

A BILL

FOR

AN ACT TO ESTABLISH THE CERTIFIED COUNCIL OF NIGERIA DENTAL NURSES AND DENTAL SURGERY TECHNICIANS TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTES AND FOSTER THE PRACTICE OF DENTAL NURSING AND FOR OTHER PURPOSES CONNECTED THEREWITH

Sponsored by Hon. Ajibola Israel Famurewa

[] Commencement

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

1 PART I - ESTABLISHMENT, FUNCTION, MEMBERSHIP, ETC OF THE
2 CERTIFIED COUNCIL OF NIGERIA DENTAL NURSES, GOVERNING
3 COUNCIL, ETC.

4 1.-(1) There shall be established a body to be known as the
5 Certified Council of Nigeria Dental Nurses and Dental Surgery Technicians
6 (in this Act as "the Council").

Establishment of
the Certified
Council of Nigeria
Dental Nurses and
Dental Surgery
Technicians

7 (2) The Council-

8 (a) shall be a body corporate with perpetual succession;

9 (b) shall have a common seal which shall be kept in such custody as
10 the Council may, from time to time, authorize; and

11 (c) may sue or be sued in its corporate name.

12 2. The function of the Council shall be to-

Functions of the
Council

13 (a) determine what standard of knowledge and skill are to be
14 acquired and attained by persons seeking to become registered member of
15 the Council and reviewing those standards from time to time as
16 circumstances may require;

17 (b) secure, in term of this Act, the establishment and maintenance
18 of a register of members.

1 (c) encourage, increase, disseminate and promote the education and
2 training of members admitted thereof, and the exchange of information and
3 ideas in respect of all questions appertaining thereto;

4 (d) conduct examination in the relevant professions awarding
5 certificates to successful candidates as appropriate; and for such thing as may
6 be proper and necessary to maintain and advance the status and interests of the
7 members;

8 (e) Participate in the formulation of policies guiding the practice and
9 welfare and keep abreast with new development in management and dental
10 nursing health care delivering;

11 (f) Shall participate in curriculum development for trainee dental
12 nurses;

13 (g) Shall constantly evaluate the practice of dental nurses and dental
14 surgery technicians and initiates creative innovations for a smoother and more
15 effective running of dental clinic/hospitals with improvement for patient care.

Establishment
and composition
of the Council

16 3.-(1). There shall be for the Council, a governing body to be known
17 as the "Board" which shall have responsibility for the administration and
18 general management of the Council.

19 (2) The Council established pursuant to subsection (1) of this section
20 shall consist of the following members, that is-

21 (a) A chairman who shall be a member of the professions and has been
22 so qualified for not less than 15 years;

23 (b) One representative of each of the nomenclatures that is Dental
24 Nurses, Dental Surgery Technicians;

25 (c) The Registrar;

26 (d) Three persons to represent from elected disciplines to represent
27 the state on rotation for two years at a time;

28 (e) Four persons to represent institutions of higher education in
29 Nigeria offering courses in the training of members for two years at a time;

30 (f) One non medical person to represent public interest;

1 (g) One person not below the rank of a director to represent the
2 Federal Ministry of Health;

3 (h) One person to represent the faculties of dentistry on rotation for
4 two years in rotation;

5 (i) One person to represent the association of registered dental
6 nurses of Nigeria.

7 (3) The provisions of the first schedule to this Act shall have effect
8 with respect to the supplementary provisions of the Council and the
9 qualifications and tenure of the office of members of the Council and the
10 matters therein mentioned.

11 PART II - FINANCIAL PROVISIONS

12 4.-(1) The Board shall establish and maintain a fund for the
13 Council, the management and control of which shall be under the authority
14 of the board, into which shall be paid-

Establishment of
Fund and
Expenditure of
the Council

15 (a) all monies received by the Council in pursuance of this Act;

16 (b) all subscriptions, fees payable to the Council in pursuance of
17 this Act;

18 (c) all monies raised for the purposes to the Council by way of gifts,
19 donations grants in aid, testamentary dispositions from individuals, bodies
20 corporate or philanthropic organisations non otherwise however.

