

FEDERAL MEDICAL CENTRE, CHOKOCHO

(ESTABLISHMENT) BILL, 2020

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL MEDICAL
CENTRE, CHOKOCHO; AND FOR RELATED MATTERS, 2020

Sponsored by Hon. Ephraim Nwuzi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE

2 1.-(1) There is hereby established the Federal Medical Centre,
3 Chokocho (in this Bill referred to as "the Medical Centre").

Establishment
of Federal Medical
Centre, Chokocho

4 (2) The Medical Centre:

5 (a) Shall be a body corporate;

6 (b) May sue and be sued in its corporate name;

7 (c) Shall have perpetual succession and a common seal.

8 2. There is hereby established for the management of the Medical
9 Centre a Board of Management (in this Bill referred to as "Board") which
10 shall be constituted and have the functions and powers set out in this Bill.

Establishment
and composition
of Governing Board

11 3.-(1) The Board shall consist of:

Membership of
the Board

12 (a) a chairman;

13 (b) the Chief Medical Director of the Medical Centre;

14 (c) the Director of Clinical Services;

15 (d) Association of Medical laboratory scientists;

16 (e) One person to represent each Medical and Health Workers
17 Union,

18 (f) One person to represent National Union of Allied Health
19 Professional;

20 (g) the representative of the Minister of health who should not be
21 below the rank of Assistant Director

- 1 (h) the Federal Ministry of Health;
2 (i) the National Planning Commission;
3 (j) one representative of Nigerian Medical Association;
4 (k) the Pharmaceutical Society of Nigeria;
5 (l) the Association of Medical Laboratory Scientists of Nigeria
6 (m) the Pediatrics Association of Nigeria;
7 (n) the National Association of Nigerian Nurses and Midwives; and
8 (o) one person to represent public interest.
9 (2) The Director of Administration shall be the Secretary of the board
10 (3) The chairman and members of the Board, other than ex-officio
11 members, shall be:
12 (a) appointed by the President; and
13 (b) persons of proven integrity and ability.
14 (4) The supplementary provisions set out in the Schedule to this Bill
15 shall have effect with respect to the proceedings of the Board and the other
16 matters contained therein.
- Schedule
17 4. Subject to the provisions of section 5 of this Bill, a member of the
18 Board, other than ex-officio members, shall each hold office:
19 (a) for a term of three years in the first instance and may be re-
20 appointed for a further term of three years and no more; and
21 (b) on such terms and conditions as may be specified in his letter of
22 appointment.
- Tenure of Office
23 5.-(1) Notwithstanding the provisions of section 4 of this Bill a person
24 shall cease to hold office as a member of the Board if:
25 (a) he becomes bankrupt, suspends payment principal loan with his
26 creditors;
27 (b) he is convicted of a felony or any offence involving dishonesty or
28 fraud;
29 (c) he becomes of unsound mind or is incapable of carrying out his
30 duties;
- Cessation of Membership

1 (d) he is guilty of a serious misconduct in relation to his duties; or
2 (e) in the case of a person possessed of professional qualifications,
3 he is disqualified or suspended, other than at his own request, from
4 practising his profession in any part of the world by an order of a competent
5 authority made in respect of that member; or

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

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

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

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

Allowances of
Board

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

18 7.-(1) The Board shall:

Functions of
Board

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

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

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

30 (2) The Board shall ensure that the standards of teaching provided

1 at all establishments under its control and the standards of treatment and care
2 provided for patients at those establishments do not fall below those usually
3 provided by similar establishments of international repute.

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

Power of Board

7 8. The Board shall have power to:

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

10 (b) provide facilities for the training of medical students of associate
11 universities;

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

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

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

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

21 PART III - STAFF OF THE MEDICAL CENTRE

Appointment of
Medical Director
of the Medical
Centre

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

27 (2) The Chief Medical Director shall:

28 (a) be the chief executive and accounting officer of the Medical
29 Centre;

30 (b) be responsible to the Board for the day-to-day administration of

1 the Medical Centre;

2 (c) be appointed for a term of four years in the first instance and
3 may be reappointed for a further term of four years subject to satisfactory
4 performance;

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

7 (e) have considerable administrative experience in matters of
8 health;

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

11 10.-(1) The Board shall appoint for the Medical Centre:

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

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

15 (ii) conduct the correspondence of the Board and keep the records
16 of the Medical Centre; and

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

19 (b) a Director of Clinical Services;

20 (c) a Director of Finance;

21 (d) a Director of Maintenance.

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

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

Appointment of
Director of
Administration
and Recruitment
of other staff of
the Medical Center

1 (4) Notwithstanding the provisions of subsections (1) and (2) of this
2 section the Board shall have power to appoint for the Medical Centre either
3 directly or on secondment from any public service in the Federation, such
4 number of employees as may, in the opinion of the Board, be required to assist
5 the Medical Centre in the discharge of any of its functions under this Bill.

