

FEDERAL MEDICAL CENTER ABUJA (ESTABLISHMENT) BILL, 2021

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A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL MEDICAL CENTER ABUJA, AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

PART I - ESTABLISHMENT OF THE FEDERAL MEDICAL CENTER

1 1.-(1) There is established the Federal Medical Center Abuja (in
2 this Bill Establishment of referred to as "the Centers") as specified in the
3 Second Schedule to this Federal Medical Bill.

Establishment
of Federal Medical
Centers

4 (2) The hospitals:

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

Establishment
of the board of
management of
the Federal Medical
Center Abuja

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 Center;

14 (c) the Head of Clinical Services;

15 (d) the Director of Administration; who shall be the Secretary of
16 the Board;

17 (e) three persons nominated by the Minister to represent a wide
18 variety of community interests in health matters;

19 (f) one representative of the Federal Ministry of Health;

20 (g) one representative of the medical profession not being a person

- 1 who is a member of the FMC;
- 2 (h) one representative from allied health professionals; not being a staff of the
3 FMC;
- 4 (i) one representative of the ministry of health.
- 5 (2) The chairman and members of the Board, other than ex-officio
6 members, shall be:
- 7 (a) appointed by the President; and
8 (b) persons of proven integrity and ability.
- Schedule 9 (3) The supplementary provisions set out in the First Schedule to this
10 Bill shall have effect with respect to the proceedings of the Board and the other
11 matters contained therein.
- Tenure of office 12 4. Subject to the provisions of section 5 of this Bill, a member of the
13 Board, other than ex-officio members, shall each hold office:
- 14 (a) for a term not exceeding four (4) years;
15 (b) on such terms and conditions as may be specified in his letter of
16 appointment.
- Cessation of 17 5.-(1) Notwithstanding the provisions of section 4 of this Bill a person
Membership 18 shall cease to hold office as a member of the Board if-
- 19 (a) he becomes bankrupt, suspends payment principal loan with his
20 creditors;
- 21 (b) he is convicted of a felony or any offence involving dishonesty or
22 fraud;
- 23 (c) he becomes of unsound mind or is incapable of carrying out his
24 duties;
- 25 (d) he is guilty of a serious misconduct in relation to his duties; or
26 (e) in the case of a person possessed of professional qualifications, he
27 is disqualified or suspended, other than at his own request, from practicing his
28 profession in any part of the world by an order of a competent authority made in
29 respect of that member; or
- 30 (f) he resigns his appointment by a letter addressed to the President.

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

5 (3) A member of the Board may be removed by the President if he is
6 satisfied that it is not in the interest of the Medical Center or the interest of
7 the public that the member continues in office.

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

Allowances of
members

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

12 7.-(1) The Board shall:

Functions of the
Board

13 (a) equip, maintain and operate the Medical Center so as to provide
14 facilities for diagnosis, curative, promotive and rehabilitative services in
15 medical treatment;

16 (b) construct, equip, maintain and operate such training schools
17 and similar institutions as the Board considers necessary for providing the
18 Medical Center at all times with a proper staff of the Medical Center
19 technicians and nurses;

20 (c) construct, equip, maintain and operate such clinics, out-patient
21 departments, laboratories, research or experimental stations and other like
22 institutions as the Board considers necessary for the efficient functioning of
23 the Medical Center.

24 (2) The Board shall ensure that the standards of teaching provided
25 at all establishments under its control and the standards of treatment and care
26 provided for patients at those establishments do not fall below those usually
27 provided by similar establishments of international repute.

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

Powers of the
Board

- 1 8. The Board shall have power to:
- 2 (a) provide the general policies and guidelines relating to major
- 3 expansion programmes of the Medical Center;
- 4 (b) manage and superintend the affairs of the Medical Center;
- 5 (c) subject to the provisions of this Bill, make, alter and revoke rules
- 6 and regulations for carrying on the functions of the Medical Center;
- 7 (d) do such other things which in the opinion of the Board are
- 8 necessary to ensure the efficient performance of the functions of the Medical
- 9 Center.

