

TRADITIONAL MEDICINE COUNCIL OF NIGERIA

(ESTABLISHMENT, ETC.) BILL, 2016

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE TRADITIONAL
MEDICINE COUNCIL OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Hassan Atayoma Omale

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE TRADITIONAL MEDICINE

2 COUNCIL OF NIGERIA, ETC.

3 1.-(1) There is hereby establishment a body to be known as the
4 Traditional Medicine Council of Nigeria (in this Act referred to as "the
5 Council").

Establishment of
the Traditional
Medicine Council
of Nigeria, etc.

6 (2) The Council shall be a body corporate with perpetual
7 succession and a common seal and may sue and be sued in its corporate
8 name.

9 2.-(1) The Council shall consist of-

10 (a) a Chairman who shall be a university graduate registered with
11 the Traditional Medicine Council and with a minimum of 10 years
12 experience in the practice of traditional medicine in Nigeria;

Membership of
the Council

13 (b) one person each to represent the 36 States of Nigeria and the
14 Federal Capital Territory who shall be a registered practitioner with a
15 minimum of 5 years experience and nominated by his State Board of
16 Traditional Medicine;

17 (c) two representatives with considerable experience in Traditional
18 Medicine from the Federal Ministry of Health who shall be from:

19 (i) Traditional Medicine Programme,

20 (ii) Food and Drugs Services Department;

21 (d) one legal practitioner of not less than 5 years experience

1 representing public interest;

2 (e) one representative each of:

3 (i) the Federal Ministry of Science and Technology,

4 (ii) the Federal Ministry of Education,

5 (iii) National Agency for Food and Drugs Administration and
6 Control,

7 (iv) State Ministry of Health representative with considerable
8 experience in traditional medicine to be selected from each of the six
9 geopolitical zones in Nigeria in rotation for one term at a time;

10 (e) the Registrar of the Council who shall be a University graduate
11 with considerable experience in traditional medicine and also a registered
12 traditional medicine practitioner for at least 5 years.

13 (2) The composition of the Council shall be made up of not less than
14 55% of Traditional Medicine Practitioners.

15 (3) The Chairman and members of the Council specified in subsection
16 (1) of this section shall be appointed by the President on the recommendation
17 of the Minister.

18 (4) The supplementary provisions set out in the First Schedule to this
19 Act shall have effect with respect to the proceedings of the Council and other
20 matters contained therein.

Tenure of office

21 3.-(1) The Chairman and members of the Council, other than ex-
22 officio members shall each hold office for a period of 3 years on such terms and
23 conditions as may be specified in their letters of appointment and may be
24 reappointed for one further period of 3 years and no more.

25 (2) Notwithstanding the provisions of subsection (1) of this section,
26 the Chairman or any member of the Council may, at any time, be removed from
27 office by the President, on the recommendation of the Minister, for inability to
28 discharge the functions of his office (whether arising from infirmity of mind or
29 body or any other cause) or for corrupt practices or any act of misconduct.

30 (3) The Chairman or any member of the Council may, at any time,

1 resign his office by a letter addressed to the President, or if the President is
2 satisfied that it is not in the interest of the Council or in the interest of the
3 public for the person appointed to continue in office, the President, on the
4 recommendation of the Minister, may notify the person in writing to that
5 effect.

6 (4) Soon after the office of the Chairman or any member of the
7 Council has become vacant, the authority by which he was appointed shall
8 appoint another person in his place for the unexpired term of office in
9 accordance with the provisions of this Act.

10 4.-(1) The Chairman and members of the Council shall be paid
11 such emoluments, allowances and benefits as may be determined from time
12 to time by the Federal Government.

Emoluments,
allowances, etc.
of members of the
Council

13 (2) The Chairman and members of the Council other than ex-
14 officio members shall not while holding, office, hold any other office of
15 emolument in any of the public service of the Federation or of a State.

16 5. The Council shall-

Functions of the
Council

17 (a) facilitate, coordinate and harness all efforts aimed at the
18 development of traditional medicine in Nigeria;

19 (b) establish institutional framework and propose policies for the
20 practice of traditional medicine in Nigeria;

21 (c) liaise with the relevant regulatory authorities on traditional
22 medicine at the State and Local Governments with respect to
23 implementation of the national policies and guidelines on traditional
24 medicine;

25 (d) encourage and promote the establishment of model services
26 and institutions on traditional medicine such as clinics, schools, botanical
27 gardens, herbaria, drug manufacturing units, etc. In the six geopolitical
28 zones in Nigeria;

29 (e) on a regular basis, collect, publish, disseminate and exchange
30 information on traditional medicine and develop a National Traditional

1 Medicine Information System;

2 (f) establish and maintain a register of persons entitled to practice
3 traditional medicine in Nigeria and public annually, a list of persons so
4 registered;

5 (g) prepare and review, from time to time, code of practice for
6 practitioners of traditional medicine in Nigeria;

7 (h) in collaboration with the relevant agencies or bodies, develop
8 curricula of studies, and determine the standards of knowledge and skills for
9 training in traditional medicine in Nigeria;

10 (i) in collaboration with relevant agencies or bodies, accredit
11 institutions properly organized and equipped for conducting the whole or any
12 part of a course of training on traditional medicine approved by the Council;
13 and

14 (j) perform such other functions as are necessary for carrying out its
15 objectives under this Act.

