

DIETITIAN COUNCIL OF NIGERIA BILL, 2016

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A BILL

FOR

AN ACT TO ESTABLISH DIETITIANS COUNCIL OF NIGERIA TO REGULATE THE PROFESSION OF DIETETICS AND FOR RELATED MATTERS

Sponsored by Senator Chukwuka Utazi

[] Commencement

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

1 PART I - ESTABLISHMENT OF DIETITIANS COUNCIL OF NIGERIA

2 1.-(1) There shall be established a body to be known as the Establishment of
3 Dietitians Council of Nigeria (in the Bill referred to as "The Council"). Dietitians Council
of Nigeria

4 (2) The Council shall be a body corporate with perpetual
5 succession and a common seal and shall sue and be sued in its corporate
6 name and shall have power to own, hold and dispose off property whether
7 movable or immovable.

8 2.-(1) The functions of the Council are to- Functions of the
Council

9 (a) determine, prescribe and regulate standards of academic
10 qualification and practical skills to be attained by persons seeking to become
11 registered as Members, Associates or Fellows of the Council, as the case
12 may be; and to raise those standards, from time to time, as circumstances
13 may permit;

14 (b) regulate the practice of the profession for Dietitians;

15 (c) regulate and control the training of dietetic practitioners in all
16 the institutions in Nigeria and the regular inspection and accreditation of
17 such institutions;

18 (d) evaluate and assess the standard of education and registration
19 of foreign graduates of nutrition and dietetics;

20 (e) supervise and regulate the National Post Degree Dietetics
21 Internship programme and the publication from time to time of list of

- 1 persons so qualified;
- 2 (f) ensure that Dietetics Practitioners in Nigeria uphold the Code of
3 ethics, Code of good conduct and practice of the profession and guarantee the
4 sustainability of high quality dietetic practice;
- 5 (g) promote adoption of healthy diets and lifestyle for all Nigerians
6 and collaborate with government ministries, parastatals, international agencies
7 and civil societies with similar mandate;
- 8 (h) promote rapid sustainability of high quality diets for Nigerians
9 through scientific methods, and regulate all issues pertaining to Dietetics in
10 Nigeria;
- 11 (i) advance the education, science, technology and art of Nutrition
12 and Dietetics;
- 13 (j) advise and encourage the enactment and the enforcement of laws
14 that will guarantee good nutrition, quality diets and consistent supply of high
15 quality foods to Nigerians;
- 16 (k) educate the public on healthy diets for maintenance and
17 prevention of diseases;
- 18 (l) co-operate or affiliate with any relevant association in Nutrition
19 and Dietetics either locally or internationally; and
- 20 (m) establish, update and maintain a Register of Dietitians under this
21 Bill according to their various ranks and to regulate the prerogatives and
22 privileges pertaining to those ranks as provided in Section 2 (1) (a) of this Bill.
- 23 (n) appoint when necessary technical committees comprised of
24 persons with requisite technical competence from the private or public sector
25 to advise the Council on such matters as may be determined from time to
26 time;
- 27 (o) do such other things as may, from time to time, be necessary to
28 achieve the objective of the Council and
- 29 (p) perform all or any other functions conferred on it by this Bill.

1 **3. The Council shall have power to-**

Power of the
Council

2 (a) establish and promote all manner of professional certificate
3 courses in Dietetics;

4 (b) establish such offices, departments, units and branches of the
5 Council as may be required for the proper administration and operation of
6 the Council;

7 (c) subject to such terms and conditions as the Council may
8 approve, engage staff, agents and other workers as the Council may from
9 time to time require for the performance of its functions under this Bill;

10 (d) establish necessary organization for the proper and efficient
11 conduct of the affairs of the council;

12 (e) provide regulations for all staff of the Council and provide
13 pension and welfare schemes for the staff; and

14 (f) do such other acts and things as may be necessary for the
15 performance of the functions of the Council.

16 **PART II - MEMBERSHIP OF COUNCIL**

17 **4.-(1)** There shall be established for the Council, a Governing
18 body to be known as the Governing Council (in the Bill referred to as the "
19 Governing Council"), which shall be charged with responsibility for the
20 administration and general management of the Council.

