

TRADITIONAL MEDICINE COUNCIL OF NIGERIA

(ESTABLISHMENT, ETC.) BILL, 2015

ARRANGEMENT OF SECTIONS

*Section:*

PART I - ESTABLISHMENT OF THE TRADITIONAL MEDICINE COUNCIL OF  
NIGERIA, ETC.

1. Establishment of the Traditional Medicine Council of Nigeria, etc.
2. Membership of the Council
3. Tenure of office
4. Emoluments, allowances, etc. of members of the Council
5. Functions of the Council
6. Powers of the Council

PART II - STAFF OF THE COUNCIL

7. Register and staff of the Council
8. Contributory Pensions Act

PART III - FINANCIAL PROVISIONS

9. Establishment of National Traditional Medicine Fund
10. Expenditure of the Council
11. Power to accept gifts
12. Annual report

PART IV - ESTABLISHMENT, ETC. OF TRADITIONAL MEDICINE

DISCIPLINARY TRIBUNAL

13. Establishment, etc. of Traditional Medicine Disciplinary Tribunal
14. Composition of the Disciplinary Tribunal
15. Offences and penalties for professional misconduct
16. Appeal against the direction of the Disciplinary Tribunal.

PART V - ESTABLISHMENT, ETC. OF THE STATE AND FEDERAL CAPITAL

TERRITORY TRADITIONAL MEDICINE BOARDS AND THE DISCIPLINARY

TRIBUNALS AND INVESTIGATING PANELS

PART V(A) - ESTABLISHMENT, ETC. OF THE STATE AND FEDERAL CAPITAL

## TERRITORY TRADITIONAL MEDICINE BOARDS

17. Establishment, etc. of State Traditional Medicine Boards
18. Establishment, etc. of the Federal Capital Territory Traditional Medicine Board
19. Composition of the Federal Capital Territory Traditional Medicine Board
20. Removal and resignation from office
21. Emoluments, allowances, etc.
22. Functions of the Board
23. Power of the Board
24. Administrative Secretary for the Board.
25. Contributory Pensions Act.

## PART V (B) - FINANCIAL PROVISIONS OF THE BOARD

26. Funds and expenditures of the Board
27. Power to borrow
28. Power to accept gifts.

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

## BOARD INVESTIGATING PANEL

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

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

30. Direction by the Minister, etc. to the Board
31. Power to make regulations for Part IV.
32. Interpretation of some terms in Part IV.

