

A BILL

FOR

AN ACT TO ESTABLISH THE REGIONAL CENTRE FOR ORAL HEALTH RESEARCH AND TRAINING INITIATIVES AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

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

1 PART I - ESTABLISHMENT OF THE REGIONAL CENTRE FOR ORAL
2 HEALTH RESEARCH AND TRAINING INITIATIVES AND ITS
3 MANAGEMENT BOARD ETC.

4 1.-(1) There is established a body to be known as the Regional
5 Centre for Oral Health Research and Training Initiatives (in this Act referred
6 to as "the Centre").

7 (2) The Centre:
8 (a) shall be a body corporate with perpetual succession and a
9 common seal;

10 (b) may sue and be sued in its Corporate name; and
11 (c) may acquire, hold and dispose property whether movable or
12 immovable.

13 (3) The head office of the Centre shall be located at Jos, Plateau
14 State.

15 2.-(1) There is established for the Centre, a governing body (in this
16 Act referred to as "the Board") which shall have overall control of the
17 Centre.

18 (2) The Board shall consist of:
19 (a) A Chairman who shall be a person of integrity with a proven
20 track record of research and management of research project in the Region;

21 (b) a representative each of:

Commencement

Establishment of the Regional Centre for Oral Health Research and Training Initiatives

Section 10

Establishment and membership of the Governing Board

- 1 (i) the Federal Ministry of Health;
- 2 (ii) the Federal Ministry of Science and Technology;
- 3 (iii) the Ministry of Health Plateau State;
- 4 (iv) the National Institute for Medical Research;
- 5 (v) the Member Countries of African Region of World Health
- 6 organization;
- 7 (vi) the world Health Organization Regional Officer for Africa;
- 8 (vii) the Nigeria Country Office of the World Health organization;
- 9 and
- 10 (c) the Director-General of the Centre.
- 11 (3) The Chairman and other members of the Board shall be appointed
- 12 by the President on the recommendation of the Minister.
- 13 (4) The Minister shall consult the World Health organization
- 14 Regional Office for African before recommending to the president for the
- 15 appointment of the Chairman.
- 16 (5) The supplementary provisions specified in the schedule to this Act
- 17 shall have effect with respect to the proceedings of the Board and the other
- 18 matters mentioned therein.
- 19 3.-(a) The Chairman and Members of the Board shall each hold office
- 20 for a term of 4 years and may be re-appointed for a further term of 4 years and
- 21 no more; and
- 22 (b) on such terms and conditions as may be specified in their letters of
- 23 appointment.
- 24 4.-(1) Notwithstanding the provisions of Section 3 of this Act, a
- 25 person shall cease to hold office as a member of the board if he-
- 26 (a) resigns his appointment by a letter addressed to the President;
- 27 (b) becomes of unsound mind or is incapable of carrying out his
- 28 duties;
- 29 (c) becomes bankrupt or makes a compromise with his creditors;
- 30 (d) is convicted of a felony or any offence involving dishonesty;

Schedule

Tenure of office

Cessation of membership

1 (e) is guilty of a serious misconduct in relation to his duties;

2 (f) is disqualified, in the case of person who is possessed of
3 professional qualification or suspended from practicing his profession in
4 any part of the world by an order of competent authority made in respect of
5 that member; or

6 (g) is removed by the President on the recommendation of the
7 Minister if, in his opinion, he considers that the services of the member are
8 no longer required or that it is not in the interest of the public or the Board for
9 the member to continue in office.

10 (2) Where a member of the Board ceases to hold office for before
11 the expiration of the term for which he is appointed, another person
12 representing, the same interest as that member shall be appointed to the
13 Board for the unexpired term.

14 5. The Board shall have power to:

Powers of the
Board

15 (a) formulate policies and approve action plans, strategies and
16 procedures for the achievement of the objectives of the Centre specified in
17 Section 7 of this Act;

18 (b) evaluate, from time to time, the impact of such policies,
19 strategies and procedures on the objectives of the Centre under this Act.

20 (c) appoint, when necessary, technical committees comprised of
21 persons with requisite technical competence from the private or public
22 sector to advise the centre on such matters as may be determined from time
23 to time; and

24 (d) do such other things as may, from time to time, be necessary to
25 achieve the objectives of the centre.

26 6. The Chairman and members of the Board other than members
27 referred to in paragraphs (v) - (vii) of section 2(2) shall be paid such
28 remunerations, allowances and benefits as may be approved by the Federal
29 Government, from time to time.

