

CANCER CONTROL AND PREVENTION BILL, 2016

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A BILL

FOR

AN ACT TO PROVIDE FOR THE PREVENTION, TREATMENT AND CONTROL
OF CANCER AND FOR RELATED MATTERS

Sponsored by Hon. Karimi S. Sunday

[] Commencement

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

PART I - PRELIMINARY

1. The objects and purposes of this Act are to-

Objects and
purposes of the
Act

(a) provide a National Policy for Cancer in Nigeria;

(b) promote public awareness about the causes, consequences,
means of prevention and control of cancer;

(c) extend to every person with cancer full protection of his human
rights and civil liberties by-

(i) guaranteeing the right to privacy of the individual;

(ii) outlawing discrimination in all its forms and subtleties;

(iii) ensuring the provision of basic health care and social services;

(d) promote utmost safety and universal precautions in practices
and procedures that relate to the treatment of cancer;

(e) positively address and seek to eradicate conditions that cause
and aggravate the spread of cancer;

(f) promote access to quality and affordable diagnostic and
treatment services for persons with cancer; and

(g) ensure sustainable capacity for the prevention and control of
cancer.

(h) promote the establishment of State owned and managed Cancer
Institute in the thirty six (36) States of the Federation.

PART II - ADMINISTRATION

Establishment
of the Institute

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Functions of the
Institute

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2.-(1) There is hereby established a body to be known as the Nigeria National Cancer Institute (NNCI).

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

(a) Suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing money or making investments;

(d) charging fees for services rendered by it and requesting for securities for such fees; and

(e) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

3. The functions of the Institute shall be to-

(a) advise the Minister of Health on matters relating to the treatment and care of persons with cancer and to advise on the relative priorities to be given to the implementation of specific measures;

(b) encourage and secure the establishment of hospitals, vocational treatment and care centers and other institutions for the welfare and treatment of persons with cancer in all States of the Federal Republic of Nigeria;

(c) encourage and secure provision of diagnostic, treatment, rehabilitation and other medical care to persons with cancer in those institutions;

(d) co-ordinate services provided in Nigeria for the welfare and treatment of persons with cancer and to implement programmes for vocational guidance and counseling;

(e) collect, analyze and disseminate all data useful in the prevention, diagnosis and treatment of cancer;

(f) collaborate with international institutions for the purpose of

1 collecting for the Register and cataloging, storing and disseminating the
2 results of cancer research undertaken in any country for the use of any
3 person involved in cancer research in any country;

4 (g) establish and support the large scale production or distribution
5 of specialized biological materials and other therapeutic substances for
6 research and set standards of safety and care for persons using such
7 materials;

8 (h) ensure that accurate figures of persons with cancer are obtained
9 in the country for purposes of planning;

10 (i) provide access to available information and technical assistance
11 to all institutions, associations and organizations concerned with the welfare
12 and treatment of persons with cancer, including those controlled and
13 managed by the Government

14 (j) encourage and secure the care of persons with cancer within
15 their communities and social environment;

16 (k) establish and support measures that seek to eradicate conditions
17 that cause and aggravate the spread of cancer.

18 (l) recommend measures to prevent discrimination against persons
19 with cancer;

20 (m) generally to carry out measures for public information on the
21 rights of persons with cancer and the provisions of this Act; and

22 (n) encourage and participate in the provision of training on cancer
23 prevention and control.

24 4.-(1) The Institute shall be administered by a board to be known as Board of Trustees
25 the Board of Trustees of the Institute.

26 (2) The Board shall consist of the following persons appointed by
27 the President upon recommendation by the Minister of Health-

28 (a) the Chairperson;

29 (b) the Permanent Secretary for the time being responsible for
30 matters relating to health or his designated alternate not being below the

