

A BILL

FOR

AN ACT PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE KAURU
FEDERAL HOSPITAL AND INFECTIOUS DISEASES CENTRE, AND FOR
RELATED MATERS

Sponsored by Hon. Mukhtar Zakari Chawai

[] Commencement

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

- 1 1.-(1) There is hereby established the Kauru Federal Hospital and
2 Infectious Diseases Centre (in this Act referred to as "the Kauru Federal
3 Hospital,") and the Kauru Federal Hospital shall serve as the Medical Centre
4 Subject to the provisions of this Act. Establishment
of the Kauru
Federal Hospital
- 5 (2) The Kauru Hospital and Infectious Diseases Centre-
6 (a) Shall be a body corporate;
7 (b) May sue and be sued in its corporate name;
8 (c) Shall have perpetual secession and a common seal.
- 9 2. There is hereby established for the management of the Kauru
10 Federal Hospital, a Board of Management (in this Act referred to as
11 "Board"), which shall be constituted and have the functions and powers set
12 out in this Act. Establishment
of the Board of
Management of
the Medical Centre
- 13 3. The Board shall consist of: Membership of
the Board
- 14 (a) a chairman;
- 15 (b) the Chief Medical Director;
- 16 (c) the Director of Clinical Services;
- 17 (d) the Director of Infectious Diseases;
- 18 (e) the Director of Finance & Administration;
- 19 (f) the Director of Maintenance;
- 20 (g) A representative of the president

	1	(h) the Federal Ministry of Health
	2	(i) the National Centre for Disease Control
	3	(j) the Society of Gynecology and Obstetrics of Nigeria;
	4	(k) the Pharmaceutical Society of Nigeria;
	5	(l) the Pediatric Association of Nigeria;
	6	(m) the National Association of Nigeria Nurses and Midwives; and
	7	(n) one Person to represent 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
	11	(b) persons of proven integrity and ability.
Schedule	12	(3) The Supplementary provisions set out in the Schedule to this Act
	13	shall have effect with respect to the proceedings of the Board and the other
	14	matters contained therein.
Tenure of office	15	4. Subject to the provision of section 5 of this Act, 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 5 of this Act Person
	22	shall cease to hold office as member of the Board if:
	23	(a) he becomes bankrupt, suspends payment principal load with his
	24	creditors;
	25	(b) he is convicted of a felony or any offence involving dishonesty or
	26	fraud;
	27	(c) he becomes 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 practicing
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 of 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 Kauru Federal Hospital or the
11 interest of the public that the member continues in office.

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

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

16 7.-(1) The Board shall:

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

20 (b) construct, equip, maintain and operate such training schools
21 and similar institutions as the Board considers necessary for proving the
22 Kauru Federal Hospital at all times a proper staff of the Kauru Federal
23 Hospital technicians and nurses; and

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 consider necessary for the efficient functioning of
27 the Kauru Federal Hospital.

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

provided by similar establishments of international repute.

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

Powers of the
Board

8. The Board shall have power to:

(a) Provide the general policies and guidelines relating to major expansion Programmes of the Medical Center;

(b) provide facilities for the training of medical students of associate universities and Colleges;

(c) Manage and superintend the affairs of the Kauru Federal Hospital

(d) subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying on the functions of the Kauru Federal Hospital;

(e) fix terms and conditions of service, including remuneration of the employees of the Kauru Federal Hospital subject to the approval if National Salaries incomes and Wages Commission;

(f) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Kauru Federal Hospital.

