

NATIONAL COUNCIL OF RADIOLOGY AND RADIATION MEDICINE

ESTABLISHMENT BILL, 2017

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL COUNCIL OF RADIOLOGY AND RADIATION MEDICINE TO PROVIDE FOR THE CONTROL AND PRACTICE OF THE PROFESSION OF RADIOLOGY, RADIATION MEDICINE, NUCLEAR MEDICINE, RADIOTHERAPY, RADIOGRAPHY, MEDICAL PHYSICS AND TECHNOLOGY AND FOR RELATED MATTERS 2017

Sponsored by Hon. Patrick Asadu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

PART I - NATIONAL COUNCIL OF RADIOLOGY AND RADIATION

MEDICINE (NCR)

1. There is hereby established for National Council of Radiology and Radiation Medicine a body to be known as the National Council of Radiology and Radiation Medicine (NCR) (in this Act referred to as "the Council") which shall be charged with the duty of-

Establishment
of the National
Council of
Radiology and
Radiation
Medicine

(a) To Regulate the practice of Radiology and Radiation Medicine in Nigeria;

(b) To oversee the components of the Radiology profession, including all radiation workers, Radiologists and Residents, Radiographers, Medical Physicist, Biomedical Engineers, X-ray Technicians, Radiation Nurses;

(c) To Register and Regulate standards and establishment of the Radiology Department, Radiotherapy Department, Nuclear Medicine and Diagnostic Centers in Nigeria;

(d) To establish setting and review of standards for the domestication of world-class radiologic service delivery systems and

1 promotion of indices to measure and evaluate clinical radiological excellence;

2 (e) To Act as the agency to compile, domesticate and administer a
3 register or compendium of radiologists, radiotherapists, nuclear medicine
4 physicians and medical physicist in practice in Nigeria;

5 (f) To determining what standards of knowledge and skill are to be
6 attained by persons seeking to become members of the profession Radiologist
7 and Radiography to improve those standards, from time to time, as
8 circumstances may permit;

9 (g) Securing, in accordance with the provisions of this Act, the
10 establishment and maintenance of a register of persons registered under this
11 Act as members of the profession and the publication from time to time of lists
12 of those persons;

13 (h) conducting examinations in the profession and awarding
14 supplementary Continuous Medical Education certificates or diplomas to
15 successful candidates as appropriate; and for such purpose the Council shall
16 prescribe fees to be paid in respect thereof; and performing any other functions
17 conferred on the Council by this Act;

18 (i) Licensing and monitoring of facilities to ensure minimum standard
19 in collaboration with NNRA and the Federal Government on issues that could
20 affect the practice of Radiology;

21 (j) Issue Certificate of Standards for the practice of Radiology;

22 (k) Power to discipline any Radiologist, Radiotherapist, Nuclear
23 medicine, Radiographer and Medical Physicist in conjunction with their
24 respective boards or council breaking the laws of the NCR council;

25 (l) Maintain an on-going relationship with other agencies and boards
26 involved in monitoring of members involved in the practice of Radiology e.g.
27 MDCN, RRBN, NNRA, ARIN, ARN etc.

28 (m) Work together with Federal and State Agencies involved in
29 Health Policies and Regulations;

30 (n) The NCR shall work together with the Federal Ministry of Health,

- 1 Federal Agencies, State Agencies, relevant, Legislative Committees
 2 involved in promulgating laws or bi-laws affecting the practice of
 3 Radiology;
 4 (9) To provide advisory role to the Federal Government on
 5 National issues, policies and research that directly or indirectly affect the
 6 practice of Radiology, radiation oncology and nuclear medicine.
- 7 2. (1) The Council shall comprise the following members, that is-
 8 (a) a chairman who shall be a Radiologist and has been so qualified
 9 for not less than twelve years;
 10 (b) Four Radiologist one from Public sector and other three from a
 11 tertiary center, Federal Teaching Hospital and State Teaching Hospital, in
 12 consultation with the Association of Radiologists in Nigeria (ARIN);
 13 (c) Three Radiotherapist/ Radiation medicine one from Public
 14 sector and other two from a tertiary center, Federal Teaching Hospital or
 15 from State Teaching Hospital;
 16 (d) Two Nuclear Medicine/Nuclear Radiologist;
 17 (e) Three Radiographers one to represent the Radiographers
 18 Registration Board (RRBN) and the other radiographer to represent the
 19 Association of Radiographers of Nigeria (ARN) and one from a Tertiary
 20 Institution;
 21 (f) Two Medical Physicist to represent Medical Physicist in
 22 Nigeria;
 23 (g) Representative of MDCN;
 24 (h) Representative of the National Postgraduate Medical College;
 25 (i) Representative of NNRA;
 26 (j) one person to represent public interest;
 27 (k) one person to represent the Federal Ministry of Health; and
 28 (2) All appointments in this section shall be made by the Minister
 29 on the recommendation of the appropriate bodies, if any.
 30 (3) The provisions of the First Schedule to this Act shall have

to be read
 in the
 Council

Membership of
 the Council

Deputy
 Chair
 of the
 Council

to be read
 in the
 Council

Powers of the
Council

1 effect with respect to the matters mentioned therein.