10 PART III - STAFF OF THE MEDICAL CENTER

Chief Medical
Director of the
Medical Center

11 9.-(1) There shall be for the Medical Center a Chief Medical Director

12 who shall be appointed by the President on the recommendation of Hon.

13 Minister of Health on such terms and conditions as may be specified in his

14 letter of appointment or as may be determined, from time to time, by the

15 Revenue Mobilization Allocation and Fiscal Commission (RMAFC).

16 (2) The Chief Medical Director shall:

- 17 (a) be the Chief Medical Director and accounting officer of the
- 18 Medical Center;
- 19 (b) be responsible to the Board for the day-to-day administration of
- 20 the Medical Center;
- 21 (c) be appointed for a term of four years in the first instance and may
- 22 be reappointed for a further term of four years subject to satisfactory
- 23 performance;
- 24 (d) be a person who is a medical practitioner and shall have been so
- 25 qualified for a period of not less than 12 years;
- 26 (e) have considerable administrative experience in matters of health;
- 27 (f) hold a post-graduate fellowship of the National Post-Graduate
- 28 Medical College of Nigeria or its equivalent qualification obtained not less
- 29 than five (5) years prior to the appointment as Chief Medical Director.

- 1 **10.-(1)** The Board shall appoint for the Medical Center:
- 2 (a) a Head of Clinical Services;
- 3 (b) a Director of Administration, who shall:
- 4 (i) be responsible to the Chief Medical Director for the effective
- 5 functioning of all the administrative divisions of the Medical Center;
- 6 (ii) conduct the correspondence of the Board and keep the records
- 7 of the Medical Center; and
- 8 (iii) perform such other functions as the Board or the Chief Medical
- 9 Director, as the case may be, may, from time to time, assign to him;
- 10 (2) The Head of Clinical Services appointed under paragraphs (a)
- 11 sub section (1) of this section shall be responsible to the Chief Medical
- 12 Director for the effective running of the clinical services and training.
- 13 (3) The Board shall appoint for the Medical Center such number of
- 14 employees as may in the opinion of the Board be expedient and necessary
- 15 for the proper and efficient performance of the functions of the Medical
- 16 Center.
- 17 (4) Notwithstanding the provisions of subsections (1) and (2) of
- 18 this section the Board shall have power to appoint for the Medical Center
- 19 either directly or on secondment from any public service in the Federation,
- 20 such number of employees as may, in the opinion of the Board, be required
- 21 to assist the Medical Center in the discharge of any of its functions under this
- 22 Bill.
- 23 (5) Nothing in subsection (4) of this section shall preclude the
- 24 Board from appointing persons from outside the public service of the
- 25 Federation or of the State whenever it deems it necessary so to do.
- 26 (6) The terms and conditions of service (including remuneration,
- 27 allowances, benefits and pensions) of the employees of the Medical Center
- 28 shall be as determined by the National Salaries Income and Wages
- 29 Commission.

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

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

Expenditure of
the Medical
Center

3 (a) the cost of administration and maintenance of the Medical
4 Center;

5 (b) publicize and promote the activities of the Medical Center;

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

8 (d) pay the salaries, allowances and benefits of employees of the
9 Medical Center;

10 (e) pay other overhead allowances, benefits and other
11 administrative costs of the Medical Center; and

12 (f) undertake such other activities as are connected with all or any
13 of the functions of the Medical Center under this Bill.

14 15.-(1) The Medical Center may accept gifts of land, money or
15 other property on such terms and conditions, if any, as may be specified by
16 the person or organization making the gift.

Power to accept
gifts

17 (2) The Medical Center shall not accept any gift if the conditions
18 attached by the person or organization making the gift are inconsistent with
19 the functions of the Medical Center under this Bill.

