

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY COLLEGE OF NURSING AND MIDWIFERY AND FOR RELATED MATTERS

Sponsored Hon. Gaza Jonathan Gbafwi

[] Commencement

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

1 PART I - ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COLLEGE

2 1.-(1) There is hereby established for the Federal Capital Territory Establishment
3 a College to be known as the FCT College of Nursing and Midwifery.

4 (2) The College shall:

5 (a) have the status of a tertiary institution with rights and privileges
6 of such institutions; and

7 (b) be a body corporate with perpetual succession and a common
8 seal with powers to sue and be sued in its corporate name.

9 2. The objects of the College shall be:

Objects of the College

10 (a) to provide training and research in Nursing, Midwifery and
11 other specialties of Nursing leading to the award of Professional
12 Certificates, Diplomas, Degrees and other Post Basic Certificates;

13 (b) to provide avenues for continuing education in Nursing,
14 Midwifery and other specialties of Nursing; and

15 (c) to provide such services that are necessary and incidental to the
16 objects of the College.

17 3.-(1) The College shall be a teaching and examining body and
18 shall, subject to the provisions of this Act and the regulations of the College
19 have powers to:

Functions and powers of the College

20 (a) provide rules and conditions under which persons may be

- 1 admitted as students for any particular course of study provided by the College;
- 2 (b) make provision for research and the dissemination of knowledge;
- 3 (c) establish Departments and such other units of learning and
4 research as the purpose of the College may require;
- 5 (d) create such offices and posts as the purpose of the College may
6 require and to appoint persons to and remove persons from such offices or posts
7 and prescribe their conditions of service;
- 8 (e) maintain libraries, laboratories, workshops lecture halls, hostels,
9 dinning halls, sport fields and other buildings or facilities of the College;
- 10 (f) provide for residence, recreation and welfare of members of staff
11 and students of the College as may be deemed necessary;
- 12 (g) demand and receive from students and other persons attending the
13 College for the purpose of instruction such fees as the College may from time to
14 time determine;
- 15 (h) prescribe rules for the discipline of students of the College;
- 16 (i) conduct examinations and arrange for award of certificates and
17 distinctions to persons who pursue courses of studies approved by the College
18 and who satisfy such other requirements as may from time to time be
19 prescribed;
- 20 (j) subject to specific limitations or conditions that may be imposed
21 by extant Government regulations, or circulars, invest any fund apportioned to
22 the College by way of endowment, whether for general or special purpose, and
23 such other monies as may not immediately be required for current expenditure
24 in any investment or securities;
- 25 (k) print or publish works or undertake services as may be deemed
26 consistent with the objects of the College;
- 27 (l) do such other acts and things necessary under this Act for the
28 attainment of the objects of the College or incidental to the powers of the
29 College; and
- 30 (m) carry out any special or general directive consistent with

1 Government policy as the Secretary of Health may give in writing.

2 (2) Without prejudice to the generality of the provision of section 2
3 of this Act and subsection (1) of this section, the College may by special
4 arrangement with the Nursing and Midwifery Council of Nigeria or other
5 examination bodies prepare its students for award of Certificates or other
6 distinctions.

7 (3) Subject to the provisions of this Act and of any other statute, the
8 powers conferred on the College by subsection (1) of this section shall be
9 exercised on behalf of the College by the Council and the Committees
10 established for the College or by such officers and other staff of the College
11 as may be authorized in that behalf and may also be exercised through
12 Schools established under this Act.

13 4.-(1) The Provost shall have custody of the common seal of the Common seal
of the College
14 College and shall be responsible for affixing same to documents

15 (2) The common seal of the College shall not be used save upon the
16 direction of the Council and shall be authenticated by the signature of the
17 Provost.

18 PART II - GOVERNING COUNCIL OF THE COLLEGE

19 5.-(1) There shall be established for the College a Governing Governing
Council
20 Council to be known as the Governing Council of the FCT College of
21 Nursing and Midwifery.

22 (2) The Council shall consist of:

23 (a) a Chairman who shall be appointed on part time basis by the
24 Minister on the recommendation of the Secretary of Health;

25 (b) a representative of the Secretary of Health;

26 (c) the provost of the College;

27 (d) a representative of the FCT chapter of National Association of
28 Nigerian Nurses and Midwives;

29 (e) two members to represent the interest of the Public to be

1 appointed by the Minister on the recommendation of the Secretary of Health;
 2 (f) a representative of FCT Treasury;
 3 (g) a representative of FCT Legal Services Secretariat;
 4 (h) a representative of FCT Education Secretariat;
 5 (i) the Director, Finance and Administration in the Secretariat;
 6 (j) the Director of Nursing in FCT Hospitals Management Board; and
 7 (k) the Director, Nursing Services of the Secretariat who shall also
 8 serve as the Secretary.

