COMPLIMENTARY AND ALTERNATIVE MEDICINE PRACTICE REGULATORY COUNCIL OF NIGERIA (ESTABLISHMENT, ETC.) BILL, 2016

ARRANGEMENT OF SECTIONS

Section:

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE COMPLIMENTARY AND ALTERNATIVE MEDICINE PRACTICE REGULATORY COUNCIL OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH

Sponsored by Senator Stella Oduah

[ ] Commencement

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

PART I - ESTABLISHMENT OF THE COMPLIMENTARY AND ALTERNATIVE MEDICINE PRACTICE REGULATORY COUNCIL OF NIGERIA, ETC.

Establishment of the Complimentary and Alternative Medicine Practice Regulatory Council of Nigeria, etc.

1.-(1) There is hereby establishment a body to be known as the Complimentary and Alternative Medicine practice Regulatory Council of Nigeria (in this Act referred to as "the Council").

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

Membership of the Council

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

(a) a Chairman who shall be a university graduate registered with the Complimentary and Alternative Medicine practice Regulatory Council and with a minimum of 10 years experience in the practice of Complimentary and Alternative Medicine practice Regulatory Council in Nigeria;

(b) one person each to represent the 36 States of Nigeria and the Federal Capital Territory who shall be a registered practitioner with a minimum of 5 years experience and nominated by his Stale Board of Complimentary and Alternative Medicine practice Regulatory Council;

(c) two representatives with considerable experience in Complimentary and Alternative Medicine practice Regulatory Council

from the Federal Ministry of Health who shall be from:

(i) Complimentary and Alternative Medicine practice Regulatory Council Programme,

(ii) Food and Drugs Services Department;

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

(e) one representative each of:

(i) the Federal Ministry of Science and Technology,

(ii) the Federal Ministry of Education,

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

(iv) State Ministry of Health representative with considerable experience in Complimentary and Alternative Medicine practice to be selected from each of the six geopolitical zones in Nigeria in rotation for one term at a time;

(e) the Registrar of the Council who shall be a University graduate with considerable experience in Complimentary and Alternative Medicine practice and also a registered Complimentary and Alternative Medicine practice practitioner for at least 5 years.

(2) The composition of the Council shall be made up of not less than 55% of Complimentary and Alternative Medicine Practitioners.

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

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

Tenure of office

3.-(1) The Chairman and members of the Council, other than ex-officio members shall each hold office for a period of 3 years on such terms and conditions as may be specified in their letters of appointment and may be

reappointed for one further period of 3 years and no more.

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

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

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

Emoluments, allowances, etc. of members of the Council

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

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

Functions of the Council

5. The Council shall:

(a) facilitate, coordinate and harness all efforts aimed at the development of Complimentary and Alternative Medicine practice in Nigeria;

(b) establish institutional framework and propose policies for the practice of Complimentary and Alternative Medicine practice in Nigeria;

(c) liaise with the relevant regulatory authorities on

Complimentary and Alternative Medicine practice at the State and Local Governments with respect to implementation of the national policies and guidelines on Complimentary and Alternative Medicine practice;

(d) encourage and promote the establishment of model services and institutions on Complimentary and Alternative Medicine practice such as clinics, schools, botanical gardens, herbaria, drug manufacturing units, etc. In the six geopolitical zones in Nigeria;

(e) on a regular basis, collect, publish, disseminate and exchange information on Complimentary and Alternative Medicine practice and develop a National Complimentary and Alternative Medicine practice Information System;

(f) establish and maintain a register of persons entitled to practice Complimentary and Alternative Medicine practice in Nigeria and public annually, a list of persons so registered;

(g) prepare and review, from time to time, code of practice for practitioners of Complimentary and Alternative Medicine practice in Nigeria;

(h) in collaboration with the relevant agencies or bodies, develop curricula of studies, and determine the standards of knowledge and skills for training in Complimentary and Alternative Medicine practice in Nigeria;

(i) in collaboration with relevant agencies or bodies, accredit institutions properly organized and equipped for conducting the whole or any part of a course of training on Complimentary and Alternative Medicine practice approved by the Council; and