2 3.-(1) Subject to subsection (2) of this section and to any directions of
3 the Minister under this Act, the Board shall have powers to do anything which
4 in its opinion is calculated to facilitate the carrying on of its activities under this
5 Act.

6 (2) The Board shall not have power to borrow or to dispose of any
7 property except with the prior consent of the Minister and shall not have power
8 to pay remuneration (including pensions), allowances or expenses to any
9 employees of the Board or any other person except in accordance with scales
10 approved by the Minister.

11 (3) The Council shall have powers to approve the registration of
12 Radiology and Diagnostic centers in Nigeria.

Departments/
Units of the
Council

13 4. The council should have the following departments/units:

14 -(i) Department of policy, statistics and strategic planning;

15 (ii) Ethics and disciplinary unit;

16 (iii) Department of Patients' safety and public interest;

17 (iv) Department of Registration and service inspectorate;

18 (v) Legal services department;

19 Each of these units/departments shall be headed by a person of the rank of a
20 Director.

Fund of the
Council

21 5.-(1) The fund of the Council shall consist of-

22 (a) all fees and other moneys payable to the Council in pursuance of
23 this Act; and

24 (b) such moneys as may be payable to the Council, whether in the
25 course of the discharge of its functions or otherwise.

26 (2) There shall be paid out of the fund of the Council-

27 (a) the remuneration and allowances of the Registrar and other
28 employees of the Council;

29 (b) such reasonable travelling and subsistence allowances of
30 members of the Council in respect of the time spent on the business of the

1 Council as the Council may, with the approval of the Minister, determine;
2 and

3 (c) any other expenses incurred by the Council in the discharge of
4 its functions under this Act.

5 6.-(1) The Council shall prepare and submit to the Minister not Financial
6 later than the 30th day of June of the year in which this Act comes into force provisions
7 (so however that the Minister may, if he considers it necessary, extend the
8 period) and of each subsequent year, an estimate of its income and
9 expenditure during the next succeeding financial year.

10 (2) The Council shall keep proper accounts in respect of each
11 financial year and proper records in relation to those accounts and shall
12 cause its accounts to be audited within six months after the end of each
13 financial year to which the accounts relate.

14 7. The Minister may give to the Council directions of a general Control of the
15 character or relating generally to particular matters (but not to any individual Board by the
16 person or case) with regard to the exercise by the Board of its functions and it Minister
17 shall be the duty of the Board to comply with the directions.

18 8.-(1) The Council shall, in consultation with the Association Registrar and
19 Radiologists in Nigeria, appoint a registered person of proven integrity who other staff of the
20 has been qualified as a Radiologist/Radiotherapist for not less than twelve Council
21 years to be the Registrar for the purposes of this Act.

22 (2) The Registrar shall, in addition to his other functions under this
23 Act, be the secretary to the Council and shall, on the instructions of the
24 chairman of the Council or of any committee thereof, convene meetings of
25 the Board or of any committee thereof and keep minutes of the proceedings
26 at all such meetings as the case may be.

27 (3) The Council may appoint such other persons to be staff of the
28 Council as the Council may determine to assist the Registrar in the exercise
29 of his functions under this Act.

30 (4) The Council may, whenever the Registrar is absent or for any

1 other reason unable to discharge the functions of his office, appoint an acting

2 Registrar who shall have the same qualifications as in subsection (1) of this

3 section to discharge those functions.

4 (5) The Registrar and other staff of the Council shall hold office on

5 such conditions as the Council may, with the approval of the Minister,

6 determine.

7 **PART II REGISTRATION AND MISCELLANEOUS PROVISIONS**

8 **CHAPTER I RELATING THERETO**

9 **9.-(1)** It shall be the duty of the Registrar to request and receive from

10 National Postgraduate College of Medicine or West African College of

11 Surgeons a Register for all Radiologist/ Radiotherapist/ Nuclear Medicine in

12 Nigeria. Also from the RRBN Board/ Medical Physic Board a register of all

13 Radiographers and Medical Physicist in Nigeria and from Medical Physicist

14 Council or Group. He shall prepare and maintain, in accordance with rules

15 made by the Council under this section, a register of the names, addresses,

16 approved qualifications and of such other particulars as may be specified of all

17 persons who are entitled in accordance with the provisions of this Act to be

18 registered as practicing Radiologist, Radiographers and Medical Physicist

19 who apply in the specified manner to be so registered.

20 (2) Subject to the following provisions of this section, the Council

21 shall make rules with respect to the form and keeping of the register and the

22 making of entries therein, and in particular-

23 (a) Regulating the making of application for registration and

24 providing for the evidence to be produced in support of applications;

25 (b) Providing for the notification to the Registrar by the person to

26 whom any registered particulars relate, of any change in those particulars;

27 (c) Authorizing a registered person to have any qualification which is,

28 in relation to the profession, whether an approved qualification or an accepted

29 qualification for the purposes of section 10 (2) of this Act, registered in relation

30 to his name in addition to or, as he may elect, in substitution for any other

Register of
Radiologist,
Radiotherapist,
Nuclear Medicine/
Nuclear Radiologist
and Radiographers

1. ... qualifications so registered;

2. ... (d) Specifying the fees to be paid to the Council in respect of the

3. ... entry of names on the register and authorising the Registrar to refuse to enter

4. ... a name on the register until any fees specified for entry have been paid, but

5. ... rules made for the purposes of paragraph (d) of this subsection shall not

6. ... come into force until they are confirmed by the Minister.