21 (2) The Council shall, from time to time, apply the proceeds of the
22 funds of the Council to-

23 (a) all expenditure incurred by the Council in the course of the
24 discharge of its functions under this Act;

25 (b) the remunerations and allowances of the Registrar and other
26 staff of the Council

27 (c) the maintenance of the premises and property owned and vested
28 in the Council;

29 (d) the payment of travelling allowance and such stipend for
30 members of the Council as may be approved by the Council; and

1 (e) the payment of such other charges as may be reasonably incurred
2 in the performance of the functions of the institute and the Council.

Cap. C21 LFN

3 (3) For the purposes of the Companies income Tax, any donation
4 made by any company in Nigeria to the Council shall be a deduction donation
5 within the meaning of that Act.

Power to Borrow
Money

6 5.-(1) The Council may, with the general consent of its members or in
7 accordance with the general guidelines or authority given by the government of
8 the federation, borrow, on behalf of the Council, by way of loan or overdraft
9 from any monies required by the Council to meet the obligations of the Council
10 in other to perform its function under this act, so however that such consent or
11 authority shall be required where the sum or aggregate of the sums involved at
12 any institute in any particular year.

13 (2) The Council may, subject to the provision of this Act and
14 conditions of trust in respect of funds held or any property owned by the
15 Council, invest any but not all of its funds with the same consent by general
16 authority.

Annual Estimate
Account and
Audit

17 6.-(1) The chairman of the Council shall cause to be prepared not later
18 than six months before the end of the year, estimates of recurrent and capital
19 expenditure (if any) and income of the Council during the next succeeding
20 financial year which shall be presented to the annual general meeting of the
21 Council by the Council for approval.

22 (2) The Council shall keep proper account and record in relation
23 thereto, and shall prepare in respect of each financial year, a statement of
24 account in such form as the chairman or the Council shall direct.

25 (3) The Council shall as soon as may be after the end of a financial
26 year, cause the account of the Council to be audited by qualified auditors
27 appointed from the list of auditors and in accordance with the guidelines laid
28 down by the Auditor General for the Federation.

29 (4) The auditors appointed pursuant to subsection (3) of this section
30 shall on completion audit the account of the institute and the Council for each

1 financial year, prepared and submit to the Council two reports, that is to say-

2 (a) a general report setting out the observation and
3 recommendations of the said auditors on the financial affairs of the Council
4 and the Board for that year, and on any important matters which the auditors
5 may consider necessary to bring to the notice of the Board; and

6 (b) a detailed report containing the observation and
7 recommendations of the auditors on all aspect of the operations of the
8 Council and the Board.

9 PART III - THE REGISTRAR.

10 7. -(1) The Council shall appoint a fit and proper person to the
11 Registrar of the Council.

Appointment and
duties of the
Registrar, etc.

12 (2) The Registrar appointed in terms of subsection (1) of this
13 section shall be head of the administration of the Council and Secretary to
14 the Board.

15 (3) Subject to the following provisions of this subsection, the
16 Council may make rules with respect to the form and keeping of the Register
17 and making of entries therein and in particular-

18 (a) the making of applications for enrolment or registration, as the
19 case may be;

20 (b) providing for notification to the Registrar, by the person to
21 whom any registered, particulars related of any change in those particulars;

22 (c) authorizing a registered person to have any qualification, which
23 is in relation to the relevant discipline of the profession, administration,
24 either an approved qualification or an accepted qualification for the
25 purposes of this Act, registered in relation to his name in addition to, as he
26 may elect, in substitution for other qualifications so registered;

27 (d) specifying from time to time the fee including subscription to
28 be paid to the Council in respect of the entry of names on the Register
29 authorizing the Registrar to refuse to enter a name on the Register until the
30 fee specified for the entry has been paid; and

1 (e) specifying anything failing to be specified under this section, but
2 rules made for the purposes of paragraph (d) of this subsection shall not come
3 into force until they are confirmed at a special meeting of the institute, as the
4 case may be.

5 (4) The register shall-

6 (a) correct, in accordance with the Board's directives, any entry in the
7 Register which the council direct him to correct as being in the Board's opinion
8 an entry which was incorrectly made;

9 (b) remove from the Register the name of any Register's person who
10 has dies;

11 (c) record the names of the members of the Council who are in default
12 in the payment of annual subscriptions, dues or other charges for more than
13 twelve months, and take such action in relation thereto (including removal of
14 the names of the defaulters from the Register) as the Board meeting determine
15 or direct; and

16 (d) make from time to time any necessary alterations in the registered
17 particulars of registered persons.

