

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF NURSING AND MIDWIFERY, IDEATO, IMO STATE; FOR THE TEACHING AND TRAINING OF NURSES AND MIDWIVES AND OTHER CATEGORIES OF HEALTH WORKERS; AND TO PROVIDE FOR A BOARD TO GOVERN THE INSTITUTION AND AN ACADEMIC COMMITTEE TO TAKE CHARGE OF THE ACADEMIC ACTIVITIES AND AFFAIRS AND FOR RELATED MATTERS

Sponsored by Hon. Paschal C. Obi

[] Commencement

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

1 I.-(1) There shall be established at Ideato, Imo State, a teaching and
2 training institution to be known as the Federal College of Nursing and
3 Midwifery (in this Bill referred to as the "College") which shall be a body
4 corporate under that name and subject to the provisions of this Bill, the
5 college shall be charged with the general duty of providing:

Establishment
of the Federal
College of Nursing
and Midwifery
Ideato, Imo State

6 (a) Nursing and Midwifery courses and programmes, standard or
7 special, designed for use in Nursing and Midwifery operations and
8 management as may from time to time be prescribed under this Bill for approved
9 persons;

10 (b) teaching of approved courses and persons on the performance,
11 operations and management as the case may be, of technical equipment the
12 use of which is calculated or likely to increase the margin of performance
13 and operational safety of the students and of all health activities;

14 (c) training of approved persons in standard or special programs
15 designed to inculcate professionalism in the practice of Nursing and
16 Midwifery and other related fields;

17 (d) equipment and necessary facilities for technical research or

1 normal use by approved persons at the college as may from time to time be
2 authorized by the Board under this Bill.

3 [CAP N143]

4 (2) Courses provided for the purposes of subsection (1) of this section
5 shall include the organization of incidental study groups and the delivery of
6 necessary series of lectures; and if approved, fees may be calculated and be
7 charged at such rate not exceeding the estimated cost of the course as may be
8 prescribed under this Bill.

9 (3) Courses on teachings and trainings in standard or special shall be
10 of such a nature as to qualify the recipient or student or trainee to be registered
11 under the Nurses and Midwifery Act, Cap N143, Laws of the Federation of
12 Nigeria, and for qualifications and registrations under similar Regulatory
13 Agencies or Bodies for other categories of Health workers or fields.

14 (4) The college as a body corporate shall have perpetual succession
15 and a common seal which shall be kept in the custody of the Provost of the
16 College; and the college shall hold or acquire property, movable or immovable,
17 but shall not mortgage, charge or dispose of any property held by it over the
18 value of N10m without the consent of the Minister in writing.

Power to appoint
a Provost for the
College

19 2. The President on the advice and recommendation of the Minister,
20 shall appoint a qualified and fit person as the Head of the college as its Provost;
21 and the Provost shall be responsible to the Board under this Bill for the day-to-
22 day administration and control of the college and shall perform such other
23 duties as may, from time to time, be prescribed under this Bill.

Governing Board

24 3.-(1) There shall be a Governing Board (in this Bill referred to as the
25 "Board") as members of the College charged with responsibility for the
26 organization, administration and policy making and planning of the College;
27 and the Board shall consist of the following members:

28 (a) The Chairman;

29 (b) Six Persons broadly representative of the whole Federation that is
30 to say the six Geo-political zones of Nigeria;

1 (c) Two persons appointed to represent the consultant staff of the
2 College from among their number;

3 (d) The representative of the Federal Ministry of Health;

4 (e) The representative of the Federal Ministry of Education;

5 (f) The Provost;

6 (g) A representative of the Nursing and Midwifery Union of the
7 College.

8 (2) The Registrar of the College, not being a member of the Board,
9 shall serve as the Secretary of the Board and in his absence, the Deputy
10 Registrar shall act as Secretary at meetings, but neither the Registrar serving
11 as the Secretary nor his Deputy acting for him in that capacity shall have a
12 vote in meetings of the Board.

13 (3) The Minister may give to the Board directions of a general
14 nature or relating generally to particular matters and in any event while it
15 continues to operate and exist not inconsistent with the objects of the special
16 fund, or of the executing agency; and the Board shall comply with any such
17 directions given by the Minister.