Powers of the
Council

16 6. The Council shall have power to-

17 (a) set standards for certifying persons seeking registration with the
18 Council as traditional medicine practitioners;

19 (b) make regulations for the discipline of erring traditional medicine
20 practitioners;

21 (c) set national guidelines for the establishment of Boards and
22 Committees for the regulation and practice of traditional medicine in the State
23 and Local Government;

24 (d) establish and periodically review and update the guidelines for the
25 regulation of traditional medicine practice in Nigeria with a view to protecting
26 the population from quackery, fraud and incompetence;

27 (e) have right of access to all records of any institution or bodies to
28 which this Act applies;

29 (f) enter into collaborative and cooperation agreements or
30 arrangements with agencies and bodies with similar objectives within and

1 outside Nigeria; and

2 (g) consider for approval or otherwise any qualification in
3 traditional medicine obtained from foreign institutions or training schools
4 recognized by government of the countries where the institutions or schools
5 are located and the Council may withdraw such approval in line with the
6 provisions of this Act.

7 PART II - STAFF OF THE COUNCIL

8 7.-(1) There shall be for the Council a Registrar who shall be-

Registrar and
Staff of the
Council

9 (a) appointed by the President on the recommendation of the
10 Minister;

11 (b) the Chief Executive of the Council; and

12 (c) responsible for the execution of policy and the day-to-day
13 running of the affairs of the Council.

14 (2) Notwithstanding the provisions of subsection (1) of this
15 section, the Registrar shall-

16 (a) be the head of the Secretariat of the Council;

17 (b) issue notices of meetings of the Council;

18 (c) keep and secure the records of the Council;

19 (d) be responsible for the preparation of the minutes of the Council;

20 and

21 (e) perform such other functions as may be determined, from time
22 to time, by the Council.

23 (3) The Registrar shall hold office in the first instance for a term of
24 5 years and may be reappointed for a further term of 5 years, and no more on
25 such terms and conditions as may be specified in his letter of appointment.

26 (4) The Council shall appoint such other category of staff as it may
27 deem necessary, from time to time, for the purpose of performing the
28 functions of the Council under this Act.

29 (5) The Council shall, with the approval of the Minister, determine
30 the terms and conditions of service including remuneration, allowances,

1 benefits, etc. of officers and employees of the Council.

2 Contributory Pensions Act.

3 8. Service in the Council shall be approved service for the purpose of
4 the Contributory Pensions Act, and accordingly, employees of the Council
5 shall be entitled to pension, and other retirement benefits in respect of that
6 office.

7 PART III - FINANCIAL PROVISIONS

Establishment
of National
Traditional
Medicine Fund

8 9.-(1) There is hereby established for the Council a Fund to be known
9 as the National Traditional Medicine Fund (in this Act referred to as "the
10 Fund").

11 (2) The Fund established pursuant to subsection (1) of this section
12 shall consist of the following:

13 (a) such sums as may be appropriated, from time to time, to the
14 Council by the Government;

15 (b) money paid to the Council by way of grants, subsidies, donations,
16 gifts, charges, fees, subscriptions and interest; and

17 (c) all other sums of money accruing to or vested in the Council in
18 respect of any matter incidental to its powers or functions under this Act.

Expenditure of
the Council

19 10. The Council may, from time to time, apply the proceeds of the
20 Fund established under section 9 of this Act:

21 (a) to the cost of administration of the Council;

22 (b) to the payment of emoluments, allowances and benefits of
23 members of the Council and for reimbursing members of the Council or of any
24 Committee set up by the Council and for such expenses as maybe expressly
25 authorized by the Council;

26 (c) to the payment of the salaries, fees or other remuneration or
27 allowances, gratuities and pensions, and other benefits payable to the staff and
28 other employees of the Council, so however that no payment of any kind under
29 this paragraph (except such as may be expressly authorized by the Council
30 shall be made to any person who is in receipt of emoluments from the

- 1 Government of the Federation, of a State or Local Government;
2 (d) for the development and maintenance of any property vested in
3 or owned by the Council;
4 (e) for maintaining general financial reserves subject to general or
5 special directives that may be given in that behalf by the Minister in
6 accordance with the provisions of this Act; and
7 (f) for and in connection with all or any of its functions under this
8 Act.