Tenure of office

9 6.-(1) Members of the Council other than ex-officio members shall
 10 hold office for a period of four years from the date of their appointment and
 11 shall be eligible for re-appointment for one further term of four years and no
 12 more.

13 (2) Any member of the Council other than an ex-officio member may
 14 by notice to the Council resign his appointment.

15 (3) Any vacancy occurring in the membership of the Council shall be
 16 filled by the appointment of a successor who shall represent the same interest as
 17 his predecessor for the remainder of the term of the predecessor.

Functions of the Council

18 7.-(1) Subject to the provisions of this Act, the Council shall:

- 19 (a) be the governing authority of the College;
 20 (b) be charged with general control and superintendence of the
 21 policies, finances and properties of the College;
 22 (c) make regulations for the day to day management of the College;
 23 and
 24 (d) do any other thing necessary or incidental to attainment of objects
 25 of the College.

26 (2) Without prejudice to the provisions of subsection (1) of this
 27 section, the Council shall:

- 28 (a) ensure that the courses and instructions provided by the College
 29 conform to the required standard laid down from time to time by the Nursing
 30 and Midwifery Council of Nigeria;

1 (b) regulate the teaching of courses offered by the College, and also
2 regulate the conduct of examinations with respect to the College;

3 (c) approve contracts for procurement of equipments, furniture and
4 other properties required for the purpose of the College;

5 (d) approve contracts for maintenance of the premises and other
6 properties of the College;

7 (e) formulate policies and initiate programmes in all fields of
8 learning conducted by the College;

9 (f) assess from time to time the courses offered by the College; and

10 (g) perform such other functions as may be necessary.

11 (3) The Council may delegate any of its functions, other than the
12 power to make regulations, to the Chairman or any other person, Board or
13 Committee it deems fit in that behalf, but no decision of such person or
14 Committee shall take effect unless ratified by the Council.

15 8. The Director, Nursing Services of the Secretariat shall be the
16 Secretary to the Council, and for any particular meeting that he may be
17 absent, he shall send a representative to act in that behalf.

Secretary to the
Council

18 9.-(1) The Secretary of Health may give to the Council directions
19 as to the discharge of its functions in relation to matters appearing to the
20 Secretary of Health to affect Public interest and the Council shall give effect
21 to such directive.

Power of Secretary
of Health to give
directive

22 (2) The Council shall afford the Secretary of Health facilities for
23 obtaining information with respect to the Property of the College and the
24 functions of the Council and he shall be furnished with returns, accounts and
25 facilities for verification of the information in such manner and at such times
26 as he may require.

27 PART III -SCHOOLS, DEPARTMENTS AND UNITS WITHIN THE COLLEGE

28 10.-(1) There shall be within the College a School of Nursing and a
29 School of Midwifery and such other Schools as the Secretariat may with the
30 approval of the Nursing and Midwifery Council of Nigeria establish.

Schools

1 (2) Each School shall provide instructions for courses, conduct
2 research and carry out such other functions as may be prescribed by the Council
3 with the approval of the Secretary of Health.

4 (3) The constitution of and other matters relating to each school may
5 be prescribed by the Council with the approval of the Secretary of Health.

Departments

6 11. In furtherance of the provisions of Section 3 (1) (c) of this Act, the
7 Council shall with the approval of the Secretary of Health establish for each
8 School such Departments as the Nursing and Midwifery Council of Nigeria
9 may from time to time prescribe.

Other units

10 12. Subject to the provisions of this Act, the Council may with the
11 approval of the Secretary of Health establish units for special purposes within
12 the College; and the name, constitution and functions of any such units may be
13 prescribed by direction of the Council.

14 PART IV - PRINCIPAL OFFICERS AND STAFF OF THE COLLEGE

15 13. There shall be for the College a Provost and other principal
16 officers, the designations, qualifications, functions, appointments and removal
17 of whom shall be as spelt out in Sections 15 to 22 of this Act.

Principal Officers
of the College

18 14.-(1) The Principal Officers of the College shall include:

19 (b) the Deans of the Schools in the College;

20 (c) the Deputy Deans (Academic and Administration) of the Schools
21 in the College;

22 (d) the Registrar;

23 (e) the College Librarian; and

24 (f) the Bursar.

