

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL MEDICAL CENTRE, TORO AND FOR RELATED MATTERS

Sponsored by Hon. Muda Lawal Umar

[] Commencement

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

1 PART I – ESTABLISHMENT AND THE BOARD OF MANAGEMENT

2 1.-(1) There is hereby established the Federal Medical Centre, Toro Establishment
3 ("in this Act referred to as "the Federal Medical Centre") and the Medical of Federal Medical
4 Centre shall serve as the Medical Centre subject to the provision of this Act. Centre, Toro

5 (2) The Federal Medical Centre:

6 (a) shall be a body corporate;

7 (b) May sue and be sued in its corporate name;

8 (c) Shall have perpetual succession and a common seal.

9 2. There is hereby established for the management of the Medical Establishment
10 Centre a Board of Management (in this Act referred to as "Board") which of the Board of
11 shall be constituted and have the functions and powers set out in this Act. Management of
the Medical Centre

12 3.-(1) The Board shall consist of:

13 (a) a chairman; Membership of
the Board

14 (b) the Chief Medical Director of the Medical Centre;

15 (c) the Director of Clinical Services;

16 (d) the Director of Administration;

17 (e) the Director of Finance;

18 (f) the Director of Maintenance;

19 (g) a representative of the president;

20 (h) the Federal Ministry of Health;

21 (i) the National Planning Commission;

	1	(j) the Society of Gynaecology and Obstetrics of Nigeria;
	2	(k) the Pharmaceutical Society of Nigeria;
	3	(l) the Paediatric Association of Nigeria;
	4	(m) the National Association of Nigerian Nurses and Midwives; and
	5	(n) one person to represent public interest.
	6	(2)The chairman and members of the Board, other than ex-officio
	7	members, shall be:
	8	(a) appointed by the President; and
	9	(b) persons of proven integrity and ability.
Schedule	10	(3) The supplementary provisions set out in the Schedule to this Act
	11	shall have effect with respect to the proceedings of the Board and the other
	12	matters contained therein.
Tenure of office	13	4. Subject to the provisions of section 5 of this Act, a member of the
	14	Board, other than ex-officio members, shall each hold office;
	15	(a) for a term of three years in the first instance and may be re-
	16	appointed for a further term of three years and no more; and
	17	(b) on such terms and conditions as may be specified in his letter of
	18	appointment.
Cessation of Membership	19	5.-(1) Notwithstanding the provisions of section 4 of this Act a person
	20	shall cease to hold office as a member of the Board if:
	21	(a) he becomes bankrupt, suspends payment principal loan with his
	22	creditors;
	23	(b) he is convicted of a felony or any offence involving dishonesty or
	24	fraud;
	25	(c) he becomes of unsound mind or is incapable of carrying out his
	26	duties;
	27	(d) he is guilty of a serious misconduct in relation to his duties; or
	28	(e) in the case of a person possessed of professional qualifications, he
	29	is disqualified or suspended, other than at his own request, from practising his
	30	profession in any part of the world by an order of a competent authority made in

1 respect of that member; or

2 (f) he resigns his appointment by a letter addressed to the President.

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

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

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

Allowances of
Members

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

14 **7.-(1)** The Board shall:

Functions of the
Board

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

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

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

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

30 (3) Subject to this Act, the Board shall perform such other

Powers of the Board

1 functions which in its opinion are calculated to facilitate the carrying out of its
2 functions under this Act.

3 **8.** The Board shall have power to:

4 (a) Provide the general policies and guidelines relating to major
5 expansion programmes of the Medical Centre;

6 (b) provide facilities for the training of medical students of associate
7 universities;

8 (c) manage and superintend the affairs of the Medical Centre;

9 (d) subject to the provisions of this Act, make, alter and revoke rules
10 and regulations for carrying on the functions of the Medical Centre;

11 (e) fix terms and conditions of service, including remuneration of the
12 employees of the Medical Centre subject to the approval of National Salaries
13 Incomes and Wages Commission;

14 (f) do such other things which in the opinion of the Board are
15 necessary to ensure the efficient performance of the functions of the Medical
16 Centre.

