INSTITUTE OF CHARTERED BIOCHEMISTS AND MOLECULAR BIOLOGISTS OF NIGERIA BILL, 2016

ARRANGEMENT OF SECTIONS

Clauses:

A BILL

FOR

AN ACT TO ESTABLISH INSTITUTE OF CHARTERED BIOCHEMISTS AND MOLECULAR BIOLOGISTS CHARGED WITH THE RESPONSIBILITIES TO AMONG OTHER THINGS DETERMINE STANDARDS OF KNOWLEDGE AND SKILL TO BE ATTAINED BY PERSONS SEEKING TO BECOME REGISTERED BIOCHEMISTS AND MOLECULAR BIOLOGISTS, REGISTER SUCH PERSONS, REGULATE AND CONTROL THEIR PRACTICE AND REVIEW THOSE STANDARDS FROM TIME TO TIME AS CIRCUMSTANCES MAY PERMIT AND RELATED MATTERS

Sponsored by Sen. Emmanuel Paulker

[ ] Commencement

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

Establishment of the Institute of Chartered Biochemists and Molecular Biologists of Nigeria

1.-(1) There is established a body to be known as the Institute of Chartered Biochemists and Molecular Biologists of Nigeria (in this Bill referred to as "the Institute").

(2) The Institute-

(a) shall be a body Corporate with perpetual succession and a common seal and may sue and be sued in its corporate name; and

(b) may acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal.

Establishment and composition of Governing of the Institute

2.-(1) There is established for the Institute a Governing Council (in this Bill referred to as the "Council") which shall be charged with responsibility for the administration and general management of the Institute.

(2) The Council shall consist of the following members, that is-

(a) the President of the Institute, who shall be the chairman;

(b) the Vice-President of the Institute, who shall be the Vice-chairman;

(c) a representative of the Ministry of Health;

(d) Immediate past President of the Institute who shall be entitled to serve on the Council for a maximum period of 2 years from the expiration of his terms of office as President of the Institute;

(e) the chairmen of all Standing Committees of the Institute and,

(f) The Registrar of the Institute who shall be the secretary to the Council.

(3) Where the President is unable to preside at the meetings of the Council by reason of death, incapacity or any other reason, the Vice President shall act in his stead for the unexpired portion of the term of office, or as the case may require, and references in this Bill to the President shall be construed accordingly.

First Schedule

(4) The provision set out in the Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters.

Election of President and Vice President

3.-(1) The President and the Vice President shall-

(a) be fellows of the Institute;

(b) be elected at the Annual General Meeting of the Institute; and

(c) hold office each for a term of two years renewable for another term and no more.

(2) A person shall be qualified for election to the office of president and vice president of the institute if he or she-

(a) is a citizen of Nigeria;

(b) has paid all his or her dues for five consecutive years immediately preceding the year of election; and

(c) has not been adjudged to be a lunatic or to be of unsound mind, or declared to be bankrupt.

Membership of the Institute

4.-(1) Subject to the provision of this Bill, members admitted to the Institute shall-

(a) possess adequate interest, knowledge and understanding of

Biochemistry and Molecular Biology and related matters and must be registered as members in the category of-

(i) Fellows;

(ii) Associate Members;

(iii) Professional Members;

(iv) Ordinary Members; or

(v) Honorary Fellows or Members.

(b) be registered as Biochemists and Molecular Biologists or such other classification of Biochemists and Molecular Biologists as the Institute may, from time to time, determine.

(2) A person shall be registered as-

(a) a fellow if-

(i) he or she has been registered as an Associate member of the Institute, or has been qualified to be so registered, for at least seven years and he satisfies the Council that for a continuous period of ten years immediately preceding the application he has been in practice as a Biochemists and Molecular Biologists or has practised in partnership with other Biochemists and Molecular Biologists; or

(ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered;

(b) an associate member if-

(i) he or she has been registered as a Professional member of the Institute or has been qualified to be so registered for at least six years immediately preceding the application; or

(ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered;

(c) a professional member if-

(i) he or she has been registered as a member of the Institute and has been in practice as a Biochemist and Molecular Biologist for a period of at least two years immediately preceding the application; or

(ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered;

(d) an ordinary member if-

(i) he or she holds a certificate of the examination of the Institute or has any other qualification approved by the Council, and he or she satisfies the provisions of Section 8 of this Bill; or

(ii) he or she is otherwise considered by the Council to be a fit and proper person to be so registered.