25 (2) The Principal Officers of the College other than Deans and
26 Deputy Deans of Schools in the College shall be appointed by the Council
27 subject to the approval of the Minister through the Secretary of Health.

28 (3) The Deans and Deputy Deans of Schools in the College shall be
29 appointed by the Council.

Provost

30 15.-(1) The Provost shall be appointed from amongst the academic

1 Staff of the College and shall be the Chief Executive and Administrator of
2 the College and also be responsible to the Council for maintaining and
3 promoting efficiency and discipline in the College.

4 (2) The Provost shall hold a degree in Nursing and shall be a
5 registered Educator in Nursing, Midwifery or other specialty areas of
6 Nursing with not less than fifteen years of teaching experience.

7 16.-(1) The Deans of Schools in the College shall be responsible Deans
8 to the Provost for the Administration of the Schools.

9 (2) The Deans of Schools in the College shall hold degree in
10 Nursing and shall be registered Educators in the Nursing specialty related to
11 their respective Schools and with not less than ten years of teaching
12 experience.

13 17.-(1) The Deputy Deans of Schools in the College shall be the Deputy Deans
14 Assistants to the Deans of their respective Schools and shall perform such
15 duties as may be assigned to them by the Deans.

16 (2) The Deputy Deans of Schools in the College shall hold degree
17 in Nursing and shall be Registered Educators in the Nursing specialty
18 related to their respective Schools with not less than seven years teaching
19 experience.

20 18.-(1) The Registrar of the College shall be the head of Registrar
21 administration of the College and shall be responsible to the Provost.

22 (2) The Registrar shall be an experienced graduate of humanities
23 with not less than fifteen years experience in Public Administration

24 (3) The person holding the office of the Registrar of the College
25 shall by virtue of that office be the Secretary to the Academic Board and the
26 Finance and General Purpose Committee

27 19.-(1) The Bursar shall be the Chief Financial officer of the Bursar
28 College and shall be responsible to the Provost for the day to day
29 administration of the financial affairs of the College.

30 (2) The Bursar shall be a qualified Accountant with not less than

1 ten years post qualification experience

Librarian

2 20.-(1) The Librarian shall be responsible to the Provost for the co-
3 ordination of Library services in the College.

4 (2) The Librarian shall have a degree in Library Sciences with not less
5 than ten years post qualification experience as a Librarian.

Other Staff

6 21. The Council may appoint such other persons to be staff of the
7 College as it may deem fit on such terms and conditions as may specified in
8 their instruments of appointment.

Removal from
office

9 22.-(1) The Principal Officers and other senior staff of the College
10 may be removed from office by the Minister for misconduct, incompetence or
11 any other justifiable reason on the recommendation of the Council

12 (2) The Council shall have power to remove any junior staff of the
13 College for justifiable reasons.

14 PART V - ESTABLISHMENT AND FUNCTIONS OF COMMITTEES

Finance and
General Purpose
Committee

15 23. There shall be a Committee of the Council to be known as the
16 Finance and General Purpose Committee.

Composition of
Finance and
General Purpose
Committee

17 24.-(1) The Finance and General Purpose Committee shall consist of:

18 (a) the chairman of the Governing Council who shall be the chairman;

19 (b) the representative of the Secretary of Health;

20 (c) the Provost of the College;

21 (d) the Director of Finance and Administration in the Secretariat;

22 (e) the Director of Nursing Services in the Secretariat;

23 (f) one member of the Academic Committee to be appointed by the
24 Council; and

25 (2) The Registrar shall be the Secretary of the Committee.

Functions of the
Finance and
General Purpose
Committee

26 25. The Finance and General Purpose Committee shall:

27 (a) exercise control over property, revenue and expenditures of the
28 College;

29 (b) award contracts for the execution of projects of the College;

30 and

(c) perform such other functions as the Council may delegate to

it.

26.-(1) Anybody of persons established by this Act shall, without Others Committees
 prejudice to the generality of the powers of that body, have power to
 constitute Committees, which need not consist exclusively of members of
 that body, and to authorize a Committee established by it:

(a) to exercise, on its behalf, such of its functions as it may
 determine; and

(b) to co-opt members, and may direct whether or not co-opted
 members if any, shall be entitled to vote in that Committee

(2) Any two or more such bodies may arrange for the holding of
 joint meetings of those bodies or for the appointment of Committees
 consisting of members of those bodies for the purpose of considering any
 matter within the competence of those bodies or any of them and either of
 dealing with it or of reporting on it to those bodies or any of them.

(3) The quorum and procedure of a Committee established or
 meeting held in pursuance of this section shall be such as may be determined
 by the body or bodies which have decided to establish the Committee or hold
 the meeting.