18 (5) If the Registrar-

19 (a) sends by post to any registered person a letter addressed to him at
20 his address on the Register enquiring whether the registered particular relating
21 to him are correct and receives no reply to the letter within the period of six
22 months from the date of posting; and

23 (b) upon the expiration of the period specified in paragraph (a) of this
24 subscription, send in like manner to the person in question a second similar
25 letter and received no reply the letter within three month from the date of
26 posting it, then the registrar, may remove the particulars relating to the person
27 in question from the Register, and the Council may direct the Registrar to
28 restore to the appropriate part of the Register any particulars removed there
29 from under this subsection.

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8. -(1) The Registrar shall-

(a) cause the Register to be printed, published and put on sale to members of the public not later than two years from the commencement of this ACT;

(b) thereafter in each year to cause to be printed, published and put on sale as aforesaid, a corrected edition of the Register since it was last printed; and

(c) cause a print of each edition of the Registers and of each list of correction to be deposited at the principal offices of the institutes, and the Council shall keep the register and the list so deposited available at all reasonable time for inspection by members of the Council.

(2) A document purporting to be print of an edition of the Register published under and pursuant to this section by authority of the Registrar, or document purporting to be prints of an edition so printed shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or the document read together, as being register was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

(3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material time thereafter continued to be or not to be, so registered.

9. -(1) Subject to all the rules made by the Council pursuant to section 10 (5) of this Act A person shall be entitled to be enrolled as registered if-

Registration

(a) He passes the qualifying examination for membership conducted by the Council under this Act and completes the practical training prescribed; or

1 (b) He holds as qualification granted outside Nigeria and for the time
2 being accepted by the Council and, if the Council so requires, satisfies the
3 Board that he had sufficient practical experience as a dental nurse or dental
4 surgery technician.

5 (2) Subject to section 16 of this Act and to rules made pursuant to
6 section 10 (5) of this Act a person shall be entitled to be registered as a dental
7 Surgeon if he satisfies the Council that immediately before the appointed day he
8 had not less than five years experience as an inspector or internal auditor and
9 for the affairs of a company as defined under the provisions of the Companies
10 all Allied Matters Act.

Cap. C20 LFN

11 (3) An applicant for registration shall, in addition to evidence of
12 qualification, satisfy the Council-

13 (a) that he is of good character;

14 (b) that he has attained the age of twenty one years; and

15 (c) he has not been convicted of a criminal offence involving fraud or
16 dishonesty in Nigeria or elsewhere.

17 (4) The Council may in its discretion provisionally accept a
18 qualification presented in respect of an application for registration under this
19 section, or direct that the application be renewed within such period as may be
20 specified in the direction.

21 (5) Any entry directed to be made in the Register in terms of
22 subsection (4) of this section shall indicate that the Registration is provisional,
23 and no entry made in consequence thereof shall be converted to construed as,
24 full registration without explicit consent of the council made in writing in that
25 behalf.

26 (6) The Council shall from time to time publish in the Federal
27 Government Gazette particulars of qualification for the time being accepted as
28 aforesaid.

Approval of
Qualifications,
etc.

29 **10. -(1)** The Board may approve for the purpose of this Act-

30 (a) any course of training at any approved institution for members;

1 (b) any qualification which, as a result of an examination taken in
2 conjunction with a course of training approved by the Board under this
3 section, is granted to candidates reaching a standard at the examination
4 indicating in the opinion of the members of the Council that the candidates
5 have sufficient knowledge and skill to practice as dental Nurses and
6 Technicians.

7 (2) The Board may, if it thinks it fit withdraw any approval given
8 under this section in respect of any course, qualification or institution, but
9 before withdrawing such an approval, the council shall-

10 (a) give notice that it proposes to do so to persons in Nigeria
11 appearing to the Board to be persons in whom the course is conducted or the
12 qualification is granted or the institution is controlled, as the case may be;

13 (b) afford each such an opportunity of making representations to
14 the Council with regard to the proposal; and

15 (c) take into consideration any representation made as respects the
16 proposal in pursuance of paragraph (b) in this section.