9 11. The Council may, with the approval of the Minister or in Power to borrow
10 accordance with the general authority given by the Federal Government,
11 borrow by way of loan or overdraft from any source any monies required by
12 the Council to meet its obligations and its functions under this Act.

13 12.-(1) The Council may accept gifts of land, money or other Power to accept
14 property on such terms and conditions, if any, as may be specified by the gifts
15 person or organization making the gift.

16 (2) The Council shall not accept any gift if the conditions attached
17 by the person or organization making the gift are inconsistent with the
18 objectives of the Council under this Act.

19 PART IV - ESTABLISHMENT, ETC. OF TRADITIONAL MEDICINE

20 DISCIPLINARY TRIBUNAL

21 13.-(1) The Council shall, not later than the 30th day of September Annual Report
22 in each year, submit to the Minister an annual report of the estimate of its
23 income and expenditure during the succeeding year and such report shall
24 include a copy of the audited accounts of the Council for that year and the
25 auditors' report on the accounts.

26 (2) The Council shall keep proper accounts in respect of each year
27 and proper records in relation to those accounts and shall cause its accounts
28 to be audited within six months after the end of each year by auditors
29 appointed by the Council from the list and in accordance with the guidelines
30 supplied by the Auditor-General of the Federation.

Establishment,
etc. of Traditional
Medicine
Disciplinary
Tribunal

1 14.-(1) There is hereby established for the Council, a Tribunal to be
2 known as the Traditional Medicine Council Disciplinary Tribunal (in this Act
3 referred to as "the Disciplinary Tribunal") which shall be charged with the duty
4 of considering and determining any case referred to it by the Investigating
5 Panels established in the States and the Federal Capital Territory and any other
6 case of which the Disciplinary Tribunal has cognizance under the provisions of
7 this Act.

Composition of
the Disciplinary
Tribunal

8 (2) The Disciplinary Tribunal shall consist of-
9 (a) the Chairman of the Council as Chairman;
10 (b) two traditional medicine practitioners;
11 (c) four representatives of the Council; and
12 (d) two persons to represent public interest to be appointed by the
13 Minister.

Third Schedule

14 (3) The supplementary provisions set out in the Third Schedule to this
15 Act shall have effect with respect to the proceedings of the Disciplinary
16 Tribunal and the other matter mentioned therein.

Offences and
penalties for
professional
misconduct

17 15.-(1) Where-
18 (a) a person practicing under this Act is adjudged by the Disciplinary
19 Tribunal to be guilty of infamous conduct in any professional respect;
20 (b) a person practicing under this Act is convicted, by any court or
21 tribunal in Nigeria or elsewhere having power to award imprisonment of an
22 offence (whether or not an offence punishable with imprisonment) which in the
23 opinion of the Disciplinary Tribunal is incompatible with the status of a
24 traditional medicine practitioner;
25 (c) the Disciplinary Tribunal is satisfied that the name of any person
26 has been fraudulently registered; or
27 (d) the Disciplinary Tribunal may, if it thinks fit, make a
28 recommendation to Council to give a direction reprimanding that person or
29 ordering the Registrar of the Council to strike his name off the relevant part of
30 the register.

(2) The Disciplinary Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Tribunal:

Provided:

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

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

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

(4) When the Disciplinary Tribunal gives direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.

16.-(1) A person to whom a direction relates may, at any time within twenty eight days from the date of service on him of notice of the direction, appeal against the direction to the Federal High Court; and the Disciplinary Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Disciplinary Tribunal, the Disciplinary Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

Appeal against
the direction of
the Disciplinary
Tribunal

(2) A direction of the Disciplinary Tribunal under subsection (1) of this section shall take effect where-

(a) no appeal under this section is brought against the direction within the time limited for such an appeal, or on the expiration of that time;

(b) an appeal is brought and is withdrawn or struck out, on the

1 withdrawal or striking out of the appeal;

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

5 (3) A person whose name is struck off the register in pursuance of a
6 direction of the Disciplinary Tribunal under this section shall not be entitled to
7 be registered in that register again except in pursuance of a direction in that
8 behalf given by the Disciplinary Tribunal on the application of that person.

9 (4) A direction under section 15 of this Act, for the striking off of a
10 person's name from the register, may prohibit an application under this section
11 by that person until the expiration of such period from the date of the direction
12 (and where he has duly made such an application from the date of his last
13 application) as may be specified in the direction.

14 PART V - ESTABLISHMENT, ETC. OF THE STATE AND FEDERAL CAPITAL
15 TERRITORY TRADITIONAL MEDICINE BOARDS AND THE DISCIPLINARY
16 TRIBUNALS AND INVESTIGATING PANELS

17 PART V (A) - ESTABLISHMENT, ETC. OF THE STATE AND FEDERAL
18 CAPITAL TERRITORY TRADITIONAL MEDICINE BOARDS

Establishment,
etc. of State
Traditional
Medicine Boards.