(e) An honorary fellow or honorary member of the Institute shall be a person admitted as such by a resolution of the Council.

Where a person is enrolled or registered by the Institute, he or she shall be entitled to the use of such letters after his name as may be authorised by the Council according to whether he is a fellow, associate, professional member, ordinary member or registered Biochemist and Molecular Biologist and when so enrolled or registered, he or she shall receive a certificate in such form as the Council may, from time to time, approve.

Duties of Members

5.-(1) It shall be the duty of a registered member of the Institute to abide by the rules, regulations, code of conduct and any other policy made by the Institute for the purpose of sound practice.

(2) A member of the Institute shall conduct his or her behaviour in a manner that upholds the dignity and reputation of the Institute.

Powers of the Council

6. The Council shall have powers to do anything which in its opinion is calculated to facilitate the activities of the Institute.

Fund and Account of the Institute

7.-(1) The Council shall establish and maintain a fund for the Institute.

(2) There shall be paid and credited into the fund established pursuant to sub-section (1) of this section-

(a) all fees and other moneys payable to the Council in pursuance of this Bill; these include contribution from members and Fellows, levies, subscription fees and other dues paid by members;

(b) Revenues accruing from investments, services and symposia, grants from local and international bodies, endowments, donations from benefactors, adhering bodies, educational activities and other donors; and

(c) such moneys as may be payable to the Council in the course of the discharge of its functions under this Bill.

(3) There shall be paid out of the fund of the Institute-

(a) all expenditure incurred by the Council in the discharge of its functions under this Bill;

(b) the remuneration and allowances of the Registrar and other staff of the Institute; and

(c) Such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council, as the Council may determine.

(4) The Council may invest moneys in the fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria as may be approved by the Council.

(5) The Council may, from time to time, borrow money for the purpose of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund of the Institute.

(6) The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to these accounts; and the Council shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(7) The auditor, appointed for the purposes of this section, shall not be a member of the Council.

(8) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter a report on the activities of the Council in the last preceding year and shall include in the report a copy of the audited accounts of the Council for that

Appointment of Registrar, other Staff and their duties

1 year and of the auditor's report thereon.

2 **8.**-(1) It shall be the duty of the Council to appoint-

3 (a) a fit and proper person who shall be a member of the Institute to be

4 the Registrar for the purposes of this Bill; and

5 (b)such other persons as the Institute may, from time to time, think

6 necessary.

7 (2) It shall be the duty of the Registrar to prepare and maintain, in

8 accordance with rules made by the Council, a register of names, addresses and

9 approved qualifications and of such other particulars as may be specified in the

10 rules, of all persons who are entitled in accordance with the provisions of this

11 Bill to be registered as members of the profession in the category of fellows,

12 associates members, professional members, ordinary members, honorary

13 fellows and members who, in the manner prescribed by such rules, apply to be

14 so registered.

15 (3) It shall be the duty of the Registrar-

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

17 entry in the register which the Council directs him to correct as being in the

18 opinion of the Council an entry which was incorrectly made;

19 (b) to make, from time to time, any necessary alterations to the

20 registered particulars of registered persons;

21 (c) to record the names of members of the Institute who are in default

22 for more than six months in the payment of annual subscriptions; and to take

23 such action in relation to removal of the names of defaulters from the register as

24 the Council may direct.

