

# A BILL

## FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE  
FEDERAL MEDICAL CENTRE BIRNIN - KEBBI AND FOR RELATED MATTERS

*Sponsored by Hon. Abbas Tajudeen*

[ ] Commencement

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

1            1.-(1) There is hereby established the Federal Medical Centre  
2     Birnin - Kebbi (in this Act referred to as "the Federal Medical Centre") and  
3     the Medical Centre shall serve as the Medical Centre subject to the provision  
4     of this Act.

Establishment  
Federal Medical  
Centre Birnin -  
Kebbi

5            (2) The hospital:

6            (a) shall be a body corporate;

7            (b) May sue and be sued in its corporate name;

8            (c) Shall have perpetual succession and a common seal.

9            2. There is hereby established for the management of the Medical  
10    Centre a Board of Management (in this Act referred to as "Board") which  
11    shall be constituted and have the functions and powers set out in this Act.

Establishment  
of the Board of  
Management of  
the Medical Centre

12           3.-(1) The Board shall consist of:

Membership of  
the Board

13           (a) a chairman;

14           (b) the Chief Medical Director of the Medical Centre;

15           (c) the Director of Clinical Services;

16           (d) the Director of Administration;

17           (e) the Director of Finance;

18           (f) the Director of Maintenance;

19           (g) a representative of the president

20           (h) the Federal Ministry of Health;

21           (i) the National Planning Commission;

1 profession in any part of the world by an order of a competent authority  
2 made in respect of that member; or

3 (f) he resigns his appointment by a letter addressed to the President.

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

8 (3) A member of the Board may be removed by the President if he is  
9 satisfied that it is not in the interest of the Medical Centre or the interest of  
10 the public that the member continues in office.

11 6. There shall be paid to every member of the Board such  
12 allowances and expenses as the Revenue Mobilization Allocation and Fiscal  
13 Commission may, from time to time, direct.

Allowances of  
members

14 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

15 7.-(1) The Board shall:

Functions of the  
Board

16 (a) equip, maintain and operate the Medical Centre so as to provide  
17 facilities for diagnosis, curative, promotive and rehabilitative services in  
18 medical treatment;

19 (b) construct, equip, maintain and operate such training schools  
20 and similar institutions as the Board considers necessary for providing the  
21 Medical Centre at all times with a proper staff of the Medical Centre  
22 technicians and nurses;

23 (c) construct, equip, maintain and operate such clinics, out-patient  
24 departments, laboratories, research or experimental stations and other like  
25 institutions as the Board considers necessary for the efficient functioning of  
26 the Medical Centre.

27 (2) The Board shall ensure that the standards of teaching provided  
28 at all establishments under its control and the standards of treatment and care  
29 provided for patients at those establishments do not fall below those usually  
30 provided by similar establishments of international repute.

1 be reappointed for a further term of four years subject to satisfactory  
2 performance;

3 (d) be a person who is a medical practitioner and shall have been so  
4 qualified for a period of not less than 15 years;

5 (e) have considerable administrative experience in matters of  
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less  
8 than ten years prior to the appointment as Chief Medical Director.

9 10.-(1) The Board shall appoint for the Medical Centre:

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective  
12 functioning of all the administrative divisions of the Medical Centre;

13 (ii) conduct the correspondence of the Board and keep the records  
14 of the Medical Centre; and

15 (iii) perform such other functions as the Board or the Chief Medical  
16 Director, as the case may be, may, from time to time, assign to him;

17 (b) a Director of Clinical Services;

18 (c) a Director of Finance;

19 (d) a Director of Maintenance.

20 (2) The Directors appointed under paragraphs (b), (c) and (d) of  
21 subsection (1) of this section shall each be responsible to the Chief Medical  
22 Director for the effective running of the clinical services, the finance and  
23 accounts and the co-ordination of the maintenance of the Medical Centre, as  
24 the case may be.

25 (3) The Board shall appoint for the Medical Centre such number of  
26 employees as may in the opinion of the Board be expedient and necessary  
27 for the proper and efficient performance of the functions of the Medical  
28 Centre.