17 PART III - STAFF OF THE MEDICAL CENTRE

Medical Director
of the Medical
Centre

18 **9.-(1)** There shall be for the Medical Centre a Chief Medical Director
19 who shall be appointed by the President on the recommendation of the Board
20 and on such terms and conditions as may be specified in his letter of
21 appointment or as may be determined, from time to time, by the National
22 Salaries Income and Wages Commission.

23 (2) The Chief Medical Director shall:

24 (a) be the chief executive and accounting officer of the Medical
25 Centre;

26 (b) be responsible to the Board for the day-to-day administration of
27 the Medical Centre;

28 (c) be appointed for a term of four years in the first instance and may
29 be reappointed for a further term of four years subject to satisfactory
30 performance;

1 (d) be a person who is a medical practitioner and shall have been so
2 qualified for a period of not less than 15 years;

3 (e) have considerable administrative experience in matters of
4 health;

5 (f) hold a post-graduate specialist qualification obtained not less
6 than ten years prior to the appointment as Chief Medical Director.

7 **10.**-(1) The Board shall appoint for the Medical Centre

8 (a) a Director of Administration, who shall:

9 (i) be responsible to the Chief Medical Director for the effective
10 functioning of all the administrative divisions of the Medical Centre;

11 (ii) conduct the correspondence of the Board and keep the records
12 of the Medical Centre; and

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

15 (b) a Director of Clinical Services;

16 (c) a Director of Finance;

17 (d) a Director of Maintenance.

18 (2) The Directors appointed under paragraphs (b), (c) and (d) of
19 subsection (1) of this section shall each be responsible to the Chief Medical
20 Director for the effective running of the clinical services, the finance and
21 accounts and the co-ordination of the maintenance of the Medical Centre, as
22 the case may be.

23 (3) The Board shall appoint for the Medical Centre such number of
24 employees as may in the opinion of the Board be expedient and necessary
25 for the proper and efficient performance of the functions of the Medical
26 Centre.

27 (4) Notwithstanding the provisions of subsections (i) and (2) of this
28 section the Board shall have power to appoint for the Medical Centre either
29 directly or on secondment from any public service in the Federation, such
30 number of employees as may, in the opinion of the Board, be required to

Appointment of
Directors and
other staff of the
Medical Centre

1 assist the Medical Centre in the discharge of any of its functions under this Act.

2 (5) Nothing in subsection (4) of this section shall preclude the Board
3 from appointing persons from outside the public service of the Federation or of
4 the State whenever it deems it necessary so to do.

5 (6) The terms and conditions of service (including remuneration,
6 allowances, benefits and pensions) of the employees of the Medical Centre
7 shall be as determined by the National Salaries income and Wages
8 Commission.

Service in the
Medical Centre
to be pensionable

9 **11.**-(1) Service in the Medical Centre shall be approved service for the
10 purposes of the Pensions Reforms Act.

11 (2) The officers and other persons employed in the Medical Centre
12 shall be entitled to pensions, gratuities and other retirement benefits as are
13 enjoyed by persons holding equivalent grades in the civil service of the
14 Federation.

15 (3) Nothing in subsections (i) and (2) of this section shall prevent the
16 appointment of a person to any office on terms which preclude the grant of
17 pension and gratuity in respect of that office.

Establishment
of the Medical
Advisory
Committee, etc.

18 **12.**-(1) There shall be for the Medical Centre a Medical Advisory
19 Committee which shall:

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

22 (b) be responsible to the Chief Medical Director for all the clinical and
23 training activities of the Medical Centre; and

24 (c) be appointed by the Board.

25 (2) Subject to this Act, the Board shall have power to appoint either
26 directly or on secondment and discipline consultants holding or acting in any
27 office in the hospital; and any such appointment shall be made having due
28 regard to the approved personnel establishment of the Medical Centre.

29 (3) Notwithstanding anything to the contrary, the Board may, from
30 time to time, appoint consultants outside the hospital to perform such medical

1 duties as the Board or the Chief Medical Director may assign to such
2 consultants.