PART VI - ACADEMIC BOARD

27. There shall be for each school of the College an Academic Establishment of
Academic Board
 Board which shall be responsible for the academic work of the School.

28. The Academic Board of each School of the College shall be Composition of
the Academic
Board
 composed of:

(a) the Provost of the College, as chairman;

(b) the Dean of the School, as Deputy Chairman;

(c) the Deputy of Deans of the School;

(d) all Heads of Departments of the School;

(e) one Academic staff not below the rank of Senior Lecturer to be
 selected from each of the Departments of the school;

1 (f) a representative of the Director, Nursing Services in the
2 Secretariat;

3 (g) the School Librarian; and

4 (i) the Registrar who shall be the Secretary of the Board.

Functions of the
Academic Board

5 **29.** Subject to the overall control and direction of the Council, the
6 Academic Board of each School of the College shall perform the following
7 functions:

8 (1) Regulating and organizing the process of admission, conduct of
9 examinations, award of certificates and all formalities relating to the
10 registration and licensing of graduates.

11 (2) Making recommendations to the Council on appointment of
12 academic staff of the School and on the organization of Departments, Libraries
13 and other units of learning and research in the School.

14 (3) Making guidelines for the purpose of exercising any of the
15 functions conferred on it under the provisions of this Section.

16 (4) Preparing curriculum for the School in line with guidelines from
17 the Nursing and Midwifery Council of Nigeria and or other regulatory bodies.

18 (5) Performing such other functions that may be assigned to it by the
19 Council.

20 PART VII - SUPPLEMENTARY PROVISIONS

Schedule

21 **30.** The supplementary provisions contained in the Schedule shall
22 have effect in relation to the proceedings of the various bodies appointed under
23 the provision of this Act.

Transition

24 **31.** In the absence of the Council and until it is constituted for the
25 College, the functions and powers of the Council under this Act may be
26 exercised by the Secretary of Health in consultation with the Director of
27 Nursing Services in the Secretariat.

28 PART VIII - PROPERTY AND FINANCE

Property of the
College

29 **32.** The Minister of the FCT may, by order transfer any property
30 whether movable or immovable to the College and from the date of such order,

1 any property so transferred shall vest in the College and shall be used for the
2 purpose of the College.

3 33. The Council may, subject to the provision of this Act:

Power of the
Council to hold
property

4 (a) acquire and hold such movable or immovable property as may
5 be necessary or expedient for carrying into effect the provisions of this Act;

6 (b) invest the funds of the College in such manner and to such
7 extent as it may deem necessary or expedient; and

8 (c) enter into contractual agreements on behalf of the College;

9 34.-(1) The Council shall have power to approve expenditure of
10 over N100,000.00 but not exceeding N1,000,000.00 per unit transaction for
11 the procurement of goods, works and services and shall refer procurements
12 exceeding the amount to the Secretary of Health.

Expenditure of
the College

13 (2) The Provost shall approve procurement of works, goods and
14 services not exceeding N100,000.00.

15 (3) The thresholds mentioned in this Section may be adjusted, in
16 the case of:

17 (a) subsection (1), by the Secretary of Health; and

18 (b) Subsection (2), by the Council

19 35. The revenue of the College shall include:

Revenue of the
College

20 (a) revenue from time to time accruing to the College by way of
21 Government grant, subvention or endowment or other forms of grant-in-aid;

22 (b) fees charged by and payable in respect of students;

23 (c) any other amounts, charges or dues recoverable by the College;

24 (d) Receipts for publications or services;

25 (e) interest on investments;

26 (f) Donations and Legacies.

27 36. Before the end of each financial year, or at such other time as
28 may be required by the Council the Director, Finance and Administration or
29 the Provost shall present for Council estimates of revenue and expenditure
30 for the ensuing financial year and the accepted estimates shall be presented

Annual Estimate

to the Secretary Health and Human Services hereinafter who shall cause the same to be placed before the Minister for approval.

(1) The Council shall prepare in respect of each financial year a statement of account in such form as may be approved by the Secretary of Health and the said annual statement of accounts shall be a fair and accurate statement of the financial positions of the College for the financial year to which it relates.

(2) The said Annual Statement of Accounts shall be audited by the Auditor-General, FCT or by such competent auditors appointed by him.

(3) The said audited statement of accounts, after verification by the Council shall together with the auditor's report be forwarded to the Secretary of Health who shall cause the same to be placed before the Minister.