25 (4) If the Registrar-

26 (a) sends by post to any registered person a registered letter addressed

27 to him at his address on the register enquiring whether the registered particulars

28 relating to him are correct and receives no reply to the letter within the period of

29 six months from the date of posting it; and

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

person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

(c) the Registrar may remove the particulars relating to the person in question from the register:

Provided that the Council may, for any reason which seems to it sufficient, direct the Registrar to restore the appropriate part of the register any particulars removed therefrom under this sub-section.

(5) It shall be the duty of the Registrar-

(a) to cause the register to be printed, published and made accessible to members of the public not later than two years from the coming into force of this Bill;

(b) in each year after that in which a register is first published under paragraph (a) of this sub-section, to cause to be printed, published and made accessible to the public, either an updated or corrected edition of the register or list of alteration made to the register since it was last printed; and

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

(6) A document purporting to be the print of an edition of a register published under this Section by authority of the Registrar or documents purporting to be the prints of an edition so published, shall without prejudice to any other mode of proof be admissible in any proceeding as evidence that any person specified in the document, or documents read together, as being registered, is so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered;

(7) Where in accordance with sub-section (6) of this Section, a person is in any proceeding shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be

taken for the purposes of the proceeding as having at all material times thereafter continued to be or not be so registered.

Register of Members

9.-(1) The register shall consist of five parts of which the first part shall be in respect of honorary fellows and members, the second part shall be in respect of fellows, the third part shall be in respect of associate members, the fourth part in respect of professional members and the fifth part in respect of ordinary members.

(2) Subject to the following provisions of this Section, the Council may make rules with respect to the form and keeping of the register and the making of entries therein and in particular-

(a) regulating the making of applications for registration, and providing for the evidence to be produced in support of applications;

(b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;

(c) requiring a registered person to have any qualification which is in relation to Biochemists and Molecular Biologists, either an approved qualification for the purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorizing the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid.

(e) specifying anything failing to be specified under the foregoing provisions of this Section.

(3) Any rules made for the purpose of paragraph (d) of sub-section (2) of this Section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose or at the next Annual General Meeting, as the case may be.

Registration of Certified Persons

10.-(1) Subject to Section 16 of this Bill and to rules made under Section8 of this Bill, a person shall be registered as a member of the profession if-

(a) he or she passes the qualifying examination for registration recognized or conducted by the Council under this bill and completes the practical training prescribed;

(b) he or she holds a qualification granted and for the time being accepted by the Institute and satisfies the Council that he has had sufficient practical experience as a biochemist and molecular biologist; or

(c) he or she holds a qualification granted outside Nigeria and for the time being accepted by the Institute which entitles him or her to practice for all purposes as a biochemist and molecular biologist in the country in which the qualification was granted, and he or she qualifies for registration as a member in any of the categories specified in Section 4 of this Bill.

(2) An applicant for registration under this Bill shall, in addition to evidence of qualification, satisfy the Council that-

(a) he or she is of good character;

(b) he or she has attained the age of 21 years; and

(c) he or she has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.

(3) The Council may, in its discretion, provisionally accept a qualification produced in respect of an application for registration under this Section, or direct that the application be renewed within such period as may be specified in the direction.

(4) Any entry directed to be made in the register under Sub-section (3) of this Section shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.

(5) The Council shall, from time to time, publish in the Gazette

1 particulars of qualifications for the time being acceptable for registration by the
2 Institute.

3 (a) Foreigners wishing to practice as a professional biochemist or
4 molecular biologist in Nigeria must be certified by the Institute;

5 (b) Foreigners residing in Nigeria or elsewhere who apply for
6 registration with the Institute shall be so admitted provided they satisfy the
7 conditions specified in Sub-section (1) and(2) of this Section and pay the
8 specified membership fees; and

9 (c) Foreign members shall be entitled to the rights of membership as
10 will from time to time be specified for international members.