Remuneration,
Allowances etc.
of members

- 1 PART II - OBJECTIVES AND FUNCTIONS OF THE CENTRE
- 2 7. The objectives of the Centre shall be to:
- 3 (a) promote and strengthen collaborative research and training
- 4 activities on oral health strategy among the member countries of the World
- 5 Health Organization in the African Region;
- 6 (b) develop strategic initiatives in oral health research and training;
- 7 and
- 8 (c) encompass oral health conditions with specific emphasis on,
- 9 priority issues concerning the management of oral manifestations of HIV,
- 10 infection and reduction of the incidence and prevalence of conditions such as,
- 11 caries, periodontal diseases, noma, oral cancer, cranio-facial anomalies,
- 12 trauma and infections etc.
- 13 8. The Centre shall:
- 14 (a) stimulate and strengthen interest and collaborative efforts towards
- 15 improving the oral health status of Nigerians, especially children and
- 16 promoting such developments in the African region;
- 17 (b) promote collaborative efforts towards improving the structure of,
- 18 oral health services an integral part of primary healthcare, and other national,
- 19 health programmes to prevent oral diseases through health manpower and rural,
- 20 health development, primary health care and health research;
- 21 (c) facilitate exchange of ideas, experience and information on oral,
- 22 health problems and programmes;
- 23 (d) co-ordinate and implement research programmes on matters,
- 24 relating to oral health, including epidemiology, prevention, simple techniques,
- 25 appropriate technology, programme evaluation and facilitate the
- 26 implementation of the outcome of such research;
- 27 (e) organize short-term training courses in oral health programme,
- 28 development, implementation and evaluation for public health officers and
- 29 oral health professionals;
- 30 (f) organize short-term training courses in primary oral health care for

Objectives of
the Centre

Functions of
the Centre

Power of the
Board

Recommendation
of members of
the Commission

1 (e) to such other things as it may consider expedient and necessary for the
 2 trainers of primary health workers, school teachers and other appropriate
 3 community health workers;
 4 (g) design and organize training courses for updating knowledge
 5 and skills of existing personnel in primary oral health care methods;
 6 (h) develop and evaluate alternate system for the delivery of oral
 7 health care, including health services research, especially for children;
 8 (i) develop field demonstration, testing and evaluation
 9 programmes in prevention of oral diseases and provide preventive care for
 10 children at high risk;
 11 (j) promote exchange of information, idea and experiences through
 12 national and international conferences, seminars, workshops, training
 13 courses and publications;
 14 (k) serve as an advisory centre, coordinating institution and centre
 15 of excellence for planning, monitoring and re-planning of the activities of
 16 the Federal Government and the World Health Organization relating to oral
 17 health and for the collaborative research projects in oral health and oral
 18 health related areas; and
 19 (l) perform such other functions as may be required to achieve the
 20 objectives of the Centre under this Act or any oral health programmes as
 21 may be formulated by the Federal Government and World Health
 22 Organization from time to time, pursuant to this Act.

23 **9. The Centre shall have power to:**
 24 (a) support and organize oral health research and training activities
 25 in member countries of the World Health Organization in the African
 26 Region;
 27 (b) organize and convene national, regional and international
 28 conferences and seminars in oral health and oral health related matters;
 29 (c) appoint, promote and discipline staff of the Centre;
 30 (d) enter into contractual agreement for the benefit of the Centre;
 and Power of the Centre; and

Powers of the Centre

1 (e) do such other things as it may consider expedient and necessary for the
2 effective carrying out of its functions under this Act.

3 PART III - STAFF OF THE CENTRE

Director-General

4 10.-(1) There shall be for the Centre a Director-General who shall be:

5 (a) appointed by the President on the recommendation of the
6 Minister;

7 (b) the Chief Executive and accounting officer of the Centre; and

8 (c) responsible to the Board for the policy direction and day-to-day
9 administration of the Centre.

10 (2) The Director-General shall hold office:

11 (a) for a term of 4 years in the first instance and may be re-appointed
12 for another term of 4 years and no more; and

13 (b) on such terms and conditions as may be contained in his letter of
14 appointment.

Other staff of
the Centre

15 11.-(1) The Board shall appoint for the Centre, such other number of
16 staff as it may deem necessary and expedient from time to time for the proper
17 and efficient performance of the functions of the Centre.

18 (2) The terms and conditions of the service (including remuneration,
19 allowances, benefits and pensions) of officers and employees of the Centre
20 shall be as determined by the Board.