7. ... (3) It shall be the duty of the Registrar-

8. ... (a) to correct, in accordance with the directions of the Council, any

9. ... entry in the register which the Board directs him to correct as being in the

10. ... opinion of the Council an entry which was incorrectly made;

11. ... (b) to make from time to time any necessary alterations to the

12. ... registered particulars of registered persons; and

13. ... (c) to remove from the register the name of any registered person

14. ... who has died or has become insane, or for any other reason has ceased to be a

15. ... member of the profession.

16. ... (4) If the Registrar-

17. ... (a) sends by post to any registered person a registered letter

18. ... addressed to him at his address in the register enquiring whether the

19. ... registered particulars relating to him are correct and receives no reply to that

20. ... letter within three months from the date of posting it; and

21. ... (b) upon the expiration of that period sends in like manner to the

22. ... person in question a second letter and receives no reply to that letter within

23. ... three months from the date of posting it,

24. ... the Registrar may remove the particulars relating to that person from the

25. ... register; but the Council may direct the Registrar to restore to the register

26. ... any particulars removed there from under this subsection.

27. ... 10.-(1) It shall be the duty of the Registrar-

28. ... (a) to cause the register to be printed, published and put on sale to

29. ... members of the public not later than two years from the beginning of the

30. ... year in which this Act comes into force;

1 (b) in each year after that in which a register is first published under
2 paragraph (a) of this subsection, to cause to be printed, published and put on
3 sale as aforesaid either a corrected edition of the register or a list of alterations
4 made to each register since it was last printed; and

5 (c) to cause a print of each edition of the register and of each list of
6 corrections to be deposited at the principal office of the Board, and it shall be
7 the duty of the Board to keep each register and lists so deposited open at all
8 reasonable times for inspection by members of the public.

9 (2) A document purporting to be a print of an edition of a register
10 published under this section by authority of the Registrar in the current year or
11 documents purporting to be prints of an edition of a register so published in the
12 current year, shall (without prejudice to any other mode of proof) be admissible
13 in any proceedings as evidence that any person specified in the document, or
14 the documents read together, as being registered is so registered and that any
15 person not so specified is not so registered.

Registration as
Radiologist/
Radiotherapist/
Nuclear Medicine
or Nuclear
Radiologist

16 11.-(1) Subject to section 27 of this Act and to rules made under
17 section 8 (2) of this Act, a person shall be entitled to be registered under this Act
18 and being so registered to receive a registration certificate if-

19 (a) he has attended a course of training by the National Postgraduate
20 College of Medicine FMCR West African College of Surgeons (FWACS
21 Radiology) or other approved by the Council under section 19 of this Act;

22 (b) he holds one or more qualifications prescribed in the Third
23 Schedule to this Act for the purpose of registration on the register and has
24 complied with the other requirements prescribed under section 8;

25 (c) he holds a qualification granted outside Nigeria for the time being
26 accepted by the Council for the purposes of this subsection as respects the
27 profession;

28 (d) that in the country in which the qualification was granted he was
29 under no legal disability in the practice of the profession;

30 (e) that he is of good character; and

1 (f) that he has paid any prescribed fees.

2 (ii) The Council shall from time to time publish in the Federal
3 Gazette particulars of the qualifications for the time being accepted as
4 aforesaid.

5 (iii) The qualifications specified in the Third Schedule to this Act
6 are those accepted for the time being by the Council as the minimum
7 qualifications for the purpose of registration on the register maintained
8 under section 8 (1) of this Act.

9 (2) Registration as Radiographer or Medical Physicist-

10 (i) Subject to section 27 of this Act and to rules made under section
11 8 (2) of this Act, a person shall be entitled to be registered under this Act and
12 being so registered to receive a registration certificate if-

13 (a) he has attended a course of training approved by the RRBN
14 Board or Medical Physics Board under section 19 of this Act;

15 (b) the course was conducted at an institution so approved, or
16 partly at one such institution and partly at another;

17 (c) he holds one or more qualifications prescribed in the Third
18 Schedule to this Act for the purpose of registration on the register and has
19 complied with the other requirements prescribed under section 8 (2) of this
20 Act; and

21 (d) he pays any prescribed fees.

22 (ii) Subject to section 27 of this Act and to rules made under section
23 8 (2) of this Act, a person shall also be entitled to be registered under this Act
24 and being so registered to receive a registration certificate if he satisfies the
25 Council-

26 (a) that he holds a qualification granted outside Nigeria for the time
27 being accepted by the RRBN Board or Medical Physics Board for the
28 purposes of this subsection as respects the profession;

29 (b) that in the country in which the qualification was granted he
30 was under no legal disability in the practice of the profession;

1 (c) that he is of good character; and

2 (d) that he has paid any prescribed fees.