Governing body
of the Council
and Membership

21 **(2)** The Governing Council shall consist of the following
22 members-

23 (a) the President of the Council, who shall be a dietitian of not less
24 than 25 years post registration experience;

25 (b) the two Vice Presidents;

26 (c) the Registrar; and

27 (d) fourteen persons who shall be elected by the Council,
28 respectively to represent each of the following practice groups in Dietetics:

29 (i) Clinical dietitians;

30 (ii) Community dietitians;

- 1 (iii) Foodservice dietitians;
 2 (iv) Gerontological dietitians;
 3 (v) Neonatal dietitians;
 4 (vi) Pediatric dietitians;
 5 (vii) Research dietitians;
 6 (viii) Administrative dietitians;
 7 (ix) Dietitians in the Food and Nutrition Industry and Business;
 8 (x) Consultant dietitians;
 9 (xi) Sports Nutrition;
 10 (xii) Corporate Wellness dietitians;
 11 (xiii) Dietitians in the Media;
 12 (xiv) Dietitians in the Military.
 13 (e) Minister of Health or his representative;
 14 (f) The Minister of Education or his representative;
 15 (g) The Minister of Agriculture or his representative;
 16 (h) The Minister of Women Affairs or his representative;
 17 (i) One person to be elected by the Council to represent Dietitians in
 18 private practice;
 19 (j) Four dietitians to be elected by the Council to represent the various
 20 departments of Nutrition and Dietetics in Nigerian polytechnics and
 21 universities;

Election of
 Members of the
 Governing Council

22 **5. The President, 2 Vice-Presidents and other members of the Council**
 23 **mentioned in paragraphs (d), (i) and (j) of subsection (2) of section 4 of this**
 24 **Bill, shall be elected by the Council from Amongst the Members who are**
 25 **registered dietitians, at an annual general meeting of the Council provided that**
 26 **the first such members shall be elected at a special general meeting convened**
 27 **by the Dietitians Association of Nigeria immediately after the commencement**
 28 **of this Bill, for the purpose of electing them.**

Tenure of office

29 **6.-(1) (a) The tenure of office of a member of the Council other than**
 30 **an ex-officio member shall be two years but such member shall at the end of re-**

1 that term be eligible for re-election, for one more term only;

2 (b) All members of Council shall be on part time basis except the
3 Registrar who shall be on full time engagement;

4 (c) The remuneration of the Registrar and other members of staff
5 shall be determined by the Council;

6 (d) Sitting allowance and other remunerations for other part time
7 staff shall be determined by the governing Council based on the prevailing
8 economic realities;

9 (2) The office of a member of the Council shall become vacant if
10 the member-

11 (a) resigns his office, by notice under his hand, addressed to the
12 Council;

13 (b) Is removed from office by the Council, by reason of his
14 professional misconduct or physical or mental infirmity; or;

15 (c) without leave of the Council, absents himself from 3
16 consecutive meetings of the Council;

17 7. The functions of the Council shall be to-

Functions of the
Governing Council

18 (a) carry into effect the functions and powers of the Council;

19 (b) govern the affairs of the Council;

20 (c) effect proper management of the Council; and

21 (d) do other acts and things as the Council may consider necessary
22 for carrying out the functions and powers of the Council;

23 8. The funds of the Council shall consist of-

Funds of the
Council

24 (a) contributions, levies, subscriptions, practicing fees and other
25 dues paid by the Members;

26 (b) revenue accruing to the Council from its investments, activities
27 and services;

28 (c) grants, endowments and donations from Governments,
29 agencies, organizations, benefactors and other donors;

30 (d) revenue accruing to the Council; from any other source

1 approved by the Council:

Bank Account

2 9. The funds of the Council shall be paid into an account in a reputable
3 bank approved by the Council and no instrument for the withdrawal of any
4 money from that account shall be valid unless it is authenticated by the
5 signatures of the President and the Registrar or by the signatures of such
6 officers of the Council as may from time to time be approved by the Council.

Investment

7 10. The Council may from time to time subject to such terms and
8 conditions as the council may approve, invest any part of its funds in any
9 securities and may at any time dispose of such securities.

Borrowing power

10 11. The Council may from time to time, subject to such terms and
11 conditions as the council may approve, borrow such money as the Council may
12 require for carrying out any of the functions of the power of the Council.

