



- 1 (d) the Director of Administration;  
2 (e) the Director of Finance;  
3 (f) the Director of Maintenance;  
4 (g) a representative of the president;  
5 (h) the Federal Ministry of Health;  
6 (i) the National Planning Commission;  
7 (j) the Society of Gynecology and Obstetrics of Nigeria;  
8 (k) the Pharmaceutical Society of Nigeria;  
9 (l) the Pediatric Association of Nigeria;  
10 (m) the National Association of Nigerian Nurses and Midwives; and  
11 (n) one person to represent public interest.

12 (2) The chairman and members of the Board, other than ex-officio  
13 members, shall be:

- 14 (a) appointed by the President; and  
15 (b) persons of proven integrity and ability.

16 (3) The supplementary provisions set out in the schedule to this Act  
17 shall have effect with respect to the proceedings of the Board and other matters  
18 contained therein.

19 *[Schedule]*

Tenure of office

20 **4.** Subject to the provisions of section 5 of this Act, a member of the  
21 Board, other than ex-officio members, shall each hold office:

22 (a) for a term of three years in the first instance and may be re-  
23 appointed for a further term of three years and no more; and

24 (b) on such terms and conditions as may be specified in his letter of  
25 appointment.

Cessation of  
membership

26 **5.**-(1) Notwithstanding the provisions of section 4 of this Act, a  
27 person shall cease to hold office as a member of the Board if:

28 (a) he becomes bankrupt, suspends payment of principal loan with his  
29 creditors;

1 (b) he is convicted of a felony or any offence involving dishonesty  
2 or fraud;

3 (c) he becomes of unsound mind or is incapable of carrying out his  
4 duties;

5 (d) he is guilty of serious misconduct in relation to his duties; or

6 (e) in the case of a person possessed of professional qualifications,  
7 he is disqualified or suspended, other than at his own request, from  
8 practicing his profession in any part of the world by an order of a competent  
9 authority made in respect of that member; or

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

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

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

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

Allowances of  
members

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

22 **7.-(1)** The Board shall:

Functions of the  
Board

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

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

30 (c) construct, equip, maintain and operate such clinics, out-patient

1 departments, laboratories, research or experimental stations and other like  
2 institutions as the Board considers necessary for the efficient functioning of the  
3 Medical Centre.

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

8 (3) Subject to this Act, the Board shall perform such other functions  
9 which in its opinion are calculated to facilitate the carrying out of its functions  
10 under this Act.

Powers of the  
Board

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

12 (a) provide the general policies and guidelines relating to major  
13 expansion programmes of the Medical Centre;

14 (b) provide facilities for the training of medical students of associate  
15 universities;

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

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

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

22 (f) do such other things which in the opinion of the Board are  
23 necessary to ensure the efficient performance of the functions of the Medical  
24 Centre.

25 PART III- STAFF OF THE MEDICAL CENTRE

Medical Director  
of the Medical  
Centre

26 **9.**-(1) There shall be for the Medical Centre a Chief Medical Director  
27 who shall be appointed by the President on the recommendation of the Board  
28 and on such terms and conditions as may be specified in his letter of  
29 appointment or as may be determined, from time to time, by the National  
30 Salaries, Incomes and Wages Commission.

- 1 (2) The Chief Medical Director shall:
- 2 (a) be the Chief Executive and Accounting Officer of the Medical
- 3 Centre;
- 4 (b) be responsible to the Board for the day-to-day administration of
- 5 the Medical Centre;
- 6 (c) be appointed for a term of four years in the first instance and
- 7 may be reappointed for a further term of four years subject to satisfactory
- 8 performance;
- 9 (d) be a person who is a medical practitioner and shall have been so
- 10 qualified for a period of not less than 15 years;
- 11 (e) have considerable administrative experience in matters of
- 12 health;
- 13 (f) hold a post-graduate specialist qualification obtained not less
- 14 than ten years prior to the appointment as Chief Medical Director;
- 15 **10.-(1)** The Board shall appoint for the Medical Centre:
- 16 (a) A Director of Administration, who shall:
- 17 (i) be responsible to the Chief Medical Director for the effective
- 18 functioning of all the administrative divisions of the Medical Centre;
- 19 (ii) conduct the correspondence of the Board and keep the records
- 20 of the Medical Centre; and
- 21 (iii) perform such other functions as the Board or the Chief Medical
- 22 Director, as the case may be, may, from time to time, assign to him;
- 23 (b) a Director of Clinical Services;
- 24 (c) a Director of Finance;
- 25 (d) a Director of Maintenance;
- 26 (2) The Directors appointed under paragraphs (b), (c) and (d) of
- 27 subsection (1) of this section shall each be responsible to the Chief Medical
- 28 Director for the effective running of the clinical services, the finance and
- 29 accounts and the co-ordination of the maintenance of the Medical Centre, as
- 30 the case may be.