17 (3) Where the approval of the Board under this section for a course,
18 qualification or institution is withdrawn, the course, qualification or
19 institution shall not prejudice the registration or eligibility for registration of
20 any person who by virtue of the approval was registered for registration
21 immediately before the approval was withdrawn.

22 (4) The giving or withdrawal of an approval under this section shall
23 have effect from such date, either before or after the execution of the
24 instrument signifying the giving or withdrawal of the approval as the board
25 may specify in that instrument, and the Council shall-

26 (a) publish as soon as possible a copy of every such instrument in
27 the Federal Government Gazette: and

28 (b) not later than seven days before its publication, send a copy of
29 the instrument to the Minister.

Supervision of
the instructions,
etc leading to
approval of
qualifications

1 **11.-(1)** It shall be the duty of the members of the Board of the Council
2 to keep them informed of the nature of-

3 (a) the instructions given at approved institutions to persons attending
4 approving training; and

5 (b) the examinations as a result of which approved qualifications are
6 granted, and for the purposes performing that duty the Board of the Council
7 may appoint, either from among its own members or otherwise, person to visit
8 approved institutions, or to attend such examination.

9 (2) It shall be the duty of the visitor appointed in terms of the
10 foregoing subsection of this section to report to the Council on-

11 (a) the sufficiency of the instructions given to persons attending
12 approved courses of training at institutions visited by him;

13 (b) the conduct and adequacy of the examination observed by him;
14 and

15 (c) any other matters relating to the instruction or examinations on
16 which the Council may either generally or in particular case, request him to
17 report, but no visitor shall interfere with the giving of any instruction or the
18 conduct of any examination.

19 (3) On receiving a report made in pursuance of this section, the
20 Council may, if it thinks fit, and shall if so required by the institution, send a
21 copy of the report to the person appearing before the Council to be in charge of
22 the institution or which the Disciplinary Tribunal has cognizance under the
23 following provisions of this Act responsible for the examination to which the
24 report relates requesting that person to make an observation on the report to the
25 Council within such period as may be specified in the request not being less
26 than one month beginning with the date of the request.

27 PART IV - PROFESSIONAL DISCIPLINE

Establishment,
Composition, etc
of the Disciplinary
Tribunal and of
Investigating
Panel

28 **12.-(1)** There shall be a tribunal to be known as the Certified Council
29 of Nigeria dental Nurses and Dental Surgery Technicians Disciplinary
30 Tribunal (in this Act referred to as "the Disciplinary Tribunal") which shall be

1 charged with the duty of considering and determining any case referred to it
2 by the investigating panel established pursuant to subsection (3) of this
3 section and any other case of Panel, which the Disciplinary Tribunal has
4 cognizance under the following provisions of this Act.

5 (2) The Disciplinary Tribunal shall consist of the Chairman of the
6 Board and six other members of the council.

7 (3) There shall be a body to be known as the Certified Council of
8 Nigeria Dental Nurses and Dental Surgery technicians Investigating Panel
9 (in this Act, referred to as "the Investigating Panel") which shall be charged
10 with the duty of-

11 (a) conducting a preliminary investigation into any case where it is
12 alleged that a member has misbehaved in his capacity as a Dental Nurse or
13 Technician or should for any other reason be the subject of proceedings
14 before the Disciplinary Tribunal; and

15 (b) deciding whether the case should be referred to the Disciplinary
16 Tribunal.

17 (4) The Investigating Panel shall be appointed by the Board and
18 shall consist of four members of the Board and one who is not a member of
19 the Council.

20 (5) The provisions of the Second Schedule to this Act shall, so far
21 as applicable to the Disciplinary Tribunal and Investigating Panel
22 respectively, have effect with respect to the bodies.

23 (6) The Council may make rules not inconsistent with this Act as in
24 acts which constitute professional misconduct.