## PART VI - MISCELLANEOUS PROVISIONS

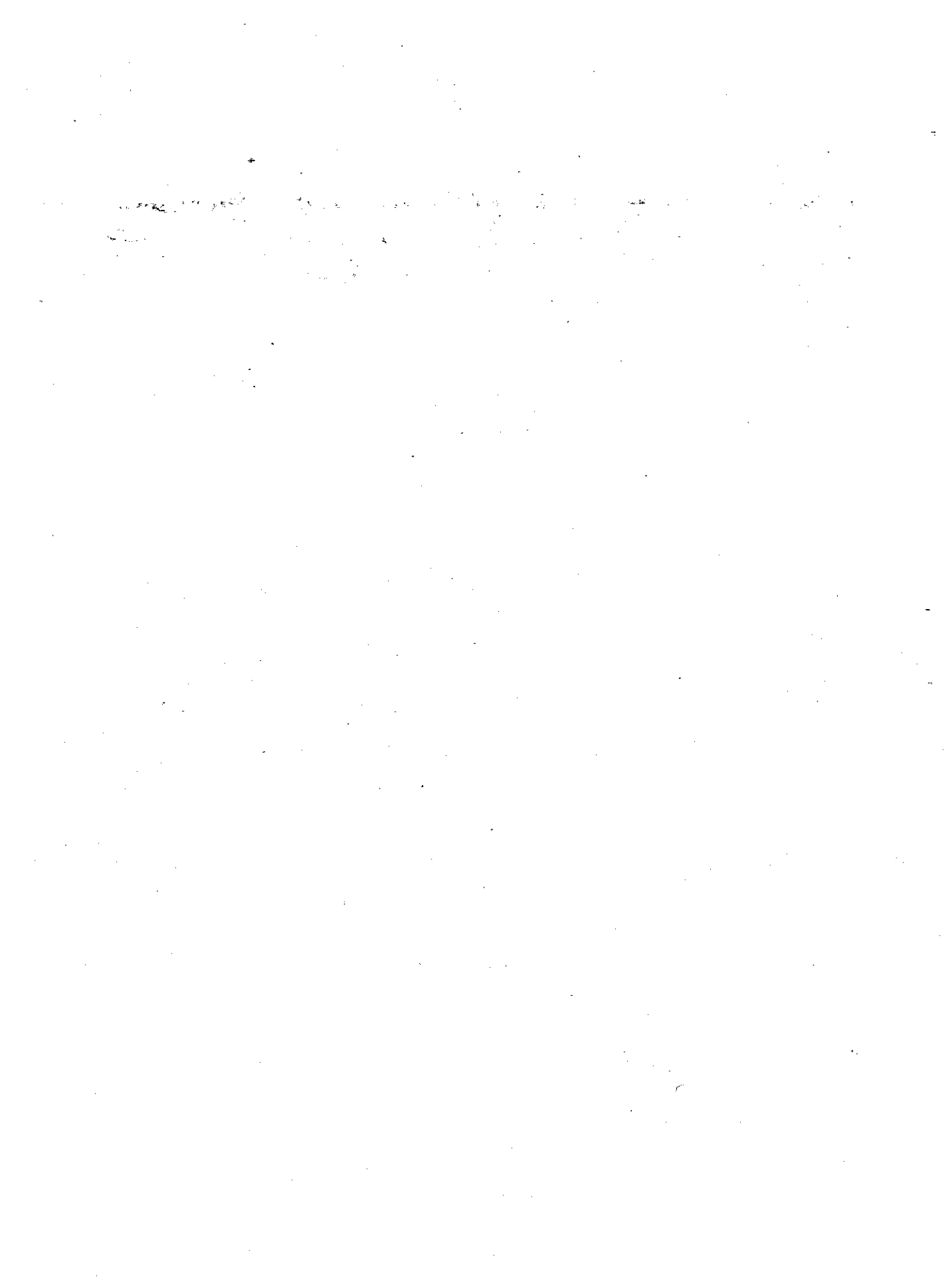
33. Offences and penalties
34. General directions by the Minister
35. Power to make regulations
36. Interpretation
37. Short Title

## SCHEDULES

SCHEDULE I - SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL,  
ETC. SCHEDULE II - SUPPLEMENTARY PROVISIONS RELATING TO THE  
BOARD

SCHEDULE III - SUPPLEMENTARY PROVISIONS RELATING TO THE  
DISCIPLINARY TRIBUNAL

SCHEDULE IV - SUPPLEMENTARY PROVISIONS RELATING TO THE  
INVESTIGATING PANEL



# A BILL

## FOR

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

*Sponsored by Senator Adamu Abdullahi*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE TRADITIONAL MEDICINE COUNCIL  
2 OF NIGERIA, ETC.

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

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: Membership of the Council

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;

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.

1 (d) one legal practitioner of not less than 5 years experience  
2 representing public interest;

3 (e) one representative each of:

4 (i) the Federal Ministry of Science and Technology;

5 (ii) the Federal Ministry of Education;

6 (iii) National Agency for Food and Drugs Administration and  
7 Control;

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

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

14 (2) The composition of the Council shall be made up of not less than  
15 55 % of Traditional Medicine Practitioners.

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

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

Tenure of office

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

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

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

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

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

Emoluments,  
allowances, etc.  
of members of  
the Council

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

17 5. The Council shall:

Functions of the  
Council

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

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

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

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

30 (e) on a regular basis, collect, publish, disseminate and exchange

1 information on traditional medicine and develop a National Traditional  
2 Medicine Information System;

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

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

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

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

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;

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;

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

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

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

28 (5) The Council shall, with the approval of the Minister, determine  
29 the terms and conditions of service including remuneration, allowances,  
30 benefits, etc. of officers and employees of the Council.

Contributory  
Pensions Act

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

5                   PART III - FINANCIAL PROVISIONS

Establishment  
of National  
Traditional  
Medicine Fund

6                   9.-(1) There is hereby established for the Council a Fund to be known  
7 as the National Traditional Medicine Fund (in this Act referred to as "the  
8 Fund").