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

Powers of the Council

6. The Council shall have power to:

(a) set standards for certifying persons seeking registration with the Council as Complimentary and Alternative Medicine practice practitioners;

(b) make regulations for the discipline of erring Complimentary and Alternative Medicine practice practitioners;

(c) set national guidelines for the establishment of Boards and Committees for the regulation and practice of Complimentary and Alternative Medicine practice in the State and Local Government;

(d) establish and periodically review and update the guidelines for the regulation of Complimentary and Alternative Medicine practice in Nigeria with a view to protecting the population from quackery, fraud and incompetence;

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

(f) enter into collaborative and cooperation agreements or arrangements with agencies and bodies with similar objectives within and outside Nigeria; and

(g) consider for approval or otherwise any qualification in Complimentary and Alternative Medicine practice obtained from foreign institutions or training schools recognized by government of the countries where the institutions or schools are located and the Council may withdraw such approval in line with the provisions of this Act.

PART II - STAFF OF THE COUNCIL

Registrar and Staff of the Council

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

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

(b) the Chief Executive of the Council; and

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

(2) Notwithstanding the provisions of subsection (1) of this section, the Registrar shall:

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

(b) issue notices of meetings of the Council;

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

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

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

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

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

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

Contributory Pensions Act

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

PART III - FINANCIAL PROVISIONS

Establishment of National Complimentary and Alternative Medicine Practice Regulatory Council Fund

9.-(1) There is hereby established for the Council a Fund to be known as the National Complimentary and Alternative Medicine practice Regulatory Council Fund (in this Act referred to as "the Fund").

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

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

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

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

Expenditure or the Council

10. The Council may, from time to time, apply the proceeds of the

Fund established under section 9 of this Act:

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

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

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

(d) for the development and maintenance of any property vested in or owned by the Council;

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

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

Power to borrow

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

Power to accept gifts

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

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

PART IV - ESTABLISHMENT, ETC. OF COMPLIMENTARY AND ALTERNATIVE MEDICINE PRACTICE REGULATORY COUNCIL DISCIPLINARY TRIBUNAL

Annual Report

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

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

Establishment, etc. of Complimentary and Alternative Medicine Practice Regulatory Council Disciplinary Tribunal

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

Composition of the Disciplinary Tribunal

(2) The Disciplinary Tribunal shall consist of:

(a) the Chairman of the Council as Chairman;

(b) two Complimentary and Alternative Medicine practice practitioners;

(c) four representatives of the Council; and

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

Third Schedule

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

Offences and penalties for professional misconduct

15.-(1) Where:

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

(b) a person practicing under this Act is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the status of a Complimentary and Alternative Medicine practice practitioner; or

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

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

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

Provided:

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

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

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

(4) When the Disciplinary Tribunal gives direction under

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

Appeal against the direction of the Disciplinary Tribunal

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

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

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

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

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

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

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

PART V - ESTABLISHMENT, ETC. OF THE STATE AND FEDERAL CAPITAL TERRITORY COMPLIMENTARY AND ALTERNATIVE MEDICINE PRACTICE REGULATORY COUNCIL BOARDS AND THE DISCIPLINARY TRIBUNALS AND INVESTIGATING PANELS

PART V (A) - ESTABLISHMENT, ETC. OF THE STATE AND FEDERAL CAPITAL TERRITORY COMPLIMENTARY AND ALTERNATIVE MEDICINE PRACTICE REGULATORY BOARDS

Establishment, etc. of State Complimentary and Alternative Medicine Practice Regulatory Boards

17. The establishment, composition and functions of the State Complimentary and Alternative Medicine practice Regulatory Boards and Investigating Panels in each State of the Federation shall be in accordance with Laws enacted by the State Houses of Assembly.

Establishment, etc. of the Federal Capital Territory Complimentary and Alternative Medicine Practice Regulatory Council Board

18.-(1) There is hereby established for the Federal Capital Territory a body to be known as the Federal Capital Territory Complimentary and Alternative Medicine practice Regulatory Board (in this Act referred to as "the Board").