3 (iii) The Board shall from time to time publish in the Federal Gazette
4 particulars of the qualifications for the time being accepted as aforesaid.

5 (iv) The qualifications specified in the Third Schedule to this Act are
6 those accepted for the time being by the RRBN Board or Medical Physics
7 Board as the minimum qualifications for the purpose of registration on the
8 register maintained under section 8 (1) of this Act.

Certificate invalid
if given by
unregistered
person

9 12. A certificate required by any written law from any class of
10 persons for whom a register is maintained under this Act shall not be valid
11 unless the person signing it is registered in accordance with this Act.

Appointments
not to be held
by unregistered
persons

12 13.-(1) Subject to the provisions of this Act, no person not being a
13 fully qualified registered Radiologist or Radiotherapist or a fully qualified
14 Radiographer or Medical Physicist under this Act shall be entitled to hold any
15 appointment in the public service of the Federation or of a State or in any public
16 or private establishment, body or institution, if the holding of such appointment
17 involves the performance by him in Nigeria of any act pertaining to the
18 profession for gain.

19 (2) Nothing in this section or in any other provisions of this Act shall
20 prevent a person from holding any appointment referred to in subsection (1) of
21 this section while he is undergoing training for the purpose of becoming
22 qualified for registration under this Act under the supervision of persons who
23 are registered in accordance with this Act.

Prohibition of
falsely professing
to be registered
person

24 14.-(1) Any person, not being registered on any register maintained
25 under section 8 of this Act, who holds himself out to be so registered or uses any
26 name, title, description or symbol, calculated to lead any person to infer that he
27 is so registered, shall be guilty of an offence.

28 (2) Any person convicted of an offence under subsection (1) of this
29 section shall be liable for a first offence to a fine of not less than N100,000 or
30 more than N200,000 or to imprisonment for a term not exceeding six months or

1 to both such fine and imprisonment and on conviction for a second or any
2 subsequent offence to imprisonment for a term of not less than one year or
3 more than three years, without an option of a fine.

4 15.-(1) Subject to the provisions of this Act, a registered Recovery of fees
5 radiologist/radiographer shall be entitled to recover his fees for professional
6 services by action in any court of competent jurisdiction.

7 (2) No fees shall be recoverable by legal proceedings in respect of
8 any act pertaining to the profession of a registered person when performed
9 by a person who is prohibited from performing such act for gain.

10 16.-(1) If any person for the purpose of procuring the registration Securing
registration
through fraudulent
means
11 of any name, qualification or other matter-

12 (a) makes a statement which he believes to be false in a material
13 particular; or

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

16 (2) If the Registrar or any other person employed by the Board
17 wilfully makes any falsification in any matter relating to any register
18 maintained under this Act, he shall be guilty of an offence.

19 (3) A person guilty of an offence under this section shall be liable-

20 (a) on conviction in a court of summary jurisdiction to a fine not
21 exceeding N500,000;

22 (b) on conviction in a High Court, to a fine not exceeding N1,
23 000,000 or to imprisonment for a term not exceeding two years, or to both
24 such fine and imprisonment.

25 (4) Where an offence under this Part which has been committed by
26 a body corporate is proved to have been committed with the connivance of
27 or to be attributable to any neglect on the part of any director, manager,
28 secretary or other similar officer of the body corporate or any person
29 purporting to act in any such capacity, he, as well as the body corporate, shall
30 be deemed to be guilty of that offence and shall be liable to be proceeded

Burdens of
proving registration

1 against and punished accordingly as provided in subsection (3) of this section.
2 **17.** In any criminal proceedings against any person upon a charge of
3 having performed an act which constitutes an offence if performed by an
4 unregistered person, the person charged shall be deemed to be unregistered
5 unless he proves the contrary.

6 PART III - TRAINING

Establishment
of the Nigerian
Institute of
Radiological
Sciences

7 **18.-(1)** The Council may, for the purposes of training persons seeking
8 to enhance the knowledge of Radiology, establish a Nigerian Institute of
9 Radiological Sciences (in this Act referred to as "the Institute").

10 (2) Any course conducted by the Institute shall be deemed to be an
11 approved course under section 19(1) of this Act.

12 (3) The Institute shall have power-

13 (a) subject to any direction that may be given by the Council, to award
14 a certificate of Continuing Medical Education from the Institute to any
15 candidate who is successful at an examination conducted at the end of a course
16 at the Institute;

17 (b) to charge persons undertaking courses at the Institute such fees as
18 it may, from time to time, with the approval of the Board, fix;

19 (c) employ such lecturers, teachers and other employees as it may
20 deem necessary for the efficient performance of its functions under this Act;
21 and

22 (d) do such other things which in its opinion is calculated to facilitate
23 the carrying on of its functions under this Act.