19 17. The establishment, composition and functions of the State
20 Traditional Medicine Boards and Investigating Panels in each State of the
21 Federation shall be in accordance with Laws enacted by the State Houses of
22 Assembly.

Establishment,
etc. of the Federal
Capital Territory
Traditional
Medicine Board

23 18.-(1) There is hereby established for the Federal Capital Territory a
24 body to be known as the Federal Capital Territory Traditional Medicine
25 Practitioners Board (in this Act referred to as "the Board").

26 (2) The Board established under subsection (1) of this section shall be
27 a body corporate with perpetual succession and a common seal and may sue
28 and be sued in its corporate name.

Composition of
the Federal Capital
Territory Traditional
Medicine Board

29 19.-(1) The Board shall consist of-

30 (a) a Chairman who shall be a graduate with a minimum of 5 years

1 experience in the area of traditional medicine;

2 (b) one representative each of:

3 (i) the Department of Health of the Ministry of the Federal Capital
4 Territory with considerable experience in Traditional Medicine;

5 (c) six traditional medicine practitioners resident in the Federal
6 Capital Territory, each for whom shall be selected from the six Area
7 Councils of the Federal Capital Territory;

8 (d) one legal practitioner of not less than 5 years experience
9 representing public interest; and

10 (e) the Administrative secretary of the Board who shall be a
11 University graduate with considerable experience in traditional medicine
12 and shall also be a registered traditional medicine practitioner for at least 5
13 years.

14 (2) The Chairman and members of the Board shall be appointed by
15 the Minister of the Federal Capital Territory on the recommendation of the
16 Director of Health Services.

17 (3) The supplementary provisions set out in the Second Schedule to
18 this Act shall have effect with respect to the proceedings of the Board and the
19 other matters contained therein.

Second Schedule

20 20.-(1) The Chairman and members of the Board, other than ex-
21 officio members, shall each hold office in the first instance for a term of 3
22 years and may be reappointed for one further period of 3 years and no more
23 on such terms and conditions as may be specified in their letters of
24 appointment.

Tenure of office,
removal and
resignation from
office

25 (2) Notwithstanding the provisions of subsection (1) of this
26 section, the Chairman or any member of the Board may, at any time, be
27 removed from office by the Minister, on the recommendation of the
28 Director, for inability to discharge the functions of his office (whether
29 arising from infirmity of mind or body or any other cause), or for corrupt
30 practices or any act of misconduct.

1 (3) A member of the Board may, at any time, resign his office by a
2 letter addressed to the Minister or if the Minister is satisfied that it is not in the
3 interest of the Board or in the interest of the public for the person appointed to
4 continue in office the Minister may on the recommendation of the Director,
5 notify the person in writing to that effect.

Emoluments,
allowances, etc.

6 21. The Chairman and members of the Board, other than ex-officio
7 members, shall be paid such emoluments, allowances and benefits as may be
8 determined, from time to time, by the Federal Government.

Functions of
the Board

9 22. The Board shall-

10 (a) implement the Federal Government policies and guidelines on
11 traditional medicine practice in the Federal Capital Territory;

12 (b) in accordance with the guidelines of the Council, establish and
13 develop hospitals, health centres and clinics, botanical gardens, herbaria, drug
14 manufacturing units and other institutions and services for the practice of
15 traditional medicine in the Federal Capital Territory;

16 (c) compile and maintain a list of all traditional medicine practitioners
17 registered by the Council who are resident in the Federal Capital Territory;

18 (d) liaise with the Council on matters relating to the practice of
19 traditional medicine in the Federal Capital Territory;

20 (e) perform such other functions as are necessary for carrying out its
21 objectives under this Act.

Power of the
Board

22 23. The Board shall have powers to-

23 (a) in accordance with the guidelines of the Council, regulate the
24 activities of traditional medicine practitioners in the Federal Capital Territory;

25 (b) investigate alleged cases of misconduct of erring traditional
26 medicine practitioners in the Federal Capital Territory;

27 (c) appoint, promote and discipline its staff; and

28 (d) do such other things which in its opinion will ensure the
29 achievement of the purpose of this Act.

1 Board by the Government;

2 (b) monies paid to the Board by way of grants, subsidies, donations,
3 gifts, charges, fees, subscriptions and interest;

4 (c) all other sums of money accruing to or vested in the Board in
5 respect of any matter incidental to its powers or functions under this Act.

