



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

MICROBIOLOGY COUNCIL OF NIGERIA BILL, 2022
(SB. 139)

A BILL
FOR
AN ACT TO ESTABLISH THE MICRO BIOLOGY COUNCIL OF NIGERIA TO PROVIDE
FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE AND FOSTER THE
PRACTICE OF MICRO BIOLOGY IN THE FEDERATION AND FOR OTHER MATTERS
CONNECTED THEREWITH, 2022

FIRST READING

TUESDAY 5th NOVEMBER, 2019

SECOND READING

WEDNESDAY 6th OCTOBER, 2021

THIRD READING AND PASSAGE

WEDNESDAY, 23rd NOVEMBER, 2022

MICROBIOLOGY COUNCIL OF NIGERIA BILL, 2022



Arrangement of Clauses

Clause

- Establishment of the Micro Biology Council of Nigeria
- Functions of the Council.
- Membership of the Council.
- Election of Principal Officers of the Council.
- Establishment and Composition of the Board.
- Appointment of Board of Fellows.
- Establishment of fund and Expenditure.
- Power to Borrow Money.
- Annual Estimates, Account and Audit.
- Appointment and Duties of the Registrar, etc.
- Publication of Registers and List of Corrections.
- Registration of Microbiologists.
- Approval of Qualifications, etc.
- Supervision of Instructions, etc. Leading to Approved Qualifications.
- Establishment, Composition, etc. of the Disciplinary Tribunal and of Investigating Panel.
- Penalties for Unprofessional Conduct.
- When a person is deemed a Professional Microbiologists.
- Rulers as to Professional Practicing Fees.
- Provision of Library facilities, etc.
- Offences.
- Regulations and Rules.
- Interpretation.
- Citation.

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FOR
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AND TO PROMOTE AND FOSTER THE PRACTICE OF MICRO BIOLOGY IN THE FEDERATION AND FOR OTHER MATTERS
CONNECTED THEREWITH, 2022 (SB. 139)**

{ } Commencement.

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

PART I — ESTABLISHMENT, FUNCTIONS, MEMBERSHIP, ETC. OF THE MICRO BIOLOGY COUNCIL, GOVERNING COUNCIL, ETC.

1. (1) There shall be established a body to be known as the Microbiology Council of Nigeria (in this Bill referred to as "the Council"). Establishment of the Micro Biology Council of Nigeria.

(2) The Council –

(a) shall be a body corporate with perpetual succession;

(b) shall have a common seal which shall be kept in such custody as the Council may, from time to time, authorize; and

(c) may sue or be sued in its corporate name.

2. The functions of the Council shall be to –

Functions of the Council.

(a) determine what standard of knowledge and skills are to be acquired and attained by persons seeking to become registered members of the Council and reviewing those standards from time to time as circumstances may require;

(b) secure, in terms of this Act, the establishment and maintenance of a register of Fellows, Associates, Graduates and Students of the Council, and the publication from time to time of a list of those members;

(c) regulate the training of Microbiologists' in any institution in Nigeria and give periodic accreditation to institutions;

(d) regulate the production, importation, sale and stocking of food products, drinks, wears, drugs and other associated products requiring Microbiological attention;

(e) organize and conduct professional examinations, from time to time for Microbiologist in Nigeria ;

(f) regulate and control the practice of professional Microbiologists in all its ramifications;

(g) inspect, regulate and accredit organizations with Microbiology laboratories; and

(h) do such other things that are incidental or supplementary to the foregoing objects of the Council.

3. (1) Subject to the provisions of this Act, persons admitted into the Council, shall possess knowledge, Membership of

experience and qualifications in Microbiology and other related disciplines determined from time to time by the Board, and may be enrolled in the category of :- the Council.