25 13. -(1) Where-

26 (a) a member is judged by the Disciplinary Tribunal to be guilty of
27 infamous conduct in any professional respect to; or

28 (b) a member is convicted, by any court or tribunal in Nigeria or
29 elsewhere having power to imprisonment of an offence or (whether or not
30 punishment with imprisonment) which in the opinion of the Disciplinary

Second
Schedule

Penalties for
Unprofessional
Conduct

1 Tribunal is incompatible with the status of a Dental Nurse or Technician; or

2 (c) the Disciplinary Tribunal is satisfied that the name of any person
3 has been fraudulently registered. The Disciplinary Tribunal may, if it thinks fit,
4 give a direction reprimanding that person or ordering the Registrar to strike his
5 name off the relevant part of the Register.

6 (2) The Disciplinary Tribunal may, if it thinks fit, defer its decision as
7 in subsection (1) of this section until a subsequent meeting of the Disciplinary
8 Tribunal but-

9 (a) no decision shall be deferred under this subsection for periods
10 exceeding two years on the aggregate; and

11 (b) no person shall be a member of the Disciplinary Tribunal for
12 purposes of reaching a decision which has been deferred or further deferred,
13 unless it was present as a member of the Disciplinary Tribunal when the
14 decision was deferred.

15 (3) for the purpose of subsection (1)(b) of this section, a person shall
16 not be treated as convicted as therein mentioned unless the conviction stands at
17 a time when no appeal or further appeal is pending or may (without extension
18 or time) be brought in connection with the conviction.

19 (4) when the Disciplinary Tribunal gives a direction under subsection
20 (1) of this section, the Disciplinary Tribunal may appeal as respondent to the
21 appeal, and for the purpose of enabling directions to be given as to the costs of
22 the appeal and of the proceedings before the court of Appeal, the Disciplinary
23 Tribunal, shall be deemed to be a party whether or not it appears at the hearing
24 of the appeal.

25 (5) A decision of the Disciplinary Tribunal under subsection (1) of this
26 section, shall take effect where-

27 (a) no appeal brought under this section is brought against the
28 direction within the time limited for the appeal on the expiration of that time;

29 (b) an appeal is brought and is withdrawn or struck out for want of
30 prosecution on the withdrawal or striking out of the appeal;

1 (c) an appeal is brought and not withdrawn or struck out as
2 aforesaid if an~ when the appeal is dismissed and shall not take effect except
3 in accordance with the foregoing provisions of this subsection;

4 (6) A person whose name is struck off the Register in pursuance of a
5 direction of the Disciplinary Tribunal under this section shall not be entitled
6 to be enrolled or registered again except in pursuance of a direction under
7 this section for the removal of a person's name from the Register may
8 prohibit an application under this subsection by that person until the
9 expiration of such period from the date of direction (and where he has duly
10 made such an application, from the date of his last application) as may be
11 specified in the direction.

12 PART V - MISCELLANEOUS AND SUPPLEMENTARY

13 14. -(1) the Board may make rules for-

14 (a) the training of members in methods and practice; and

15 (b) the supervision and regulation of the engagement, training and
16 transfer of such persons.

17 (2) The Board may also make rules-

18 (a) prescribing the amount and the due date for payment of the
19 annual subscription, and for such purpose different amount may be
20 prescribed by the rules according to whether the person is enrolled as a
21 fellow, associate member, graduate member, licentiate member or student;

22 (b) prescribing the form and manner to practice to be issued
23 annually or, if the Board thinks it fit, by endorsement on any existing
24 licence; and

25 (c) restricting the right to practice in default of payment of the
26 amount of annual subscription where the default continues for longer than
27 such period as may be prescribed by the rules.

28 (3) Rules when made under this section shall, if the Chairman of
29 the Council so directs, be published in the Federal Government Gazette.

Offences

1 15.-(1) if any person, for the purpose of procuring the registration of
2 any name, qualification or other matter-

3 (a) makes a statement which he believes is false in a material
4 particular, or

5 (b) recklessly makes a statement which is false in a material
6 particular, he shall be guilty of an offence.

7 (2) If, on or after the relevant date, any person not a member of the
8 Council practices or holds himself out to practice for or in expectation of
9 reward or takes or uses any name, title, addition or description shall be guilty of
10 an offence, provided that, in the case of a person falling within section 14 of this
11 Act-

12 (a) this subsection shall not apply in respect of anything done by him
13 during the period of three months mentioned in that section; and

14 (b) if within that period he duly applies for membership of the
15 Council, then, unless within that period he is notified that his application has
16 not been approved, this subsection shall not apply in respect of anything done
17 by him between the end of that period and the date on which he is enrolled or
18 registered or is notified as aforesaid.