PART III - STAFF OF THE KAURU FEDERAL HOSPITAL

Medical Director
of the Medical
Centre

9.-(1) There shall be for the Kauru Federal Hospital a Chief Medical Director who shall be appointed by the president on the recommendation of the Board and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the National Salaries Income and Wages Commission

(2) The Chief Medical Director shall:

(a) be the chief executive and accounting officer of the Kauru Federal Hospital;

(b) be responsible to the Board for the day-to-day administration of the Kauru Federal Hospital;

(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 Kauru Federal Hospital

10 (a) a Director of Finance & Administration, who shall;

Appointment of
Directors and
other staff of the
Medical Centre

11 (i) be responsible to the Chief Medical Director for the effective

12 functioning of all Financial and Administrative divisions of the Kauru
13 Federal Hospital;

14 (ii) conduct the correspondence of the Board and keep the records
15 of the Kauru Federal Hospital; and

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

18 (b) a Director of Clinical Services;

19 (c) a Director of Infectious Diseases;

20 (d) a Director of Maintenance;

21 (2) The Director appointed under paragraphs (b), (c) and (d) of
22 subsection (1) of this section shall each be responsible to the Chief Medical

23 Director for the effective running of the clinical services, the finance and
24 accounts and the co-ordination of the maintenance of the Kauru Federal
25 Hospital as the case may be.

26 (3) The Board shall appoint for the Kauru Federal Hospital such
27 number of employees as may in the opinion of the Board be expedient and
28 necessary for the proper and efficient performance of the function of the
29 Kauru Federal Hospital.

30 (4) Notwithstanding the provisions of subsections (1) and (2) of

office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the Kauru Federal Hospital.

(3) Nothing anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Chief Medical Director may assign to such consultants.

PART IV - FINANCIAL PROVISIONS

13. There shall be established and maintained for the Kauru Federal Hospital fund into which shall paid credited:

Fund of the
Medical Centre

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

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

(c) all sums accruing to the Kauru Federal Hospital by way of gifts, endowments, bequests, grants or other contributions by person and organizations;

(d) foreign aid and assistance form bilateral agencies; and

(e) all other sums which may, from time to time, accrue to the Kauru Federal Hospital.

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

Expenditure of
the Medical Centre

(a) the cost of administration and maintenance of the Kauru Federal Hospital;

(b) publicize and promoted the activities of the Kauru Federal Hospital;

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

(d) pay the salaries, allowances and benefits of employees of the Kauru Federal Hospital;

1 this section the Board shall have power to appoint for the Kauru Federal
2 Hospital either directly or on secondment from any public service in the
3 Federation such number of employees as may, in the opinion of the Board, be
4 required to assist the Kauru Federal Hospital in the discharge of any of its
5 function under this Act.

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 Kauru Federal
11 Hospital shall be as determined by the National Salaries Income and Wages
12 commission.

Service in the
Medical Centre
to be pensionable

13 11.- (1) Service in the Kauru Federal Hospital shall be approved
14 service for the purposes of the Pension Reforms Act.

15 (2) The officers and other persons employed in the Kauru Federal
16 Hospital shall be entitled to pensions, gratuities and other retirement benefits
17 as are 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 the Medical
Advisory
Committee, etc.

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

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

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

28 (c) be appointed by the Board.

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

1 (e) pay other overhead allowances, benefits and other administrative
2 costs of the Kauru Federal Hospital; and

3 (f) undertake such other activities as are connected with all or any of
4 the function of the Kauru Federal Hospital under this Act.

Power to accept
gifts

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

8 (2) The Kauru Federal Hospital shall not accept any gift if the
9 conditions attached by the person or organization making the gift are
10 inconsistent with the functions of the Kauru Federal Hospital under this Act.

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 Center
14 during the next succeeding year.

15 (2) The Board shall cause to be kept proper accounts of the Kauru
16 Federal Hospital in respect of each year and proper records in relation thereto
17 and shall cause the account to be audited not later than six months after the end
18 of each year by auditors appointed from the list and in accordance with the
19 guidelines 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 activities of the Kauru Federal Hospital during the immediately preceding
22 year, and shall include in the report a copy of the audited accounts of the Kauru
23 Hospital and Infectious Diseases Centre, for that year and the auditor's report
24 thereon.

Power to borrow

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

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

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

19.-(1) The Kauru Federal Hospital shall not pay income tax on any income derived by the Kauru Hospital and Infectious Diseases Centre, under this Act or accruing to it from any of its investment.

