

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF NURSING AND MIDWIFERY, ABIUGBORODO, DELTA STATE; AND FOR RELATED MATTERS

Sponsored by Hon. Thomas Ereyitomi

[] Commencement

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

1 1.-(1) There is hereby established the Federal College of Nursing
2 and Midwifery Abiugborodo, Delta State (in this Bill referred to as the
3 "College") which shall be a body corporate under that name and subject to
4 the provisions of this Bill, the college shall be charged with the general duty
5 of providing:

Establishment
of the Federal
College of Nursing
and Midwifery
Abiugborodo,
Delta 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
18 normal use by approved persons at the college as may from time to time be
19 authorized by the Board under this Bill.

[CAP N143]

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21 (2) Courses provided for the purposes of subsection (1) of this

1 section shall include the organization of incidental study groups and the
2 delivery of necessary series of lectures; and if approved, fees may be calculated
3 and be charged at such rate not exceeding the estimated cost of the course as
4 may be prescribed under this Bill.

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

10 (4) The college as a body corporate shall have perpetual succession
11 and a common seal which shall be kept in the custody of the Provost of the
12 College; and the college shall hold or acquire property, movable or immovable,
13 but shall not mortgage, charge or dispose of any property held by it over the
14 value of N 10m without the consent of the Minister in writing.

Power to appoint
a Provost for the
College

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

Governing
Board

20 3.-(1) There shall be a Governing Board (in this Bill referred to as the
21 "Board") as members of the College charged with responsibility for the
22 organization, administration and policy making and planning of the College;
23 and the Board shall consist of the following members:

24 (a) The Chairman;

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

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

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

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

1 (f) The Provost;

2 (g) A representative of the Nursing and Midwifery Union of the
3 College;

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

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

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

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

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

19 (c) prescribe the duties of the Provost of the College and any other
20 members of staff;

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

23 (e) make provision for pension schemes for members of staff of the
24 college;

25 (f) approve annual accounts and estimates;

26 (g) as and when required, make any necessary contract between the
27 college and any person not connected therewith; and

28 (h) submit annual reports to the Minister.

29 (5) The provisions of the First schedule to this Bill shall have effect
30 with respect to the tenure of office of members of the Board and the Provost

1 and other matters thereto mentioned.

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

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

5 4.-(1) The members of the Board shall hold office for a period of four
6 years and renewable for a final term of four years and no more save for the
7 members under section 3 (1) (d) (e) of this Bill.

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

Cessation of the
Membership of
the Board and
the Provost

12 5.-(1) In the event of the death or incapacity of the Chairman of the
13 Board or if for any reason other than lapse of time, the office of the Chairman
14 becomes vacant, the President shall on the recommendation of the Minister,
15 appoint another person as the Chairman for the residue of the term of the
16 Chairman of the Board.

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

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

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

22 (c) by the resolution of the Board;

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

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

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

30 (3) Where the office of a member becomes vacant, another person

1 representing the same interest shall be appointed for the remainder of the
2 term for which the vacating member was appointed.

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

5 6.-(1) There shall be established for the College, the Provost and
6 the Deputy Provost, the Registrar and the Deputy Registrar, and other
7 categories of Staff.

Appointment of
the Provost and
Deputy Provost;
the Registrar and
Deputy Registrar
and other member
of Staff

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

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

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

14 (5) The College shall employ as many persons as are required for
15 the administration and management of the College; and such persons so
16 employed shall be entitled to such emolument, allowances terms and
17 conditions as applicable in the Public Service of the Federation, including
18 pension and gratuity.

19 7.-(1) There shall be established for the College, certain numbers
20 of departments and units for the realization of the mandates and purposes for
21 the establishment of the College.

Department and
Units of the College

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

25 (3) Such numbers of departments and units shall be headed by the
26 personnel of the college, and their respective designations shall be
27 determined and approved by the Board.

28 8.-(1) The College, through the Board shall be responsible for all
29 employments, appointments as well as the discipline of all categories of
30 staff.

Employments,
Appointments
and Discipline
of Staff

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

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

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

Financial
Provisions

12 9.-(1) The funds of the College shall comprise:

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

16 (b) Donations and Subsidies;

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

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

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

26 (3) The Board shall prepare and submit to the Minister not later than
27 the last day of October in each and every year after the commencement of this
28 Bill an estimate of the expenditure and income during the next financial year.