18 (4) Subject to the provisions of subsection (3) of this section, the
19 Board may:

20 (a) prescribe the general policy of the college in consultation with
21 the Provost of the College and the fees to be charged in respect thereof;

22 (b) regulate the organization and management of the college;

23 (c) prescribe the duties of the Provost of the College and any other
24 members of staff;

25 (d) provide for the appointment, promotion, dismissal and transfer
26 of members of staff at the college and for their salaries;

27 (e) make provision for pension schemes for members of staff of the
28 college;

29 (f) approve annual accounts and estimates;

30 (g) as and when required, make any necessary contract between the

1 college and any person not connected therewith; and

2 (h) submit annual reports to the Minister.

3 (5) The provisions of the First schedule to this Bill shall have effect
4 with respect to the tenure of office of members of the Board and the Provost and
5 other matters thereto mentioned.

6 *[First Schedule]*

7 In this section "Staff" includes personnel of the College other than those
8 employed by the executing agency or by the special fund, or by any other
9 approved foreign agency or organization.

Tenure and term
of office of the
Board, the Provost
and other Staff

10 4.-(1) The members of the Board shall hold office for a period of four
11 years and renewable for a final term of four years and no more save for the
12 members under section 3 (1)(d) (e) of this Bill.

13 (2) A member of the Board and the Provost, other than an ex- officio
14 member, shall be paid out such remunerations and allowances in accordance
15 with such terms and conditions as may be stipulated in their letters of
16 appointment.

Cessation of the
Membership of
the Board and
the Provost

17 5.-(1) In the event of the death or incapacity of the Chairman of the
18 Board or if for any reason other than lapse of time, the office of the Chairman
19 becomes vacant, the President shall on the recommendation of the Minister,
20 appoint another person as the Chairman for the residue of the term of the
21 Chairman of the Board.

22 (2) The office of a member of the Board or the provost shall become
23 vacant if:

24 (a) he resigns his office by notice in writing under his hand, addressed
25 to the President through the Minister;

26 (b) the period of his tenure has elapsed;

27 (c) by the resolution of the Board;

28 (d) that he has become unfit to continue as a member of the Board by
29 reason that the member has become incapable by reason of mental or bodily
30 infirmity to discharge his duties; or

1 (i) that he has been absent from three consecutive meetings of the
2 Board without the leave of the Board: or

3 (ii) he has been convicted of an offence involving dishonesty, fraud
4 or moral turpitude.

5 (3) Where the office of a member becomes vacant, another person
6 representing the same interest shall be appointed for the remainder of the
7 term for which the vacating member was appointed.

8 (4) Any member of the Board other than an ex-officio member
9 may, by notice to the Board, resign his appointment.

10 6.-(1) There shall be established for the College, the Provost and
11 the Deputy Provost, the Registrar and the Deputy Registrar, and other
12 categories of Staff.

Appointments
of the Provost and
Deputy Provost;
the Registrar and
Deputy Registrar
and other members
of Staff

13 (2) The Provost/Deputy and the Registrar/Deputy shall be
14 appointed for a period of four years, renewable for a final term of four years.

15 (3) The Provost shall be appointed by the President on the
16 recommendation of the Minister.

17 (4) The Registrar and Deputy shall be appointed by the Board on
18 the recommendation of the Provost.

19 (5) The College shall employ as many persons as are required for
20 the administration and management of the College; and such persons so
21 employed shall be entitled to such emolument, allowances terms and
22 conditions as applicable in the Public Service of the Federation, including
23 pension and gratuity.

24 7.-(1) There shall be established for the College, certain numbers
25 of departments and units for the realization of the mandates and purposes for
26 the establishment of the College.

Department and
Units of the College

27 (2) Such numbers of departments and units shall be established by
28 the Board on the recommendation of the Provost or as applicable in similar
29 institutions in Nigeria or elsewhere.

30 (3) Such numbers of departments and units shall be headed by the

Employments,
Appointments
and Discipline
of Staff

1 personnel of the college, and their respective designations shall be determined
2 and approved by the Board.

3 8.-(1) The College, through the Board shall be responsible for all
4 employments, appointments as well as the discipline of all categories of staff.

5 (2) The Board in the exercise of its statutory powers and functions
6 under this Bill shall provide and prescribe the modalities, terms and conditions
7 for employments, appointments and discipline of staff.

8 (3) Such employments or appointments made under this section shall
9 be in consonance with existing standards and approved structures and systems
10 within the Public Service of the Federation.

11 (4) Nothing in this Bill shall invalidate such actions by the Board or
12 any organ of the College in the employments or appointments or discipline of
13 staff save for inconsistency with the provisions of the constitution of the
14 Federal Republic of Nigeria, 1999 or such other enabling enactments in the
15 Federation.