Appointment of  
Directors and other  
staff of the Medical  
Centre

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

4 (4) Notwithstanding the provisions of sub-sections (1) and (2) of this  
5 section, the Board shall have power to appoint for the Medical Centre either  
6 directly or on secondment from any public service in the Federation, such  
7 number of employees as may, in the opinion of the Board, be required to assist  
8 the Medical Centre in the discharge of any of its functions under this Act.

9 (5) Nothing in sub-section (4) of this section shall preclude the Board  
10 from appointing persons from outside the public service of the Federation or of  
11 the State whenever it deems it necessary so to do.

12 (6) The terms and conditions of service (including remuneration,  
13 allowances, benefits and pensions) of the employees of the Medical Centre  
14 shall be as determined by the National Salaries, Income and Wages  
15 Commission.

Service in the  
Medical Centre  
to be pensionable

16 **11.**-(1) Service in the Medical Centre shall be approved service for the  
17 purposes of the Pensions Reforms Act.

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

22 (3) Nothing in sub-sections (1) and (2) of this section shall prevent the  
23 appointment of a person to any office on terms which preclude the grant of  
24 pension and gratuity in respect of that office.

Establishment  
of the Medical  
Advisory  
Committee, etc.

25 **12.**-(1) There shall be for the Medical Centre a Medical Advisory  
26 Committee which shall:

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

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

1 (c) be appointed by the Board.

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

6 (3) Notwithstanding anything to the contrary, the Board may, from  
7 time to time, appoint consultants outside the hospital to perform such  
8 medical duties as the Board or the Chief Medical Director may assign to  
9 such consultants.

10 PART IV - FINANCIAL PROVISIONS

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

Fund of the  
Medical Centre

13 (a) all subvention and budgetary allocation from the Federal  
14 Government of the Federation;

15 (b) all fees and funds accruing from the sale of drugs and other  
16 services:

17 (c) all sums accruing to the Medical Centre by way of gifts,  
18 endowments, bequests, grants or other contributions by persons and  
19 organizations;

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

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

23 14. The hospital, shall from time to time, apply the fund at its  
24 disposal to:

Expenditure of  
the Medical Centre

25 (a) the cost of administration and maintenance of the Medical  
26 Centre;

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

28 (c) pay allowances, expenses and other benefits of members of the  
29 Board and Committees of the Board;

	1	(d) pay the salaries, allowances and benefits of employees of the
	2	Medical Centre;
	3	(e) pay other overhead allowances, benefits and other administrative
	4	costs of the Medical Centre;
	5	(f) undertake such other activities as are connected with all or any of
	6	the functions of the Medical Centre under this Act.
Power to accept gifts	7	<b>15.</b> -(1) The Medical Centre may accept gifts of land, money or other
	8	property on such terms and conditions, if any, as may be specified by the person
	9	or organization making the gift.
	10	(2) The Medical Centre shall not accept gift if the conditions attached
	11	by the person or the organization making the gift are inconsistent with the
	12	functions of the Medical Centre under this Act.
Annual Estimates and Expenditure	13	<b>16.</b> -(1) The Board shall, not later than 30 September in each year,
	14	submit to the President through the Secretary to the Government of the
	15	Federation an Estimate of the expenditure and income of the Medical Centre
	16	during the next succeeding year.
	17	(2) The Board shall cause to be kept proper accounts of the Medical
	18	Centre in respect of each year and proper records in relation thereto and shall
	19	cause the accounts to be audited not later than six months after the end of each
	20	year by auditors appointed from the list in accordance with the guidelines
	21	supplied by the Auditor-General of the Federation.
Annual report	22	<b>17.</b> The Board shall prepare and submit to the President, not later than
	23	30 June in each year, a report in such form as the President may direct on the
	24	activities of the Medical Centre during the immediately preceding year, and
	25	shall include in the report a copy of the audited accounts of the Federal Medical
	26	Centre for that year and the auditor's report thereon.
Power to borrow	27	<b>18.</b> -(1) The Medical Centre may, from time to time, borrow by
	28	overdraft or otherwise such sums as it may require for the performance of its
	29	functions under this Act.
	30	(2) The Medical Centre shall not, without the approval of the



1 President, borrow money which exceeds, at any time, the limit set by the  
2 President.

3 (3) Notwithstanding sub-section (1) of this section, where the sum  
4 to be borrowed is in foreign currency, the Medical Centre shall not borrow  
5 the sum without the prior approval of the President.