6 (2) The Board shall apply the proceeds of the fund established under
7 subsection (1) of this section to-

8 (a) the cost of administration of the Board;

9 (b) the payment of the emoluments, allowances and benefits of
10 members of the Board and for reimbursing members of the Board or of any
11 committee set up by the Board and for such expenses as may be expressly
12 authorised by the Board;

13 (c) the payment of the salaries, fees or other remuneration or
14 allowances and pensions, and other benefits payable to the staff and other
15 employees of the Board, so however that no payment of any kind under this
16 paragraph (except such as may be expressly authorised by the Board) shall be
17 made to any person who is in receipt of emoluments from the Government of
18 the Federation or of a State or the Federal Capital Territory;

19 (d) for the development and maintenance of any property vested in or
20 owned by the Board.

Power to borrow

21 27. The Board may, with the approval of the Minister or in
22 accordance with the general authority given by the Federal Government,
23 borrow by way of loan or overdraft from any source any monies required by the
24 Board to meet its obligations and its functions under this Act.

Power to accept
gifts

25 28.-(1) The Board may accept gifts of land, money or other property
26 on such terms and conditions, if any, as may be specified by the person or
27 organization making the gift.

28 (2) The Board shall not accept any gift if the conditions attached by
29 the person or organization making the gift are inconsistent with the objectives
30 of the Board under this Act.

1 29.-(1) The Board shall, not later than the 30th day of September in
2 each year, submit to the Director an annual report of the estimate of its
3 income and expenditure during the succeeding year and such report shall
4 include a copy of the audited accounts of the Board for that year and the
5 auditors' report on the accounts.

Annual reports
of the Board

6 (2) The Board shall keep proper accounts in respect of each year
7 and proper records in relation to those accounts and shall cause its accounts
8 to be audited within six months after the end of each year by auditors
9 appointed by the Board from the list and in accordance with the guidelines
10 supplied by the Auditor-General of the Federation.

11 PART V (C) - FEDERAL CAPITAL TERRITORY TRADITIONAL MEDICINE

12 BOARD INVESTIGATING PANEL

13 30.-(1) There is hereby established for the Board a body to be
14 known as the Federal Capital Territory Traditional Medicine Board
15 Investigating Panel (in this Act referred to as "the Investigating Panel")
16 which shall be charged with the duty of-

Establishment
and composition
of Federal Capital
Territory Traditional
Medicine Board
Investigating Panel

17 (a) conducting preliminary investigation into any case where it is
18 alleged that a person practicing traditional medicine has misbehaved or
19 committed an act of misconduct or breached any of the ethics or code of
20 practice of Traditional Medicine or should for any other reason be subject to
21 proceedings before the disciplinary Tribunal; and

22 (b) deciding whether the case should be referred to the Disciplinary
23 Tribunal.

24 (2) Subject to the provisions of subsection (1) of this section, the
25 Investigating Panel shall, upon conclusion of its investigation and if it is of
26 the opinion that the matter shall be the subject of proceedings before the
27 Disciplinary Tribunal, refer the matter to the Disciplinary Tribunal.

28 (3) The members of the Investigating Panel established under
29 subsection (1) of this section shall be appointed by the Board and shall
30 consist of-

1 (a) two registered traditional medicine practitioners who are resident
2 in the Federal Capital Territory;

3 (b) two representatives of the Board; and

4 (c) two other persons who shall not be members of the Board, and one
5 of whom shall be a legal practitioner of not less than 5 years post qualification
6 experience to represent public interest.

Fourth Schedule

7 (4) The provisions of the Fourth Schedule to this Act shall, in so far as
8 they are applicable to the Investigating Panel, have effect with respect to it.

9 PART V (D) - MISCELLANEOUS PROVISIONS RELATING TO THE BOARD

Direction by the
Minister, etc. to
the Board

10 31. The Minister may give to the Board or the Administrative
11 Secretary such directives of a general nature or relating generally to matters of
12 policy with regard to the exercise of its or his functions or with respect to the
13 maintenance and securing of public safety and order.

Power to make
regulations for
Part IV

14 32. The Minister may, in accordance with the Council's guidelines
15 and on the advice of the Board, make regulations generally for the purposes of
16 Part IV of this Act or for giving effect to the functions of the Board under Part
17 IV of this Act and in particular prescribe-

18 (a) for the performance of any duty imposed and the effective exercise
19 of any power conferred upon the Board by or under the provisions of Part IV of
20 this Act; and

21 (b) standards and guidelines for maintenance, management,
22 organization, administration, and operation of traditional medicine clinics,
23 health centers, and hospitals or any facilities for traditional medicine of any
24 description owned or operated by the Board or any private individual or
25 corporate body in the Federal Capital Territory.