Functions of the Institute

11 **11.** The functions of the Institute shall be to-

12 (a) determine what standards of knowledge and skill are to be attained
13 by persons seeking to become registered as Biochemists and Molecular
14 Biologists and reviewing those standards from time to time as circumstances
15 may permit;

16 (b) secure in accordance with the provisions of this Bill the
17 establishment and maintenance of a register of fellows, associate members,
18 professional members, ordinary members and honorary fellows and members
19 of the Institute and the publication from time to time of the lists of those
20 persons;

21 (c) provide for the training, education and conduct examination of
22 persons desiring to become Biochemists and Molecular Biologists in
23 accordance with the provisions of this Bill whether in Nigeria or elsewhere;

24 (d) conduct induction courses for aspiring members for a specified
25 period of time as may be determine by regulations of the Institute;

26 (e) issue licenses to any persons qualified to practice as Biochemists
27 and Molecular Biologists in Nigeria irrespective of where he obtains the
28 qualification;

29 (f) organize-

30 (i) conferences, seminars, symposia, meetings, workshop and

lectures on Biochemistry and Molecular Biology and related issues;

(ii) post-qualification courses for its members.

(g) regulate the discipline and professional conduct of its members; and

(h) perform through the Council the functions conferred on it by this Bill.

Approval of Qualification

12.-(1) The Council may approve any qualification for the purposes of this Bill and may for those purposes approve-

(a) any course of training at an approved institution which is intended for persons who are seeking to become or are already Biochemists and Molecular Biologists and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for practice as a Biochemists and Molecular Biologists; and

(b) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination, indicating in the opinion of the Council that the candidates have sufficient knowledge and skill for practice as Biochemists and Molecular Biologists.

(2) The Council may, if it deems fit, withdraw any approval given under this Section in respect of any course, qualification or institution but before withdrawing such an approval the Council shall-

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

(b) afford such persons an opportunity of making to the Council representations with regard to the proposal; and

(c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.

(3) As respects any period during which the approval of the

Council under this section fora course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of persons who obtained such qualifications before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall-

(a) as soon as may be practicable, publish a copy of every such instrument in the Gazette; and

(b) not later than seven days before its publication, send a copy of the instrument to the Minister of Health.

Approval of Institution, Training, and Examination

13.-(1) There shall be a Committee, to be known as the Education and Admission Committee under this Bill hereafter referred to as "Education Committee"), which shall be charged with the duty of keeping the Council informed on the nature of-

(a) the instructions given at approved institutions of persons attending approved courses of training; and

(b) the examinations as a result of which approved qualifications are granted.

(2) For the purposes of performing the duty in Sub-section (1) of this Section, the Education Committee may appoint; either from among its members or otherwise, persons to visit approved institutions or attend such examinations.

(3) The Education Committee shall consist of five members elected during the Institute's Annual General Meeting and all members shall be certified Biochemists or Molecular Biologists.

(4) The Chairman shall be an academic in any tertiary institution in Nigerian.

(5) It shall be the duty of the Education Committee to report to the Council on-

(a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by them or their appointed representatives;

(b) the sufficiency of the examinations attended by them or their appointed representatives; and

(c) any other matters relating to the instructions or examinations on which the Council may, either generally or in a particular case, request them to report; but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(6) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Practice Committee

14.-(1) There shall be a Committee to be known as the Practice Committee which shall be charged with the duty of-

(a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his or her capacity as a Certified Biochemist or Molecular Biologist, or should for any other reason be the subject of proceeding before the tribunal; and

(b) deciding whether the case should be referred to the tribunal.

(2) The Practice Committee shall consist of five members elected during the Institute's Annual General Meeting and all members shall be practicing Certified Biochemist or Molecular Biologist.

Second Schedule

(3) The provisions of Second Schedule to this Bill shall, so far as applicable to the Tribunal and Practice Committee respectively, have effect

with respect to the two bodies.

(4) The Council may make rules not inconsistent with this Bill as to acts which constitute professional misconduct.

Professional Disciplinary Tribunal

15.-(1) There shall be established a body to be known as the Chartered Biochemists and Molecular Biologists Disciplinary Tribunal (in this Bill referred to as "the Tribunal"), which shall be charged with-

(a) the duty of considering and determining any case referred to it by the Practice Committee; and

(b) any other case of which the Tribunal has cognizance of under the provisions of this Bill.