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

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

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

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

Expenditure or  
the Council

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

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

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

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

30                   (d) for the development and maintenance of any property vested in or

1 (i) the Department of Health of the Ministry of the Federal Capital  
2 Territory with considerable experience in Traditional Medicine.

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

6 (d) one legal practitioner of not less than 5 years experience  
7 representing public interest;

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

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

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

Second Schedule

18 **20.**-(1) The Chairman and members of the Board, other than ex-  
19 officio members, shall each hold office in the first instance for a term of 3  
20 years and may be reappointed for one further period of 3 years and no more  
21 on such, terms and conditions as may be specified in their letters of  
22 appointment.

Tenure of office,  
removal and  
resignation from  
office

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

29 (3) A member of the Board may, at any time, resign his office by a  
30 letter addressed to the Minister or if the Minister is satisfied that it is not in

1 the interest of the Board or in the interest of the public for the person appointed  
2 to continue in office the Minister may on the recommendation of the Director,  
3 notify the person in writing to that effect.

Emoluments,  
allowances, etc.

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

Functions of  
the Board

7           **22.** The Board shall:

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

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

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

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

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

Power of the  
Board

20           **23.** The Board shall have powers to:

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

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

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

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

Administrative  
Secretary of the  
Board

28           **24.-(1)** There shall be for the Board an Administrative Secretary who  
29 shall:

30           (a) be appointed by the Minister, on the recommendation of the

1 Director;

2 (b) be the Chief Executive of the Board;

3 (c) be responsible for the execution of policy and the day-to-day  
4 running of the affairs of the Board;

5 (d) be the head of the Secretariat of the Board;

6 (e) issue notices of meetings of the Board;

7 (j) perform such other functions as may be determined, from time  
8 to time, by the Board.

9 (2) The Administrative Secretary shall hold office in the first  
10 instance for a term of 5 years and may be reappointed for a further period of 5  
11 years and no more on such terms and conditions as may be specified in his  
12 letter of appointment.

13 (3) The Board shall appoint any category of staff as it may deem  
14 necessary from time to time, for the purpose of performing the functions of  
15 the Board under this Act.

16 25.-(1) Service in the Board shall be approved service for the  
17 purpose of the Contributory Pensions Act, and accordingly, employees of  
18 the Board shall be entitled to pension, and other retirement benefits in  
19 respect of that office.

Contributory  
Pensions Act

20 (2) Without prejudice to the provisions of subsection (1) of this  
21 section, nothing in this Act shall prevent the appointment of a person to any  
22 office on terms which preclude the grant of pension and other enticement  
23 benefits in respect of that office.

24 PART V (B) - FINANCIAL PROVISIONS OF THE BOARD

25 26.-(1) The Board shall maintain a fund from where it shall defray  
26 its expenses and the fund shall consist of the following:

Funds and  
expenditures of  
the Board

27 (a) such sums as may be appropriated, from time to time, to the  
28 Board by the Government;

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

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

3 (2) The Board shall apply the proceeds of the fund established under  
4 subsection (1) of this section to:

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

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

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

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

Power to borrow

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

Power to accept  
gifts

22 28.-(1) The Board may accept gifts of land, money or other property  
23 on such terms and conditions, if any, as may be specified by the person or  
24 organization making the gift.

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

Annual reports  
of the Board

28 29.-(1) The Board shall, not later than the 30th day of September in  
29 each year, submit to the Director an annual report of the estimate of its income  
30 and expenditure during the succeeding year and such report shall include a

1 aforesaid, if and when the appeal is dismissed and shall not take effect in  
2 accordance with the foregoing provisions of this subsection.

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

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

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

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

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

21 18.-(1) There is hereby established for the Federal Capital Territory a  
22 body to be known as the Federal Capital Territory Traditional Medicine  
23 Practitioners Board (in this Act referred to as "the Board").

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

27 19.-(1) The Board shall consist of:

28 (a) a Chairman who shall be a graduate with a minimum of 5 years  
29 experience in the are of traditional medicine;

30 (b) one representative each of:

Establishment,  
etc. of State  
Traditional  
Medicine Boards

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

Composition of  
the Federal  
Capital Territory  
Traditional  
Medicine Board

1 until a subsequent meeting of the Disciplinary Tribunal:

2 Provided:

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

5 (b) no person shall be a member of the Disciplinary Tribunal for the  
6 purposes of reaching a decision which has been de4ferred or further  
7 deferred, unless he was present as a member of the Disciplinary tribunal  
8 when the decision was deferred.