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

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

Service in Medical
Center to be
pensionable

13 11.-(1) Service in the Medical Centre shall be approved service for the
14 purposes of the Pensions Reforms Act.

15 (2) The officers and other persons employed in the Medical Centre
16 shall be entitled to pensions, gratuities and other retirement benefits as are
17 enjoyed by persons holding equivalent grades in the civil service of the
18 Federation.

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

Establishment
of Medical
Advisory
Committees

22 12.-(1) There shall be for the Medical Centre a Medical Advisory
23 Committee which shall:

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

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

28 (c) be appointed by the Board.

29 (2) Subject to this Bill, the Board shall have power to appoint either
30 directly or on secondment and discipline consultants holding or acting in any

1 office in the hospital; and any such appointment shall be made having due
2 regard to the approved personnel establishment of the Medical Centre.

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

7 PART IV - FINANCIAL PROVISIONS

8 13. There shall be established and maintained for the Medical
9 Centre a fund into which shall be paid and credited:

Fund of the
Medical Centre

10 (a) all subventions and budgetary allocation from the Government
11 of the Federation;

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

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

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

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

20 14. The hospital shall, from time to time, apply the funds at its
21 disposal to:

Expenditure of
the Medical Centre

22 (a) (a) the cost of administration and maintenance of the Medical
23 Centre;

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

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

27 (d) pay the salaries, allowances and benefits of employees of the
28 Medical Centre;

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

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

Power to accept
gifts

3 15.-(1) The Medical Centre may accept gifts of land, money or other
4 property on such terms and conditions, if any, as may be specified by the person
5 or organization making the gift.

6 (2) The Medical Centre shall not accept any gift if the conditions
7 attached by the person or organisation making the gift are inconsistent with the
8 functions of the Medical Centre under this Bill.

Annual Estimates
and expenditure

9 16.-(1) The Board shall, not later than 30 September in each year,
10 submit to the President through the Secretary to the Government of the
11 Federation an estimate of the expenditure and income of the Medical Centre
12 during the next succeeding year.

13 (2) The Board shall cause to be kept proper accounts of the Medical
14 Centre in respect of each year and proper records in relation thereto and shall
15 cause the accounts to be audited not later than six months after the end of each
16 year by auditors appointed from the list and in accordance with the guidelines
17 supplied by the Auditor-General for the Federation.

Annual reports

18 7. The Board shall prepare and submit to the President, not later than
19 30th June in each year, a report in such form as the President may direct on the
20 activities of the Medical Centre during the immediately preceding year, and
21 shall include in the report a copy of the audited accounts of the Federal Medical
22 Centre for that year and the auditor's report thereon.

Power to borrow

23 18.-(1) The Medical Centre may, from time to time, borrow by
24 overdraft or otherwise such sums as it may require for the performance of its
25 functions under this Bill.

26 (2) The Medical Centre shall not, without the approval of the
27 President, borrow money which exceeds, at any time, the limit set by the
28 President.

29 (3) Notwithstanding subsection (1) of this section, where the sum to
30 be borrowed is in foreign currency, the Medical Centre shall not borrow the

1 sum without the prior approval of the President.

2 19.-(1) The Medical Centre shall not pay income tax on any income
3 derived by the Federal Medical Centre under this Bill or accruing to it from
4 any of its investments.

Exemption from
tax

5 (2) Accordingly, the provisions of any enactment relating to the
6 taxation of companies or trust funds shall not apply to the Board of the
7 Federal Medical Centre.

8 20. The Medical Centre shall not pay customs duty on or be
9 restricted or prohibited from importing any equipment, material, supply and
10 any other thing required by the Medical Centre for the purposes of this Bill:
11 Provided that nothing in this section shall be construed as preventing the
12 Nigeria Customs Service from inspecting any equipment, or material
13 imported by the centre.

Exemption from
custom duties etc.

14 PART V - GENERAL

15 21.-(1) Notwithstanding anything to the contrary contained in any
16 other enactment, where it appears to the Board that any student of the
17 Medical Centre has been guilty of misconduct, the Board may, without
18 prejudice to any other disciplinary powers conferred on it by regulations,
19 direct:

Discipline of
students

20 (a) that the student shall not, during such period as may be specified
21 in the direction, participate in such activities of the Medical Centre, or make
22 use of such facilities of the Medical Centre as may be so specified;

23 (b) that the activities of the student shall, during such period as may
24 be specified in the direction, be restricted in such manner as may be so
25 specified;

26 (c) that the student be rusticated for such period as may be specified
27 in the direction; or

28 (d) that the student be expelled from the Medical Centre.

29 (2) The fact that an appeal from a direction is brought in pursuance
30 of subsection (1) of this section shall not affect the operation of the direction

1 while the appeal is pending.

