

NURSING AND MIDWIFERY (REGISTRATION ETC.) ACT

(AMENDMENT) BILL, 2017

ARRANGEMENT OF CLAUSES

*Clause:*

1. Amendment of Nursing and Midwifery (Registration etc.) Act Cap N143 Laws of the Federation of Nigeria 2004
2. Substitution of Section 2 of the Principal Act
3. Amendment of section 5 of the Principal Act
4. Amendment of section 6(6) of the Principal Act
5. Amendment of section 8 of the Principal Act.
6. Amendment of section 9 of the Principal Act
7. Amendment of section 10 of the Principal Act
8. Amendment of section 11 of the Principal Act
9. Amendment of section 12 of the Principal Act
10. Amendment of section 13 of the Principal Act
11. Amendment of section 14 of the Principal Act
12. Amendment of section 16 of the Principal Act
13. Amendment of section 17 of the Principal Act
14. Amendment of section 20 of the Principal Act
15. Amendment of section 21 of the Principal Act
16. Amendment of section 23 of the Principal Act
17. Amendment of section 24 of the Principal Act
18. Amendment of section 26 of the Principal Act
19. Amendment of first schedule to the Principal Act
20. Amendment of second schedule to the Principal Act
21. Amendment of third schedule to the Principal Act
22. Citation

SCHEDULE



# A BILL

## FOR

AN ACT TO AMEND NURSING AND MIDWIFERY (REGISTRATION ETC.) ACT CAP N143 LAWS OF THE FEDERATION OF NIGERIA 2004, TO RESTRUCTURE THE COMPOSITION OF THE COUNCIL, QUALIFICATION AND TENURE OF OFFICE OF THE MEMBERS OF THE COUNCIL, REVIEW PENALTY PROVISIONS, THE COMPOSITION OF THE TRIBUNAL, INCLUDE BACHELOR OF NURSING SCIENCE AND COMMUNITY MIDWIVES IN THE REGISTRABLE QUALIFICATIONS OF THE COUNCIL, GIVE THE COUNCIL TIMELINE WITHIN WHICH TO COMPLETE INDEXING OF STUDENTS, REGISTER PROSPECTIVE MEMBERS AND ISSUE THEM LICENSE AND COMMUNICATE THE DECISION OF THE COUNCIL TO INSTITUTIONS THAT APPLY FOR APPROVAL AND FOR RELATED MATTERS

*Sponsored by Senator Rabi'u Musa Kwankwaso*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

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| <p>1                    1. The Nursing and Midwifery (Registration etc.) Act Cap N143</p> <p>2                    Laws of the Federation of Nigeria 2004 (in this bill referred to as “the</p> <p>3                    Principal Act”) is amended as set out in this Bill.</p> <p>4                    2    Section 2 of the Principal Act is amended by substituting the</p> <p>5                    existing Section 2 for new Section “2”:</p> <p>6                    “2(1) The Council shall consist of:</p> <p>7                    (a) a Chairman, who shall be a registered Nurse or Midwife, who</p> <p>8                    practiced the profession for a period of not less than 20 years;</p> <p>9                    (b) Director responsible for Nursing and Midwifery Services of</p> <p>10                   Federal Ministry of Health;</p> <p>11                   (c) six Directors responsible for Nursing and Midwifery Services</p> | <p>Amendment of<br/>Nursing and<br/>Midwifery<br/>(Registration etc.)<br/>Act Cap. N143<br/>LFN, 2004</p> <p>Substitution of<br/>Section 2 of the<br/>Principal Act</p> |
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1 of States Ministry of Health, representing six geopolitical zones, on rotational  
2 basis;

3 (d) one person, from Department responsible for Nursing and  
4 Midwifery, representing Nigerian Universities offering Degree in Nursing and  
5 Midwifery, on rotational basis;

6 (e) one Head of Nursing and Midwifery, representing University  
7 Teaching Hospitals, on rotational basis;

8 (f) two persons who shall be one Nurse and one Midwifery educator  
9 in accredited Nursing and Midwifery training schools, on rotational basis;

10 (g) one Nurse educator representing post basic Nursing programmes,  
11 on rotational basis;

12 (h) National President of National Association of Nigerian Nurses  
13 and Midwives (NANNM);

14 (i) one person representing public interest, who shall not be a health  
15 worker; and

16 (j) the Registrar of the Council, who shall be member with no voting  
17 power and Secretary to the Council.