29 (4) Notwithstanding the provisions of subsections (1) and (2) of  
30 this section the Board shall have power to appoint for the Medical Centre

Appointment of  
Directors and  
other staff of the  
Medical Centre

1 (3) Notwithstanding anything to the contrary, the Board may, from  
2 time to time, appoint consultants outside the hospital to perform such  
3 medical duties as the Board or the Chief Medical Director may assign to  
4 such consultants.

5 PART IV - FINANCIAL PROVISIONS

6 13. There shall be established and maintained for the Medical  
7 Centre a fund into which shall be paid and credited:

Fund of the  
Medical Centre

8 (a) all subventions and budgetary allocation from the Government  
9 of the Federation;

10 (b) all fees and funds accruing from the sale of drugs and other  
11 services;

12 (c) all sums accruing to the Medical Centre by way of gifts,  
13 endowments, bequests, grants or other contributions by persons and  
14 organisations;

15 (d) foreign aid and assistance from bilateral agencies; and

16 (e) all other sums which may, from time to time, accrue to the  
17 Medical Centre.

18 14. The hospital shall, from time to time, apply the funds at its  
19 disposal to:

Expenditure of  
the Medical Centre

20 (a) the cost of administration and maintenance of the Medical  
21 Centre;

22 (b) publicize and promote the activities of the Medical Centre;

23 (c) pay allowances, expenses and other benefits of members of the  
24 Board and committees of the Board;

25 (d) pay the salaries, allowances and benefits of employees of the  
26 Medical Centre;

27 (e) pay other overhead allowances, benefits and other  
28 administrative costs of the Medical Centre; and

29 (f) undertake such other activities as are connected with all or any  
30 of the functions of the Medical Centre under this Act.

1                    19.-(1) The Medical Centre shall not pay income tax on any income  
2                    derived by the Federal Medical Centre under this Act or accruing to it from  
3                    any of its investments.

Exemption from  
tax

4                    (2) Accordingly, the provisions of any enactment relating to the  
5                    taxation of companies or trust funds shall not apply to the Board of the  
6                    Federal Medical Centre.

7                    20. The Medical Centre shall not pay customs duty on or be  
8                    restricted or prohibited from importing any equipment, material, supply and  
9                    any other thing required by the Medical Centre for the purposes of this Bill.

Exemption from  
customs duties, etc

10                    PART V - GENERAL

11                    21.-(1) Notwithstanding anything to the contrary contained in any  
12                    other enactment, where it appears to the Board that any student of the  
13                    Medical Centre has been guilty of misconduct, the Board may, without  
14                    prejudice to any other disciplinary powers conferred on it by regulations,  
15                    direct:

Discipline of  
students

16                    (a) that the student shall not, during such period as may be specified  
17                    in the direction, participate in such activities of the Medical Centre, or make  
18                    use of such facilities of the Medical Centre as may be so specified;

19                    (b) that the activities of the student shall, during such period as may  
20                    be specified in the direction, be restricted in such manner as may be so  
21                    specified;

22                    (c) that the student be rusticated for such period as may be specified  
23                    in the direction; or

24                    (d) that the student be expelled from the Medical Centre.

25                    (2) The fact that an appeal from a direction is brought in pursuance  
26                    of subsection (1) of this section shall not affect the operation of the direction  
27                    while the appeal is pending.

28                    (3) The Board may delegate its powers under this section to a  
29                    disciplinary committee consisting of such members of the Medical Centre  
30                    as the Board may nominate.

1 (3) For good cause, any member of staff may be suspended from  
2 his duties or his appointment may be terminated or he may be dismissed by  
3 the Board and for the purposes of this section, "good cause" means:

4 (a) a conviction for any offence which the Board considers to be  
5 such as to render the person concerned unfit for the discharge of the  
6 functions of his office;

7 (b) any physical or mental incapacity which the Board, after  
8 obtaining medical advice, considers to be such as to render the person  
9 concerned unfit to continue to hold his office;

10 (c) conduct of a scandalous or other disgraceful nature which the  
11 Board considers to be such as to render the person concerned unfit to  
12 continue to hold his office; or

13 (d) conduct which the Board considers to be such as to constitute a  
14 failure or inability of the person concerned to discharge the functions of his  
15 office or to comply with the terms and conditions of his service.