- 1 level of Director in the Federal Ministry of Health;
- 2 (c) the Permanent Secretary for the time being responsible for matters
- 3 relating to finance
- 4 (d) one person nominated by the registered cancer associations in
- 5 such manner as may be prescribed;
- 6 (e) one person nominated by the Nigerian Union of Journalists (NUJ)
- 7 in such manner as may be prescribed;
- 8 (f) one prominent philanthropist or industrialist of good standing;
- 9 (g) one person nominated by the Nigerian Medical Association in
- 10 such manner as may be prescribed by the Association;
- 11 (g) one person nominated by Society for Oncology and Cancer
- 12 Research of Nigeria (SOCRON)
- 13 (h) one person nominated by institutions conducting medical research
- 14 in such manner as may be prescribed;
- 15 (i) the Attorney-General or his representative who shall be an ex-
- 16 officio member; and
- 17 (j) the Chief Executive Officer who shall be an ex-officio member and
- 18 Secretary to the Board.
- 19 (3) No person shall be appointed under subsection (2) (a) unless such
- 20 person is a registered medical practitioner and is a recognized medical
- 21 specialist of not less than ten years' experience in leadership at national
- 22 institutional level.
- 23 (4) Subject to this Act, all acts and things done in the name of, or on
- 24 behalf of, the Institute, by the Board or with the authority of the Board shall be
- 25 deemed to have been done by the Institute.
- 26 (5) No person shall be appointed as a member of the Board unless
- 27 such person meets the requirements of the Constitution.
- 28 **5.-(1) The conduct and regulation of the business and affairs of the**
- 29 **Board shall be as provided in the Schedule.**
- 30 (2) Except as provided in the Schedule, the Board may regulate its

1 own procedure.

2 6.-(1) The Board shall have all powers necessary for the proper
3 performance of its functions under this Act.

Powers of the
Board

4 (2) Without prejudice to the generality of the subsection (1), the
5 Board shall have power to-

6 (a) control, supervise and administer the assets of the Institute in
7 such manner as best promotes the purpose for which the Institute is
8 established;

9 (b) determine the provisions to be made for capital and recurrent
10 expenditure and for the reserves of the Institute;

11 (c) receive any grants, gifts, donations or endowments and make
12 legitimate disbursements there from;

13 (d) open such banking accounts for the funds of the Institute as may
14 be necessary;

15 (e) invest any funds of the Institute not immediately required for its
16 purposes in the manner provided in section 19;

17 (f) establish such directorates, departments and regional centres of
18 the Institute to deal with such specific matters as may be necessary; and

19 (g) undertake any activity necessary for the fulfilment of any of the
20 functions of the Institute.

21 (3) Without prejudice to the generality of paragraph (f) of
22 subsection (2), the Institute shall decentralize its services to all counties of
23 the Republic.

24 7. The Board shall pay its members and staff such remuneration or
25 allowances as it may determine upon the advice of the Salaries and
26 Remuneration Commission.

Remuneration of
Board members
and staff of the
Institute

27 8.-(1) There shall be a Chief Executive Officer who shall be
28 appointed by the Board and whose terms and conditions of service shall-

Chief Executive
Officer

29 (a) be determined by the Board, upon the advice of the Salaries and
30 Remuneration Commission;

1 (b) be stated in the instrument of appointment or otherwise in writing
2 from time to time.

3 (2) No person shall be appointed under this section unless such person
4 has-

5 (a) a masters degree in matters relating to cancer from a recognized
6 university;

7 (b) at least ten years post qualification managerial working
8 experience.

9 (3) The Chief Executive Officer shall subject to the directions of the
10 Board be responsible for the day to day management of the affairs and staff of
11 the Institute.

Staff of the
Institute

12 9. The Institute may appoint such officers and other staff as are
13 necessary for the proper discharge of its functions under this Act, upon such
14 terms and conditions of service as it may determine.

Delegation by
the Board

15 10. The Board may, by resolution either generally or in any particular
16 case, delegate to any committee or to any member, officer, employee or agent
17 of the Institute, the exercise of any of the powers or the performance of any of
18 the functions or duties of the Institute under this Act or under any other written
19 law.

Protection from
personal liability

20 11.-(1) No act or omission by any member of the Board or by any
21 officer, employee, agent or servant of the Board shall, if the act or omission was
22 done bona-fide for the purposes of executing a function, power or duty under
23 the Act render such member, officer, employee, agent or servant personally
24 liable to any, action, claim or demand whatsoever.