2 (3) The Board may delegate its powers under this section to a
3 disciplinary committee consisting of such members of the Medical Centre as
4 the Board may nominate.

5 (4) Nothing in this section shall be construed as preventing the
6 restriction or termination of student's activities at the Medical Centre otherwise
7 than on the ground of misconduct.

8 (5) A direction issued under subsection (1) (a) of this section may be
9 combined with a direction issued under subsection (1) (b) of this section.

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

Removal and
discipline of clinical,
administrative and
technical staff

13 22.-(1) If it appears to the Board that there are reasons for believing
14 that any person employed as a member of the clinical, administrative or
15 technical staff of the Medical Centre, other than the Chief Medical Director,
16 should be removed from his office or employment, the Board shall require the
17 Director of Administration to:

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

19 (b) afford him an opportunity of making representations in person on
20 the matter to the Board; and

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

23 (i) a committee to investigate the matter and report on it to the Board;
24 and

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

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

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

8 (a) a conviction for any offence which the Board considers to be
9 such as to render the person concerned unfit for the discharge of the
10 functions of his office;

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

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

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

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

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

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

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

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

8 (5) It shall be the duty of the person by whom a letter of removal is
9 signed in pursuance of subsection (1) of this section to use his best endeavors to
10 cause a copy of the letter to be served as soon as reasonably practicable on the
11 person to whom it relates.

12 (6) Nothing in the foregoing provisions of this section shall preclude
13 the Board from making such regulations not inconsistent with the provisions of
14 this Bill for the discipline of students and all other categories of employees of
15 the hospital as the Board may prescribe.

16 (7) Regulations made under subsection (6) of this section need not be
17 published in the Gazette but the Board shall cause them to be brought to the
18 notice of all affected persons in such manner as it may, from time to time,
19 determine.

Discipline of
junior staff

20 23.-(1) If any junior staff is accused of misconduct or inefficiency, the
21 Chief Medical Director may suspend him for not more than a period of 3
22 months and shall direct a committee to:

23 (a) consider the case; and

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

26 (2) In all cases under this section of this Bill, the officer shall be
27 informed of the charge against him and given a reasonable opportunity to
28 defend himself.

29 (3) The Chief Medical Director may, after considering the
30 recommendation made pursuant to subsection (1) (b) of this section, dismiss,

1 or take such other disciplinary action against the officer concerned.

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

6 PART VI - MISCELLANEOUS

7 24.-(1) The Board may, with the approval of the President, make
8 regulations: Power to make regulations

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

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

14 (2) Bye-laws under this section shall not come into force until they
15 are confirmed (with or without modification) by the National Assembly and
16 published in such manner as he may direct.

17 25. The "Minister of Health" may give to the Board directions of a Power to give directives
18 general character or relating generally to particular matters (but not to any
19 individual person or case) with regard to the exercise by the Board of its
20 functions under this Bill, and it shall be the duty of the Board to comply with
21 the directions; but no direction shall be given which is inconsistent with the
22 duties of the Board under this Bill.

23 26. In this Bill: Interpretation
24 "associate universities" means the universities whose medical students
25 receive aspects 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 Federal Medical Centre Chokocho;
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 to qualify as a medical practitioner; or

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

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

8 "student" means a person enrolled at an institution controlled by the Board for
9 the purpose of pursuing a course of instruction at the institution.

Citation

10 27. This Bill may be cited as the Federal Medical Centre, Chokocho
11 (Establishment) Bill, 2020.

12 EXPLANATORY MEMORANDUM

13 This Bill seeks to establish the Federal Medical Centre, Chokocho and to
14 provide Legal framework for due management and administration.

SCHEDULE

[section 3(4)]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any committees.

(2) The quorum of the Board shall be the chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be ex-officio members, and the quorum of any Committee of the Board shall be as determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

(3) 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 deems fit, but a person who is in attendance by virtue of this "Sub-section" shall not be entitled to vote at any meeting of the Board and shall not count toward a quorum.

Committees

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

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

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

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Medical Centre shall be
5 authenticated by the signatures of the Chairman, the Chief Medical Director or
6 any person generally or specifically authorized by the Board to act for that
7 purpose.

8 (2) Any contract or instrument which, if made or executed by a person
9 not being a body corporate, would not be required to be under seal may be made
10 or executed on behalf of the Medical Centre by the Chief Medical Director or
11 any person generally or specifically authorized by the Board to act for that
12 purpose.

13 (3) A document purporting to be a document duly executed under the
14 seal of the Medical Centre shall be received in evidence and shall, unless and
15 until the contrary is proved, be presumed to be so executed.

16 5. The validity of any proceedings of the Board or of a committee
17 shall not be adversely affected by:

18 (a) a vacancy in the membership of the Board or committee;

19 (b) a defect in the appointment of a member of the Board or
20 committee; or

21 (c) reason that a person not entitled to do so took part in the
22 proceedings of the Board or committee.