

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL MEDICAL CENTRE, ILA ORANGUN AND FOR RELATED MATTERS

Sponsored by Hon. Olufemi Fakeye

[] Commencement

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

- 1 **1.**-(1) There is hereby upgraded and established as a Federal Establishment
- 2 Medical Centre, the General Hospital Ila-Orangun (in this Act referred to as of the Federal
- 3 "the Federal Medical Centre") and the Medical Centre shall serve as the Medical Centre
- 4 Federal Medical Centre, subject to the provisions of this Bill. Ila, Ila-Orangun
- 5 (2) The Federal Medical Centre:
- 6 (a) shall be a body corporate;
- 7 (b) shall sue and be sued in its corporate name;
- 8 (c) shall have perpetual succession and a common seal.
- 9 **2.** There is hereby established for the management of the Medical Establishment
- 10 Centre, a Board of Management (in this Act referred to as "Board"), which of the Board of
- 11 shall be constituted and have the functions and powers set out in this Bill. Management of
- 12 **3.**-(1) The Board shall consist of: the Medical Centre
- 13 (a) a Chairman; Membership of
- 14 (b) the Chief Medical Director; the Board
- 15 (c) the Director of Clinical Services;
- 16 (d) the Director of Administration;
- 17 (e) the Director of Finance;
- 18 (f) the Director of Maintenance;
- 19 (g) a representative of the President;
- 20 (h) a representative of the Federal Ministry of Health;
- 21 (i) a representative of the National Planning Commission;

	1	(j) a representative of the Society of Gynaecology and Obstetrics of
	2	Nigeria;
	3	(k) a representative of the Pharmaceutical Society of Nigeria;
	4	(l) a representative of the Paediatric Association of Nigeria;
	5	(m) a representative of the National Association of Nigerian Nurses
	6	and Midwives; and
	7	(n) one person to represent the public interest.
	8	(2) The Chairman and members of the Board, other than ex-officio
	9	members, shall be:
	10	(a) appointed by the President; and be,
	11	(b) persons of proven integrity and ability.
First Schedule	12	(3) The Supplementary Provisions set out in the Schedule to this Bill
	13	shall have effect with respect to the proceedings of the Board and other matters
	14	contained therein.
Tenure of office	15	4. Subject to the provisions of Section 5 of this Bill, a member of the
	16	Board, other than ex-officio members, shall each hold office:
	17	(a) for a term of three years in the first instance and may be re-
	18	appointed for a further term of three years and no more; and
	19	(b) on such terms and conditions as may be specified in his letter of
	20	appointment.
Cessation of Membership	21	5. (1) Notwithstanding the provisions of Section 4 of this Bill, a
	22	person shall cease to hold office as a member of the Board if:
	23	(a) he becomes bankrupt, or suspends the payment of a principal loan
	24	with his creditors;
	25	(b) he is convicted of a felony or any offence involving dishonesty or
	26	fraud;
	27	(c) he becomes of unsound mind or is incapable of carrying out his
	28	duties;
	29	(d) he is guilty of a serious misconduct in relation to his duties; or
	30	(e) in the case of a person possessed of professional qualifications, he

1 is disqualified or suspended, other than at his own request, from practising
2 his profession in any part of the world by an order of a competent authority
3 made in respect of that member; or

4 (f) he resigns his appointment by a letter addressed to the President.

5 (2) If a member of the Board ceases to hold office for any reason
6 whatsoever, before the expiration of the term for which he is appointed,
7 another person representing the same interest as that member shall be
8 appointed to the Board for the unexpired term.

9 (3) A member of the Board may be removed by the President if he is
10 satisfied that it is not in the interest of the Medical Centre or the interest of
11 the public that the member continues in office.

12 6. There shall be paid to every member of the Board such
13 allowances and expenses as the Revenue Mobilization, Allocation and
14 Fiscal Commission may, from time to time, of members direct.

Allowances of
Members

15 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

16 7.-(1) The Board shall:

Functions of the
Board

17 (a) equip, maintain and operate the Medical Centre so as to provide
18 facilities for diagnosis, curative and rehabilitative services in medical
19 treatment;

20 (b) construct, equip, maintain and operate such training schools
21 and similar institutions as the Board considers necessary for providing the
22 Medical Centre at all times with a proper staff including technicians and
23 nurses;

24 (c) construct, equip, maintain and operate such clinics, out-patient
25 departments, laboratories, research or experimental stations and other like
26 institutions as the Board considers necessary for the efficient functioning of
27 the Medical Centre.