(2) The Tribunal shall consist of the President of the Council and six other members of the Council appointed by the Council.

Disciplinary Action

16.-(1) Where-

(a) a person registered under this Bill is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect;

(b) a person registered under this Bill is convicted, by any court in Nigeria or elsewhere having power to award punishment for an offence whether or not such offence is punishable with imprisonment which in the opinion of the Tribunal is incompatible with the status of a member of the profession; or

(c) the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.

(2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction under sub-section (1) of this Section until a subsequent meeting of the Tribunal.

(3) No decision of the Tribunal shall be deferred under sub-section (2) of this Section for periods exceeding one year in the aggregate.

(4) As far as possible no person shall be a member of the Tribunal for

the purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Tribunal when the decision was deferred.

(5) For the purposes of sub-section (1) of this Section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or may without extension of time be brought in connection with the conviction.

(6) When the Tribunal gives a direction under sub-section (1) of this Section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.

(7) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the direction, appeal against the direction to the Federal High Court and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, the Tribunal shall be deemed to be a party whether or not it appears on the hearing of the appeal.

(8) A direction of the Tribunal given under sub-section (1) of this Section shall take effect where-

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

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

(c) such an appeal is brought and is dismissed.

(9) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this Section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person.

(10) A direction under this Section or the removal of a person's name from the register, may prohibit an application under sub-section (9) of

this Section by that person until the expiration of such period as may be determined by the Tribunal from the date of the direction and, where he has duly made such an application, from the date of his last application or as may be specified in the direction.

Retrospective Registration

17.-(1) Any person not being a member of the Institute who, but for this Bill, would have been qualified to apply for and obtain membership of the Institute, may, within a period of six months from the commencement of this Bill, apply for the membership of the Institute in such a manner as may be prescribed by the Council.

(2) Where an application under sub-section (1) of the Section is approved by the Council, the applicant shall be enrolled or registered, as the case may be, according to his qualification.

Professional Practice

18.-(1) Subject to sub-section (2) of this Section, a person shall be deemed to practice as a biochemist or molecular biologist if, in consideration of remuneration to be received, and whether by himself or in partnership with any person, he-

(a) engages himself in the practice of Biochemistry and Molecular Biology or holds himself out to the public as a Biochemist or as a Molecular Biologist;

(b) renders professional service or assistance in or about matters of principle or detail relating to Biochemistry or Molecular Biology; and

(c) renders any other service which may by regulations made by the Council, with the approval of the Minister of Health, be designated as service constituting practice as a Biochemist or Molecular Biologist.

(2) Nothing in this Section shall be construed so as to apply to persons who, while in the employment of any government or person, are required under the terms or in the course of such employment, to perform the duties of a Biochemist or Molecular Biologist.

Rules on subscription and Practice licence

19.-(1) The Council may make rules for-

(a) the training with registered members of the Institute of suitable

persons as Biochemists or Molecular Biologist; and

(b) the supervision and regulation of the engagement, training and transfer of such person.

(2) The Council may also make rules-

(a) prescribing the amount and date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules for fellows, associate members, professional members, ordinary members, honorary fellows and members of the Institute;

(b) prescribing the form of license to practice to be issued annually or, if the Council thinks fit, by endorsement on an existing license;

(c) restricting the right to practice as a Biochemist and Molecular Biologist if in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;

(d) restricting the right to practice as a Biochemist or Molecular Biologist if the qualification granted outside Nigeria does not entitle the holder to practice as a Biochemist or Molecular Biologist; and

(e) prescribing the period of practical training in the office of a member of the Institute in practice to be completed before a person qualifies for a license to practice as a Biochemist or Molecular Biologist.

(3) Rules when made shall, if the Chairman of the Council so directs, be published in the Gazette.