3 PART IV - FINANCIAL PROVISIONS

4 13. There shall be established and maintained for the Medical
5 Centre a fund into which shall be paid and credited:

Fund of the
Medical Centre

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

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

10 (c) all sums accruing to the Medical Centre by way of gifts,
11 endowments, bequests, grants or other contributions by persons and
12 organisations;

13 (d) foreign aid and assistance from bilateral agencies; and

14 (e) all other sums which may, from time to time, accrue to the
15 Medical Centre.

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

Expenditure of
the Medical Centre

18 (a) the cost of administration and maintenance of the Medical
19 Centre;

20 (b) publicize and promote the activities of the Medical Centre;

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

23 (d) pay the salaries, allowances and benefits of employees of the
24 Medical Centre;

25 (e) pay other overhead allowances, benefits and other
26 administrative costs of the Medical Centre; and

27 (f) undertake such other activities as are connected with all or any
28 of the functions of the Medical Centre under this Act.

29 15.-(1) The Medical Centre may accept gifts of land, money or
30 other property on such terms and conditions, if any, as may be specified by

Power to accept
gifts

	1	the person or organisation making the gift.
	2	(2) The Medical Centre shall not accept any gift if the conditions
	3	attached by the person or organisation making the gift are inconsistent with the
	4	functions of the Medical Centre under this Act.
Annual estimates and expenditure	5	16. -(1) The Board shall, not later than 30 September in each year,
	6	submit to the President through the Secretary to the Government of the
	7	Federation an estimate of the expenditure and income of the Medical Centre
	8	during the next succeeding year.
	9	(2) The Board shall cause to be kept proper accounts of the Medical
	10	Centre in respect of each year and proper records in relation thereto and shall
	11	cause the accounts to be audited not later than six months after the end of each
	12	year by auditors appointed from the list and in accordance with the guidelines
	13	supplied by the Auditor-General for the Federation.
Annual report	14	17. The Board shall prepare and submit to the President, not later than
	15	30 June in each year, a report in such form as the President may direct on the
	16	activities of the Medical Centre during the immediately preceding year, and
	17	shall include in the report a copy of the audited accounts of the Federal Medical
	18	Centre for that year and the auditor's report thereon.
Power to borrow	19	18. -(1) The Medical Centre may, from time to time, borrow by
	20	overdraft or otherwise such sums as it may require for the performance of its
	21	functions under this Act.
	22	(2) The Medical Centre shall not, without the approval of the
	23	President, borrow money which exceeds, at any time, the limit set by the
	24	President.
	25	(3) Notwithstanding subsection (1) of this section, where the sum to
	26	be borrowed is in foreign currency, the Medical Centre shall not borrow the
	27	sum without the prior approval of the President.
Exemption from tax	28	19. -(1) The Medical Centre shall not pay income tax on any income
	29	derived by the Federal Medical Centre under this Act or accruing to it from any
	30	of its investments.

1 (2) Accordingly, the provisions of any enactment relating to the
2 taxation of companies or trust funds shall not apply to the Board of the
3 Federal Medical Centre.

4 **20.** The Medical Centre shall not pay customs duty on or be
5 restricted or prohibited from importing any equipment, material, supply and
6 any other thing required by the Medical Centre for the purposes of this Bill.

Exemption from
customs duties,
etc.

7 PART V - GENERAL PROVISIONS

8 **21.**-(1) Notwithstanding anything to the contrary contained in any
9 other enactment, where it appears to the Board that any student of the
10 Medical Centre has been guilty of misconduct, the Board may, without
11 prejudice to any other disciplinary powers conferred on it by regulations,
12 direct:

Discipline of
students

13 (a) that the student shall not, during such period as may be specified
14 in the direction, participate in such activities of the Medical Centre, or make
15 use of such facilities of the Medical Centre as may be so specified;

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

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

21 (d) that the student be expelled from the Medical Centre.

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

25 (3) The Board may delegate its powers under this section to a
26 disciplinary committee consisting of such members of the Medical Centre
27 as the Board may nominate.