28 (2) The Board shall ensure that the standards of teaching provided
29 at all establishments under its control and the standards of treatment and care
30 provided for patients at those establishments do not fall below those usually

1 provided by similar establishments of international repute.

2 (3) Subject to this Bill, the Board shall perform such other functions
3 which in its opinion are calculated to facilitate the carrying out of its functions
4 under this Bill.

Powers of the
Board

5 **8.** The Board shall have power to:

6 (a) provide the general policies and guidelines relating to major
7 expansion programmes of the Medical Centre;

8 (b) provide facilities for the training of medical students of associate
9 universities;

10 (c) manage and superintend the affairs of the Medical Centre;

11 (d) subject to the provisions of this Bill, make, alter and revoke rules
12 and regulations for carrying on the functions of the Medical Centre;

13 (e) fix terms and conditions of service, including remuneration of the
14 employees of the Medical Centre subject to the approval of the National
15 Salaries, Incomes and Wages Commission;

16 (f) do such other things which in the opinion of the Board are
17 necessary to ensure the efficient performance of the functions of the Medical
18 Centre.

19 PART III - STAFF OF THE MEDICAL CENTRE

Medical Director
of the Medical
Centre

20 **9.-(1)** There shall be for the Medical Centre a Chief Medical Director
21 who shall be appointed by the President on the recommendation of the Board
22 and on such terms and conditions as may be specified in his letter of
23 appointment or as may be determined, from time to time, by the National
24 Salaries and Wages Commission.

25 (2) The Chief Medical Director shall:

26 (a) be the Chief Executive and Accounting Officer of the Medical
27 Centre;

28 (b) be responsible to the Board for the day-to-day administration of
29 the Medical Centre;

30 (c) be appointed for a term of four years in the first instance and may

1 be reappointed for a further term of four years subject to satisfactory
2 performance;

3 (d) be a person who is a medical practitioner and shall have been so
4 qualified for a period of not less than 15 years;

5 (e) have considerable administrative experience in matters of
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less
8 than ten years prior to the appointment as Chief Medical Director.

9 **10.**-(1) The Board shall appoint for the Medical Centre:

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective
12 functioning of all the administrative divisions of the Medical Centre;

13 (ii) conduct the correspondence of the Board and keep the records
14 of the Medical Centre; and

15 (iii) perform such other functions as the Board or the Chief Medical
16 Director, as the case may be, may, from time to time, assign him;

17 (b) a Director of Clinical Services;

18 (c) a Director of Finance;

19 (d) a Director of Maintenance.

20 (2) The Directors appointed under paragraphs (b),(c) and (d) of
21 subsection (1) of this section shall each be responsible to the Chief Medical
22 Director for the effective running of the clinical services, the finance and
23 accounts and the co-ordination of the maintenance of the Medical Centre, as
24 the case may be.

25 (3) The Board shall appoint for the Medical Centre such number of
26 employees as may be the opinion of the Board be expedient and necessary
27 for the proper and efficient performance of the functions of the Medical
28 Centre.

29 (4) Notwithstanding the provisions of subsections (1) and (2) of
30 this section, the Board shall have power to appoint for the Medical Centre

Appointment of
the Directors and
other staff of the
Medical Centre

1 either directly or on secondment from any public service in the Federation,
2 such number of employees as may, in the opinion of the Board, be required to
3 assist the Medical Centre in the discharge of any of its functions under this Bill.

4 (5) Nothing in subsection (4) of this Section shall preclude the Board
5 from appointing persons from outside the public service of the Federation or of
6 the State whenever it deems it necessary so to do.

7 (6) The terms and conditions of service (including remuneration,
8 allowances, benefits and pensions) of the employees of the Medical Centre
9 shall be as determined by the National Salaries, Income and Wages
10 Commission.

Service in the
Medical Centre
to be pensionable

11 11.-(1) Service in the Medical Centre shall be approved service for the
12 purposes of Pension Reforms Act.

13 (2) The Officers and other persons employed in the Medical Centre
14 shall be entitled to pensions, gratuities and other retirement benefits as are
15 enjoyed by persons holding equivalent grades in the Civil Service of the
16 Federation.