20 16.-(1) The Medical Centre shall, not later than 30th September in
21 each year, submit to the President through the Secretary to the Government
22 of the Federation an estimate of the expenditure and income of the Medical
23 Center during the next succeeding year.

Annual estimates
and expenditure

24 (2) The Medical Centre shall cause to be kept proper accounts of
25 the Medical Center in respect of each year and proper records in relation
26 thereto and shall cause the accounts to be audited not later than six months
27 after the end of each year by auditors appointed from the list and in
28 accordance with the guidelines supplied by the Auditor-General for the
29 Federation.

Annual report 1 17. The Medical Centre shall prepare and submit to the President, not
2 later than 30th June in each year, a report in such form as the President may
3 direct on the activities of the Medical Center during the immediately preceding
4 year, and shall include in the report a copy of the audited accounts of the
5 Federal Medical Center for that year and the auditor's report thereon.

Power to borrow 6 18.-(1) The Medical Center may, from time to time, borrow by
7 overdraft or otherwise such sums as it may require for the performance of its
8 functions under this Bill.

9 (2) The Medical Center shall not, without the approval of the
10 President, borrow money which exceeds, at any time, the limit set by the
11 President.

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

Exemption from tax 15 19.-(1) The Medical Center shall not pay income tax on any income
16 derived by the Federal Medical Center under this Bill or accruing to it from any
17 of its investments.

18 (2) Accordingly, the provisions of any enactment relating to the
19 taxation of companies or trust funds shall not apply to the Board of the Federal
20 Medical Center.

Exemption from customs duties, etc. 21 20. The Medical Center shall not pay customs duty on or be restricted
22 or prohibited from importing any equipment, material, supply and any other
23 thing required by the Medical Center for the purposes of this Bill:

24 Provided that nothing in this section shall be construed as preventing
25 the Nigeria Customs Service from inspecting any equipment, or material
26 imported by the Center.

27 PART V - GENERAL

Discipline of students 28 21.-(1) Notwithstanding anything to the contrary contained in any
29 other Discipline of enactment, where it appears to the Board that any student of
30 the Medical Center has been guilty of misconduct, the Board may, without

1 prejudice to any other disciplinary powers conferred on it by regulations,
2 direct:

3 (a) that the student shall not, during such period as may be specified
4 in the direction, participate in such activities of the Medical Center, or make
5 use of such facilities of the Medical Center as may be so specified;

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

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

11 (d) that the student be expelled from the Medical Center.

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

15 (3) The Board may delegate its powers under this section to a
16 disciplinary committee consisting of such members of the Medical Center
17 as the Board may nominate.

18 (4) Nothing in this section shall be construed as preventing the
19 restriction or termination of student's activities at the Medical Center
20 otherwise than on the ground of misconduct.

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

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

26 22.-(1) If it appears to the Board that there are reasons for believing
27 that any person employed as a member of the clinical, administrative or
28 technical staff of the Medical Center, other than the Chief Medical Director,
29 should be removed from his office or employment, the Board shall require
30 the Director of Administration to:

Removal and
discipline of
clinical,
administrative
and technical
staff

- 1 (a) give notice of those reasons to the person in question;
- 2 (b) afford him an opportunity of making representations in person on
3 the matter to the Board; and
- 4 (c) if the person in question so requests within a period of 1 month
5 beginning with the date of the notice, make arrangements for:
- 6 (i) a committee to investigate the matter and report on it to the Board;
7 and
- 8 (ii) the person in question to be afforded an opportunity of appearing
9 before and being heard by an investigating committee set up with respect to the
10 matter, and if the Board, after considering the report of the investigating
11 committee, is satisfied that the person in question should be removed as
12 aforesaid, the Board may so remove him by a letter signed on the direction of
13 the Board.
- 14 (2) The Chief Medical Director may, in a case of misconduct by a
15 member of the staff which in the opinion of the Chief Medical Director is
16 prejudicial to the interest of the Medical Center, suspend any such member and
17 any such suspension shall forthwith be reported to the Board.
- 18 (3) For good cause, any member of staff may be suspended from his
19 duties or his appointment may be terminated or he may be dismissed by the
20 Board and for the purposes of this section, "good cause" means:
- 21 (a) a conviction for any offence which the Board considers to be such
22 as to render the person concerned unfit for the discharge of the functions of his
23 office;
- 24 (b) any physical or mental incapacity which the Board, after obtaining
25 medical advice, considers to be such as to render the person concerned unfit to
26 continue to hold his office;
- 27 (c) conduct of a scandalous or other disgraceful nature which the
28 Board considers to be such as to render the person concerned unfit to continue
29 to hold his office; or
- 30 (d) conduct which the Board considers to be such as to constitute a