Appointment of Auditor

13 12.-(1) The Council shall have the power to appoint an external
14 auditor as the need arises.

15 (2) The Audited account of the Council shall be submitted to the
16 Governing Council not later than the 30th day of September of each year.

17 PART III - APPOINTMENT OF REGISTRAR AND REGISTRATION

18 13.-(1) there shall be appointed by the Council, a Registrar who shall
19 be a practicing registered dietitian with 15 years clinical experience.

20 (2) the Registrar shall, subject to the overall control of the council:

21 (a) be the Secretary to the Council;

22 (b) keep record of the register of the accounts of the Council and
23 make such entries in the Register as the Governing Council may from time to
24 time by resolution, direct;

25 (c) keep custody of the common seal of the Council and affix same to
26 such documents as the Governing Council may direct; and

27 (d) carry out other duties as the Governing Council or the President
28 may from time to time direct.

29 14. The Registrar shall keep and maintain a register of all the
30 Members including the Associates, Fellows and Honorary Fellows.

1 **15.** The Governing Council shall subject to the provisions of this Registration of
2 Bill, admit and register any- Members

3 (a) Person as a registered Member;

4 (b) Person as an Associate;

5 (c) Member as a Fellow; or

6 (d) Person as an Honorary Fellow

7 **16.**-(1) A person shall be eligible to be admitted and registered as a Qualification for
8 registered Member if that person is- Membership

9 (a) a holder of a first degree in Nutrition and Dietetics from any
10 University accredited by the Council,

11 (b) has completed a 12-month dietetic internship at an accredited
12 hospital;

13 (c) passed the national dietitians registration examination and
14 registered to practice; or

15 (2) (a) holder of a higher National Diploma in Nutrition and
16 Dietetics from any institution accredited by the Council;

17 (b) a postgraduate diploma in Nutrition and Dietetics;

18 (c) completed a 12-month dietetic internship at an accredited
19 hospital;

20 (d) passed the national dietitians registration examination and
21 registered to practice; or

22 (3) (a) member of any equivalent Dietitians body recognized by
23 the Council.

24 **17.** A registered member has a right to practice and to affix the title Right of a
25 RDN after his/her name. registered member

26 **18.** A person shall be eligible to be registered as an Associate if- Associate
27 (a) a holder of a higher National Diploma in Nutrition and Members

28 Dietetics from any accredited Institution and has in addition one (1) year
29 post graduation or post qualification working experience;

30 (b) that person has by research efforts, publications and experience

1 in any area of Nutrition and Dietetics, contributed significantly to the growth
2 and development of Nutrition and Dietetics or related areas; and

3 (c) the Council is satisfied that the Member is a fit and proper person
4 to be elevated to the rank of Associate;

Fellows

5 19. A person who is a registered Member or Associate shall be eligible
6 to be registered as a fellow if-

7 (a) that person has by research efforts, publications and experience in
8 any area of Nutrition and Dietetics, contributed significantly to the growth and
9 development of Dietetics or related areas;

10 (b) the Council is satisfied that the Member is a fit and proper person
11 to be elevated to the rank of Fellow;

12 (c) the person holds the minimum academic qualification that admits
13 registered or associate members.

Honorary
Members

14 20. A person may be registered as an Honorary Fellow if-

15 (a) that person is distinguished in any area of Nutrition and Dietetics
16 or related field/industry; and

17 (b) the Council is satisfied that the person is a fit and proper person to
18 be elevated to the rank of Honorary Fellow.

19 21. The Council may subject to its rules in that regard award
20 distinctive certificate and other honours to any person, Registered Member,
21 Associate, fellow or Honorary Fellow as the case may be, for any distinctive
22 Honours, achievement in any discipline and or area of nutrition and
23 dietetics.

24 PART IV - ACCREDITATION OF NUTRITION AND DIETETICS PROGRAMMES

25 22.-(1) The Council shall pursuant to Section 2(1)(c) of this Bill
26 regulate and accredit the Academic Programmes of Nutrition and Dietetics:

27 (a) Every Department of Nutrition and Dietetics in any Nigerian
28 university shall be domiciled in the Faculty of Health Sciences or College of
29 Medicine where such exists.