19 (3) if the registrar or any other person employed by or on behalf of the
20 Council wilfully makes any falsification in any matter relating to the register,
21 he shall be guilty of an offence.

22 (4) A person guilty of an offence under this section shall be liable-

23 (a) on summary conviction, to a fine of an amount not exceeding
24 50,000 Naira;

25 (b) on conviction on indictment, to a fine of an amount not exceeding
26 100,000 Naira or to imprisonment for a term not exceeding two years or to both
27 such fine and imprisonment.

28 (5) Where an offence under this section is which has been committed
29 by a body corporate or any person purporting to act in any such capacity, he
30 as well as the body corporate shall be deemed to be guilty of that offence and

1 shall be liable to be prosecuted and punished accordingly.

2 16.-(1) Any regulations made under this Act shall be published in Regulations and
3 the Federal Government Gazette as soon as may be after they are made and a rules
4 copy of any such regulations shall be sent to the Ministry not later than seven
5 days before they are so published.

6 (2) Rules made for the purposes of this Act shall be subject to
7 confirmation by the Council at its next general meeting or at any specified
8 meeting of the Council convened for that purpose, and if then annulled shall
9 cease to have effect on the day after the date of annulment, but without
10 prejudice to anything done in pursuance or intended pursuance of any such
11 rules.

12 17. In this act, unless the context otherwise requires, the following Interpretation
13 words and expressions have the meanings respectively assigned to them,
14 that is-

15 "Council" means the certified Council of Nigeria Dental Nurses and Dental
16 Surgery Technicians established under section (1) of this Act;

17 "Board" means the Board established as the governing body of the Council
18 under section (3) of this Act;

19 "Disciplinary Tribunal" means the Certification Council of Nigeria Dental
20 Nurses and Dental Surgery Technicians Disciplinary Tribunal under section
21 12(1) of this Act;

22 "fees" includes annual subscription;

23 "investigation panel" means the Certified Council of Nigeria Dental Nurses
24 and Dental Surgery Technicians investigating panel established under
25 section 12(3) of this Act;

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

28 "President and Vice president" means respectively the office under those
29 names in the institute; and

30

Citation

1 "Register" means the register maintained in pursuance of section 8 of this Act.

2 18. This Bill may be cited as the certified Council of Nigeria Dental
3 Nurses and Dental Surgery Technicians Bill, 2015.

4 SCHEDULES

5 FIRST SCHEDULE

6 Section 5 (3)

7 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

8 *Qualifications and tenure of members*

9 (1) Subject to the provisions of this paragraph, a member of the
10 Council shall hold office for a period of two years beginning from the date of
11 his appointment or election.

12 (2) Any member of the Council who ceases to be a member thereof
13 shall, if he is also a member of the Board, cease to hold office on the Board.

14 (3) Any elected member may by notice in writing under his hand
15 addressed to the Chairman resign his office, and any appointed member may,
16 likewise resign his appointment.

17 (4) A person who retires from, or otherwise ceases to be an elected
18 member of the Board shall be eligible again to become a member of the Board,
19 and any appointed member may be reappointed.

20 (5) Members of the Council shall at a meeting next before the annual
21 general meeting of the Board arrange for five members of the Council
22 appointed or elected, and longest in office to retire at that annual general
23 meeting:

24 Provided that if any of the members listed therein is the Chairman of the Board,
25 he shall remain a member of the Council.

26 (6) Elections to the Board shall be held in such manner as may be
27 prescribed by rules made by the Council, and until so prescribed they shall be
28 decided a secret balloting process.

29 (7) If for any reason there is a vacation of office by a member and-

30 (a) such a member was appointed by the Minister or any body

1 corporate, the Minister or any such body corporate shall appoint another fit
2 person to occupy the office in which the vacancy occurs; or

3 (b) such member was elected, the board may, if the period between
4 the unexpired portion of the tenure of office and the next general meeting of
5 the Council appears to warrant the prompt filling of the vacancy, co-opt
6 some fit persons for such period as aforesaid.

7 *Powers of Board*

8 1. The Board shall have powers to do anything which in its opinion
9 is calculated to facilitate the carrying on the activities of the council.