1 failure or inability of the person concerned to discharge the functions of his
2 office or to comply with the terms and conditions of his service.

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

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

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

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

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

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

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

29 (7) Regulations made under subsection (6) of this section need not
30 be published in the Gazette but the Board shall cause them to be brought to

1 the notice of all affected persons in such manner as it may, from time to time,
2 determine.

Discipline of
junior staff

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

6 (a) consider the case; and

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

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

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

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

19 PART VI - MISCELLANEOUS

Regulations

20 24.-(1) The Board may, with the approval of the President, make
21 regulations-

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

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

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

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

*
Power to give
directives

7 26.-(1) On the commencement of this Bill, any person employed
8 by or serving in, the Medical Center shall be deemed to have been employed
9 or serving in the Medical Center established under this Bill.

Transition and
savings provision

10 (2) All Assets or liabilities belonging to the Medical Center shall be
11 deemed to belong to the Medical Center established under this Bill.

12 27. In this Bill-

Interpretation

13 "Federal Medical Center" means the Federal Medical Center Abuja;

14 "Board" means the Board of Management of the Medical Center;

15 "chairman" means the chairman of the Board;

16 "functions" include powers and duties;

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

19 "Minister" means the Minister charged with responsibility for matters
20 relating to health and

21 "Ministry" shall be construed accordingly;

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

24 28. This Bill may be cited as the Federal Medical Center Abuja Short title
25 (Establishment) Bill, 2021.

1 SCHEDULE

2 [Section 3 (3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*5 1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the
6 Board may make standing orders regulating its proceedings or those of any of
7 its committees.8 (2) The quorum of the Board shall be the chairman or the person
9 presiding at the meeting and 5 other members of the Board, 2 of whom shall be
10 ex-officio members, and the quorum of any Committee of the Board shall be as
11 determined by the Board.12 2.-(1) The Board shall meet whenever it is summoned by the
13 chairman and if the chairman is required to do so by notice given to him by not
14 less than 8 other members, he shall summon a meeting of the Board to be held
15 within 14 days from the date on which the notice is given.16 (2) At any meeting of the Board, the chairman shall preside but if he is
17 absent, the members present at the meeting shall appoint one of their members
18 to preside at the meeting.19 (3) Where the Board desires to obtain the advice of any person on a
20 particular matter, the Board may co-opt him to the Board for such period as it
21 deems fit, but a person who is in attendance by virtue of this "sub-section" shall
22 not be entitled to vote at any meeting of the Board and shall not count towards a
23 quorum.24 *Committees*25 3.-(1) The Board may appoint one or more committees to carry out, on
26 behalf of the Board, such functions as the Board may determine.27 (2) A committee appointed under this paragraph shall consist of such
28 number of persons as may be determined by the Board and a person shall hold
29 office on the committee in accordance with the terms of his appointment.

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

1 is confirmed by the Board.

2 *Miscellaneous*

3 4.-(1) The fixing of the seal of the Medical Center shall be
4 authenticated by the signatures of the Chairman, the Chief Medical Director
5 or any person generally or specifically authorized by the Board to act for that
6 purpose.

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

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

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

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

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

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

EXPLANATORY MEMORANDUM

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