Publicity Committee

20.-(1) There shall be a Committee, to be known as the "Publicity Committee"which shall act on behalf of the Institute to-

(a) provide and maintain a library comprising electronic resources, books and publications for the advancement of knowledge of Biochemistry and Molecular Biology, and such other materials and publications as the Council may think necessary for the purpose; and

(b) undertake members' enlightenment in particular and public awareness programme in general for the advancement of the practice of

Biochemistry and Molecular Biology.

(2) The Publicity Committee shall consist of five members elected during the Institute's bi-annual Congress and all members shall be certified Biochemists and Molecular Biologists.

Powers of the Minister

21. The Minister may give to the Council directions of a general character or relating generally to particular matters but not to any individual person or case with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directives.

Powers of Council to make regulation

22. The Council may subject to the provision of this Bill, make staff regulation relating generally to the condition of service of the employees, such regulation may provide for the appointment, promotion, discipline and appeals of the staff.

Regulations

23.-(1) Any regulation made under this Bill shall be published in the Federal Government Gazette as soon as they are made and a copy of the regulations shall be forwarded to the Ministry of Health and Office of the Head of Service not less than seven days before they are published.

(2) Rules made for the purpose of this Bill shall be subject to confirmation by the Institute at its next Annual General Meeting or at any special meeting of the Institute convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of the rules.

Offences

24.-(1) If any person for the purpose of procuring the registration of any name, qualification or other matter-

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

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

(2) If, on or after the relevant date, any person who is not a member of the Institute practises as a Biochemist and Molecular Biologist for or in

expectation of reward or takes or uses any name, title, addition or description implying that he is in practice as a Biochemist and Molecular Biologist, he is guilty of an offence.

(3) In the case of a person falling within section 16 of this Bill-

(a) the provisions of sub-section (2) of this Section shall not apply in respect of anything done by him during the period of three months mentioned in that Section; and

(b) if within that period he duly applies for membership of the Institute, then unless within that period he is notified that his application has not been approved, the provisions of sub-section (2) of this Section shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified as aforesaid.

(4) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he is guilty of an offence.

(5) A person guilty of an offence under this Section is liable-

(a) on summary conviction, to a fine of an amount not exceeding N200,000.00; or

(b) on conviction on indictment, to a fine of an amount not exceeding N500,000.00 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(6) Where an offence under this Clause which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, shall be-

(a) deemed to be guilty of the offence; and

(b) liable to be proceeded against and punished accordingly.

Interpretation

25. In this Bill-

"Council" means the Council established as the governing body of the Institute under Section 2 of this Bill;

"Fees" includes annual subscriptions and any other fees;

"Institute" means the Institute of Chartered Biochemists and Molecular Biologists of Nigeria established under Clause 1 of this Bill;

"Member" means a fellow, associate member, professional member, ordinary member, honorary fellow or member of the Institute;

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

"President" and"Vice-President" mean respectively the office holders under those names in the Institute;

"Register" means the register maintained in pursuance of Section 9 of this Bill;

"Tribunal" has the meaning assigned thereto by Section 14 of this Bill.

Citation

26. This Bill may be cited as the Institute of Chartered Biochemists and Molecular Biologists of Nigeria Bill, 2016.

SCHEDULES

FIRST SCHEDULE

[Clause 2(5)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND THE INSTITUTE

Qualifications and tenure of office of members

1.-(1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning with the date of his appointment or election.

(2) In the case of a person who is a member by virtue of having been President of the Institute, he shall hold office for a period of three years from the date of his having ceased to be President of the Institute.

(3) Any member of the Institute who ceases to be a member thereof shall, if he is also a member of the Council, cease to hold office on the Council.

(4) Any elected member may, by notice in writing under his hand addressed to the President of the Institute, resign his office, and any appointed member may, with the consent of the Minister, in the same manner resign his office.

(5) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible again to become a member of the Council and any appointed member may be reappointed.

