the activities of the Centre during the
23 immediately proceeding year, and shall include in such report of the audited
24 accounts of the Centre for that year and the auditor's report thereon.

Annual Reports

25 **PART V - LEGAL PROCEEDINGS**

26 19.-(1) Subject to the provisions of this Act, the provisions of the
27 Public Officers Protection Act shall apply in relation to any suit instituted
28 against any member, officer or employee of the Centre.

Limitation of
suits against the
Centre etc.
Cap. 379 LFN

29 (2) Notwithstanding anything contained in any other law, no suit
30 against a member of the Board, the Director-General or any other officer or

1 employee of the Centre for any act done in pursuance or execution of this Act or
2 any other law or enactment, or of any public duties or authority or in respect of
3 any alleged neglect or default in the execution of this Act or any other law or
4 enactment, duties or authority, shall lie or be instituted in any court unless it is
5 commenced:

6 (a) within three months after the act, neglect or default complained of;

7 (b) in the case of a continuation of damage or injury, within six
8 months next after the ceasing thereof.

9 (3) No suit shall be commenced against a member of the Board, the
10 Director-General or any other officer or employee of the Centre before the
11 expiration of a period of one month after written notice of the intention to
12 commence the suit shall have been served on the Centre by the intending
13 Plaintiff or his agent.

14 (4) The notice referred to in subsection (3) of this section shall clearly
15 and explicitly state:

16 (a) the cause of action;

17 (b) the particulars of the claim;

18 (c) the name and place of abode of the intending Plaintiff; and

19 (d) the relief which he claims.

Service of
Documents

20 20. A notice, summons or other document required or authorized to
21 be served on the Centre under the provisions of this Act or any other law or
22 enactment may be served by delivering it to the Director-General or by sending
23 it by registered post addressed to the Director-General at the principal office of
24 the Centre.

Restriction on
execution against
property of the
Centre

25 21.-(1) In any action or suit against the Center, no execution or
26 attachment of process in the nature thereof shall be issued against the Centre
27 unless not less than three months notice of the intention to execute or attach has
28 been given to the Centre.

29 (2) Any sum of money which by the judgment of any court has been
30 awarded against the Centre shall, subject to any direction given by the court,

1 where no notice of appeal against the judgment has been given, be paid from
2 the fund of the Centre.

3 22. A member of the Board, the Director-General or any officer or Indemnity
4 employee of the Centre shall be indemnified out of the assets of the Centre
5 against any liability incurred by him in defending any proceeding, whether
6 civil or criminal, if the proceedings is brought against him in capacity as a
7 member, Director-General, Officer or other employee of the Centre.

8 PART VI - MISCELLANEOUS

9 23. The Minister may give to the Centre such directives of a Directives by
10 general nature or relating generally to matters of policy with regard to the the Minister
11 exercise of its functions as he may consider necessary and it shall be the duty
12 of the Centre to comply with the directives or cause them to be complied
13 with.

14 24. The Minister may, on the recommendation of the Board, make Power to make
15 regulations generally for giving full effect to the provisions of this Act. Regulations

16 25. In this Act - Interpretation

17 "Board" means the governing Board of the Centre established under section
18 2 of this Act;

19 "Centre" means the Regional Centre for Oral Health Research and Training
20 Initiatives established under section 1 of this Act;

21 "Chairman" means the Chairman of the Board of the Centre;

22 "Director-General" means the Director-General of the Centre appointed
23 pursuant to section 10 of this Act;

24 "Member" means a member of the Board of the Centre and includes the
25 Chairman;

26 "Minister" means the Minister charged with the responsibility for matters
27 relating to health;

28 "President" means the President of the Federal Republic of Nigeria.

29 26. This Act may be cited as the Regional Centre for Oral Health Short title
30 Research and Training Initiatives (Establishment, etc) Bill, 2017.

1 SCHEDULE

2 *Section 2(3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

4 *Proceedings of the Board*

5 1. Subject to this Act and Section 27 of the Interpretation Act (which
6 provides for decisions of the statutory body to be taken by a majority of its
7 members and for the person presiding at any meeting, when a vote is ordered, to
8 have a second or casting vote), the Board may make standing orders regulating
9 its proceedings or that of any of its committees.

10 2. At every meeting of the Board, the Chairman shall preside and in
11 his absence the members present at the meeting shall appoint one of their
12 members to preside at the meeting.

13 3. The quorum at a meeting of the Board shall consist of the Chairman
14 or, in an appropriate case, the person presiding at the meeting pursuant to
15 paragraph 2 of this Schedule, and three/four other members.

16 4. The Board shall for the purpose of this Act, meet not less than two
17 times in each year and subject, thereto, the Board shall meet whenever it is
18 summoned by the Chairman, and if required to do so, by notice given to him by
19 not less than three/four other members, he shall summon a meeting of the
20 Board to be held within 28 days from the date on which the notice is given.

21 5. Where the Board desires to obtain the advice of any person on a
22 particular matter, the Board may co-opt him to the Board for such period as it
23 deems fit, but a person who is a member by virtue of this sub-paragraph shall
24 not be entitled to vote at any meeting of the Board and shall not count towards a
25 quorum.

26 *Committees*

27 6.-(1) Subject to its standing orders, the Board may appoint such
28 number of standing and ad hoc committees as it deems fit to consider and report
29 on any matter with which the Centre is concerned.

30 (2) A committee appointed under this paragraph shall:

1 (a) consist of such number of persons (not necessarily members of
2 the Board as may be determined by the Board), and a person, other than a
3 member of the Board, shall hold office on the committee in accordance with
4 the terms of his appointment; and

5 (b) be presided over by a member of the Board.

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

8 (4) A decision of a committee of the Board shall be of no effect until
9 the Board confirms it.

10 *Miscellaneous*

11 7. The fixing of the seal of the Centre shall be authenticated by the
12 signature of the Chairman, the Director-General or any other person
13 generally or specifically authorized by the Board to act for that purpose.

14 8. Any contract or instrument which, if made or executed by a
15 person not being a body corporate, would not be required to be under seal
16 may be made or executed on behalf of the Centre by the Director-General or
17 by any other person generally or specifically authorized by the Board to act
18 for that purpose.

19 9. Any document purporting to be a contract, instrument or other
20 document duly signed or sealed on behalf of the Centre shall be received in
21 evidence and shall, unless the contrary is proved, be presumed without
22 further proof to have been so signed or sealed.

23 10. The validity of any proceedings of the Board or of any of its
24 committees shall not be affected by:

25 (a) any vacancy in the membership of the Board, or committee, or

26 (b) any defect in the appointment of a member of the Board or
27 committee; or

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

30 11. Any member of the Board or committee who has a personal

- 1 interest in any contract or arrangement entered into or proposed to be
- 2 considered by the Board or committee shall-
- 3 (a) disclose his interest to the Board or committee and
- 4 (b) not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

The bill seeks to establish the Regional Centre for Oral Health Research and Training Initiatives which shall be responsible, among other things, for the purpose of advising, implementing, training and co-coordinating research on matters related to oral health and to facilitate the implementation and co-ordination of collaborative research and training in consultation with the World Health Organization and other national and international allied agencies.