- (a) fellows;
- (b) associate member;
- (c) graduate member;

(2) without prejudice to the last foregoing provisions of this Act, persons registered as members of the Council, in terms of this Act, shall be entitled to be enrolled-

(a) as Fellows, if they satisfy the Board that for the period of not less than five years immediately preceding the date of their application on that behalf that they-

- (i) are fit and proper persons,
- (ii) are holders of approved academic qualifications,
- (iii) have satisfied the board in their professional conduct,
- (iv) have been continuously active in the practice of Microbiology in the public and private sectors of the economy and as members of the Council ;

(b) as associate members, if for the period of not less than three years immediately preceding the date of their application in the behalf that they have been enrolled as graduate members and are otherwise fit and proper persons, and as may be approved in the discretion of the Board;

(c) as Graduate members, if they satisfy the Board that have passed the mandatory examinations conducted by the council, hold equivalent qualifications from recognized institutions of higher education and are otherwise, howsoever, ever found to be fit and proper persons by the Board.

(3) the following are the order of precedence and designated titular abbreviations for:-

(a) a Fellow of the Microbiology Council of Nigeria who shall have the right to use the designatory letters FMCN immediately after his names;

(b) an Associate Member of the Microbiology Council of Nigeria who shall have the right to use the designatory letters AMCN immediately after his/her names; and

(4) Graduates and students registered for training shall become professional practicing members only after satisfying specified qualification requirements for membership in any of the foregoing categories as may be prescribed by the Board or by-laws of the Council.

4. (1) the Principal officers of the Council shall be-

Election of
Principal Officers

- (a) Registrar ;
- (b) Deputy Registrar 1 & 2 ;
- (c) Director Accounts Department ;
- (d) Director Internal Audits Department ;
- (e) Director Infectious Disease Surveillance and sanitation ;
- (f) Director Legal Department ;
- (g) Director Regulation & Licensing ;
- (h) Director Inspection & Monitoring ;
- (i) Director Education & Training ;
- (j) Director Public Relations ;
- (k) Director Microbiological Practice ;
- (l) Director International Linkages and Grants ;
- (m) Director Culture Collection and Bio-entrepreneurship ; and
- (n) Director Procurement and Supplies.

of the Council.

(2) the principal officers listed in this section shall be responsible for the day to day running of the Council. They shall be financial members of the Council in the grades of Fellows, associate members and shall be elected to office during the Council meeting.

The terms of office shall be five years for Registrar and two years for Deputy Registrars and Directors. While the Registrar is single term of five years, Deputy Registrars and Directors may be renewable for another two years subject to performance and satisfaction of the Board.

(3) The Registrar shall be the chairman at the meetings of the Council but in the event of his incapacity, death or inability to perform the duties reposed on him under this subsection, the Dep. Registrar Administration shall perform such duties for the unexpired portion of the term of office of the Registrar.

(4) If any of the officers listed under subsection (1) of this section cease to be a member of the Council, he shall cease to hold any of the offices designated thereof.

5. (1) there shall be for the Council, a governing body to be known as "the Board" which shall have responsibility for the administration and general management of the Council.

Establishment
and Composition
of the Board.

(2) The Board established pursuant to subsection (1) of this section shall consist of the following members, that is-

- (a) the Chairman of the Board ;
- (b) the Registrar/Secretary of the Board ;
- (c) six members nominated by the Federal Government of Nigeria ;
- (d) one person who shall be member of the Council to represent institutions of higher education in Nigeria offering courses leading to an approved qualification, to be appointed in

rotation;

(e) the immediate past President of the NSM;

(f) one person each not below the rank of a Director to represent the following Federal Ministries, that is-

(i) Federal Ministry of Science, Technology and Innovation,

(ii) Health,

(iii) Education,

(iv) Agriculture,

(v) Water Resources,

(vi) Petroleum Resources,

(vii) Trade and Industry.

(3) the provisions of the first schedule to this Act shall have effect with respect to the supplementary provisions of the Council and the qualifications and tenure of the office of members of the Board, and the matters therein mentioned.