17 (3) Nothing in subsections (1) and (2) of this Section shall prevent the
18 appointment of a person to any office in terms which preclude the grant of
19 pension and gratuity in respect of that office.

Establishment
of the Medical
advisory Committee,
etc.

20 12.-(1) There shall be for the Medical Centre a Medical Advisory
21 Committee which shall:

22 (a) consist of a Chairman who shall be the Director, Clinical Services
23 and such number of other members as may be determined from time to time;

24 (b) be responsible to the Chief Medical Director for all the clinical and
25 training activities of the Medical Centre; and

26 (c) be appointed by the Board.

27 (2) Subject to this Bill, the Board shall have power to appoint either
28 directly or on secondment and in any discipline, Consultants holding or acting
29 in any office in the hospital; and any such appointment shall be made having
30 due regard to the approved personnel requirement of the Medical Centre.

1 (3) Notwithstanding anything to the contrary, the Board may, from
2 time to time, appoint Consultants outside the hospital to perform such
3 medical duties as the Board or the Chief Medical Director may assign to
4 such Consultants.

5 PART IV - FINANCIAL PROVISIONS

6 **13.** There shall be established and maintained for the Medical Fund of the
7 Centre a fund into Fund of the Medical which shall be paid and credited: Medical Centre

8 (a) all subventions and budgetary allocation from the Government
9 of the Federation;

10 (b) all fees and funds accruing from the sale of drugs and other
11 services;

12 (c) all sums accruing to the Medical Centre by way of gifts,
13 endowments, bequests, grants or other contributions by persons and
14 organizations;

15 (d) foreign aid and assistance from bilateral agencies; and

16 (e) all other sums which may, from time to time, accrue to the
17 Medical Centre.

18 **14.** The Medical Centre shall, from time to time apply the funds at Expenditure of
19 its disposal to: the Medical Centre

20 (a) the cost of the administration and maintenance of the Medical
21 Centre;

22 (b) publicize and promote the activities of the Medical Centre;

23 (c) pay allowances, expenses and other benefits of members of the
24 Board and committees of the Board;

25 (d) pay the salaries, allowances and benefits of employees of the
26 Medical Centre;

27 (e) pay other overhead allowances, benefits and other
28 administrative costs of the Medical Centre; and

29 (f) undertake such other activities as are connected with all or any
30 of the functions of the Medical Centre under this Bill.

Power to accept gifts	1	15. -(1) The Medical Centre may accept gifts of land, money or other
	2	property on such terms and conditions, if any, as may be specified by the person
	3	or organization making the donation.
	4	(2) The Medical Centre shall not accept any gift if the conditions
	5	attached by the person or organization making the donation are inconsistent
	6	with the functions of the Medical Centre under this Bill.
Annual estimates and expenditure	7	16. -(1) The Board shall, not later than 30th June in each year, submit
	8	to the President through the Secretary to the Government of the Federation an
	9	estimate of the expenditure and income of the Medical Centre during the next
	10	succeeding year.
	11	(2) The Board shall cause to be kept proper accounts of the Medical
	12	Centre in respect of each year and proper records in relation thereto and shall
	13	cause the accounts to be audited not later than six months after the end of each
	14	year by Auditors appointed from the list in accordance with the guidelines
	15	supplied by the Auditor-General for the Federation.
Annual report	16	17. The Board shall prepare and submit to the President, not later than
	17	30th June in each year, a report in such form as the President may direct on the
	18	activities of the Medical Centre during the immediately preceding year, and
	19	shall include in the report a copy of the Audited Accounts of the Federal
	20	Medical Centre for that year and Auditor's report thereon.
Power to borrow	21	18. -(1) The Medical Centre may, from time to time, borrow by
	22	overdraft or otherwise such sums as it may require for the performance of its
	23	functions' under this Bill, subject to the approval of the President.
	24	(2) Notwithstanding subsection (1) of this section, where the sum to
	25	be borrowed is in foreign currency, the Medical Centre shall not borrow the
	26	sum without the prior approval of the President.
Exemption from tax	27	19. -(1) The Medical Centre shall not pay income tax on any income
	28	derived by the Federal Medical Centre under this Act or accruing to it from any
	29	of its investments.
	30	(2) Accordingly, the provisions of any enactment relating to the

1 combined with a direction issued under subsection (1)(b) of this section.