Interpretation of
some terms in
Part IV

26 33. For the purposes of Part IV of this Act, the following terms shall
27 have the meanings attached to them-

28 "Administrative Secretary" means the Administrative Secretary of the Board
29 appointed under section 21 of this Act;

30 "Board" means the Federal Capital Territory Traditional Medicine Board;

- 1 "Chairman" means the Chairman of the Federal Capital Territory
2 Traditional Medicine Board;
- 3 "Company" means a duly registered company under the provisions of the
4 Companies and Allied Matters Act and any other company, association or
5 partnership of any number of persons;
- 6 "Corporate body" means any body incorporated under the provisions of any
7 law;
- 8 "Department" means the Department in the Ministry of Federal Capital
9 Territory with responsibility for health matters;
- 10 "Director" means the Director of Health Services in the Ministry of Federal
11 Capital Territory;
- 12 "Member" means a member of the Board and includes the Chairman;
- 13 "Minister" means the Minister of the Federal Capital Territory;
- 14 "Investigating Panel" means the Investigating Panel of the Federal Capital
15 Territory Traditional Medicine Board.

16 PART VI - MISCELLANEOUS

- 17 34.-(1) As from the commencement of this Act, any person who is Offences and
18 not a registered Traditional Medicine Practitioner- penalties
- 19 (a) for or in expectation of reward, practices or holds himself out as
20 a registered Traditional Medicine Practitioner or practices as a Traditional
21 Medicine Practitioner;
- 22 (b) takes or uses the title of Traditional Medicine Practitioner; or
- 23 (c) without reasonable excuse takes a uses any name, title, addition
24 of Traditional Medicine Practitioner;
25 commits an offence.
- 26 (2) If any person for the purpose of procuring the registration of
27 any name, qualification or other matter-
- 28 (a) makes a statement which he knows to be false in a material
29 particular; or

1 (b) recklessly makes a statement which is false in a material
2 particular,
3 commits an offence under this section.

4 (3) If the Registrar or any person employed by the Council wilfully
5 makes any falsification in any matter relating to the register he commits an
6 offence under this section.

7 (4) A person who is guilty of an offence under this section shall be
8 liable-

9 (a) on summary conviction, to a fine of N50,000;

10 (b) on conviction or indictment, to a fine of N100,000 or
11 imprisonment for a term not exceeding 5 years or to be both such fine and
12 imprisonment.

13 (5) Where an offence under this section committed by a body
14 corporate is proved to have been committed with the consent or connivance of,
15 or to be attributable to any neglect on the part of any director, manager,
16 secretary or other similar officer of the body corporate, or any person
17 purporting to act in any such capacity, he as well as the body corporate, shall be
18 deemed to be guilty of that offence and shall be liable to be proceeded against
19 and punished accordingly.

General directions
by the Minister

20 35. The Minister may give to the Council or the Registrar such
21 directives of a general nature or relating generally to matters of policy with
22 regard to the exercise of its or his functions or with respect to the maintenance
23 and securing of public safety and order.

Power to make
Regulations

24 36. The Minister may, on advice of the Council, make regulations
25 generally for the purposes of this Act or for giving effect to the provisions of
26 this Act.

Interpretation

27 37. In this Act, except the context otherwise requires-
28 "Chairman" means the Chairman of the Traditional Medicine Council of
29 Nigeria;
30 "Council" means the Traditional Medicine Council of Nigeria;

1 “Disciplinary Tribunal” means the Disciplinary Tribunal established under
2 section 14 of this Act;

3 “Registrar” means the Registrar of the Council appointed under section 7 of
4 this Act;

5 “Minister” means the Minister charged with the responsibility for health;

6 “President” means the President of the Federal Republic of Nigeria;

7 “Traditional Medicine” is the total combination of knowledge and practices,
8 whether explicable or not, used in diagnosing, preventing or eliminating
9 physical, mental or social diseases and which may rely exclusively on past
10 experience and observation handed down from generation to generation,
11 verbally or in writing.

12 38. This Act may be cited as the Traditional Medicine Council of Short Title
13 Nigeria (Establishment, etc.) Bill, 2016.

14 SCHEDULE

15 FIRST SCHEDULE

16 Section 2 (3)

17 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

18 1. The Council shall for the purposes of this Act, meet four times
19 in each year and subject, thereto, the Council shall meet whenever it is
20 summoned by the Chairman if required to do so, by notice given to him by
21 not less than five other members, the Chairman shall summon a meeting of
22 the Council to be held not less than 7 days from the date on which the notice
23 is given.

24 2. Where the Council desires to obtain the advice of any person on
25 a particular matter, the Council may co-opt him to the Council for such
26 period as it thinks fit; but a person who is a member by virtue of this
27 paragraph shall not be entitled to vote at any meeting of the Council and
28 shall not count towards a quorum.

29 3.-(1) The Council may appoint one or more committees to carry
30 out on behalf of the Council, some of its functions under this Act as the

1 Council may determine.

2 (2) A committee appointed under this paragraph shall consist of such
3 number of persons (not necessarily members of the Council as may be
4 determined by the Council); and a person, other than a member of the Council,
5 shall hold office on the committee in accordance with the terms of his
6 appointment.