30 (b) Every Faculty, College or University where Nutrition and

1 Dietetics is studied in Nigeria shall on demand by the Council submit to the
2 Council details of its curriculum and courses of study in Nutrition and
3 Dietetics for the consideration and approval of the Council;

4 (c) The Council shall thereupon, delegate a committee of the
5 Council to evaluate the contents of such curriculum and courses and ensure
6 that such curricula and courses sufficiently endow any person pursuing such
7 curricula and courses with the requisite knowledge, skill and working
8 experience for the practice of the Dietetics profession;

9 (d) The Council shall where such curricula and courses are
10 approved, thereafter by instrument, accredit such programme and as the
11 case may be, as a fit and proper programme for the training of prospective
12 Members;

13 (e) Subject to this Bill a person who has not obtained his first
14 degree in Nutrition and Dietetics from an accredited institution shall not be
15 eligible to head a department of Nutrition and Dietetics in any tertiary
16 Institution or Hospital as the case may be.

17 (2) The Council shall pursuant to Section 2(1)(e) of this Bill
18 regulate and accredit the Internship Programmes of Nutrition and
19 Dietetics:

20 (a) Every Tertiary or Secondary Health Facility where Internship is
21 undertaken in Nigeria shall on demand by Council, submit to the Council
22 details of its dietetic internship curriculum, Staff strength, categories and
23 qualifications of Staff, therapeutic diet kitchen, outpatient and inpatient
24 facilities and availability of departments of medicine & surgery, pediatrics,
25 obstetric and gynecology for consideration and approval of the Council.

26 (b) The Council shall thereupon, delegate a committee of the
27 Council to evaluate the contents of such curriculum, courses and facilities
28 and ensure that such curriculum, courses and facilities will sufficiently
29 equip any person pursuing Dietetics internship at the hospital with the
30 requisite knowledge, skill and working experience for professional

1 registration and practice of the Dietetics profession;

2 (c) The Council shall where such a centre is approved, thereafter by
3 instrument, accredit such programme and as the case may be, as a fit and proper
4 Dietetic internship training centre for the training of prospective registered
5 Members;

6 (d) Subject to this Bill, a person who has not obtained his first degree
7 in Nutrition and Dietetics from an accredited institution shall not be eligible to
8 undergo dietetic internship;

9 (e) In like manner and subject to this Bill, a person who has not
10 obtained his first degree in Nutrition and Dietetics from an accredited
11 institution, and who has not been registered to practice, shall not be eligible to
12 be employed as a dietitian or head of a department of Nutrition and Dietetics in
13 any hospital in Nigeria.

14 PART V - PRACTISING FEES

15 23.-(1) Subject to sub-section (2) of this section, no Dietitian shall
16 practice as a Dietitian, in any year unless he has paid to the Council in respect of
17 that year the appropriate practicing fees prescribed hereunder-

18 (a) In the case of a Dietitian of not less than 10 years standing,
19 N15,000;

20 (b) In the case of a Dietitian of less than 10 years standing, N5,000

21 (c) In the case of a Dietitian on internship, N2,000.

22 (2) A Dietitian during his service year in the National Youth Service
23 Corps Scheme shall be exempted from the payment of practicing fees.

24 (3) The Council may from time to time, vary the practicing fees
25 prescribed under subsection (1).

26 (4) The Council shall share the aggregate amount collected as
27 practicing fees during the year with the Dietitians Association of Nigeria
28 (DAN), 50 percent.

29 (5) Any Dietitian who in respect of any year and without paying the
30 prescribed practicing fees as such shall be guilty of an offence and shall be

1 liable on conviction-

2 (a) in the case of a first offence, to a fine of twice the prescribed
3 practicing fees; and

4 (b) in the case of a second or subsequent offence, to a fine of not
5 less than ten times prescribed practicing fee, and if the Dietitian is in the
6 employment of any person, that person shall also be guilty of an offence and
7 punished in like manner as the Dietitian unless he proves that the failure to
8 pay the practicing fee was without his knowledge, consent or connivance.

9 PART VI - PROFESSIONAL MISCONDUCT

10 24. In this part, "professional misconduct" means any conduct
11 considered by the Council to be professional misconduct and includes
12 professional indiscipline, abuse of office and corrupt practices in the
13 conduct of a member in the public service.