10 *Proceedings of the Board*

11 2. -(1) subject to the provisions of this Act, the Board may, in the
12 name of the Council make standing orders regulating the proceedings of the
13 Council or the Board, and in the exercise of its powers under this Act, may set
14 up committees in the general interest of the Council, and make standing
15 orders therefore.

16 (2) Standing orders shall provide for decision to be taken by a
17 majority of the members, and, in the event of equality of votes, for the
18 Chairman, or as the case may be, to have a second or casting vote.

19 (3) Standing orders made for a committee shall provide that the
20 committee report back to the Council on any matter not within its
21 competence to be decided upon.

22 (4) The quorum of the Board shall be nine, and the quorum of a
23 committee of the Council shall be as fixed by the Board.

24 *Meeting of the Council*

25 5.-(1) The Board shall convene the annual general meeting of the
26 Council on a day as the Board may from time to time appoint in any
27 particular year, so however that if the meeting is not held within one year
28 after the previous annual general meeting, not more than fifteen months
29 shall elapse between the respective dates of the two meetings.

30 (2) A special meeting of the Council may be convened by the Board

1 at any time, and if not less than thirty members of the Council require it by
2 notice in writing addresses to the Registrar of the Council setting out the
3 objects of the proposed meeting, the Chairman of the Board shall convene a
4 special meeting of the Council.

5 (3) The quorum of any general meeting of the Council shall be fifteen
6 members and that of any special meeting shall be twenty five members.

7 *Meeting of the Board*

8 6.-(1) Subject to the provisions of any standing orders of the Council,
9 the Board shall meet whenever it is summoned by the Chairman, and if the
10 Chairman is required to do so by notice in writing given to him by not less than
11 seven other members, he shall summon a meeting of the Board to be held
12 within seven days from the day from which the notice is given.

13 (2) At any meeting of the Council, the Chairman or in his absence the
14 Deputy Chairman shall preside but if both are absent the members at the
15 meeting shall appoint one of their numbers to preside at the meeting.

16 (3) Where the Board desires to obtain advice of any person on a
17 particular matter, the Board may co-opt him as a member for such period as the
18 Board thinks fit, but a person who is a member by virtue of the provisions of
19 this subparagraph shall not be entitled to vote at any meeting of the Board and
20 shall not count towards a quorum.

21 (4) Notwithstanding anything in the foregoing provisions of this
22 paragraph, the first meeting of the Board shall be summoned by the Minister,
23 who may give such directions as he thinks fit as to the procedure which shall be
24 followed at the meeting.

25 *Committees*

26 7.-(1) The Board may appoint one or more committees to carry out on
27 behalf of the Council or the Board, such functions as the Board may determine.

28 (2) A committee appointed under this paragraph shall consist of the
29 number of persons determined by the Board, and a person other than a member
30 of the Board shall hold office on the committee in accordance with the terms of

1 the instrument by which he is appointed.

2 (3) Any recommendation of a committee of the Council shall be of
3 no effect until it is approved by the Board.

4 *Miscellaneous Provisions.*

5 8.-(1) The fixing of the seal of the Council shall be authenticated by
6 the signature of the Chairman or of any other member of the Board
7 authorized generally by the Council to act for that purpose.

8 (2) Any contract or instrument which, if made or executed by a
9 person not being a body corporate would not be required to be under seal,
10 may be made or executed on behalf of the Council or Board as the case may
11 require, by any person generally or specially authorized to act for that
12 purpose by the Board.

13 (3) Any document purporting to be a document duly executed
14 under the seal of the Council shall be received in evidence and shall unless
15 the contrary is proved to be deemed to be so executed.

16 9. The validity of any proceedings of the Council or Board or of a
17 committee of the Council shall not be affected by any vacancy in
18 membership, or of any defect in the appointment of a member of the
19 Council or Board or of a person to serve on the committee, or by reason that a
20 person not entitled to do so took part in the proceedings.

21 10. A person shall not by reason only of his membership of the
22 Council be required to disclose any interest relating solely to audit the
23 accounts of the Council.

24 SECOND SCHEDULE.

25 *Section 12 (5)*

26 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

27 TRIBUNAL AND INVESTIGATING PANEL

28 *The Tribunal*

29 1. The quorum of the Tribunal shall be three of whom at least two
30 shall be professional practitioners.