25 (2) The provisions of subsection (1) shall not relieve the Institute of
26 the liability to pay compensation to any person for any injury to him, his
27 property or to any of his interests caused by the exercise of any power conferred
28 by this Act or by failure, whether wholly or partially, of any works.

Common seal

29 12.-(1) The common seal of the Institute shall be kept in such custody
30 as the Board may direct and shall not be used except on the order of the Board.

1 (2) The affixing of the common seal of the Institute shall be
2 authenticated by the signature of the Chairperson and the Chief Executive
3 Officer and any document not required by law to be made under seal and all
4 decisions of the Board may be authenticated by the signatures of both the
5 Chairperson and the Chief Executive Officer.

6 (3) Notwithstanding the provisions of subparagraph (2) the Board
7 shall, in the absence of either the Chairperson or the Chief Executive Officer
8 in a particular matter, nominate one member to authenticate the seal on
9 behalf of either the Chairperson or the Chief Executive Officer.

10 (4) The common seal of the Institute when affixed to a document
11 and duly authenticated shall be judicially and officially noticed and unless
12 and until the contrary is proved, any necessary order or authorization by the
13 Board under this section shall be presumed to have been duly given.

14 **13.-(1)** The funds of the Institute shall comprise of-

Fund of the
Institute

15 (a) grants, gifts or donations that the Institute may receive as a
16 result of public and private appeal from local and international donors or
17 agencies for the purposes of carrying out its functions.

18 (b) such fees, monies or assets as may accrue to or vest in the Board
19 in the course of the exercise of its powers or the performance of its functions
20 under this Act or under any written law;

21 (c) all monies from any other lawful source provided for or donated
22 or lent to the Board; and

23 (d) such sums as may be appropriated by the National Assembly for
24 the purposes of the Institute.

25 (2) The funds of the Institute and its balances at the close of each
26 financial year shall not be paid into the Consolidated Fund, but shall be
27 retained for the purposes for which the Institute is established.

28 **14.** The financial year of the Institute shall be the period of twelve
29 months depending on the date of enactment of this Act and the Financial
30 Year of the Federal Republic of Nigeria.

Financial year

Annual estimates 1 **15.-(1)** At least three months before the commencement of each
2 financial year, the Board shall cause to be prepared estimates of the revenue
3 and expenditure of the Institute for that year.

4 (2) The annual estimates shall make provision for all estimated
5 expenditure of the Institute for the financial year and in particular, the estimates
6 shall provide for-

7 (a) the payment of the salaries, allowances and other charges in
8 respect of members of the Board and staff of the Institute;

9 (b) the payment of pensions, gratuities and other charges in respect of
10 members of the Board and staff of the Institute;

11 (c) the proper maintenance of the buildings and grounds of the
12 Institute;

13 (d) the maintenance, repair and replacement of the equipment and
14 other property of the Institute; and

15 (e) the creation of such reserve funds to meet future or contingent
16 liabilities in respect of retirement benefits, insurance or replacement of
17 buildings or equipment, or in respect of such other matter as the Board may
18 deem appropriate.

19 (3) The annual estimates shall be approved by the Board before the
20 commencement of the financial year to which they relate and shall be
21 submitted to the Minister of Health for approval and after the Minister's
22 approval, the Board shall not increase the annual estimates without the consent
23 of the Minister.

Accounts and
audit

24 **16.-(1)** The Board shall cause to be kept all proper books and records
25 of accounts of the income, expenditure and assets of the Institute.

26 (2) Within a period of four months from the end of each financial year,
27 the Board shall submit to the Auditor- General or to an auditor appointed under
28 this section, the accounts of the Institute together with-

29 (a) a statement of the income and expenditure of the Institute during
30 that year; and

1 (b) a balance sheet of the Institute on the last day of that year.

2 (3) The accounts of the Institute shall be audited and reported upon
3 in accordance with the Fiscal Responsibility Act and other Fiscal Laws of
4 the Federal Republic of Nigeria.

5 17. The Board may invest any of the funds of the Institute in Investment of
6 securities, in which for the time being trustees may by law invest trust funds, funds
7 or in any other securities or banks which the Treasury may, from time to
8 time, approve for that purpose.