14 25.-(1) There shall be established for the Council a Disciplinary
15 Tribunal to be known as the Dietitians Council of Nigeria Disciplinary
16 Tribunal (in this Bill referred to as the "Tribunal").

17 (2) The Tribunal shall hear and determine any case of professional
18 misconduct against any Dietitian in the discharge of his official duties as a
19 professional dietitian.

20 (3) The Tribunal shall consist of the President and 6 other
21 Members from among members Of the Association who are of impeccable
22 character and records to be appointed by the Council.

23 26. -(1) There shall, for the purpose of the proceedings before the
24 Tribunal be established a panel to be known as the Investigating Panel of the
25 Dietitians Council of Nigeria (in this Bill referred to as the "Panel").

26 (2) The Panel shall-

27 (a) conduct preliminary investigations into any allegation of
28 complaint of professional misconduct against any Registered member,
29 Associate or Fellow of the Council; and

30 (b) decide whether or not such Registered member, Associate or

1 Fellow has a case to answer before the Tribunal and where applicable to refer
2 such case to the Tribunal for hearing and determination.

3 (3) The Panel shall consist of a Chairman and 4 other members from
4 among members of the Council who are of impeccable character and records
5 to be appointed by the Governing Council.

Penalties for
Professional
Misconduct

6 27.-(1) Where-

7 (a) a registered dietitian is adjudged by the Disciplinary Tribunal to be
8 guilty of infamous conduct in any professional respect;

9 (b) a registered dietitian is convicted, by any court of law or Tribunal
10 in Nigeria or elsewhere having power to impose imprisonment, for an offence
11 (whether or not an offence punishable with imprisonment) which in the
12 opinion of the Disciplinary Tribunal is incompatible with the status of a
13 registered dietitian; or

14 (c) the Disciplinary Tribunal is satisfied that the name of any person
15 has been fraudulently registered in the Register of Members; the Disciplinary
16 Tribunal may, if it thinks fit, give any of the directions specified in subsection
17 (2) of this section.

18 (2) The Disciplinary Tribunal may give a direction under subsection
19 (1) of this section-

20 (a) ordering the Registrar to strike the person's name off the relevant
21 register or registers;

22 (b) suspending the person from practice by ordering him not to
23 engage in practice as a dietitian, for such period not exceeding six months as
24 may be specified in the direction; or

25 (c) admonishing that person.

26 (3) The Disciplinary Tribunal may, if it thinks fit, defer or further
27 defer its decision as to the giving of a direction under subsection (1) of this
28 section until a subsequent meeting of the disciplinary committee; but-

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

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

5 (4) For the purposes of subsection (1) of this section, a person shall
6 not be treated as convicted as mentioned in paragraph(b) of that subsection
7 unless the conviction stands at a time when no appeal or further appeal is
8 pending or may, without extension of time, be brought in connection with
9 the conviction.

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

13 (6) The person to whom such a direction relates may, at any time
14 within 28 days from the date of service on him of the notice of the direction,
15 appeal against the direction to the Court of Appeal; and the Disciplinary
16 Tribunal may appear as respondent to the appeal and, for the purposes of
17 enabling directions to be given as to the costs of the appeal and of
18 proceedings before the Disciplinary Tribunal, the Disciplinary Tribunal
19 shall be deemed to be a party thereto whether or not it appears on the hearing
20 of the appeal.

21 (7) A direction of the Disciplinary Tribunal under subsection(1) of
22 this section shall take effect-

23 (a) where no appeal under this section is brought against the
24 direction within the time allowed for the appeal, on the expiration of that
25 time;

26 (b) where such an appeal is brought and is withdrawn or struck out
27 for want of prosecution, on the withdrawal or striking out of the appeal;

28 (c) where such an appeal is brought and is not withdrawn or struck
29 out as aforesaid, if and when the appeal is dismissed.

30 (8) A person whose name is removed from a register in pursuance

1 of a direction of the Disciplinary Tribunal under this section shall not be
2 entitled to be registered in that register again except in pursuance of a direction
3 in that behalf given by the Disciplinary Tribunal on the application of that
4 person.

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

10 PART VII - MEETINGS

11 **28.** The Council shall hold not less than 4 Council meetings every
12 year, but the President shall upon the requisition of not less than 5 members
13 convene an emergency Council meeting to transact the business Council
14 specified in the notice of that emergency Council meeting.