Financial
Provisions

16 9.-(1) The funds of the College shall comprise:

17 (a) Money allocated to it in each year by the Government of the
18 Federation and while it continues to operate and exist in Nigeria by the special
19 fund in such shares as may be agreed from time to time;

20 (b) Donations and Subsidies;

21 (c) Fees for teaching and training from the College;

22 (d) Monies from such other sources as may from time to time be
23 approved by the Board on behalf of the College.

24 (2) The Board shall cause accounts to be kept at all times of the
25 income and expenditure of the College and proper records in relation to those
26 accounts; and the accounts of the College shall be audited as soon as may be
27 after the end of the financial year to which the accounts relate by an auditor
28 appointed from the list and in accordance with the guidelines supplied by the
29 Auditor-General for the Federation.

30 (3) The Board shall prepare and submit to the Minister not later than

1 the last day of October in each and every year after the commencement of
2 this Bill an estimate of the expenditure and income during the next financial
3 year.

4 10.-(1) The Board shall in every year furnish half-yearly reports to
5 the Minister and while the special fund continues to operate in Nigeria, to
6 both the representatives of the executing agency and of the special fund, on
7 the activities of the College, so however that the first of such reports shall be
8 furnished not later than 15 July, and subsequent reports as nearly as may be
9 on or after is" January and is" July in each year thereafter; and every report
10 shall be accompanied by a copy of the audited accounts of the College and of
11 the report (if any) by the auditor on the accounts as audited by him.

Report of the
College in each
year

12 (2) Copies of the report when made shall be printed and submitted
13 to the President through the Minister.

14 11. Members of the Board shall be paid such travelling and other
15 allowances at such rate as the Minister may, from time to time approve, after
16 consultation with the Minister of the Government of the Federation charged
17 with the responsibility for Finance.

Travelling
allowances, etc
to Members of
the Board

18 12.-(1) There shall be for the College a General Council consisting
19 of the Provost as Chairman, the Deputy Provost, the Registrar, the Deputy
20 Registrar, the Heads of Departments and Units and such other members as
21 the Board approves or may from time to time review and approve.

General Council

22 (2) Meetings of the General Council shall be convened by the
23 Provost as and when necessary, so however that the General Council shall
24 meet at least four times in each calendar year.

25 (3) It shall be the duty of the General Council to make suggestions
26 to the Board relative to courses of instructions provided or to be provided by
27 the College, and to make recommendations to the Minister through the
28 Board for the holding of conferences and meetings at the College which
29 members of the General Council consider suitable or necessary.

30 (4) The Board shall consider all suggestions offered to it by the

1 General Council under subsection (3) of this section and shall give effect to
2 them as far as is practicable.

3 (5) Members attending a meeting of the General Council shall
4 nominate a chairman in the absence of the Provost or his Deputy for the
5 meeting and may regulate its own proceedings thereof.

6 (6) The Registrar or in his absence, the Deputy Registrar shall attend
7 meetings of the General Council and provide any necessary assistance of a
8 secretarial nature and any person attending under this subsection may take part
9 in deliberations of the General Council, but shall not vote on any subject.

Pensions in
special cases

10 13.-(1) Service in the College shall be approved service for the
11 purposes of the Pensions Act.

12 (2) The Federal Civil Service Commission may by order published in
13 the Federal Gazette, declare that certain special cases of service in the College
14 shall be approved Service for the purposes of the Pension Act.

Regulations

15 14.-(1) Where any act, matter or thing fails to be prescribed under this
16 Bill, any such act, matter or thing may be prescribed by regulations made on
17 behalf of the College by the Board.

18 (2) Regulations made under this section shall when approved by the
19 Minister be published in the Federal Gazette.

Validation of
past Acts, etc.

20 15. It is declared for the avoidance of doubt, that where any person(s)
21 has/have before the commencement of this Bill been appointed or have
22 purported to act under powers, however conferred, incidental to the acquisition
23 of land for or incidental to the erection, supervision or control of the College
24 hereby established, such person(s) shall be deemed always to have been
25 lawfully appointed or to have validly exercised the powers, as the case may be.