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

Composition of the Federal Capital Territory Complimentary and Alternative Medicine practice Regulatory Board

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

(a) a Chairman who shall be a graduate with a minimum of 5 years experience in the area of Complimentary and Alternative Medicine practice;

(b) one representative each of:

(i) the Department of Health of the Ministry of the Federal Capital Territory with considerable experience in Complimentary and Alternative Medicine practice;

(c) six Complimentary and Alternative Medicine practice practitioners resident in the Federal Capital Territory, each of whom shall be selected from the six Area Councils of the Federal Capital Territory;

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

(e) the Administrative secretary of the Board who shall be a University graduate with considerable experience in Complimentary and Alternative Medicine practice and shall also be a registered Complimentary and Alternative Medicine practice practitioner for at least 5 years.

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

Second Schedule

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

Tenure of Office, removal and resignation from office

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

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

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

Emoluments, allowances, etc.

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

Functions of the Board

22. The Board shall:

(a) implement the Federal Government policies and guidelines on Complimentary and Alternative Medicine practice Regulatory Council

practice in the Federal Capital Territory;

(b) in accordance with the guidelines of the Council, establish and develop hospitals, health centres and clinics, botanical gardens, herbaria, drug manufacturing units and other institutions and services for the practice of Complimentary and Alternative Medicine practice in the Federal Capital Territory;

(c) compile and maintain a list of all Complimentary and Alternative Medicine practice practitioners registered by the Council who are resident in the Federal Capital Territory;

(d) liaise with the Council on matters relating to the practice of Complimentary and Alternative Medicine practice in the Federal Capital Territory;

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

23. The Board shall have powers to: Power of the Board

(a) in accordance with the guidelines of the Council, regulate the activities of Complimentary and Alternative Medicine practitioners in the Federal Capital Territory;

(b) investigate alleged cases of misconduct of erring Complimentary and Alternative Medicine practitioners in the Federal Capital Territory;

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

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

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

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

(b) be the Chief Executive of the Board;

(c) be responsible for the execution of policy and the day-to-day

running of the affairs of the Board;

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

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

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

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

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

Contributory Pensions Act

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

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

PART V (B) - FINANCIAL PROVISIONS OF THE BOARD

Funds and expenditures of the Board

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

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

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

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

(2) The Board shall apply the proceeds of the fund established under

subsection (1) of this section to:

(a) the cost of administration of the Board;

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

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

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

Power to borrow

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

Power to accept gifts

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

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

Annual reports of the Board

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

(2) The Board shall keep proper accounts in respect of each year

and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

PART V (C) - FEDERAL CAPITAL TERRITORY COMPLIMENTARY AND ALTERNATIVE MEDICINE PRACTICE REGULATORY BOARD INVESTIGATING PANEL

Establishment and composition of Federal Capital Territory Complimentary and Alternative Medicine practice Regulatory Board Investigating Panel

30.-(1) There is hereby established for the Board a body to be known as the Federal Capital Territory Complimentary and Alternative Medicine practice Regulatory Board Investigating Panel (in this Act referred to as "the Investigating Panel") which shall be charged with the duty of:

(a) conducting preliminary investigation into any case where it is alleged that a person practicing Complimentary and Alternative Medicine has misbehaved or committed an act of misconduct or breached any for the ethics or code of practice of Complementary and Alternative Medicine or should for any other reason be subject to proceedings before the disciplinary Tribunal; and

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

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

(3) The members of the Investigating Panel established under subjection (I) of this section shall be appointed by the Board and shall consist of:

(a) two registered Complimentary and Alternative Medicine practice practitioners who are resident in the Federal Capital Territory;

(b) two representatives of the Board; and

(c) two other persons who shall not be members of the Board, and one

of whom shall be a legal practitioner of not less than 5 years post qualification experience to represent public interest.

(4) The provisions of the Fourth Schedule to this Act shall, 111 so far as they are applicable to the Investigating Panel, have effect with respect to it.

Fourth Schedule

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

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

Direction by the Minister, etc. to the Board

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

Power to make regulations for Part IV

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

(b) standards and guidelines for maintenance, management, organization, administration, and operation of Complimentary and Alternative Medicine practice clinics, health centers, and hospitals or any facilities for Complimentary and Alternative Medicine practice of any description owned or operated by the Board or any private individual or corporate body in the Federal Capital Territory.