21 (3) The Board shall have power to appoint either on transfer or on
22 secondment from any public service of the Federation, such number of
23 employees as may, in the opinion of the Board, be required to assist the Centre
24 in the discharge of any of its functions under this Act, and shall have power to
25 pay such persons so employed such remuneration (including allowances) as
26 may be determined by the Board.

27 (4) Subject to the approval of the President, the Board may recruit
28 technical experts or personnel from member countries of the World Health
29 Organization in the African Region.

1 time, by the Federal, State or Local Government;

2 (e) loans and grants-in-aid from national, bilateral and multilateral
3 agencies;

4 (f) rents, fees and other internally generated revenues from services
5 provided by the Centre; and

6 (g) all sums of money accruing to the Centre by way of grants, gifts,
7 testamentary dispositions and endowments and contributions from any sources
8 whatsoever.

9 (3) The fund shall be managed in accordance with the rules made by
10 the Board and without prejudice of the power to make rules under this
11 subsection, the rule shall in particular contain provisions:

12 (a) Specifying the manner in which the assets or the fund of the Centre
13 are to be held and regulating the making of payments into and out of the fund;

14 (b) requiring the keeping of proper accounts and records for the
15 purpose of the fund in such form as be specified in the rules;

16 (c) for securing that the accounts are audited periodically by an
17 auditor appointed from a list of auditors approved by the Auditor-General of
18 the federation; and

19 (d) requiring copies of the accounts and of the auditor's report on them
20 to be furnished to the Federal Ministry of Finance and the Federal Ministry of
21 Health.

Expenditure
of Centre

22 15. The Centre shall, from time to time, apply the proceeds of the
23 funds established pursuant to section 13 of this Act to:

24 (a) the cost of administration of the Centre;

25 (b) the payment of the emoluments, allowances and benefits of
26 members of the Board and for reimbursing members of the Board or of any
27 committee set up by the Board for such expenses as may be expressly
28 authorized by the Board;

29 (c) the payment of salaries, fees or other remuneration or allowances,
30 gratuities and pensions, and other benefits payable to the members of the Board

1 and other employees of the Centre, as the case may be;

2 (d) the payment for all consultancies, contracts, including
3 mobilization, variations, legal fees and cost of contract administration;

4 (e) the payment for all purchase; and

5 (f) undertaking such other activities as are connected with all or
6 any of the functions of the Centre under this Act.

7 16.-(1) The Centre may accept any gift of land, money or other
8 property on such terms and conditions, as may be specified by the person or
9 organization making the grant.

Power to accept
gift

10 (2) The Centre shall not accept any gift if the conditions attached
11 by the person or organization making the gift are inconsistent with the
12 objectives or functions of the Centre under this Act.

13 17.-(1) The Centre shall, not later than 30th September in each
14 year, submit through the Minister to the President an estimate of its
15 expenditure and income for the next succeeding year.

Annual estimates

16 (2) The Board shall cause to be kept proper accounts of the Centre
17 in respect of each year and proper records in relation thereto and shall cause
18 the accounts to be audited within six months after the end of each year by
19 auditors appointed from the list and in accordance with the guidelines
20 supplied by the Auditor-General for the Federation.

21 18. The Centre shall prepare and submit through the Minister to
22 Annual Reports the President, not later than 30th June in each year, a report
23 in such form as the President may direct on the activities of the Centre during
24 the immediately proceeding year, and shall include in such report of the
25 audited accounts of the Centre for that year and the auditor's report thereon.

Annual Reports

26 PART V - LEGAL PROCEEDINGS

27 19.-(1) Subject to the provisions of this Act, the provisions of the
28 Public Officers Protection Act shall apply in relation to any suit instituted
29 against any member, officer or employee of the Centre.

Limitation of
suits against the
Centre

30 (2) Notwithstanding anything contained in any other law, no suit

1 against a member of the Board, the Director-General or any other officer or
2 employee of the Centre for any act done in pursuance or execution of this Act or
3 any other law or enactment, or of any public duties or authority or in respect of
4 any alleged neglect or default in the execution of this Act or any other law or
5 enactment, duties or authority, shall lie or be instituted in any court unless it is
6 commenced:

7 (a) within three months after the act, neglect or default complained of;

8 (b) in the case of a continuation of damage or injury, within six
9 months next after the ceasing thereof.

10 (3) No suit shall be commenced against a member of the Board, the
11 Director-General or any other officer or employee of the Centre before the
12 expiration of a period of one month after written notice of the intention to
13 commence the suit shall have been served on the Centre by the intending
14 Plaintiff or his agent.