Interpretation

38. In this Act unless the context otherwise requires:
- "Academic Board", means the Academic Board established under this Act;
 - "Chairman" means the Chairman of the Governing Council of the College or where the context requires a chairman of the respective committees established under this Act;
 - "College" means the FCT College of Nursing and Midwifery;
 - "Council" means the Governing Council established under section 4 (1) of this Act for the College;
 - "Executive Committee" means the FCT Executive Committee;
 - "FCTA" means the Federal Capital Territory Administration;
 - "FCT" means the Federal Capital Territory, Abuja;
 - "Junior staff" is a reference to staff on CONHESS 01-05 or Salary Grade levels 01-06;
 - "Members" means members of the Council and includes the Chairman of the Council;
 - "Minister" means the Minister of the PCF;
 - "Provost" means the Provost of the College;
 - "Regulations" means any regulation formulated for the College by the Council;

- 1 "Secretariat" means Health and Human services Secretariat of the FCTA;
- 2 "Secretary" means the Secretary to the Council of the College and other-
- 3 wise means the Secretary of any Committee established under this Act;
- 4 "Secretary of Health" means the Secretary of Health and Human Services or
- 5 such other official as may be from time to time designated as head of the
- 6 body responsible for health services under FCTA;
- 7 "Senior staff" is a reference to staff on CONHESS 06 -16 or Salary Grade
- 8 levels 07 -17.

9 39. This Bill may be cited as the FCT College of Nursing and Citation
10 Midwifery Bill, 2016.

EXPLANATORY NOTE

This Bill seeks to provide for the establishment of the Federal Capital Territory College of Nursing and Midwifery and other related matters.

1

SCHEDULE:

2

SUPPLEMENTARY PROVISION AS TO THE COUNCIL AND OTHER

3

CONSTITUTED BODIES OF THE COLLEGE

4

(Section 30)

5

Summary of meeting of the Council

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1.-(1) The Chairman, or in his absence the person appointed to act in

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that behalf, may at any time direct the Secretary to summon a meeting of the

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Council.

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(2) Any three members of the Council may by notice in writing signed

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by them request the Chairman to summon a special meeting of the Council for

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the purpose set out in such notice to be summoned.

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Meeting of the Council

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2.-(1) The Council shall meet at such times and places as the

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Chairman may appoint provided that the Council shall hold at least four (4)

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meetings in each academic year.

16

(2) At any meeting of the Council, the Chairman shall preside and in

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his absence shall choose one of their members to preside for that particular

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meeting.

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Co-option of members

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3. Where upon any special occasion the Council desires to obtain the

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advice of or any special information from any person on any particular matter,

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the Council may co-opt such person to be a member of such meetings as may be

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required and such a person whilst so co-opted shall have all the rights and

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privileges of a member save that he shall not be entitled to vote on any question.

25

Quorum of the College

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4. The quorum for any meeting of the Council shall be two third of the

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members.

28

Voting

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5.-(1) Every question before the Council at any meeting shall be

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determined by a simple majority of the members present and voting.

1 (2) Each member present and voting at any meeting shall have one
2 vote but in case of any equal divisions of votes, the Chairman of the meeting
3 may have a second or casting vote.

4 *Taking of Minutes*

5 6.--(1) Without prejudice to the provision of Section 8 of this Act,
6 when the Secretary is absent at a meeting of any of the bodies established
7 under this Act, the Chairman thereof may appoint a suitable person to act as
8 Secretary.

9 (2) The Secretary shall keep an accurate record of the minutes book
10 provided for such purposes.

11 (3) The minutes of every meeting shall be signed by the Chairman
12 of the meeting after it has been approved at the next meeting.

13 *Council may appoint Committee*

14 7. The council may appoint Committees to which it may delegate
15 any of its responsibilities and functions in sub-section 1 of this Act.

16 *Standing Order*

17 8.--(1) Without prejudice to any of the provisions of this Act, the
18 council may, with the approval of the Secretary of Health make Standing
19 Order with respect to the holding of its meeting, the proceeding thereat, the
20 keeping of minutes of such proceedings, the custody and production for
21 inspection of such minutes and any other matter that may be considered
22 necessary or desirable.

23 (2) The Academic Board and the Finance and General Purpose
24 Committee of the college may with the approval of the Council make similar
25 Standing Order as in sub-section 1 of this Act.

26 *Defect in appointment not to invalidate proceeding*

27 9. No act or other proceeding of the council, the Academic Board
28 or any Committee set up under this Act shall be invalid by reason only that:

29 (a) there is a defect in the appointment of a person purporting to be
30 a member of any of the above bodies; or

(b) there is vacancy among the members.