18 2(2) The Chairman shall be appointed by the President on  
19 recommendation of the Minister, and shall hold office for a period of four years  
20 renewable, subject to satisfactory performance, for further term of four years  
21 and no more.

22 2(3) Members of the Council mentioned under sub-clause  
23 (1)(c),(d),(e),(D,(g), and (i) shall be appointed by the Minister and shall hold  
24 office for a period of three years renewable, subject to satisfactory  
25 performance, for further term of three years and no more.

26 2(4) The members of the Council shall be paid such remunerations  
27 and allowances as the Minister may from time to time determine in line with the  
28 provision of National Salaries and Wages Commission Act.

29 2(5) a member of the Council, may resign the appointment by notice  
30 in writing addressed to the Minister.

1                   2(6) A member of the Council, may cease membership if the  
2           member:

- 3                   (a) dies or becomes of unsound mind;  
4                   (b) becomes bankrupt;  
5                   (c) is convicted of a felony or of any offence involving dishonesty;  
6                   (d) is guilty of serious misconduct in relation to the office; or  
7                   (e) when recalled by the recommending authority, or when he is no  
8           longer staff of the Institution he is representing.

9                   2(7) A member of the Council may be removed, at any time, from  
10           office by the Minister, if the Minister is satisfied that it is not in the interest of  
11           the Council or the public that the member should continue to hold office."

12                   3. Section 5 of the Principal Act is amended:

Amendment of  
Section 5 of the  
Principal Act

- 13                   (a) in subsection (1), (2), and (3) by substituting the word  
14           "Secretary-General", for the word "Registrar"; and  
15                   (b) by inserting new sub section "(6)":

16                   "(6) Where all the members of the Council are dissolved, the  
17           Registrar of the Council and the Management Staff shall function as the  
18           Council."

19                   4. Section 6(6) of the Principal Act is amended:

Amendment of  
Section 6(6) of the  
Principal Act

- 20                   (a) in paragraph (a), by substituting the word "six" for the word  
21           "one" and  
22                   (b) in paragraph (b), by substituting the word "three" for the word  
23           "one".

24                   5. Section 8 of the Principal Act is amended:

Amendment of  
Section 8 of the  
Principal Act

- 25                   (a) by inserting after subsection "(3)" new subsection "(4)" and  
26                   "(5)":

27                   (4) Where the applicant is dissatisfied with the decision of the  
28           Council, may apply to the Tribunal for review."

29                   "(5) The Council shall complete:

	1	(a) indexing of students within 90 days from the date of application;
	2	and
	3	(b) the registration and issuance of license within 30 days from the
	4	date of submission of application for registration",
Amendment of Section 9	5	6. Section 9 of the Principal Act is deleted.
Amendment of Section 10	6	7. Section 10 of the Principal Act is deleted.
Amendment of Section 11	7	8. The marginal note of section 11 of the Principal Act is amended by
	8	inserting after the word "nurses" the words "and Midwives."
Amendment of Section 12 of the Principal Act	9	9. The marginal note of section 12 of the Principal Act is amended by
	10	substituting the words "co-operate on" for the words "regulate."
Amendment of Section 13 of the Principal Act	11	10. Section 13(1) of the Principal Act is amended, by substituting the
	12	words "Chief Nursing Officer" for the words "Director Responsible for
	13	Nursing and Midwifery".
Amendment of Section 14 of the Principal Act	14	11. Section 14 of the Principal Act is amended:
	15	(a) in subsection (1), by substituting the words, in lines 2 to 3,
	16	"organized by the Government of the federation or of a State or by voluntary
	17	agencies" for the words "wholly owned by Government or Private individuals
	18	or both"; and
	19	(b) by inserting after the existing subsection "(3)" new subsections
	20	"(4)" to "(5)":
	21	"(4) in determining teacher student ration, the Council shall consider
	22	graduates nurses and teachers of basic medical sciences as part of the teaching
	23	staff of the Institution."
	24	"(5) after the recommendations under subsection (3) of this section,
	25	and inspection for approval by the Council, the Council shall communicate its
	26	decision to the affected Institution within one month."
Amendment of Section 16 of the Principal Act	27	12. Section 16 of the Principal Act is amended by substituting:
	28	(a) in line 1, the words "Chief Nursing Officer" for the words
	29	"Director Responsible for Nursing and Midwifery"; and
	30	(b) in paragraph (b) the word "or" in line 3, for the word "and".