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

Interpretation of some terms in Part IV

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

"Board" means the Federal Capital Territory Complimentary and Alternative Medicine practice Regulatory Council Board;

"Chairman" means the Chairman of the Federal Capital Territory

Complimentary and Alternative Medicine practice Regulatory Board;

"Company" means a duly registered company under the provisions of the Companies and Allied Matters Act and any other company, association or partnership of any number of persons;

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

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

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

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

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

"Investigating Panel" means the Investigating Panel of the Federal Capital Territory Complimentary and Alternative Medicine practice Regulatory Board.

PART VI - MISCELLANEOUS

Offences and penalties

34.-(1) As from the commencement of this Act, any person who is not a registered Complimentary and Alternative Medicine practice Regulatory Council Practitioner:

(a) for or in expectation of reward, practices or holds himself out as a registered Complimentary and Alternative Medicine practice Regulatory Council Practitioner or practices as a Complimentary and Alternative Medicine practice Regulatory Council Practitioner;

(b) takes or uses the title of Complimentary and Alternative Medicine Practitioner;

(c) without reasonable excuse takes a uses any name, title, addition of Complimentary and Alternative Medicine practice Practitioner; commits an offence.

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

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

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

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

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

(a) on summary conviction, to a fine ofN50,000;

(b) on conviction or indictment, to a fine of Nl 00,000 or imprisonment for a term not exceeding 5 years or to be both such fine and imprisonment.

(5) Where an offence under this section 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 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

General directions by the Minister

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

Power to make Regulations

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

Interpretation

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

"Chairman" means the Chairman of the Complimentary and Alternative Medicine practice Regulatory Council of Nigeria;

"Council" means the Complimentary and Alternative Medicine practice Regulatory Council of Nigeria;

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

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

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

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

"Complimentary and Alternative Medicine practice Regulatory Council" is the total combination of knowledge and practices, whether explicable or not, used in diagnosing, preventing or eliminating physical, mental or social diseases and which may rely exclusively on past experience and observation handed down from generation to generation, verbally or in writing.

Short Title

38. This Act may be cited as the Complementary and Alternative Medicine practice Regulatory Council of Nigeria (Establishment, etc.) Bill, 2016.

SCHEDULE

FIRST SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

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

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

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

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

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

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

(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 Council by the Registrar or any person generally or specially authorized by the Council to act for the purpose.

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

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

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

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

Meeting of the Council

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

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

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

(4) 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 subparagraph should not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

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

SECOND SCHEDULE

Section 19 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1. The Board shall for the purposes of Part IV of this Act, meet four times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman if required to do so, by notice given to him by not less than five other members, the Chairman shall summon a meeting of the

Board to be held not less than 7 days from the date on which the notice is given.

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

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

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

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

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

(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 Board by the Administrative Secretary or any person generally or specially authorized by the Board to act for the purpose.

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

5. The validity of any proceeding of the Board or of a Committee

thereof shall not be adversely affected by any vacancy in the membership of a Committee, or the Board or by reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

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

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

THIRD SCHEDULE

Section 14 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL

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

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

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

(a) notice of the proceedings to 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) determining who, in addition to the initial party to the proceedings, shall be a party to the proceedings;

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

(d) representation, by a legal practitioner, of a party to he proceedings, subject to the provisions of section 15 (4) of this Act, as to the cost of

proceedings before the Disciplinary Tribunal.

3. For the purpose of any proceedings before it, the Disciplinary Tribunal may administer oaths on any party to the proceedings and may issue out of the registry of the Disciplinary Tribunal writes of subpoena ad testificandum and duces tecum but no person appearing before the Disciplinary Tribunal shall be compelled to:

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

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

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

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

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

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

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

9.-(1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary 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 seven years standing.

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

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

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

(3) 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 letter by which he is appointed.

FOURTH SCHEDULE

Section 30 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE INVESTIGATING PANEL

1. The quorum of the Investigating Panel shall be three, two of whom shall be Complimentary and Alternative Medicine practitioners.

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

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

3. A person ceasing to be a member of the Investigating panel shall be

eligible for reappointment as a member of that body.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Complimentary and Alternative Medicine Practice Regulatory Council of Nigeria.