Approval of
Courses

24 **19.-(1)** Subject to subsection (2) of this section, the Board may
25 approve for the purposes of section 10 of this Act-

26 (a) a course of CME training which is intended for person seeking to
27 become members of the profession under this Act, and which the Board
28 considers is designed to confer on persons completing it sufficient knowledge
29 and skill for the practice of the profession; with considerations of the MDCN
30 and RRBN acts;

1 (b) any institution, either in Nigeria or elsewhere, which the
2 Council considers is properly organised and equipped for conducting the
3 whole or any part of the course of training approved by the Council under
4 this section;

5 (c) any qualification which, as a result of the examinations taken in
6 conjunction with the course of training approved by the Board under this
7 section, is granted to candidates reaching a standard at the examination
8 indicating, in the opinion of the Council, that they have sufficient
9 knowledge and skill to practise the profession to which the qualification
10 relates.

11 (2) The Council shall from time to time publish in the Federal
12 Gazette a list of qualifications relating to the profession approved by it for
13 the purposes of subsection (1) of this section.

14 (3) The Council may, if it thinks fit, withdraw any approval given
15 under this section in respect of any course, qualification or institution; but
16 before withdrawing such an approval the Board shall-

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

20 (b) afford each such person an opportunity of making to the Board
21 representation with regard to the proposal; and

22 (c) take into consideration any representations made with regard to
23 the proposal made in pursuance of paragraph (b) of this subsection.

24 (4) As respects any period during which the approval given under
25 this section for a course, institution or qualification is withdrawn, the course
26 or qualification shall not be treated as approved under this section, but the
27 withdrawal of such an approval shall not prejudice the registration or
28 eligibility for registration of any person who by virtue of the approval was
29 registered or eligible for registration immediately before the approval was
30 withdrawn.

1 (5) The giving or withdrawal of an approval under this section shall
2 have effect from such date, after the execution of the instrument signifying the
3 giving or withdrawal of the approval, as the Board may specify in that
4 instrument.

5 (6) The Board shall as soon as may be, publish a copy of every
6 instrument executed under subsection (5) of this section in the Federal Gazette
7 and send a copy of the instrument to the Minister.

Supervision of
instruction and
examinations
leading to approved
qualifications

8 20.-(1) It shall be the duty of the Council to keep itself informed of the
9 nature of-

10 (a) the instruction given at approved institutions to persons attending
11 approved courses of training; and

12 (b) the examinations as a result of which approved qualifications are
13 granted, and for the purposes of performing that duty, the Board may appoint,
14 either from among its own members or otherwise, persons to visit approved
15 institutions or attend such examinations.

16 (2) It shall be the duty of a visitor appointed under this section to
17 report to the Board on-

18 (a) the sufficiency of the instruction given to persons attending
19 approved courses of training at institutions visited by him;

20 (b) the sufficiency of examinations attended by him; and

21 (c) any other matter relating to the institution or examinations on
22 which the Board may, either generally or in a particular case, request him to
23 report, but no visitor shall interfere with the giving of any instruction or the
24 holding of any examination.

25 (3) On receiving a report made in pursuance of this section, the Board
26 shall as soon as may be send a copy of the report to the person appearing to the
27 Board to be in charge of the institution or responsible for the examinations to
28 which the report relates requesting that person to make representations to the
29 Board within such time as may be specified in the request, not being more than
30 one month beginning with the date of the request.

1 21.-(1) The Board may consider and if it thinks fit, report to the
2 Minister upon all matters relating to the professional and technical training
3 and other qualifications required for Admission to the profession under this
4 Act and the conditions of practice after registration.

Power of the
Council to consider
matters relating
to training

5 (2) The Minister may require the Board to advise him on any matter
6 referred to in subsection (1) of this section.

7 PART IV - DISCIPLINE

8 22.-(1) There is hereby established a disciplinary committee to be
9 known as the Radiologists' Disciplinary Committee (in this Act referred to
10 as "the Disciplinary Committee") which shall be charged with the duty of
11 considering and determining any case referred to it by the Panel established
12 by the following provisions of this Act.

Establishment
and composition
of the Disciplinary
Committee and
the Investigating
Panel

13 (2) The Disciplinary Committee shall consist of the Chairman of
14 the Council and six other members of the Board including members holding
15 office by virtue of paragraphs (c), (d) and (e) of subsection (1) of section 2 of
16 this Act.

17 (3) There is hereby established a body to be known as the
18 Investigating Panel (in the Act referred to as the "Panel") which shall be
19 charged with the duty of-

20 (a) conducting preliminary investigation into any case where it is
21 alleged that a registered person has misbehaved in his capacity as such, or
22 should for any other reason be arraigned before the Disciplinary Committee;
23 and

24 (b) deciding whether or not the case should be referred to the
25 Disciplinary Committee.

26 (4) The Panel shall be appointed by the Board and shall consist of
27 five members of the Board, one of whom shall be named as the chairman of
28 the Panel.

29 (5) The provisions of the Second Schedule to this Act shall so far as
30 applicable to the Disciplinary Committee and the Panel respectively, have

Penalties for
unprofessional
conduct

1 effect with respect to those bodies.

2 23. -(1) Where-

3 (a) a person registered under this Act is convicted by a court or
4 tribunal in Nigeria or elsewhere having power to award punishment for an
5 offence (whether or not the offence is punishable with imprisonment) which in
6 the opinion of the Disciplinary Committee is incompatible with the status of
7 such registered person;

8 (b) a registered person is judged by the Disciplinary Committee to be
9 guilty of infamous conduct in a professional respect; or

10 (c) the Disciplinary Committee is satisfied that the name of any
11 person has been fraudulently registered, the Disciplinary Committee may give
12 any of the directions specified in subsection (2) of this section.