15 **29.** The President shall preside at any meeting of the Council, and in
16 the absence of the President, the First Vice-President shall preside and in the
17 absence of both the President and the First Vice-President, the Second Vice-
18 President shall preside and where he is also not available, members of the
19 Council present shall elect one of their member to preside at such a meeting.

20 **30.** The proceedings of the Council shall not be affected by the
21 absence of any member of the Council or any defect in the election or
22 appointment of any member or by reason that a person not entitled to be part of
23 the Proceedings, has taken part in such proceedings.

24 **31.** The Council may make standing orders to regulate its proceedings
25 and those of any of its committees.

26 **32.-(1)** The Council shall hold an annual general meeting of all
27 Members every year.

28 (2) The President shall preside at any annual general meeting of the
29 Council; and in the absence of the President, the First Vice-President shall
30 preside, and in the absence of the First Vice-President, the Second Vice ident

1 President shall preside and where both the President and the two Vice-
2 Presidents are absent, the members present shall elect one of their number to
3 preside at such meeting.

4 PART VIII - MISCELLANEOUS

5 33.-(1) The Council may make regulations to carry into effect any
6 of the provisions of this Bill.

7 (2) Without prejudice to Subsection (1), the Council may make
8 regulations to-

9 (a) prescribe the fees, dues and subscriptions payable by the
10 Members;

11 (b) prescribe the forms of the licenses and certificates, to be issued
12 to Dietitians;

13 (c) prescribe the date, procedure and agenda of the annual general
14 meeting of the Council; and

15 (d) specify the offices and duties of the officers of the Council.

16 34. In this Bill, unless the context otherwise requires-

Interpretation

17 "Council" means Dietitians Council of Nigeria established by Section 1 (1)
18 of this Bill;

19 "Governing Council" means Governing Council, established by Section
20 4(1) of this Bill;

21 "Institution" means Faculty, College or University where Nutrition and
22 Dietetics is Studied;

23 "Member" means member of the Council and includes Registered Member,
24 an Associate and a Fellow of the Council;

25 "President" means President of the Council;

26 "Ranks" means status of Registered members, Associates or Fellows;

27 "Register" means Register created and maintained under Section 14;

28 "Tribunal" means Tribunal established under Section 23;

29 "First Vice-President" means First Vice-President of the Council;

30 "Second Vice-President" means Second Vice-President of the Council;

1 "RDN" means Registered Dietitian-Nutritionist;

2 "He" means both male and female gender.

Citation

3 35. This Bill may be cited as the Dietitians Council of Nigeria Bill,
4 2016.

5 SCHEDULE

6 DIETITIANS COUNCIL OF NIGERIA DISCIPLINARY TRIBUNAL RULES

7 *Proceedings before the Tribunal*

8 *Parties*

9 1-(1) The parties to any proceedings of the Tribunal shall be-

10 (a) the complainant;

11 (b) the respondent; and

12 (c) any other person required by the Tribunal to be joined, or joined by
13 leave of the Tribunal.

14 (2) Subject to paragraph (3) of this rule, parties to the proceedings
15 may enter an appearance in person, or by their respective legal practitioners
16 acting as counsel.

17 (3) The Tribunal may require the attendance of the complainant or
18 respondent in person if that is necessary in the interest of justice.

19 *Notice of Hearing*

20 2.-(1) When a complaint is referred by the panel to the Tribunal, the
21 Registrar shall, after consultation with the Chairman, appoint a time and place
22 for the hearing; and shall in the form in the Schedule hereto, give notice to all
23 interested parties (including members of the Tribunal and the assessor) as
24 directed or required by the Chairman.

25 (2) If directions are for any reason not so given, it shall be sufficient
26 compliance with this rule if the notice is-

27 (a) handed to the party concerned or affected, personally; or

28 (b) sent by registered post to the last known place of abode of the
29 party;

30 3.-(1) Subject to paragraph (2) of this rule, the Tribunal may hear and

1 determine a case in the absence of any party.