1 2. -(1) The chief Justice of Nigeria shall make rules as the selection of
2 members of the Tribunal for the purposes of any proceedings and as to the
3 procedure to be followed and the rules of evidence to be observed in
4 proceedings before the Tribunal.

5 (2) The rules shall in particular provide-

6 (a) for securing that notice of proceedings shall be given at such time
7 and at such manner as may be specified by the rules to the person who is the
8 subject of the proceeding.

9 (b) for determining who in addition to the aforesaid, shall be a party to
10 the proceedings;

11 (c) for securing that any party to the proceedings shall, if he so
12 requires, be entitled to be heard by the Tribunal;

13 (d) for enabling any party to the proceedings to be presented by a legal
14 practitioner;

15 (e) subject to the provisions of section 16 (5) of this Act, as to the costs
16 of proceedings before the Tribunal;

17 (f) for requiring, in a case where it is alleged that the person who is
18 subject of the proceedings is guilty of infamous conduct in any professional
19 respect, that where the Tribunal adjudges that the allegation has not been
20 proved it shall record a finding that the person is not guilty of such conduct in
21 respect of the matters to which the allegation related; and

22 (g) for publishing in the media, notice(s) of any direction of the
23 Tribunal, which has taken effect providing that a person's name shall be struck
24 off a Register.

25 3. For the purposes of any proceedings before the Tribunal; any
26 member of the Tribunal may administer oaths and any party to the proceedings
27 may sue through the Supreme Court writs of subpoena ad *testificandum* and
28 *ducesdecum*, but no person appearing before the Tribunal shall be compelled-

29 (a) to make any statement before the Tribunal tending to incriminate
30 himself;

1 (b) to produce any statement under such a writ which he could not
2 be compelled to produce before it, there shall in all such proceedings be an
3 assessor to the Tribunal who shall be appointed by the Council on the
4 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
5 not less than seven years standing.

6 (2) The chief Justice of Nigeria shall make rules as to the functions
7 of assessors appointed under this paragraph, and in particular such rules
8 contain provisions for securing-

9 (a) that where an assessor advises the Tribunal on any question of
10 law as to evidence, procedure or any matters specified in the rules, he shall
11 do so in the presence of every party or person presenting a party to the
12 proceedings who appears thereat or, if the advice is tendered while the
13 tribunal is deliberating in private;

14 (b) that every such party or person as aforesaid shall be informed if
15 in any case the tribunal does not accept the advice of the assessor on such a
16 question as aforesaid.

17 (3) An assessor may be appointed under this paragraph either
18 generally or for any particular proceedings or class of proceedings, and shall
19 hold and vacate office in accordance with the terms of the instrument by
20 which he is appointed.

21 *The Panel*

22 5. The quorum of the panel shall be two.

23 6. -(1) The panel may, at any sitting of the panel attended by all
24 members of the panel, make standing orders with respect to the panel.

25 (2) Subject to the provisions of any such standing orders, the panel
26 may regulate its own procedure.

27 *Miscellaneous*

28 7.-(1) A person ceasing to be a member of the Tribunal or the panel
29 shall be eligible for reappointment as a member of that body

30 (2) A person may, if otherwise, eligible, be a member of both the

1 Tribunal and the panel, but no person who acted as a member of the panel with
2 respect to any case shall act as a member of the tribunal with respect to that case

3 **8.** The Tribunal or the panel may act notwithstanding any vacancy in
4 its membership, and the proceedings of either body shall not be invalidated by
5 any irregularity in the appointment of a member of that, or (subject to
6 paragraph 7 (2) of this schedule) by reason of the fact that any person who was
7 not entitled to do so took part in the proceedings of that body.

8 **9.** Any document authorized or required by virtue of this Act to be
9 served on the Tribunal or the panel shall be served on the Registrar appointed in
10 pursuance of section 10 of this Act.

11 **10.** Any expenses of the Tribunal or the panel shall be defrayed by the
12 Council.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Certified Council of Nigeria Dental Nurses and Dental Surgery Technicians to provide for the control of its membership and to promote and foster the practice of Dental Nurses and Dental Surgery Technicians in the Federation.