Report on the
College in each
year

29 10.-(1) The Board shall in every year furnish half-yearly reports to the
30 Minister and while the special fund continues to operate in Nigeria, to both the

1 representatives of the executing agency and of the special fund, on the
2 activities of the College, so however that the first of such reports shall be
3 furnished not later than 15 July, and subsequent reports as nearly as may be
4 on or after is" January and is" July in each year thereafter; and every report
5 shall be accompanied by a copy of the audited accounts of the College and of
6 the report (if any) by the auditor on the accounts as audited by him.

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

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

Travelling
allowances, etc
to Members of
the Board

13 12.-(1) There shall be for the College a General Council consisting
14 of the Provost as Chairman, the Deputy Provost, the Registrar, the Deputy
15 Registrar, the Heads of Departments and Units and such other members as
16 the Board approves or may from time to time review and approve.

General Council

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

20 (3) It shall be the duty of the General Council to make suggestions
21 to the Board relative to courses of instructions provided or to be provided by
22 the College, and to make recommendations to the Minister through the
23 Board for the holding of conferences and meetings at the College which
24 members of the General Council consider suitable or necessary.

25 (4) The Board shall consider all suggestions offered to it by the
26 General Council under subsection (3) of this section and shall give effect to
27 them as far as is practicable.

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

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

Pensions in
special cases

5 13.-(1) Service in the College shall be approved service for the
6 purposes of the Pensions Act.

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

Regulations

10 14.-(1) Where any act, matter or thing fails to be prescribed under this
11 Bill, any such act, matter or thing may be prescribed by regulations made on
12 behalf of the College by the Board.

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

Validation of
past Acts, etc.

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

Disposal of
property of the
Special Fund

21 16.-(1) The President may after consultation with the executing
22 agency and of the special fund, prescribe a date not earlier than five years after
23 the commencement of this Bill for the preparations of a schedule (in this
24 section referred to as "the Transfer Schedule") of the assets in Nigeria of the
25 special fund, and the Accountant-General of the Federation shall, when so
26 directed and acting in collaboration with the executing agency, the special fund
27 and the Board, prepare the transfer schedule accordingly, and the transfer
28 schedule shall be certified to, by the persons so collaborating and a copy shall
29 be supplied by the Provost of the College through the Chairman of the Board to
30 the Minister.

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

6 Second Schedule

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

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

Interpretation

12 "Appointed transfer day" means the day appointed for the purpose of section
13 16 of this Bill for the vesting of certain property of the special fund in the
14 College;

15 "Approved" means approved by the Minister;

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

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

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

21 "Minister" means the Minister of the Government of the Federation charged
22 with the responsibility for health;

23 "Prescribed" means Prescribed on behalf of the College with the approval of
24 the Minister;

25 "Provost" means the Provost of the College;

26 "Special Fund" means such fund or grants which the Government of the
27 Federation or such foreign donors donate or grant to the College.

28 18. This Bill may be cited as the Federal College of Nursing and Short title
29 Midwifery, Abiugborodo, Delta State (Establishment, Etc.) Bill, 2021.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, QUALIFICATIONS
AND TENURE OF OFFICE OF MEMBERS

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

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

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

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

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

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

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

Powers of the Board

2. Unless otherwise prescribed by this Bill, the Board shall power to do anything which in the opinion of the members is calculated to facilitate the carrying on of the activities, purposes and mandates of the College.

Proceedings of the Board

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

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

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

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5.-(1) Subject to the provisions of this Bill and any standing orders of the Board, 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 the Minister, he shall summon a meeting of the Board to be held within seven days from the date on which the notice was given.

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

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(3) Where the Board desires to obtain the advice of any expert on a particular matter touching or concerning the College, the Board may co-opt him as a member for such period as the Board thinks fit, but a person who is a member 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.

Committees

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6.-(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 the

1 number of persons determined by the Board;

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

4 *Miscellaneous*

5 7.-(1) the fixing of the seal of the College shall be authenticated by the
6 signature of the Board or of the Provost if authorized by the Board 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
10 made or executed on behalf of the College by any person generally or specially
11 authorized to act for that purpose by the Board.

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

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

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

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

SECOND SCHEDULE

[Section 16(3)]

TRANSITIONAL PROVISIONS AS TO PROPERTY ETC.

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

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

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

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

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

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, Abiugborodo, Delta State, and to provide for the organizational framework in administration and control.