2 (2) Any party to any proceeding before a Tribunal who fails to
3 appear or be represented may apply within one month after the date when the
4 pronouncement of the findings and directions of the Tribunal were given, for
5 a rehearing on the ground of want of notice or other good and sufficient
6 reason; and the Tribunal, in appropriate cases may grant the application
7 upon such terms as to costs or otherwise as it thinks fit.

8 4. The Tribunal may in the course of its proceedings hear
9 witnesses and perceive any documentary evidence necessary in its opinion
10 to assist it in arriving at a conclusion as to the truth or otherwise of the
11 allegation of misconduct in the complaint referred to it by the panel; and in
12 the application of this rule, the provisions of the Evidence Act shall apply in
13 any of such proceedings.

14 5. If in the course of the proceedings it appears to the Tribunal that
15 the complaint before it requires to be amended in any respect, the Tribunal
16 may, on such terms as it thinks fit, allow the amendment to be made and the
17 complaint as amended shall thereupon be dealt with accordingly.

18 6. The proceedings of the Tribunal shall be held, and its findings
19 and directions shall be delivered, in public unless otherwise directed by the
20 Tribunal.

21 7. The Tribunal may, on its own motion, or upon the application of
22 any party, adjourn the hearing, on such terms as to cost or otherwise as the
23 Tribunal thinks fits.

24 *False Evidence*

25 8. If any person willfully gives false evidence on oath before the
26 Tribunal during the course of any proceedings, or willfully make a false
27 statement in any affidavit sworn to for the purpose of such proceedings, the
28 Tribunal may refer the matter to the Attorney-General of the Federation for
29 such action as the Attorney-General may think fit.

1 *Finding*

2 9. If after the hearing, the Tribunal adjudges that the charge of
3 professional misconduct has not been proved, the Tribunal;

4 (a) shall record the findings that the respondent is not guilty of such
5 misconduct in respect of which the charge was preferred; and

6 (b) may, nevertheless order any party (except the complainant) to pay
7 the costs of the proceedings, having regard in his conduct and to all the
8 circumstances of the case.

9 *Publication of Finding*

10 10. Any finding made or direction given by the Tribunal shall be
11 published in the Federal Gazette immediately after such finding or direction,
12 as the case may be.

13 *Record of Proceedings*

14 11. The Chairman shall during the hearing, take the minutes of the
15 proceedings which shall be open to inspection by the parties and shall be made
16 available to any party upon the payment of such charges as the Registrar may
17 by instrument published in the Federal Gazette, fix.

18 *Miscellaneous Powers of the Tribunal*

19 12. The Tribunal may dispense with any requirements of these rules
20 regarding notices, affidavits, documents, service or time for doing or omitting
21 anything, in any case where it appears to the Tribunal to be just or expedient so
22 to do, and the Tribunal may in any particular case extend the time for doing
23 anything under these rules.

24 *Powers to retain exhibit pending appeal*

25 13. Books and other exhibits whatsoever produced or used at the
26 hearing shall unless the Tribunal otherwise directs, be retained by the Registrar
27 until the expiry of the time for filing an appeal against any finding or direction
28 of the Tribunal or, if notice of any such appeal is given, until the hearing and
29 disposal of the appeal.

Appointment and Duties of Assessors

1
2 14.-(1) An Assessor shall be appointed by the Council by
3 instrument, and the assessor shall hold and vacate office as provided in his
4 instrument of appointment, and where the appointment is not a general one,
5 it shall have effect only in respect of a particular proceeding of the Tribunal.

6 (2) Subject to the terms of his appointment, an assessor shall attend
7 the proceedings of the Tribunal whenever required to do so by notice in
8 writing given to him by the Registrar not later than 3 days, before the date
9 fixed for the hearing of such Proceedings; and he shall advise the Tribunal
10 on questions of law only.

Interpretation

11 15. In this Bill, unless the context otherwise requires-
12 "Complainant" means a person or body that brings complaint of
13 professional misconduct against a member of the Council to the tribunal;
14 "Respondent" means the persons required to answer to any charge of
15 Professional Misconduct brought by the Complainant.
16

EXPLANATORY MEMORANDUM

This Bill seeks to establish Dietitian Council of Nigeria, to regulate the practice of the Profession of Nutrition and Dietetics and for other matters connected therewith to achieve a more wholesome Dietetics practice and maintain standards among Dietetic Practitioners.