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

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

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

Appeal against  
the direction of  
the Disciplinary  
Tribunal

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

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

28 (b) an appeal is brought and is withdrawn or struck out, on the  
29 withdrawal or striking out of the appeal;

30 (c) an appeal is brought and is not withdrawn or struck out as



1 Act referred to as “the Disciplinary Tribunal”) which shall be charged with the  
2 duty of considering and determining any case referred to it by the Investigating  
3 Panels established in the States and the Federal Capital Territory and any other  
4 case of which the Disciplinary Tribunal has cognizance under the provisions of  
5 this Act.

Composition of  
the Disciplinary  
Tribunal

6 (2) The Disciplinary Tribunal shall consist of:

7 (a) the Chairman of the Council as Chairman;

8 (b) two traditional medicine practitioners;

9 (c) four representatives of the Council;

10 (d) two persons to represent public interest to be appointed by the  
11 Minister.

Third Schedule

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

Offences and  
penalties for  
professional  
misconduct

15 15.-(1) Where:

16 (a) a person practicing under this Act is adjudged by the Disciplinary  
17 Tribunal to be guilty of infamous conduct in any professional respect;

18 (b) a person practicing under this Act is convicted, by any court or  
19 tribunal in Nigeria or elsewhere having power to award imprisonment of an  
20 offence (whether or not an offence punishable with imprisonment) which in the  
21 opinion of the Disciplinary Tribunal is incompatible with the status of a  
22 traditional medicine practitioner;

23 (c) the Disciplinary Tribunal is satisfied that the name of any person  
24 has been fraudulently registered;

25 (d) the Disciplinary Tribunal may, if it thinks fit, make a  
26 recommendation to Council to give a direction reprimanding that person or  
27 ordering the Registrar of the Council to strike his name off the relevant part of  
28 the register.

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

1 owned by the Council;

2 (e) for maintaining general financial reserves subject to general or  
3 special directives that may be given in that behalf by the Minister in  
4 accordance with the provisions of this Act;

5 (f) for and in connection with all or any of its functions under this  
6 Act.

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

11 12.-(1) The Council may accept gifts of land, money or other Power to accept  
12 property on such terms and conditions, if any, as may be specified by the gifts  
13 person or organization making the gift.

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

17 PART IV - ESTABLISHMENT, ETC. OF TRADITIONAL MEDICINE

18 DISCIPLINARY TRIBUNAL

19 13.-(1) The Council shall, not later than the 30th day of September Annual Report  
20 in each year, submit to the Minister an annual report of the estimate of its  
21 income and expenditure during the succeeding year and such report shall  
22 include a copy of the audited accounts of the Council for that year and the  
23 auditors' report on the accounts.

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

29 14.-(1) There is hereby established for the Council, a Tribunal to be Establishment, etc.  
30 known as the Traditional Medicine Council Disciplinary Tribunal ( in this of Traditional  
Medicine  
Disciplinary  
Tribunal

1 copy of the audited accounts of the Board for that year and the auditors'  
2 report on the accounts.

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

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

9 BOARD INVESTIGATING PANEL

10 30.-(1) There is hereby established for the Board a body to be  
11 known as the Federal Capital Territory Traditional Medicine Board  
12 Investigating Panel (in this Act referred to as "the Investigating Panel")  
13 which shall be charged with the duty of:

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

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

19 (b) deciding whether the case should be referred to the Disciplinary  
20 Tribunal.

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

25 (3) The members of the Investigating Panel established under  
26 subsection (1) of this section shall be appointed by the Board and shall  
27 consist of:

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

30 (b) two representatives of the Board;

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

Fourth Schedule

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

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

Direction by  
the Minister, etc.  
To the Board

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

Power to make  
regulations for  
Part IV.

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

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

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

Interpretation  
of some terms  
in Part IV.