2 (6) Nothing in this Bill shall affect the provisions of any enactment
3 relating to the discipline of medical practitioners, pharmacists, midwives,
4 nurses or members of any other profession or calling.

Removal and
discipline of
clinical,
administrative
and technical
staff

5 22.-(1) If it appears to the Board that there are reasons for believing
6 that any person employed as a member of the clinical, administrative or
7 technical staff of the Medical Centre, other than the Chief Medical Director,
8 should be removed from his office or employment, the Board shall require the
9 Director of Administration to:

10 (a) give notice of those reasons to the person in question;

11 (b) afford him an opportunity of making representations ill person on
12 the matter to the Board; and

13 (c) if the person in question so requests within a period of 1 month
14 beginning with the date of the notice, make arrangements for:

15 (i) a committee to investigate the matter and report on it to the Board;
16 and

17 (ii) the person in question to be afforded an opportunity of appearing
18 before and being heard by an investigating committee set up with respect to the
19 matter, and if the Board, after considering the report of the investigating
20 committee is satisfied that the person in question should be removed as
21 aforesaid, the Board may so remove him by a letter signed on the direction of
22 the Board.

23 (2) The Chief Medical Director may, in a case of misconduct by a
24 member of the staff of which in the opinion of the Chief Medical Director is
25 prejudicial to the interest of the Medical Centre, suspend any such member and
26 any such suspension shall forthwith be reported to the Board.

27 (3) For good cause, any member of staff may be suspended from his
28 duties or his appointment may be terminated or he may be dismissed by the
29 Board and for the purposes of this section "good cause" means:

30 (a) a conviction for any offence which the Board considers to be such

1 as to render the person concerned unfit for the discharge of the functions of
2 his office;

3 (b) any physical or mental incapacity which the Board, after
4 obtaining medical advice, considers to be such as to render the person
5 concerned unfit to continue to hold his office;

6 (c) conduct of a scandalous or other disgraceful nature which the
7 Board considers to be such as to render the person concerned unfit to
8 continue to hold his office; or

9 (d) conduct which the Board considers to be such as to constitute a
10 failure or inability of the person concerned to discharge the functions of his
11 office or comply with the terms and conditions of his service.

12 (4) Any person suspended shall, subject to subsections (2) and (3)
13 of this Section be on half pay and the Board shall before the expiration of a
14 period of three months after the date of such suspension consider the case
15 against that person and come to a decision as to:

16 (a) whether to continue the person's suspension and if so, on what
17 terms (including the proportion of his emoluments to be paid to him);

18 (b) whether to reinstate the person, in which case the Board shall
19 restore his full emoluments to him with effect from the date of suspension;

20 (c) whether to terminate the appointment of the person concerned,
21 in which case he shall not be entitled to the proportion of his emoluments
22 withheld during the period of suspension; or

23 (d) whether to take such lesser disciplinary action against the
24 person (including the restoration of his emoluments that might have been
25 withheld), as the Board may determine, and in any case where the Board,
26 pursuant to this section, decides to continue a person's suspension or decides
27 to take further disciplinary action against a person, the Board shall before
28 the expiration of a period of three months from such decision come to a final
29 determination in respect of the case concerning any such person.

30 (5) It shall be the duty of the person by whom a letter of removal is

1 signed in pursuance of subsection (1) of this Section to use his best endeavors
2 to cause a copy of the letter to be served as soon as reasonably practicable on
3 the person to whom it relates.

4 (6) Nothing in the foregoing provisions of this Section shall preclude
5 the Board from making such regulations not inconsistent with the provisions of
6 this Act for the discipline of students and all other categories of employees of
7 the hospital as the Board may prescribe.

8 (7) Regulations made under subsection (6) of this section need not be
9 published in the Gazette but the Board shall cause them to be brought to the
10 notice of all affected persons in such manner s it may, from time to time,
11 determine.

Discipline of
Junior staff

12 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
13 Chief Medical Director may suspend him for not more than a period of 3
14 months and shall direct a committee to:

15 (a) consider the case; and

16 (b) make recommendations as to the appropriate action to be taken by
17 the Chief Medical Director.

18 (2) In all cases under this Section of this Act, the officer shall be
19 informed of the charge against him and be given a reasonable opportunity to
20 defend himself.