1           13. Section 17 of the Principal Act is amended:

Amendment of  
Section 17 of the  
Principal Act

2           (a) in the marginal note, by deleting the word "disciplinary";

3           (b) by substituting the existing subsection (1), with new sub-  
4 clauses "(1) and (2)":

5           "(1) There is established a body to be known as Nurses and  
6 Midwives Tribunal (in this Bill referred to as 'the Tribunal).

7           "(2) The Tribunal shall be responsible for hearing and determining  
8 matters:

9           (i) referred to it by the supervisory Authority established under this  
10 Bill,

11           (ii) appeals and any other matter from the members of the  
12 profession or the public, and

13           (iii) any other matter which the Tribunal considers to be within the  
14 practice of the profession.;

15           (c) by substituting subsection (2) with new sub-clause "(3)":

16           "(3) The Tribunal shall consist of:

17           (i) a Chairman who shall be a legal Practitioner, within the Legal  
18 Practitioners Act who was so qualified for a period not less than 7 years, to  
19 be appointed by the Chief Judge of the Federal High Court,

20           (ii) two members of the Council,

21           (iii) two representative of NANNM, and

22           (iv) a Nurse or Midwife with not less than 20 years post registration  
23 experience, to be recommended by NANNM;

24           (d) by renumbering the existing subsections (3) and (4).

25           14. Section 20 of the Principal Act is amended:

Amendment of  
Section 20 of the  
Principal Act

26           (a) in subsection (6) (a), by substituting the figure "1000" for the  
27 figure "100,000" and figure "50" for figure "5000";

28           (b) in subsection (6) (b), by substituting the figure "2000" for the  
29 figure "200,000" and figure "50" for figure "5000";

30           (c) by substituting subsection (7) with new subsection "(7)":

1 "Where the offence is committed by body corporate, with the knowledge or  
 2 negligence of the Director, Manager, Secretary, agent, or employee of the body  
 3 corporate or both, the body corporate shall be liable to pay a fine of not less than  
 4 N1,000,000 while the Director, Manager, Secretary, agent, or employee of the  
 5 body corporate or both shall be liable on conviction and punished under  
 6 subsection (6) of this Act."; and

7 (d) by inserting after the existing subsection (7) new subsection "(8)":

8 "The Council shall review the penalty provisions from time to time."

Amendment of  
 Section 21 of  
 the Principal Act

9 15. Section 21 of the Principal Act is amended:

10 (a) in line one, by substituting the word "Minister" for the word  
 11 "Council" and by deleting after the word "Minister", the words "given on the  
 12 recommendation of the Council";

13 (b) in paragraphs (a) and (b), by substituting the figure "1000" for the  
 14 figure "100,000" and figure "2000" for the figure "200,000".

Amendment of  
 Section 23 of  
 the Principal Act

15 16. Section 23(2) (b) of the Principal Act is amended by inserting  
 16 after the word "such" in line 2 for the words "nursing or".

Amendment of  
 Section 24 of  
 the Principal Act

17 17. Section 24 of the Principal Act is amended by substituting the  
 18 existing section 24 with new section "24"

19 "A person who has a cause of action against the Council shall:

20 (1) give the Council three months' notice, in writing, of intention to  
 21 commence an action, disclosing the cause of action and served the processes to  
 22 the principal office of the Council; and

23 (2) commence the legal action within two years from the date the  
 24 cause of action arose."

Amendment of  
 Section 26 of  
 the Principal Act

25 18. Section 26 of the principal Act is amended by inserting the  
 26 interpretation of the word "post" immediately after the interpretation of the  
 27 words "nurse" or "midwife":

28 "post include courier, and any other electronic means of posting".

Amendment of  
 the First Schedule  
 to the Principal Act

29 19. The first schedule to the Principal Act is amended by substituting  
 30 the schedule with new schedule, attached.