Disposal of
property of the
Special Fund

26 16.-(1) The President may after consultation with the executing
27 agency and of the special fund, prescribe a date not earlier than five years after
28 the commencement of this Bill for the preparations of a schedule (in this
29 section referred to as "the Transfer Schedule") of the assets in Nigeria of the
30 special fund, and the Accountant-General of the Federation shall, when so

1 directed and acting in collaboration with the executing agency, the special
2 fund and the Board, prepare the transfer schedule accordingly, and the
3 transfer schedule shall be certified to, by the persons so collaborating and a
4 copy shall be supplied by the Provost of the College through the Chairman
5 of the Board to the Minister.

6 (2) On a day to be appointed by the Minister (hereinafter in this Bill
7 referred to as "the appointed transfer day") the College shall have and may
8 exercise administrative control on behalf of the Government of the
9 Federation over all property shown in the transfer schedule and such assets
10 shall vest in the College accordingly.

11 (3) The provisions of the Second Schedule to this Bill shall have
12 effect with respect to any matter arising from the transfer by this section to
13 the College of the assets in Nigeria of the special fund and with respect to the
14 other matters mentioned in that Schedule.

Second Schedule

15 17. In this Bill unless the context otherwise requires:

Interpretations

16 "Appointed transfer day" means the day appointed for the purpose of section
17 16 of this Bill for the vesting of certain property of the special fund in the
18 College;

19 "Approved" means approved by the Minister;

20 "Board" means the Governing Board under section 3 of this Bill;

21 "College" means the Federal College of Nursing and Midwifery established
22 under Section 1 of this Bill;

23 "Executing Agency" means such authorized body under the Laws of the
24 Federation of Nigeria, 2004 CAP.N143;

25 "Minister" means the Minister of the Government of the Federation charged
26 with the responsibility for health;

27 "Prescribed" means Prescribed on behalf of the College with the approval of
28 the Minister;

29 "Provost" means the Provost of the College;

30 "Special Fund" means such fund or grants which the Government of the

Short title

1 Federation or such foreign donors donate or grant to the College.

2 18. This Bill may be cited as the Federal College of Nursing and
3 Midwifery, Ideato, Imo State (Establishment, Etc.) Bill, 2021.

4 FIRST SCHEDULE

5 *Supplementary provisions relating to the Board, qualifications*
6 *and tenure of office of members*

7 1.-(1) Subject to the provisions of this paragraph, a member of the
8 Board shall hold office for such period not exceeding four years as may be set
9 out in the instrument of appointment or if he is a member by office or in a
10 representative capacity, he shall be a member while he continues to hold that
11 particular office or be the representative, as the case may be.

12 (2) Any member of the Board who ceases to be a member thereof, if he
13 is also a member of a committee thereof, ceases to hold office on the
14 committee.

15 (3) Any member appointed by the Government of the Federation may
16 by notice in writing under his hand addressed to the President through the
17 Minister and with his consent, resign his office, and any member appointed by
18 office or in representative capacity may with the consent of the person or body
19 appointing him resign his office by notice in writing addressed to the President
20 through the Minister.

21 (4) A person who has ceased to be a member of the Board shall be
22 eligible for re-appointment.

23 (5) If for any reason there is a vacation of office by a member and:

24 (a) such member was appointed on behalf of the Government of the
25 Federation, another fit person shall be appointed either permanently or
26 temporarily in his stead to be a member of the Board; and

27 (b) in any other case, the vacancy shall be filled by appointment as the
28 circumstances may require.

29 *Powers of the Board*

30 2. Unless otherwise prescribed by this Bill, the Board shall power to

1 do anything which in the opinion of the members is calculated to facilitate
2 the carrying on of the activities, purposes and mandates of the College.

3 *Proceedings of the Board*

4 3.-(1) Subject to the provisions of this Bill, the Board may, in the
5 name of the College, make standing orders regulating the proceedings of the
6 College or of the Board; and in the exercise of its powers under this Bill, may
7 set out committees in the general interest of the College, and make standing
8 orders therefor;

9 (2) Standing orders shall provide for decisions taken to be
10 unanimous and accordingly the Chairman shall have a second vote.
11 Standing orders made for a committee shall provide that the committee
12 reports back to the Board on any matter not within or within its competence
13 under this Bill to decide.

14 4. The quorum of the Board shall be five of whom one shall be the
15 representative of the executing agency or the special fund; and the quorum
16 of a committee of the Board shall be fixed by the Board itself.