16 (4) Any person suspended shall, subject to subsections (2) and (3)  
17 of this section be on half pay and the Board shall before the expiration of a  
18 period of three months after the date of such suspension consider the case  
19 against that person and come to a decision as to:

20 (a) whether to continue the person's suspension and if so, on what  
21 terms (including the proportion of his emoluments to be paid to him);

22 (b) whether to reinstate the person, in which case the Board shall  
23 restore his full emoluments to him with effect from the date of suspension;

24 (c) whether to terminate the appointment of the person concerned,  
25 in which case he shall not be entitled to the proportion of his emoluments  
26 withheld during the period of suspension; or

27 (d) whether to take such lesser disciplinary action against the  
28 person (including the restoration of his emoluments that might have been  
29 withheld), as the Board may determine, and in any case where the Board,  
30 pursuant to this section, decides to continue a person's suspension or decides

1 the Board to reconsider his case.

2 PART VI - MISCELLANEOUS

3 24.-(1) The Board may, with the approval of the President, make Regulations  
4 regulations

5 (a) as to the access of members of the public either generally or of a  
6 particular class, to premises under the control of the Board and as to the  
7 orderly conduct of members of the public on those premises; and

8 (b) for safeguarding any property belonging to or controlled by the  
9 Board from damage by members of the public.

10 (2) Bye-laws under this section shall not come into force until they  
11 are confirmed (with or without modification) by the National Assembly and  
12 published in such manner as he may direct.

13 25. The President may give to the Board directions of a general Power to give  
14 character or relating generally to particular matters (but not to any individual directives  
15 person or case) with regard to the exercise by the Board of its functions  
16 under this Act, and it shall be the duty of the Board to comply with the  
17 directions; but no direction shall be given which is inconsistent with the  
18 duties of the Board under this Act.

19 26.-(1) On the commencement of this Act, any person employed by Transition and  
20 or serving in, the Medical Centre shall be deemed to have been employed or savings provision  
21 serving in the Medical Centre established under this Act.

22 (2) All Assets or liabilities belonging to the Medical Centre shall be  
23 deemed to belong to the Medical Centre established under this Act.

24 27. In this Act, unless the context otherwise requires: Interpretation  
25 "associate universities" means the universities whose medical students  
26 receive aspects of their training from the Medical Centre;  
27 "Board" means the Board of Management of the Medical Centre;  
28 "chairman" means the chairman of the Board;  
29 "functions" include powers and duties;  
30 "Federal Medical Centre" means the Medical Centre Birnin - Kebbi;

1 (3) Where the Board desires to obtain the advice of any person on a  
2 particular matter, the Board may co-opt him to the Board for such period as it  
3 deems fit, but a person who is in attendance by virtue of this sub-paragraph  
4 shall not be entitled to vote at any meeting of the Board and shall not count  
5 towards a quorum.

#### 6 *Committees*

7 3.-(1) The Board may appoint one or more committees to carry out,  
8 on behalf of the Board, such functions as the Board may determine.

9 (2) A committee appointed under this paragraph shall consist of  
10 such number of persons as may be determined by the Board and a person  
11 shall hold office on the committee in accordance with the terms of his  
12 appointment.

13 (3) A decision of a committee of the Board shall be of no effect until  
14 it is confirmed by the Board.

#### 15 *Miscellaneous*

16 4.-(1) The fixing of the seal of the Medical Centre shall be  
17 authenticated by the signatures of the Chairman, the Chief Medical Director  
18 or any person generally or specifically authorized by the Board to act for that  
19 purpose.

20 (2) Any contract or instrument which, if made or executed by a  
21 person not being a body corporate, would not be required to be under seal  
22 may be made or executed on behalf of the Medical Centre by the Chief  
23 Medical Director or any person generally or specifically authorized by the  
24 Board to act for that purpose.

25 (3) A document purporting to be a document duly executed under  
26 the seal of the Medical Centre shall be received in evidence and shall, unless  
27 and until the contrary is proved, be presumed to be so executed.

28 5. The validity of any proceedings of the Board or of a committee  
29 shall not be adversely affected by:

30 (a) a vacancy in the membership of the Board or committee;