13 (2) The Disciplinary Committee in pursuance of subsection (1) of this
14 section may give a direction-

15 (a) ordering the Registrar to strike off the person's name from the
16 register;

17 (b) suspending that person from practice for such period as may be
18 specified in the direction;

19 (c) reprimanding that person;

20 (d) ordering the person to pay to the Board any cost of or incidental to
21 the proceedings incurred by the Board; or

22 (e) cautioning that person and binding him over for a period not
23 exceeding one year on one or more conditions as to his conduct during that
24 period, and any such direction may, where appropriate, include provisions
25 requiring the refund of moneys paid or the handing over of documents or any
26 other provision as the case may require.

27 (3) In any inquiry under this section, any finding of fact which is
28 shown to have been made in-

29 (a) any criminal proceedings in a court in Nigeria; or

30 (b) any civil proceedings in a court in Nigeria,

1 shall be conclusive evidence of the fact found.

2 (4) If after due inquiry the Disciplinary Committee is satisfied that
3 during the period of binding over under paragraph (e) of subsection (2) of
4 this section a person has not complied with the conditions imposed
5 thereunder, the Disciplinary Committee may, if it thinks fit, impose anyone
6 or more of the penalties mentioned in paragraph (a), (b), (c) or (d) of that
7 subsection.

8 (5) A certificate under the hand of the chairman that any costs have
9 been ordered to be paid by a person under this section shall be conclusive of
10 the evidence thereof.

11 24.-(1) Where the name of a person has been struck off from the
12 register in pursuance of a direction given under section 23 of this Act, the
13 Disciplinary Committee may, if it thinks fit, at any time direct the restoration
14 of the person's name to the register.

Restoration of
registration

15 (2) Any application for the restoration of a name to a register shall
16 not be made to the Disciplinary Committee before the expiration of such
17 period from the date of the striking off (and where he has made such an
18 application, from the date of his last application) as may be specified in the
19 direction.

20 (3) There shall be payable to the Board by any person on the
21 restoration of his name to a register in pursuance of a direction given under
22 this section the like fees as would be payable by that person on first
23 becoming registered prior to the disciplinary action.

24 25. -(1) If it is proved to the satisfaction of the Disciplinary
25 Committee that any entry made in a register has been fraudulently or
26 incorrectly made, the Disciplinary Committee may direct that the entry shall
27 be struck off from the register.

Striking off
entries from the
register on grounds
of fraud or error

28 (2) A person may be registered in pursuance of any provisions of
29 this Act notwithstanding that his name had been struck off in pursuance of a
30 direction given under subsection (1) of this section, but if his name was

1 struck off on the ground of fraud he shall not be registered except if an
2 application in that behalf is made to the Disciplinary Committee; and on any
3 such application the Disciplinary Committee may, if it thinks fit, direct that he
4 shall not be registered or shall not be registered until the expiration of such
5 period as may be specified in the direction.

6 (3) Any reference in this Act to the striking off from or the restoration
7 to a register of the name of a person shall be construed as including a reference
8 to the striking off from or the restoration to the register of any other registrable
9 particulars relating to that person.

Appeal to the
Court of Appeal

10 26. -(1) Where the Disciplinary Committee-

11 (a) makes a finding and imposes a penalty on a registered person
12 under section 23 of this Act;

13 (b) rejects an application for restoration of a name to a register under
14 section 24 of this Act; or

15 (c) directs the striking off of an entry from a register under section 25
16 (1) of this Act, the Registrar shall give the person to whom the proceedings
17 relate notice in writing thereof and such person may, within 28 days from the
18 date of service on him of the notice, appeal to the Federal High Court.

19 (2) On any appeal under this section the Council shall be the
20 respondent.

21 (3) No direction for the striking off of the name of a registered person
22 from a register under section 23 or 25 of this Act shall take effect until the
23 expiration of the time for appealing or if an appeal is brought, until such time as
24 the appeal is disposed of, withdrawn or struck out for want of prosecution, as
25 the case may be.

26 (4) The Federal High Court may, on an appeal under this section-

27 (a) confirm, vary or set aside any finding of fact, penalty imposed or
28 direction given by the Disciplinary Committee;

29 (b) confirm the rejection of the Disciplinary Committee of the
30 application for restoration or direct the restoration of the name to the register;

(c) remit the matter to the Disciplinary Committee for further consideration; or

(d) make such other order as to costs or otherwise as it may deem just, but no proceedings before the Disciplinary Committee shall be set aside by reason only of informality or technicalities in those proceedings which did not embarrass or prejudice the appellant.

PART V - SUPPLEMENTARY PROVISIONS

27. Any power to make regulations, rules or orders conferred under this Act shall include-

Regulations,
rules and orders

(a) power to make provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(b) power to make different provisions for different circumstances.