7 (3) A decision of a committee to the Council shall be of no effect until
8 it is confirmed by Council.

9 4.-(1) Fixing of the seal of the Council shall be authenticated by the
10 signature of the Registrar or of any other person authorized generally or
11 specifically to act for that purpose by the Council or Registrar.

12 (2) Any contract or instrument, which if made or executed by a person
13 not being a body corporate, would not be required to be under seal may be made
14 or executed on behalf of the Council by the Registrar or any person generally or
15 specially authorized by the Council to act for the purpose.

16 (3) Any document purporting to be a document duly executed under
17 the seal of the Council shall be received in evidence and shall, unless and until
18 the contrary is proved, be presumed to be so executed.

19 5. The validity of any proceeding of the Council or of a committee
20 thereof shall not be adversely affected by any vacancy in the membership of the
21 Council or of a committee, or by reason that a person not entitled to do so took
22 part in the proceedings of the Council or committee.

23 6.-(1) A member who is directly or indirectly interested in any matter
24 being deliberated upon or considered by the Council or is interested in a
25 contract made or proposed to be made by the Council shall, as soon as possible
26 after relevant facts have come to his knowledge, disclose the nature of his
27 interest in writing or at a meeting of the Council.

28 (2) A disclosure made under subparagraph (1) of this paragraph shall
29 be recorded in the minutes of meetings of the Council considering the matter or
30 contract in respect of which the interest was disclosed and the members shall

1 not participate in the meeting.

2 *Meeting of the Council*

3 7.-(1) Subject to the provisions of any standing orders of the
4 Council, the Council shall meet whenever it is summoned by the Chairman,
5 and if the Chairman is required to do so, by notice in writing given to him by
6 not less than five other members, he shall summon a meeting of the Council
7 to be held within fourteen days from the date on which the notice is given.

8 (2) At every meeting of the Council, the Chairman shall preside or
9 in his absence, the members present at the meeting shall appoint one of their
10 numbers to preside at the meeting.

11 (3) The quorum of the meeting of the Council shall consist of the
12 Chairman, or in appropriate case, the person presiding at the meeting
13 pursuant to paragraph 7 (2) of this Schedule and 25 other members.

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

19 (5) Notwithstanding anything in the foregoing provisions of this
20 paragraph, the first meeting of the Council shall be summoned by the
21 Minister.

22 **SECOND SCHEDULE**

23 *Section 19 (3)*

24 **SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**

25 1. The Board shall for the purposes of Part IV of this Act, meet
26 four times in each year and subject, thereto, the Board shall meet whenever it
27 is summoned by the Chairman if required to do so, by notice given to him by
28 not less than five other members, the Chairman shall summon a meeting of
29 the Board to be held not less than 7 days from the date on which the notice is
30 given.

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

6 3.-(1) The Board may appoint one or more committees to carry out, on
7 behalf of the Board, such of its functions under this Act as the Board may
8 determine.

9 (2) A committee appointed under this paragraph shall consist of such
10 number of persons (not necessarily members of the Board as may be
11 determined by the Board) and a person, other than a member of the Board, shall
12 hold office on the committee in accordance with the terms of his appointment.

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

15 4.-(1) Fixing of the seal of the Board shall be authenticated by the
16 signature or the Administrative Secretary or of any other person authorized
17 generally or specifically to act for that purpose by the Board or the
18 Administrative Secretary.

19 (2) Any contract or instrument, which if made or executed by a person
20 not being a body corporate, would not be required to be under seal may be made
21 or executed on behalf of the Board by the Administrative Secretary or any
22 person generally or specially authorized by the Board to act for the purpose.

23 (3) Any document purporting to be a document duly executed under
24 the seal of the Board shall be received in evidence and shall, unless and until the
25 contrary is proved, be presumed to be so executed.

26 5. The validity of any proceeding of the Board or of a Committee
27 thereof shall not be adversely affected by any vacancy in the membership of a
28 Committee, or the Board or by reason that a person not entitled to do so took
29 part in the proceedings of the Board or Committee.

30 6.-(1) A member who is directly or indirectly interested in any matter

1 being deliberated upon or considered by the Board or is interested in any
2 contract made or proposed to be made by the Board shall, as soon as possible
3 after relevant facts have come to his knowledge, disclose the nature of his
4 interest in writing; or at a meeting of the Board.

5 (2) A disclosure made under subparagraph (1) of this paragraph
6 shall be recorded, in the minutes of meetings of the Board considering the
7 matter or contract in respect of which the interest was disclosed and the
8 member shall not participate in the meeting.