6 19.-(1) The Medical Centre shall not pay income tax on any income  
7 derived by the Federal Medical Centre under this Act or accruing to it from  
8 any of its investments. Exemption from tax

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

12 20. The Medical Centre shall not customs duty on or be restricted  
13 or prohibited from importing any equipment, material, supply any other  
14 thing required by the Medical Centre for the purposes of this Bill. Exemption from Customs duties, etc.

15 PART V - GENERAL

16 21.-(1) Notwithstanding anything to the contrary contained in any  
17 other enactment, where it appears to the Board that any student of the  
18 Medical Centre has been guilty of misconduct, the Board may, without  
19 prejudice to any other disciplinary powers conferred on it by regulations,  
20 direct: Discipline of students

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

24 (b) that the activities of the student shall, during such period as may  
25 be specified in the direction, be restricted in such manner as may be so  
26 specified;

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

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

30 (2) The fact that an appeal from a direction is brought in pursuance

1 of subsection (1) of this section shall not affect the operation of the direction  
2 while the appeal is pending.

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

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

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

Removal and  
discipline of  
Clinical,  
administrative  
and technical  
staff

11 **22.**-(1) If it appears to the Board that there are reasons for believing  
12 that any person employed as a member of the clinical, administrative or  
13 technical staff of the Medical Centre, other than the Chief Medical Director,  
14 should be removed from his office or employment, the Board shall require the  
15 Director of Administration to:

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

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

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

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

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

29 (2) The Chief Medical Director may, in a case of misconduct by a  
30 member of staff which is in the opinion of the Chief Medical Director is

1 prejudicial to the interest of the Medical Centre, suspend any such member  
2 and any such suspension shall forthwith be reported to the Board.

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

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

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

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

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

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

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

24 (b) whether to reinstate the person, in which case the Board shall  
25 restore his full emoluments to him with effect from the date of the  
26 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 being  
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 or  
30 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 access 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 his 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.-(1) On the commencement of this Act, any person employed by Transition and  
23 or serving in, the Medical Centre shall be deemed to have been employed or savings provision  
24 serving in the Medical Centre under this Act.

25 (2) All Assets or liabilities belonging to the Medical Centre shall be  
26 deemed to belong to the Medical Centre established under this Act.

27 27. In this Act, unless the context otherwise requires: Interpretation

28 "associate universities" means the universities whose medical students  
29 receive aspects of their training from the Medical Centre;

30 "Board" means the Board of Management of the Medical Centre;

1 "Chairman" means the chairman of the Board;  
2 "Functions" include powers and duties;  
3 "Federal Medical Centre" means the Medical Centre, Bonny, Rivers State;  
4 "Junior staff" means staff of such grade as may be determined, from time to  
5 time, by the Board;  
6 "Medical student" means a student whose course of instruction is:  
7 (a) designed (either alone or in conjunction with other courses) to enable him to  
8 qualify as a medical practitioner: or  
9 (b) designed for the further training of medical practitioners;  
10 "Minister" means the Minister charged with responsibility for matters relating  
11 to health and "Ministry" shall be construed accordingly;  
12 "Student" means a person enrolled at an institution controlled by the Board for  
13 the purpose of pursuing a course of instruction at the institution

Short title

14 **28.** This Bill may be cited as the Federal Medical Centre, Bonny,  
15 Rivers State (Establishment) Bill, 2020.

16 SCHEDULE

17 [Section 3 (3)]

18 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

19 *Proceedings of the Board*

20 1.-(1) Subject to this Act and section 27 of the interpretation Act, the  
21 Board may make standing orders regulating its proceedings or those of any of  
22 its committees.

23 {2} The quorum of the Board shall be the Chairman or the person  
24 presiding at the meeting and 5 other members of the Board, 2 of whom shall be  
25 ex-officio members, and the quorum of any committee of the Board shall be as  
26 determined by the Board.

27 2.-(1) The Board shall meet whenever it is summoned by the  
28 chairman and if the chairman is required to do so by notice given to him by not  
29 less than 8 members, he shall summon a meeting of the Board to be held within  
30 14 days from the date on which the notice is given.



- 1                   5. The validity of any proceedings of the Board or a committee shall  
2 not be adversely affected by:
- 3                   (a) a vacancy in the membership of the Board or committee;
  - 4                   (b) a defect in the appointment of a member of the Board or  
5 committee; or
  - 6                   (c) reason that a person not entitled to do so took part in the  
7 proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to provide for the Legal Framework to Establish the Federal Medical Centre, Bonny, Rivers State.