15 (4) The notice referred to in subsection (3) of this section shall clearly
16 and explicitly state:

17 (a) the cause of action;

18 (b) the particulars of the claim;

19 (c) the name and place of abode of the intending Plaintiff; and

20 (d) the relief which he claims.

Service of
Documents

21 20. A notice, summons or other document required or authorized to
22 be served on the Centre under the provisions of this Act or any other law or
23 enactment may be served by delivering it to the Director-General or by sending
24 it by registered post addressed to the Director-General at the principal office of
25 the Centre.

Restriction on
execution against
the property of
the centre

26 21.-(1) In any action or suit against the Centre, no execution or
27 attachment of process in the nature thereof shall be issued against the Centre
28 unless not less than three months' notice of the intention to execute or attach has
29 been given to the Centre.

30 (2) Any sum of money which by the judgment of any court has been

1 awarded against the Centre shall, subject to any direction given by the court,
 2 where no notice of appeal against the judgment has been given, be paid from
 3 the fund of the Centre.

4 22. A member of the Board, the Director-General or any officer or Indemnity
 5 employee of the Centre shall be indemnified out of the assets of the Centre
 6 against any liability incurred by him in defending any proceeding, whether
 7 civil or criminal, if the proceedings is brought against him in capacity as a
 8 member, Director-General, Officer or other employee of the Centre.

9 PART VI - MISCELLANEOUS

10 23. The Minister may give to the Centre such directives of a Directive by the
 11 general nature or relating generally to matters of policy with regard to the Minister
 12 exercise of its functions as he may consider necessary and it shall be the duty
 13 of the Centre to comply with the directives or cause them to be complied
 14 with.

15 24. The Minister may, on the recommendation of the Board, make Power to make
 16 regulations generally for giving full effect to the provisions of this Act. Regulations

17 25. In this Act- Interpretation

18 "Board" means the governing Board of the Centre established under section
 19 2 of this Act;

20 "Centre" means the Regional Centre for Oral Health Research and Training
 21 Initiatives established under section 1 of this Act;

22 "Chairman" means the Chairman of the Board of the Centre;

23 "Director-General" means the Director-General of the Centre appointed
 24 pursuant to section 10 of this Act;

25 "Member" means a member of the Board of the Centre and includes the
 26 Chairman;

27 "Minister" means the Minister charged with the responsibility for matters
 28 relating to health;

29 "President" means the President of the Federal Republic of Nigeria.

1 (2) A committee appointed under this paragraph shall:

2 (a) consist of such number of persons (not necessarily members of
3 the Board as may be determined by the Board), and a person, other than a
4 member of the Board, shall hold office on the committee in accordance with
5 the terms of his appointment; and

6 (b) be presided over by a member of the Board.

7 (3) The quorum of any committee set up by the Board shall be as
8 may be determined by the Board.

9 (4) A decision of a committee of the Board shall be of no effect until
10 the Board confirms it.

11 *Miscellaneous.*

12 7. The fixing of the seal of the Centre shall be authenticated by the
13 signature of the Chairman, the Director-General or any other person
14 generally or specifically authorized by the Board to act for that purpose.

15 8. Any contract or instrument which; if made or executed by a
16 person not being a body corporate, would not be required to be under seal
17 may be made or executed on behalf of the Centre by the Director-General or
18 by any other person generally or specifically authorized by the Board to act
19 for that purpose.

20 9. Any document purporting to be a contract, instrument or other
21 document duly signed or sealed on behalf of the Centre shall be received in
22 evidence and shall, unless the contrary is proved, be presumed without
23 further proof to have been so signed or sealed.

24 10. The validity of any proceedings of the Board or of any of its
25 committees shall not be affected by:

26 (a) any vacancy in the membership of the Board, or committee, or

27 (b) any defect in the appointment of a member of the Board or
28 committee; or

29 (c) reason that any person not entitled to do so took part in the
30 proceedings of the Board or committee.

- 1 11. Any member of the Board or committee who has a personal
2 interest in any contract or arrangement entered into or proposed to be
3 considered by the Board or committee shall;
4 (a) disclose his interest to the Board or committee; and
5 (b) not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

The Bill seeks to establish the Regional Centre for Oral Health Research and Training Initiatives which shall be responsible, among other things, for the purpose of advising, implementing, training and co-coordinating research on matters related to oral health and to facilitate the implementation and co-ordination of collaborative research and training in consultation with the World Health Organization and other national and international allied agencies.