28. In this Act, unless the context otherwise requires-

Interpretation

"accepted qualification" means a degree, diploma or other certificate specified in the Third Schedule to this Act;

"the council" means the National Council of Radiology established under section 1 of this Act;

"the Institute" means the Nigerian Institute of Radiological Sciences as may be established under section 18 of this Act;

"member" means member of the Council and includes the chairman;

"Minister" means the Minister charged with responsibility for matters relating to health;

"profession" means the radiology/radiotherapy profession;

"Radiology" means practice by medical practitioners who are specialist Radiologists/Radiotherapists. These are persons who having been fully registered to practice Medicine in Nigeria pursuant to sections 9,12,11, 8 and 18 of the Medical and Dental Practitioners' Act, have acquired further knowledge and skills in the specialized branch of Medicine called Radiology/Radiotherapy;

- 1 "Radiologists/Radiotherapists" means Medical Doctors who have gone
 2 further to specialise in an aspect of Medicine that uses various medical imaging
 3 modalities/techniques in diagnosing and treatment of diseases/injuries. The
 4 post-graduate Medical Doctor who specialises in Radiology/Radiotherapy is
 5 known as a Consultant Radiologist/Radiotherapist;
- 6 "radiographer" means a person who is trained, qualified and registered to
 7 practice any or all the various aspects of the radiography profession;
- 8 "radiography" means the art and science of the application of various forms of
 9 radiant energies on human beings in order to promote health, treat diseases and
 10 produce various diagnostic images including—
- 11 (a) X-ray imaging; imaging;
 - 12 (b) radio nuclide imaging; imaging;
 - 13 (c) ultrasonic imaging; imaging;
 - 14 (d) thermographic imaging; imaging;
 - 15 (e) magnetic resonance imaging; imaging;
- 16 when medically indicated;
- 17 "register" means a register maintained under section 8 of this Act; and
- 18 "registered" shall be construed accordingly;
- 19 "Registrar" means the Registrar of the Council appointed under section 7 of
 20 this Act;
- 21 "registration certificate" means a registration certificate issued under section
 22 10 of this Act;
- 23 "student" means a person receiving basic training for the purpose of the
 24 profession of radiological sciences covered by this Act in an approved training
 25 school,

Short Title

26 29. This Bill may be cited as the National Council of Radiology and
 27 Radiation Medicine Bill, 2017.

SCHEDULES

FIRST SCHEDULE

[Section 2 (3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

QUALIFICATION AND TENURE OF OFFICE

(1) A person other than a person appointed under section 2 (1) (e), (g) and (h) of this Act shall not be a member of the Council unless he is a citizen of Nigeria fully registered or in the case of the first members of the Board is eligible for registration as a member of the profession.

(2) Where a member of the Board ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall as soon as may be, appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of the paragraph shall not apply where a person holding office as a member of the Board ceases to hold office at a time when the residue of his term does not exceed one year.

(1) Subject to the provisions of this paragraph, a member of the Board, other than a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment.

(2) A member of the Board, other than a public officer, may resign his appointment by a letter addressed to the Minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.

(3) The Minister may appoint any person who is a registered radiographer to be a temporary member during a long absence or the temporary incapacity by illness of any member, and that person, while the appointment subsists, exercise the functions of a member under this Act.

(4) The foregoing provisions of this paragraph shall be without prejudice to the provisions of section 11 of the Interpretation Act, which relates to appointments.

Proceedings of the Board

3. The Council may make standing orders regulating the proceedings of the Board or of any committee thereof or, in the absence of the chairman, elect a temporary vice-chairman who shall be a radiographer and has been so qualified for not less than twelve years for the conduct of affairs of the Board.

4. The quorum of the Board shall be five and the quorum of any committee of the Board shall be as determined by the Board.

5. At any time while the office of the chairman is vacant or the chairman is in the opinion of the Board temporarily or permanently unable to perform the functions of his office, the vice-chairman shall perform those functions and references in this Schedule to the chairman shall be construed accordingly.

6.-(1) Subject to the provisions of any applicable standing orders, the Board shall meet whenever summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Board to be held within 21 days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman or, in his absence, the vice-chairman shall preside but if both are absent the members present at the meeting shall appoint one of their number to preside at that meeting.

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

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

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board and not more than one third of those persons may be persons who are not members of the Board; and a person

1 other than a member of the Board shall hold office on the committee in
2 accordance with the terms of the instrument by which he is appointed.

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

5 8.-(1) The fixing of the seal of the Board shall be authenticated by
6 the signature of the chairman or of some other member authorised generally
7 or specially by the Board to act for that purpose.

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

12 SECOND SCHEDULE

13 [Section 22 (5)]

14 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

15 COMMITTEE AND THE INVESTIGATING PANEL

16 *The Disciplinary Committee*

17 1.-(1) The Chief Justice of Nigeria shall make rules as to the
18 procedure to be followed and the rules of evidence to be observed in
19 proceedings before the Disciplinary Committee.