21 (3) The Chief Medical Director may, after considering the
22 recommendation made pursuant to subsection (1) (b) of this Section, dismiss,
23 or take such other disciplinary action against the officer concerned.

24 (4) Any person aggrieved by a decision of the Chief Medical Director
25 made under subsection (3) of this section may, within a period of 21 days from
26 the date of the letter communicating the decision to him, address a petition to
27 the Board to consider his case.

28 (5) Whatever disciplinary action taken against a person under Section
29 22 and Section 23 foregoing, shall be without prejudice to any criminal liability
30 or complaint that may ensue against such person.

1 PART VI - MISCELLANEOUS

2 24.-(1) The Board may, with the approval of the President, make Regulations
3 regulations:

4 (a) as to the access of members of the public either generally or of a
5 particular class, to premises under the control of the Board and as to the
6 orderly conduct of members of the public on those premises; and

7 (b) for safeguarding any property belonging to or controlled by the
8 Board from damage by members of the public.

9 (2) Bye-laws under this Section shall not come into force until they
10 are confirmed (with or without modification) by the National Assembly and
11 published in such manner as they may direct.

12 25. The President may give to the Board directions of a general Power to give
13 character or relating generally to particular matters (but not to any individual directives
14 person or case) with regard to the exercise by the Board of its functions
15 under this Bill, and it shall be the duty of the Board to comply with the
16 directions; but no direction shall be given which is inconsistent with the
17 duties of the Board under this Bill.

18 26.-(1) On the commencement of this Bill, any person employed Transition and
19 by or serving in, the General Hospital shall be deemed to have been savings provision
20 employed or serving in the Medical Centre established under this Bill.

21 (2) All assets or liabilities belonging to the General Hospital shall
22 be deemed to belong to the Medical Centre established under this Bill.

23 27. In this Bill, unless the context otherwise requires "associate Interpretation
24 universities" means the universities whose medical students receive aspects
25 of their training from the Medical Centre;
26 "Board" means the Board of Management of the Medical Centre;
27 "Chairman" means the Chairman of the Board;
28 "Functions" include powers and duties;
29 "Federal Medical Centre" means the Medical Centre; Ila-Orangun;
30 "junior staff" means staff of such grade as may be determined, from time to

1 time by the Board;

2 "medical student" means a student whose course of instruction is:

3 (a) designed (either alone or in conjunction with other courses) to

4 enable him qualify as a medical practitioner; or

5 (b) designed for the further training of medical practitioners;

6 "minister" means the minister charged with the responsibility for matters

7 relating to health and "ministry" shall be construed accordingly;

8 "student" means a person enrolled in an institution controlled by the Board for

9 the purpose of pursuing a course of instruction at the institution.

Short title

10 **28.** This Bill may be cited as the Federal Medical Centre, Ila-Orangun

11 (Establishment) Bill, 2020.

FIRST SCHEDULE

SUPPLEMENTARY PROVISION RELATING TO THE BOARD, ETC

Proceedings of the Board

15 1.-(1) Subject to this Bill and Section 27 of the Interpretation Act, the

16 Board may make standing orders regulating its proceedings or those of any of

17 its committees.

18 (2) The quorum of the Board shall be Chairman or the person

19 presiding at the meeting and 5 other members of the Board, 2 of whom shall be

20 ex -officio members, and the quorum of any Committee of the Board shall be

21 determined by the Board.

22 2.-(1) The Board shall meet whenever it is summoned by the

23 Chairman and if the Chairman is required to do so by notice given to him by not

24 less than 8 other members, he shall summon a meeting of the Board to be within

25 14 days from the date on which the notice is given.

26 (2) At any meeting of the Board, the Chairman shall preside but if he is

27 absent, the members present at the meeting shall appoint one of their own to

28 preside at the meeting.

29 (3) Where the Board desires to obtain the advice of any person on a

30 particular matter, the Board may co-opt him to the Board for such period as it

- 1 (c) reason that a person not entitled to do so took part in the
2 proceedings of the Board or Committee.

EXPLANATORY NOTE

This Bill seeks to provide for the Legal Framework to establish the Federal Medical Centre, Ila-Orangun and to equip, maintain and operate the Medical Centre so as to provide facilities for diagnosis, curative and rehabilitative services in medical treatment.