9 PART III - THE CANCER REGISTRY

10 18.-(1) The Institute shall cause to be kept and maintained a Cancer Register
11 National Cancer Register containing the particulars specified under
12 subsection (2).

13 (2) The Register shall contain particulars on-

14 (a) the incidence, preference, trends, type and geographical
15 location of which due notification has been given pursuant to section 21;

16 (b) institutions, associations and organizations, including those
17 controlled and managed by the national, and county governments, that
18 provide care and treatment services for persons with cancer; and

19 (c) such other matters as the Board may prescribe.

20 (3) All particulars under sub-section (1) and changes in such
21 particulars shall be entered in the Register by the Chief Executive Officer as
22 soon as is practicable after receiving notification thereof.

23 (4) The Chief Executive Officer may supply a copy of any entry in
24 the Register upon payment of such fee as the Board may prescribe.

25 19.-(1) Every medical institution shall, as soon as reasonably Notification to
26 practical after making a diagnosis of cancer on a person, deliver a Institute
27 notification to the Institute for purposes of section 20(2)(a).

28 (2) A notification under subsection (1) shall-

29 (a) be in such form as may be prescribed;

1 (b) specify the type and geographical location of persons with the
2 cancer;

3 (c) not disclose the name of the person with cancer unless with the
4 consent of the person or his guardian where such person is a minor;

5 (d) be given not later than sixty days after the diagnosis.

6 (3) Any person who contravenes the provision of this section commits
7 an offence.

Alteration of
Register

8 **20.** The Board may, at any time, direct that correction be made in
9 respect of any entry which has been incorrectly or fraudulently made.

10 **PART IV - DISCRIMINATORY PRACTICES**

Discrimination
in the workplace

11 **21.**-(1) A person shall not be-

12 (a) denied access to any employment for which the person is
13 qualified; or

14 (b) transferred, denied promotion or have his employment
15 terminated, on the ground only of the person being a person with cancer.

16 (2) Without limiting the generality of subsection (1), an employer
17 shall not discriminate against a person with cancer in relation to-

18 (a) the advertisement of employment;

19 (b) the recruitment for employment;

20 (c) the creation, classification or abolition of posts;

21 (d) the determination or allocation of wages, salaries, pensions,
22 accommodation, leave or other such benefits;

23 (e) the choice of persons for posts, training, advancement,
24 apprenticeships, transfer, promotion or retrenchment;

25 (f) the provision of facilities related to or connected with
26 employment; or

27 (g) any other matter related to employment.

Discrimination
in schools

28 **22.** An educational institution shall not deny admission or expel,
29 discipline, segregate, deny participation in any event or activity, or deny any
30 benefits or services to a person on the grounds only of the person being actual

1 or perceived to be a person with cancer.

2 **23.** A person shall not be denied the right to seek an elective or
3 other public office on the grounds only of the person being actual or
4 perceived to be a person with cancer.

Inhibition from
public service

5 **24.**-(1) Subject to this Act, a person shall not be compelled to
6 undergo cancer screening or to disclose cancer status for the purpose only of
7 gaining access to any credit or loan services, medical, accident or life
8 insurance or the extension or continuation of any such services.

Exclusion from
credit and
insurance services

9 (2) Notwithstanding subsection (1), an insurer, re-insurer or health
10 maintenance organization shall, in the case of life and healthcare service
11 insurance cover, devise a reasonable limit of cover for which a proposer
12 shall not be required to disclose his or her cancer status.

13 **25.** A person shall not be denied access to healthcare services in any
14 health institution, or be charged a higher fee for any such services, on the
15 grounds only of the person being actual or perceived to be a person with
16 cancer.

Discrimination in
health institutions

17 **26.** A person who contravenes any of the provisions of this Part
18 commits an offence under this Bill and shall be liable to punishment of
19 6months imprisonment or fine of N 100,000.00 or both and in the case of an
20 organisation a fine of N500, 000.00.