(6) Members of the Council shall at its meeting next before the bi-annual meeting of the Institute arrange for the five members of the Council appointed or elected and longest in office to retire at that bi-annual meeting.

(7) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council, and until so prescribed, they shall be decided by a show of hands.

(8) If for any reason, there is a vacation of office by a member and-

(a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person to replace such member; or

(b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit and proper person for such time as aforesaid.

Powers of Council

2. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.

Proceedings of Council

3.-(1) Subject to the provisions of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute, the Council or any of the Council's or Institute's committees.

(2) The standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, the President

of the Institute or the Chairman, as the case may be, shall have a second or casting vote.

(3) The standing orders made for a committee shall provide that the committee reports back to the Council on any matter within its competence to decide.

(4) The quorum of the Council shall be seven and the quorum of a committee of the Council; shall be determined by the Council.

Meetings of the Institute

4.-(1) The Council shall convene the annual meeting of the Institute on 30 April in every year or on such other day as the Council may, from time to time, appoint so however that if the meeting is not held within one year after the previous annual meeting not more than fifteen months shall elapse between the respective dates of the two meetings.

(2) A special meeting of the Institute may be convened by the Council at any time, and if not less than twenty percent (20%) of the subsisting members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special meeting of the Institute.

(3) The quorum of any meeting of the Institute shall be ten (10%) of the subsisting members and that of any special meeting of the Institute shall be fifteen (15%).

Meeting of the Council

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

(2) At any meeting of the Council, 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 Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council 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 Council and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

6.-(1) The Council may appoint one or more committees to carry out on behalf of the Institute or of the Council such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one third shall be persons who are not members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.

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

Miscellaneous

Seal of authority

7.-(1) The fixing of the seal of the Institute shall be authenticated by the signature of the President of the Institute or of some other member of the Council authorised generally or specially by the Institute to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council, as the case may require, by any person generally or specially authorised to act for

that purpose by the Council.

(3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Validity of decisions

9. The validity of any proceeding of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that a person not entitled to do so took part in the proceedings.

Declaration of interest

10. Any member of the Institute or of the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council or a committee thereof, shall forthwith disclose his interest to the President of the Institute or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

SECOND SCHEDULE

[Sections 14 and 15]

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND PRACTICE COMMITTEE

The Disciplinary Tribunal

1. The quorum of the Tribunal shall be four of whom at least two shall be members of the profession.

2.-(1) The Chief Justice of Nigeria may make rules as to the selection of members of the Tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide-

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

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

(c) for securing that any party to the proceedings shall, if so required, be entitled to be heard by the Tribunal;

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

(e) subject to the provisions of section 12 (7) of this Bill, as to the costs of proceedings before the Tribunal;

(f) for requiring in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;

(g) for publishing in the Gazette notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of *subpoena ad testiscandium and ducestectum;* but no person appearing before the Tribunal shall be compelled-

(a) to make any statement before the Tribunal tending to incriminate himself; or

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

4. For the purpose of advising the Tribunal on question of law arising in the proceedings before it, there shall in all such proceedings be an

assessor to the Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than ten years' standing.

5.-(1) The Attorney-General of the Federation shall make rules as to the function of Assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that-

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

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

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

The quorum of the Committee shall be three

6.-(1)The committee may, at any meeting of the Panel attended by all the members of the Panel, make standing orders with respect to the Panel.

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

Miscellaneous

7.-(1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for re-appointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person who acted as a member of the Panel with

respect to any case shall act as a member of the Tribunal with respect to that case.

8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or subject to paragraph 9 (2) of this Schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. Any document authorised or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Registrar appointed in pursuance of section 6 of this Bill.

10. Any expenses of the Tribunal or the Panel shall be defrayed by the Institute.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Institute of Chartered Biochemists and Molecular Biologists charged with the responsibilities to among other things determine standards of knowledge and skill to be attained by persons seeking to become registered Biochemists and Molecular Biologists, register such persons, regulate and control their practice and review those standards from time to time as circumstances may permit.