28 (4) Nothing in this section shall be construed as preventing the
29 restriction or termination of student's activities at the Medical Centre
30 otherwise than on the ground of misconduct.

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

3 (6) Nothing in this Act shall affect the provisions of any enactment
4 relating to the discipline of medical practitioners, pharmacists, midwives,
5 nurses or members of any other profession or calling.

6 (2) The Medical Centre shall not, without the approval of the
7 President, borrow money which exceeds, at any time, the limit set by the
8 President.

9 (3) Notwithstanding subsection (I) of this section, where the sum to
10 be borrowed is in foreign currency, the Medical Centre shall not borrow the
11 sum without the prior approval of the President.

Removal and
discipline of
clinical,
administrative
and technical
staff

12 **22.**-(1) If it appears to the Board that there are reasons for believing
13 that any person employed as a member of the clinical, administrative or
14 technical staff of the Medical Centre, other than the Chief Medical Director,
15 should be removed from his office or employment, the Board shall require the
16 Director of Administration to:

17 (a) give notice of those reasons to the person in question;

18 (b) afford him an opportunity of making representations in person on
19 the matter to the Board; and

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

22 (i) a committee to investigate the matter and report on it to the Board;
23 and

24 (ii) the person in question to be afforded an opportunity of appearing
25 before and being heard by an investigating committee set up with respect to the
26 matter, and if the Board, after considering the report of the investigating
27 committee, is satisfied that the person in question should be removed as
28 aforesaid, the Board may so remove him by a letter signed on the direction of
29 the Board.

30 (2) The Chief Medical Director may, in a case of misconduct by a

1 member of the staff which in the opinion of the Chief Medical Director is
2 prejudicial to the interest of the Medical Centre, suspend any such member
3 and any such suspension shall forthwith be reported to the Board.

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

7 (a) a conviction for any offence which the Board considers to be
8 such as to render the person concerned unfit for the discharge of the
9 functions of his office;

10 (b) any physical or mental incapacity which the Board, after
11 obtaining medical advice, considers to be such as to render the person
12 concerned unfit to continue to hold his office;

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

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

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

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

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

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

30 (d) whether to take such lesser disciplinary action against the

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

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

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

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

Discipline of
junior staff

19 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
20 Chief Medical Director may suspend him for not more than a period of 3
21 months and shall direct a committee to:

22 (a) consider the case; and

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

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

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

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

5 PART VI - MISCELLANEOUS

6 24.-(1) The Board may, with the approval of the President, make Regulations
7 regulations:

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

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

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

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

22 26. In this Act, unless the context otherwise requires: Interpretation
23 "associate universities" means the universities whose medical students
24 receive aspects of their training from the Medical Centre;
25 "Board" means the Board of Management of the Medical Centre;
26 "chairman" means the chairman of the Board;
27 "functions" include powers and duties;
28 "Federal Medical Centre " means the Medical Centre Toro;
29 "junior staff" means staff of such grade as may be determined, from time to
30 time, by the Board;

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

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

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

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

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

Short title

9 **27.** This Bill may be cited as the Federal Medical Centre, Toro
10 (Establishment) Bill, 2020.

11 SCHEDULE

12 *[Section 3 (3).]*

13 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

14 *Proceedings of the Board*

15 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
16 Board may make standing orders regulating its proceedings or those of any of
17 its committees.

18 (2) The quorum of the Board shall be the chairman or the person
19 presiding at the meeting and 5 other members of the Board, 2 of whom shall be
20 ex-officio members, and the quorum of any Committee of the Board shall be as
21 determined by the Board.

22 2.-(1) The Board shall meet whenever it is summoned by the
23 chairman and if the chairman is required to do so by notice given to him by not
24 less than 8 other members, he shall summon a meeting of the Board to be held
25 within 14 days from the date on which the notice is given.

26 (2) At any meeting of the Board, the chairman shall preside but if he is
27 absent, the members present at the meeting shall appoint one of their number to
28 preside at the meeting.

29 (3) Where the Board desires to obtain the advice of any person on a
30 particular matter, the Board may co-opt him to the Board for such period as it

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

EXPLANATORY NOTE

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