Amendment of  
the Second  
Schedule to the  
Principal Act

20. The second schedule part 'A' to the Principal Act is amended:

(a) in section 1:

(i) by substituting paragraphs (a) to (d) for new paragraphs "(a) to

"(c)":

"(a) a register for registration of community midwives on completion of an 18 months training programme and successfully passing the Nursing and Midwifery Council of Nigeria Qualifying examination for the lower cadre midwives";

(b) a register for registration of the persons who passed 3 years training programme from accredited Institutions of Nursing and Midwifery on successful completion and passing of the Nursing and Midwifery Council of Nigeria professional examinations for Nurses and Midwives leading to the award of the Registered Nurse (RN) and Registered Midwives (RM) certificates; and

(c) a register for graduate nurses on successful completion of the 5 years degree programmes that leads to the award of the Bachelor of Nursing Science (BNSc) degree in addition to the final qualifying examination for the award of the RN certificate. This category of nurses should in addition to their initial registration as RNs be registered as Registered Graduate Nurses (RGN) without additional examination,"

(b) by deleting section 2.

(2) In part 'B' by substituting section 1(a) to (d) with new section

"1":

"Persons holding specialised post basic nursing qualifications which includes:

(i) orthopaedics,

(ii) psychiatry,

(iii) ophthalmic nurses,

(iv) perioperative nurses,

(v) public health nurses."

Amendment of  
the Third Schedule  
to the Principal  
Act

21. The third schedule to the Principal Act is amended:
- (a) by deleting after the word "the" the word "Disciplinary", in the cross heading;
- (b) in section 1, by substituting the word "five" for the word "three"
- (c) in section 2(1), by substituting the words "Chief Justice of Nigeria" for the word "Chief Judge of the Federal High Court"

Citation

22. This Bill is cited as Nursing and Midwifery (Registration etc.) Act (Amendment) Bill, 2017.

#### FIRST SCHEDULE

#### Clause 18

#### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

##### *Proceedings of the Council*

- 1.-(1) Subject to the provisions of this Bill and other applicable laws the Council may make standing orders regulating its proceedings.

- (2) The Council shall meet whenever summoned by the Chairman, or if required to do so by at least 4 members of the Council and shall meet for a minimum of 4 times in a year.

- (3) The Chairman shall preside over the meetings of the Council and in his absence, members of the Council shall appoint one person among themselves to act for that meeting as the Chairman.

- (4) The quorum of the Council shall be formed by the Chairman or a person sitting in his place and nine other members of the Council.

##### *Committees*

- 2.-(1) The Council may appoint Committees and sub-committees to carry out, on its behalf, such functions that Council shall do.

- (2) The decision of the sub-committee appointed under paragraph 2(1) shall have no effect until it is approved by the Committee and the Council.

##### *Miscellaneous*

- 3.-(1) The Secretary of the Council shall be the custodian of the seal of the Council.

1                   (2) Fixing of the common seal of the Council shall be authenticated  
2           by the signature of the Chairman of the Council or some other persons  
3           authorized to do so.

4                   (3) Any contract or instrument, which if made or executed by a  
5           person not being a body corporate, shall not be required to be made under  
6           seal, shall be executed on behalf of the Council by the Registrar or any other  
7           person authorized to do so.

8                   (4) Where the Council desires to obtain an expert opinion from a  
9           person not being a member of the Council, the Council may co-opt such  
10          person for such period the Council may determine but the co-opted person  
11          shall not have the right to vote or to count in forming a quorum.

12                  (5) The validity of any proceeding of the Council or of a committee  
13          shall not be adversely affected by any vacancy in the membership of the  
14          Council or Committee or by any defect in the appointment of a member of  
15          the Council or Committee or by reason that a person not entitled to take part  
16          in the proceedings of the Council or the Committee took part in the  
17          proceedings.

18                  (6) Any member of the Council or of a Committee of the Council  
19          who has personal interest in any contract or arrangement entered into or  
20          proposed to be considered by the Council or a Committee, shall forthwith  
21          disclose his interest to the Council or the Committee and shall not vote on  
22          any question relating to the contract or arrangement.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend Nursing and Midwifery (Registration etc.) Act Cap N143 Laws of the Federation of Nigeria 2004, to restructure the composition of the Council, qualification and tenure of office of the members of the Council, review penalty provisions, the Composition of the Tribunal, include Bachelor of Nursing Science and community midwives in the registrable qualifications of the Council, give the Council timeline within which to complete indexing of students, register prospective members and issue them license and communicate the decision of the Council to Institutions that apply for approval.