9 THIRD SCHEDULE

10 *Section 14 (3)*

11 SUPPLEMENTARY PROVISIONS RELATING TO THE

12 DISCIPLINARY TRIBUNAL

13 1. The quorum of the Disciplinary Tribunal shall be five members.

14 2.-(1) The Attorney-General of the Federation shall make rules as
15 to the selection of members of the Disciplinary Tribunal for the purpose of
16 any proceeding, the procedure to be followed and the rules of evidence to be
17 observed in proceedings before the Disciplinary Tribunal.

18 (2) The rules shall not be limited to, but in particular provide for-

19 (a) notice of the proceedings to be given at such time and in such
20 manner, as may be specified by the rules to the person who is the subject of
21 the proceedings;

22 (b) determining who, in addition to the initial party to the
23 proceedings, shall be a party to the proceedings;

24 (c) securing that any party to the proceedings shall, if he so
25 requires, be entitled to be heard by the Disciplinary Tribunal;

26 (d) representation, by a legal practitioner, of a party to the
27 proceedings, subject to the provisions of section 15 (4) of this Act, as to the
28 cost of proceedings before the Disciplinary Tribunal.

29 3. For the purpose of any proceedings before it, the Disciplinary
30 Tribunal may administer oaths on any party to the proceedings and may

1 issue out of the registry of the Disciplinary Tribunal writes of subpoena ad
2 testificandum and duces tecum but no person appearing before the Disciplinary
3 Tribunal shall be compelled to-

4 (a) make any statement before the Disciplinary Tribunal tending to
5 incriminate himself;

6 (b) produce any document under such writ which he could not be
7 compelled to produce at the trial of an action.

8 4. Any person ceasing to be a member of the Disciplinary Tribunal
9 shall be eligible for reappointment as a member of that body.

10 5. The Disciplinary Tribunal may act notwithstanding any vacancy
11 in its membership and the proceedings of the Tribunal shall not be invalidated
12 by any irregularity in the appointment of any member of the Tribunal or by
13 reason of the fact that any person who was not entitled to do so took part in the
14 proceedings of that body.

15 6. Any document authorised or required by virtue of this act to be
16 served on the Disciplinary Tribunal shall be served on the Executive Secretary.

17 7. Any expenses of the Disciplinary Tribunal shall be defrayed by the
18 Council.

19 8. A person shall not by reason of his appointment as an assessor to
20 the Disciplinary Tribunal, be treated as holding an office in the public service
21 of the Federation.

22 9.-(1) For the purpose of advising the Disciplinary Tribunal on
23 questions of law arising in proceedings before it, there shall in all such
24 proceedings be an assessor to the Disciplinary Tribunal who shall be appointed
25 by the Council on the nomination of the Attorney-General of the Federation
26 and shall be a legal practitioner of not less than seven years standing.

27 (2) The Attorney-General of the Federation shall make rules as to the
28 functions of assessors appointed under this paragraph and in particular such
29 rules shall contain provisions for securing-

30 (a) that where an assessor advises the Disciplinary Tribunal on any

1 question of law as to evidence, procedure or any other matters specified by
2 rules, he shall do so in the presence of every party or person representing a
3 party to the proceedings who appear thereat or, if the advice is tendered
4 while the Disciplinary Tribunal is deliberating in private, then every such
5 party or person as aforesaid shall be informed what advice the assessor has
6 tendered; and

7 (b) that every such party or person as aforesaid shall be informed if
8 in any case the Disciplinary Tribunal does not accept the advice of the
9 assessor on such a question as aforesaid.

10 (3) An assessor may be appointed under this paragraph either
11 generally or for any particular proceedings or class of proceedings and shall
12 hold and vacate office in accordance with the terms of the letter by which he
13 is appointed.

14 FOURTH SCHEDULE

15 *Section 30 (4)*

16 SUPPLEMENTARY PROVISIONS RELATING TO THE INVESTIGATING PANEL

17 1. The quorum of the Investigating Panel shall be three, two of
18 whom shall be traditional medicine practitioners.

19 2.-(1) The Investigating Panel may, at any of its meetings attended
20 by all the members of the Panel, make standing orders with respect to the
21 business of the Panel.

22 (2) Subject to the provisions of any such standing orders, the
23 Investigating Panel may regulate its own procedure.

24 3. A person ceasing to be a member of the Investigating Panel shall
25 be eligible for reappointment as a member of that body.

26 4. The Investigating Panel may act notwithstanding any vacancy
27 in its membership, and the proceedings of the panel shall not be invalidated
28 by any irregularity in the appointment of any member of that body or by
29 reason of the fact that any person who was not entitled to do so took part in
30 the proceedings of that body.

- 1 5. Any document authorised or required by virtue of this Act to be
- 2 served on the Disciplinary Tribunal or the Investigating Panel shall be served
- 3 on the Administrative Secretary.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Traditional Medicine Council Of Nigeria.