17 5.-(1) Subject to the provisions of this Bill and any standing orders
18 of the Board, the Board shall meet whenever it is summoned by the
19 Chairman; and if the Chairman is required to do so by notice given to him by
20 the Minister, he shall summon a meeting of the Board to be held within seven
21 days from the date on which the notice was given.

22 (2) At any meeting of the Board, the Chairman shall preside and if
23 he is not present, one of their numbers to be chairman for the meeting only.

24 (3) Where the Board desires to obtain the advice of any expert on a
25 particular matter touching or concerning the College, the Board may co-opt
26 him as a member for such period as the Board thinks fit, but a person who is a
27 member by virtue of this sub-paragraph shall not be entitled to vote at any
28 meeting of the Board and shall not count towards a quorum.

29 *Committees*

30 6.-(1) The Board may appoint one or more committees to carry out

1 on behalf of the Board such functions as the Board may determine,

2 (2) A committee appointed under this paragraph shall consist of the
3 number of persons determined by the Board.

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

6 *Miscellaneous*

7 7.-(1) the fixing of the seal of the College shall be authenticated by the
8 signature of the Board or of the Provost if authorized by the Board for that
9 purpose.

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

14 (3) Any document purporting to be a document duly executed under
15 the seal of the college shall be received in evidence and shall, unless the
16 contrary is proved, be deemed to be so executed.

17 8. The validity of any proceedings of the Board shall not be affected
18 by any defect in the appointment of a member of the Board or of a person to
19 serve on the committee, or by reason that a person not entitled to do so took part
20 in the proceedings.

21 9. Any member of the Board and any person holding office on a
22 committee who has a personal interest in any contract or arrangement entered
23 into or proposed to be considered by the Board on behalf of the College or a
24 committee thereof shall forthwith disclose his interest to the Minister in the
25 case of the College or to the Chairman of the Board as the case may be, and
26 shall not vote on any question relating to the contract or arrangement.

27 10. A person shall not by reason only of his membership of the Board
28 be treated as holding an office of emolument in the Federation or of a State.

1 SECOND SCHEDULE

2 [Section 16(3)]

3 TRANSITIONAL PROVISIONS AS TO PROPERTY ETC.

4 1.-(1) Every agreement to which the executing agency or the
5 special fund under this Bill was a part immediately before the appointed
6 transfer date, whether in writing or not and whether or not of such a nature
7 that the rights, liabilities and obligations hereunder could be assigned by the
8 said executing agency shall, unless its terms or subject matter make it
9 impossible that it should have effect as modified in the manner provided by
10 this sub-paragraph, have effect from the appointed transfer day or date, so
11 far as it relates to property transferred by this Bill to the College as if:

12 (a) The college has been a party to the agreement on behalf of the
13 Government of the Federation;

14 (b) F or any reference (however worded and whether express or
15 implied) to the said executing agency or to the special fund there were
16 substituted, in respect of anything failing to be done on or after the appointed
17 day or date, a reference to the College.

18 (2) Other documents which refer, whether specifically or generally, to
19 the executing agency or to the special fund shall be construed in accordance
20 with sub-paragraph (1) of this paragraph so far as applicable.

21 2. Without prejudice to the generality of the foregoing provisions
22 of this Schedule, where by the operation of any of them or of section 16 of
23 this Bill, any right, liability or obligation vests in the College, the College
24 and all other persons shall, as from the appointed transfer day or date, have
25 the same rights, powers and remedies (and in particular, the same rights as to
26 the taking or resisting of legal proceedings or the making or resisting of
27 applications to any authority) for ascertaining, perfecting or enforcing that
28 right, liability or obligation as they would have had if it had at all times been
29 a right, liability or obligation of the College.

30 3. Any application to any authority pending on the appointed

1 transfer day or date by or against the executing agency under this Bill and
2 relating to property transferred by this Bill may be continued on or after that
3 day or date by or against the College.

4 . 4. If the law in force at the place where any property transferred by
5 this Bill is situated provides for the registration of transfers of property of the
6 kind in question (whether by reference to an instrument of transfer or
7 otherwise), the law shall, so far it provides for alterations of a register (but not
8 for avoidance of transfers, the payment of fees or any other matter) apply with
9 the necessary modifications to the transfer of the property aforesaid; and it
10 shall be the duty of the Provost to furnish the necessary particulars of the
11 transfer to the proper officer of the registration authority, and of that officer to
12 register the transfer accordingly, and notwithstanding the disclosure of a trust.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Nursing and Midwifery, Ideato, Imo State, to provide for the organizational framework in administration and control.