20 (2) The rules shall in particular provide-

21 (a) for securing that notice of proceedings shall be given at such
22 time, and in such manner, as may be specified by the rules, to the person who
23 is the subject of the proceedings;

24 (b) for determining who, in addition to the person aforesaid, shall
25 be a party to the proceedings;

26 (c) for securing that any party to the proceedings shall, if he so
27 requires, be entitled to be heard by the Disciplinary Committee;

28 (d) for enabling any party to the proceedings to be represented by a
29 legal practitioner;

30 (e) subject to the provisions of section 23 (2) (d) of this Act, as to

1 the costs of proceeding before the Disciplinary Committee;

2 (f) for requiring, in a case where it is alleged that the person who is the
3 subject of the proceedings is guilty of infamous conduct in any professional
4 respect, that where the Disciplinary Committee finds that the allegation has not
5 been proved it shall record a finding that the person is not guilty of such
6 conduct in respect of the matter to which the allegation relates;

7 (g) for publishing in the Federal Gazette the notice of any direction of
8 the Disciplinary Committee which has taken effect providing that a person's
9 name shall be erased from a register.

10 2.-(1) For the purpose of advising the Disciplinary Committee on
11 questions of law arising in proceedings before it, there shall in all such
12 proceedings be an assessor to the Disciplinary Committee who shall be
13 appointed by the Board on the recommendation of the Chief Justice of Nigeria
14 and shall be a legal practitioner of not less than seven years' standing.

15 (2) The Chief Justice of Nigeria shall make rules as to the functions of
16 assessors appointed under this paragraph, and in particular such rules shall
17 contain provisions for securing-

18 (a) that where an assessor advises the Disciplinary Committee on any
19 question of law as to evidence, procedure or any other matter specified by the
20 rules, he shall do so in the presence of every party or person representing a
21 party to the proceedings who appears thereat or, if the advice is tendered while
22 the Disciplinary Committee is deliberating in private, that every such party or
23 person as aforesaid shall be informed as to what advice the assessor has
24 tendered;

25 (b) that every party or person as aforesaid shall be informed if in any
26 case the Disciplinary Committee does not accept the advice of the assessor on
27 such a question as aforesaid.

28 (3) An assessor may be appointed under this paragraph either
29 generally or for any particular proceedings or class of proceedings, and shall
30 hold and vacate office in accordance with the terms of the instrument by which

1 he is appointed.

2 3. The quorum at any meeting of the Disciplinary Committee shall
3 be three.

4 4. At any meeting of the Disciplinary Committee, the chairman of
5 the Board shall preside and in his absence the members present shall appoint
6 one of their number to preside at that meeting.

7 5. Any question proposed for decision by the Disciplinary
8 Committee shall be determined by the majority of the members present and
9 voting at a meeting of the Disciplinary Committee at which a quorum is
10 present.

11 6. At all meetings of the Disciplinary Committee each member
12 present shall have one vote on a question proposed for decision by the
13 Disciplinary Committee and, in the event of an equality of votes, the
14 chairman shall, in addition to a deliberation vote, have a casting vote.

15 7. For the purposes of any inquiry, the Disciplinary Committee
16 may hear and receive evidence and may, under the hand of the chairman or
17 Registrar summon witnesses and require the production of any book, record,
18 document or thing and may through the Registrar administer an oath to any
19 witness.

20 8. The quorum of the Panel shall be three.

21 9.-(1) The Panel may, at any meeting of it attended by not less than
22 four members, make Standing orders for its purpose.

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

25 *Miscellaneous*

26 10.-(1) A person ceasing to be a member of the Disciplinary
27 Committee or the Panel shall be eligible for re-appointment as a member of
28 that body.

29 (2) A person may be a member of both the Disciplinary Committee
30 and the Panel; but no person who has acted as a member of a Panel with

1 respect to any case shall act as a member of the Disciplinary Committee with
2 respect to that case.

3 11. The Disciplinary Committee or Panel may act notwithstanding
4 any vacancy in its membership; and the proceedings of either body shall not be
5 invalidated by any irregularity in the appointment of a member of that body, or
6 subject to subparagraph (2) of paragraph 10 of this Schedule, by reason of the
7 fact that any person who was not entitled so to do took part in the proceedings
8 of that body.

9 12. The Disciplinary Committee and the Panel may each sit in two or
10 more places.

11 13. Any document authorised or required by virtue of this Act to be
12 served on the Disciplinary Committee or the Panel shall be served on the
13 Registrar.

14 14. Any expenses of the Disciplinary Committee or the Panel shall be
15 defrayed by the Board.

16 THIRD SCHEDULE

17 [Section 10 (4)]

18 Accepted minimum qualification for registration as a member of the
19 profession.

20 Profession	Accepted qualification for registration
21 Radiologist	Fellow of the National Post graduate Medical College / West 22 African College of Surgeon (or equivalent) in Radiology / Radiotherapy / 23 Nuclear medicine etc.

24 Radiography (as prescribed in the RRBN Act):

25 1. Professional Diploma of the College of Radiographers, London or
26 its recognised equivalent qualification

27 2. B.Sc. (Medical Radiography/Radiological Technology) of
28 recognised universities, plus professional certification.

29 Medical Physicist	B.Sc
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30 Technician:	OND.HND As prescribed in the Act.
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EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Council of Radiology and Radiation Medicine to provide for the Control and Practice of the Profession of Radiology, Radiation Medicine, Nuclear Medicine, Radiotherapy, Radiography, Medical Physics and Technology.