Penalty for
discriminatory
practices

21 PART V -EDUCATION AND INFORMATION

22 **27.**-(1) The Federal Government, in collaboration with the
23 Institute, shall promote public awareness about the causes, consequences,
24 means of prevention, treatment and control of cancer through a
25 comprehensive nation- wide education and information campaign
26 conducted by the Federal Government through the relevant departments,
27 authorities and other agencies.

Information,
education and
communication
by National
Government

28 (2) The education and information campaign referred to in
29 subsection (1) shall be carried out in all schools and other institutions of
30 learning, all prisons, remand homes and other places of confinement,

1 amongst the disciplined forces, at all places of work and in all communities
2 throughout Nigeria.

3 (3) The Federal Government in collaboration with the Institute shall
4 provide training, sensitization and awareness programmes on the prevention,
5 treatment, palliative care and control of cancer for-

6 (a) employees of all national government departments, authorities
7 and other agencies; and

8 (b) employees of private and informal sectors'

9 (c) community and social workers,

10 (d) media professionals, educators, and other stakeholders involved
11 in the dissemination of information to the public on cancer prevention,
12 treatment and control.

13 (4) In conducting the education and information campaign referred to
14 in this section, the Federal Government shall ensure the involvement and
15 participation of individuals and groups affected by cancer.

16 (5) The information provided under this section shall cover issues
17 such as confidentiality in the work-place and attitudes towards affected
18 employees and workers.

19 (6) For the purposes of this section, the Federal Government in
20 collaboration with the Institute shall ensure training of healthcare providers on
21 proper information dissemination and education on cancer prevention and
22 treatment.

Cancer prevention
and control to form
part of education
syllabus

23 **28.**-(1) The Institute shall liaise with the Federal Government
24 department responsible for education, to integrate instruction on the causes and
25 ways of preventing cancer, its treatment and palliative care in subjects taught in
26 public and private schools at all levels starting from early childhood education
27 development centers to primary, secondary, and tertiary levels, including
28 informal, non-formal and indigenous learning systems.

29 (2) The Institute shall in collaboration with the Federal Government
30 department responsible for education, develop and implement a training

1 curriculum to be integrated into syllabuses on the prevention and treatment
 2 of cancer and the care of persons with cancer to be taught at all levels
 3 starting from early childhood education development centers.

4 29.-(1) The Institute shall liaise with the Federal Government
 5 department responsible for public health to ensure that education and
 6 information dissemination on the prevention and treatment of cancer and
 7 the care of persons with cancer including palliative care, shall form part of
 8 health care services by healthcare providers.

Cancer prevention
and control to
form part of health
care

9 (2) For the purposes of subsection (1), the Federal Government
 10 department responsible for public health in collaboration with the Institute
 11 shall provide training for the healthcare providers to acquire skills for
 12 proper information dissemination and education on cancer prevention
 13 control and palliative care.

14 30. Every State Government, in collaboration with the Institute,
 15 shall conduct an educational and information campaign on cancer
 16 prevention, treatment and control within its area of jurisdiction in the
 17 manner contemplated under sections 29, 30 and 31.

Cancer prevention
and control
dissemination by
State Government

18 PART VI -MISCELLANEOUS

19 31.-(1) No person shall undertake any cancer related human
 20 biomedical research on another person or on any tissue or blood removed
 21 from such person except-

Consent to
research

22 (a) with the written informed consent of that other person; or

23 (b) if that other person is a child, with the written informed consent
 24 of a parent or legal guardian of the child.

25 (c) If that person is incapacitated by infirmity, by the legal guardian

26 (2) The person whose consent is sought to be obtained under
 27 subsection (1) shall be adequately informed of the aims, methods,
 28 anticipated benefits and the potential hazards and discomforts of the
 29 research.

