

FEDERAL MEDICAL CENTRE, KWOI, KADUNA STATE

(ESTABLISHMENT) BILL, 2021

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL MEDICAL CENTRE, KWOI, KADUNA STATE; AND FOR RELATED MATTERS, 2021

Sponsored Hon. Magaji Amos Gwamna

[] 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 Kwoi, Kaduna State (in this Bill referred to as "the Medical Centre").

Establishment of the Federal Medical Centre, Kwoi, Kaduna State

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 of the Board of Management of the Medical Centre

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.

Schedule -

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.

Tenure of office

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.

Cessation of
 Membership

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;

- 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 Allowance of
 15 allowances and expenses as the Revenue Mobilization Allocation and Fiscal the Board
 16 Commission may, from time to time, direct.

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

18 7.-(1) The Board shall:

Function of the 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
2 care provided for patients at those establishments do not fall below those
3 usually provided by similar establishments of international repute.

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

Power of the
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
11 associate 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
14 rules and regulations for carrying on the functions of the Medical Centre;

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

21 PART III - STAFF OF THE MEDICAL CENTRE

Medical Director
of the Medical
Centre

22 9.-(1) There shall be for the Medical Centre a Chief Medical
23 Director who shall be appointed by the President on the recommendation of
24 Hon. Minister of Health on such terms and conditions as may be specified in
25 his 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

1 of the Medical Centre;

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

5 (d) be a person who is a medical practitioner and shall have
6 been so 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
10 less 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
14 effective functioning of all the administrative divisions of the Medical
15 Centre;

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

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

21 (b) a Director of Clinical Services;

22 (c) a Director of Finance;

23 (d) a Director of Maintenance.

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

29 (3) The Board shall appoint for the Medical Centre such
30 number of employees as may in opinion of the Board expedient and

Appointment of
Director of
Administration
and recruitment
of other staff of
the Medical Centre

1 necessary for the proper and efficient performance of the functions of the
2 Medical Centre for the proper and efficient.

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

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

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

Service in the
Medical Centre
to be pensionable

15 11.-(1) Service in the Medical Centre shall be approved service for the
16 purposes of the Pensions Reforms Act.

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

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

Establishment
of the Medical
Advisory
Committee, etc.

24 12.-(1) There shall be for the Medical Centre a Medical Advisory
25 Committee which shall:

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

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

30 (c) be appointed by the Board.

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

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

Power to accept
gifts

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

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

Annual estimates
and expenditure

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

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

Annual report

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

Power to borrow

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

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

1 (3) Notwithstanding subsection (1) of this section, where the sum
2 to be borrowed is in foreign currency, the Medical Centre shall not borrow
3 the sum without the prior approval of the President.

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

Exemption from
tax

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

10 20. The Medical Centre shall not pay customs duty on or be
11 restricted or prohibited from importing any equipment, material, supply and
12 any other thing required by the Medical Centre for the purposes of this
13 Bill:

Exemption from
customs duties etc.

14 Provided that nothing in this section shall be construed as
15 preventing the Nigeria Customs Service from inspecting any equipment, or
16 material imported by the centre.

17 PART V - GENERAL

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

Discipline of
student

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

26 (b) that the activities of the student shall, during such period as may
27 be specified in the direction, be restricted in such manner as may be so
28 specified;

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

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

2 (2) The fact that an appeal from a direction is brought in pursuance of
3 subsection (1) of this section shall not affect the operation of the direction while
4 the appeal is pending.

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

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

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

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

Removal and
discipline of
clinical
administrative
and technical
staff

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

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

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

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

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

27 and

28 (ii) the person in question to be afforded an opportunity of appearing
29 before and being heard by an investigating committee set up with respect to the
30 matter, and if the Board, after considering the report of the investigating

1 committee, is satisfied that the person in question should be removed as
2 aforesaid, the Board may so remove him by a letter signed on the direction of
3 the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (a) consider the case; and

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

29 (2) In all cases under this section of this Bill, the officer shall be

1 informed of the charge against him and given a reasonable opportunity to
2 defend himself.

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

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

10 PART VI - MISCELLANEOUS

11 24.-(1) The Board may, with the approval of the President, make
12 regulations:

Power to make
regulations

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

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

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

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

Power to give
directives

27 26. In this Bill:

Interpretation

28 "associate universities" means the universities whose medical students
29 receive aspects of their training from the Medical Centre;

30 "Board" means the Board of Management of the Medical Centre;

1 "chairman" means the chairman of the Board;

2 "functions" include powers and duties;

3 "Federal Medical Centre "means the Federal Medical Centre Kwoi, Kaduna
4 State;

5 "junior staff" means staff of such grade as may be determined, from time to
6 time, by the Board;

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

8 (a) designed (either alone or in conjunction with other courses) to
9 enable him to qualify as a medical practitioner; or

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

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

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

Citation

15 27. This Bill may be cited as the Federal Medical Centre, Kwoi,
16 Kaduna State (Establishment) Bill, 2021.

17 EXPLANATORY MEMORANDUM

18 This Bill seeks to establish the Federal Medical Centre, Kwoi, Kaduna State
19 and to 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.