23 33. For the purposes of Part IV of this Act, the following terms shall  
24 have the meanings attached to them:

25 "Administrative Secretary" means the Administrative Secretary of the Board  
26 appointed under section 21 of this Act;

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

28 "Chairman" means the Chairman of the Federal Capital Territory Traditional  
29 Medicine Board;

30 "Company" means a duly registered company under the provisions of the

1 Companies and Allied Matters Act and any other company, association or  
2 partnership of any number of persons;

3 "Corporate body" means any body incorporated under the provisions of any  
4 law;

5 "Department" means the Department in the Ministry of Federal Capital  
6 Territory with responsibility for health matters;

7 "Director" means the Director of Health Services in the Ministry of Federal  
8 Capital Territory;

9 "Member" means a member of the Board and includes the Chairman;

10 "Minister" means the Minister of the Federal Capital Territory;

11 "Investigating Panel" means the Investigating Panel of the Federal Capital  
12 Territory Traditional Medicine Board.

13 PART VI - MISCELLANEOUS

14 34.-(1) As from the commencement of this Act, any person who is  
15 not a registered Traditional Medicine Practitioner:

Offences and  
penalties

16 (a) for or in expectation of reward, practices or holds himself out as  
17 a registered Traditional Medicine Practitioner or practices as a Traditional  
18 Medicine Practitioner;

19 (b) takes or uses the title of Traditional Medicine Practitioner;

20 (c) without reasonable excuse takes a uses any name, title, addition  
21 of Traditional Medicine Practitioner; commits an offence.

22 (2) If any person for the purpose of procuring the registration of  
23 any name, qualification or other matter:

24 (a) makes a statement which he knows to be false in a material  
25 particular;

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

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

1 (4) A person who is guilty of an offence under this section shall be  
2 liable:

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

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

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

General  
directions by the  
Minster

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

Power to make  
Regulations

18 36. The Minister may, on advice of the Council, make regulations  
19 generally for the purposes of this Act or for giving effect to the provisions of  
20 this Act.

Interpretation

21 37. In this Act, except the context otherwise requires:

22 "Chairman" means the Chairman of the Traditional Medicine Council of  
23 Nigeria;

24 "Council" means the Traditional Medicine Council of Nigeria;

25 "Disciplinary Tribunal" means the Disciplinary Tribunal established under  
26 section 14 of this Act;

27 "Registrar" means the Registrar of the Council appointed under section 7 of  
28 this Act;

29 "Minister" means the Minister charged with the responsibility for health;

30 "President" means the President of the Federal Republic of Nigeria;

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

6 **Short Title.**

7 38. This Act may be cited as the Traditional Medicine Council of  
8 Nigeria (Establishment, etc.) Bill, 2015.

9 SCHEDULE

10 FIRST SCHEDULE

11 *Section 2 (3)*

12 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

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

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

24 3.-(1) The Council may appoint one or more committees to carry  
25 out on behalf of the Council, some of its functions under this Act as the  
26 Council may determine.

27 (2) A committee appointed under this paragraph shall consist of  
28 such number of persons (not necessarily members of the Council as may be  
29 determined by the Council); and a person, other than a member of the  
30 Council, shall hold office on the committee in accordance with the terms of

1 his appointment.

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

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

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

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

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

18 6.-(1) A member who is directly or indirectly interested in any matter  
19 being deliberated upon or considered by the Council or is interested in a  
20 contract made or proposed to be made by the Council shall, as soon as possible  
21 after relevant facts have come to his knowledge, disclose the nature of his  
22 interest in writing or at a meeting of the Council.

23 (2) A disclosure made under subparagraph (1) of this paragraph shall  
24 be recorded in the minutes of meetings of the Council considering the matter or  
25 contract in respect of which the interest was disclosed and the members shall  
26 not participate in the meeting.

27 *Meeting of the Council.*

28 7.-(1) Subject to the provisions of any standing orders of the Council,  
29 the Council shall meet whenever it is summoned by the Chairman, and if the  
30 Chairman is required to do so, by notice in writing given to him by not less than



1 five other members, he shall summon a meeting of the Council to be held  
2 within fourteen days from the date on which the notice is given.

3 (2) At every meeting of the Council, the Chairman shall preside or  
4 in his absence, the members present at the meeting shall appoint one of their  
5 members to preside at the meeting.

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

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

14 (5) Notwithstanding anything in the foregoing provisions of this  
15 paragraph, the first meeting of the Council.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide establishment of the Traditional Council of Nigeria to facilitate and coordinate the development of Traditional Medicine Practice in Nigeria.