30 (3) A person who contravenes any of the provisions of this section

	1	commits an offence.
General penalty	2	32. A person convicted of an offence under this Act for which no
	3	other penalty is provided shall be liable to a fine not exceeding Two hundred
	4	Thousand Naira or to imprisonment for a term, not exceeding two years or to
	5	both.
Rules	6	33. -(1) The Minister of Health, on the recommendation of the
	7	Institute may make rules generally for the better carrying out of its functions
	8	under this Act.
	9	(2) Without prejudice to the generality of sub section (1), the rules
	10	shall prescribe anything which this Act requires to be prescribed.
	11	(3) For purposes of the first appointment of members of the Board
	12	under section 6, the Minister of Health shall prescribe the procedures specified
	13	under that section notwithstanding the absence of the Institute but subsequent
	14	procedures shall be prescribed in accordance with subsection (1) of this
	15	section.
Interpretation	16	34. -(1) In this Act, unless the context otherwise requires-
	17	"Register" means the National Cancer Register established under section 20 of
	18	this Bill;
	19	"Chairperson" means the Chairperson of the Board appointed under section 6
	20	of this Bill;
	21	"Chief Executive Officer" means the Chief Executive Officer of the Institute
	22	appointed under section 10 of this Bill;
	23	"Board" means the Board of Management established by section 6;
	24	"Institute" means the National Cancer Institute of Nigeria established by
	25	section 4;
	26	"Medical institution" means a hospital, clinic, dispensary or other place where
	27	a diagnosis of cancer is made and includes a medical practitioner practicing in
	28	his or her own name;
	29	"Medical practitioner" has the meaning assigned to it under the Medical
	30	Practitioners and Dentists Act;

1 "Minister of Health " means the Minister of the Federal Republic of Nigeria,
2 Member of the Federal Executive for the time being responsible for matters
3 relating to public health;

4 "person with cancer" means a person diagnosed as having cancer.

5 35. This Bill may be cited as the Cancer Prevention and Control Short title
6 Bill, 2016 and shall come into operation after ninety days from the date of
7 publication in the official Gazette.

8 SCHEDULE

9 (S.7)

10 PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS

11 OF THE BOARD

12 *Tenure of office*

13 1. The Chairperson or a member of the Board other than ex-officio
14 members shall, subject to the provisions of this Schedule, hold office for a
15 period of three years, on such terms and conditions as may be specified in
16 the instrument of appointment, but shall be eligible for re- appointment for
17 one further term.

18 *Vacation of office*

19 2.-(1) A member other than an ex-officio member may-

20 (a) at any time resign from office by notice in writing to the
21 Minister of Health;

22 (b) be removed from office by the Minister of Health on
23 recommendation of the Board if the member-

24 (i) has been absent from three consecutive meetings of the Board
25 without its permission;

26 (ii) is convicted of a criminal offence that amounts to a felony in
27 Nigeria;

28 (iii) is incapacitated by prolonged physical or mental illness for a
29 period exceeding six months;

30 (iv) is otherwise unable or unfit to discharge his functions.

Meetings

1
2 3.-(1) The Board shall meet not less than four times in every financial
3 year and not more than four months shall elapse between the date of one
4 meeting and the date of the next meeting.

5 (2) Notwithstanding subparagraph (1), the Chairperson may, and
6 upon requisition in writing by at least five members shall, convene a special
7 meeting of the Board at any time for the transaction of the business of the
8 Board.

9 (3) Unless three quarters of the total members of the Board otherwise
10 agree, at least fourteen days' written notice of every meeting of the Board shall
11 be given to every member of the Board.

12 (4) The quorum for the conduct of the business of the Board shall be
13 half of the total members including the Chairperson or the person presiding.

14 (5) The members present shall elect one of their number to preside
15 whenever the Chairperson is absent, and the person so elected shall have all the
16 powers of the Chairperson with respect to that meeting and the business
17 transacted thereat.

18 (6) Unless a unanimous decision is reached, a decision on any matter
19 before the Board shall be by a majority of the votes of the members present and
20 voting, and in case of an equality of votes, the Chairperson or the person
21 presiding shall have a casting vote.

22 (7) Subject to subparagraph (6), no proceedings of the Board shall be
23 invalid by reason only of a vacancy among the members thereof.

24 (8) Subject to the provisions of this Schedule, the Board may determine its own
25 procedure and the procedure for any committee of the Board and for the
26 attendance of other persons at its meetings and may make standing orders in
27 respect thereof.

Committees of the Board

28
29 4.-(1) The Board may establish such committees as it may deem
30 appropriate to perform such functions and responsibilities as it may determine.