Exemption from tax

(2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board Kauru Hospital And Infectious Diseases Centre,

20. The Kauru Federal Hospital shall not pay customs duty on or be restricted or prohibited from importing any equipment, material, supply and any other high required by the Kauru Federal Hospital for the purposes if this Bill.

Exemption from customs duties, etc.

PART V - GENERAL

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

Discipline of students

(a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Kauru Federal Hospital, or make use of such facilities of the Kauru Federal Hospital as may be so specified;

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

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

(d) that the student be expelled from the Kauru Federal Hospital.

(2) The fact that an appeal from a direction is brought in pursuance

1 of subsection (1) of this section shall not affect the operation of the direction
2 while the appeal is pending.

3 (3) The Board may delegate its power under this section to make
4 disciplinary committee consisting of such members if the Kauru Federal
5 Hospital as the Board may nominate.

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

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

12 (6) Nothing in this Act shall affect the provision of any enactment
13 relating to the discipline of medical practitioners, pharmacists, midwives,
14 nurses or member of any other profession or calling.

Removal and
discipline of
clinical,
administrative
and technical
staff

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

20 (a) give notice of those reason to the person in question;

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

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

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

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

1 aforesaid, the Board may so remove him by a letter signed on the direction of
2 the Board.

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

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

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

13 (b) any physical or mental incapacity which the Board, after
14 obtaining medical advice, continue to hold his office;

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

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

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

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

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

29 (c) whether to terminate the appointment of the person concerned,
30 in which case he shall not be entitled to the proportion of his emoluments

1 withheld during the period of suspension or

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

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

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

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

Discipline of
junior staff

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

24 (a) consider the case; and

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

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

30 (3) The Chief Medical Director may, after considering the

1 recommendation made pursuant to subsection (1)(b) of this section dismiss,
2 or take such other disciplinary action against the officer concerned.

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

7 PART VI - MISCELLANEOUS

8 24.-(1) The Board may with the approval of the President, make Regulations
9 regulations:

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

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

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

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

24 26.-(1) On the commencement of this Act, any person employed by Transition and
25 or serving in, the General Hospital shall be deemed to have been employed Savings Provision
26 or serving in the Kauru Federal Hospital established under this Act.

27 (2) All Asset or liabilities belonging to the General Hospital shall
28 be deemed to belong to the Kauru Federal Hospital established under this
29 Act.

Interpretation

27. In this Act, unless the context otherwise requires:

"associate universities" means the universities whose medical student receive aspects of their training from the Kauru Federal Hospital;

"Board" means the Board Management of the Kauru Federal Hospital;

"Chairman" means the chairman of the Board;

"Functions" include powers and duties;

"Kauru Federal Hospital and Infectious Diseases Centre," means the Kauru Federal Hospital;

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

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

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

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

"Minister" means the Minister charged with responsibility for matters relating to health and "Ministry" shall be construed accordingly;

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

Short title

28. This Bill may be cited as the Kauru Hospital and Infectious Diseases Centre, (Establishment) Bill, 2021.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

Proceedings of the Board

1.-(1) Subject to this Act and section 27 of the Interpretation Act, the Board May make standing orders regulating its proceedings or those of any of its 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, chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, 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-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committee

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.

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

Miscellaneous

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

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Kauru Federal Hospital by the Chief Medical Director or any person generally or specifically authorized

1 by the Board to act for that purpose.

2 (3) A document purporting to be a document duly executed under the
3 seal of the Kauru Federal Hospital shall be received in evidence and shall,
4 under and until the contrary is proved, be presumed to be so executed.

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

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

8 (b) a defect in the appointment of a member of the Board or
9 committee; or

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

EXPLANATORY NOTE

This Bill seeks to provide the Legal Framework to establish the Kauru Federal Hospital and Infectious Diseases Centre and to construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the Kauru Federal Hospital at all times a proper staff of the Kauru Federal Hospital technicians and nurses.