6. (1) there shall be appointed annually a College of Fellows, to coordinate the activities of Fellows of the Council and to recommend to the Board on yearly basis admission of members to the Fellows.

Appointment of
Board of Fellows.

(2) The College of Fellows shall consist of persons who have been duly elected as fellows of the Council, and shall have a chairman who shall preside over the activities of the College.

PART II — FINANCIAL PROVISIONS

7. (1) The Board shall establish and maintain a fund for the Council, the management and control of which shall be under the authority of the Board, into which shall be paid-

Establishment of
fund and
expenditure.

(a) all monies received by the Board in pursuance of this Act;

(b) all subscriptions, fees in pursuance of this Act;

(c) all monies raised for the purposes of the Council by way of budgetary provision from Federal Government of Nigeria, gifts, donations grants- in aid, testamentary dispositions from individuals, bodies corporate or philanthropic, organizations.

(2) The Board shall, from time to time, apply the proceeds of the funds of the Council to-

(a) all expenditure incurred by the Council in the course of the discharge of its functions under this Act;

(b) the remunerations and allowance of the Registrar, officers and other Staff of the Council;

(c) the maintenance of the premises and property owned and vested in the Board;

(d) the payment of travelling allowance and such stipend for members of the Board as may be approved by the Council; and

(e) the payment of such other charges as may be reasonably incurred in the performance of the functions of the Council and the Board.

8. (1) the Board may, with the general consent of its members or in accordance with the general guidelines or authority given by the government of the Federation, borrow, on behalf of the Council, by way of loan or overdraft from any source, any monies required by the board to meet the obligations of the Council in order to perform its functions under this Act, so however, that such consent or authority shall be required where the sum or aggregate of the sums involved at any time does not exceed such amount as is for the time being projected in relation to the Council in any particular year.

Power to borrow money.

(2) The Board may, subject to the provisions of this Act and conditions of trust in respect of funds held or any property owned by the Council, invest any but not all of its funds with the same consent or general authority.

9. (1) the chairman of the Board shall cause to be prepared not later than six months before the end of the year, estimates of recurrent and capital expenditure (if any) and income of the Council during the next succeeding financial year which shall be presented to the Board for approval.

Annual estimates, account and audit.

(2) the Board shall keep proper accounts and records in relation thereto, and shall prepare in respect of each financial year, a statement of account in such form as the chairman or the Board shall direct.

(3) The Board shall as soon as may be after the end of a financial year, cause the accounts of the Council to be audited by qualified auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General for the Federation.

(4) the auditors appointed pursuant to subsection (3) of this section shall, on completion of the audit of the account of the Council for each financial year, prepare and submit to the Board two reports, that is to say-

(a) a general report setting out the observations and recommendations of the said auditors on the financial affairs of the Council for that year, and on any important matters which the auditors may consider necessary to bring to the notice of the Board; and

(b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Council.

PART III — THE REGISTRAR

10. (1) The Federal Government of Nigeria shall appoint a fit and proper person to be the Registrar of the Council based on the recommendation of National Executive Committee of the Nigerian Society for Microbiology.

(2) the Registrar appointed in terms of subsection (1) of this section shall be the head of the administration of the Council and Secretary to the Board.

(3) there shall be Register of members, Register shall consist of three parts of which the first part shall be in respect of fellows, the second part shall be in respect of associates, and the third part shall be in respect of Graduates.

(4) subject to the following provisions of this subsection, the Board may make rules with respect to the form and keeping of the Register and making of entries therein and in particular-

(a) the making of applications for enrolment or registration, as the case maybe;

(b) providing for notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;

(c) authorizing a registered person to have any qualification which is in relation to the relevant discipline of the profession of commercial administration, either an approved qualification or an accepted qualification for the purposes of this Act, registered in relation to his/her name in addition to, as he may elect, in substitution for other qualifications so registered;

(d) specifying from time to time the fees including subscription to be paid to the Council in respect of the entry of names on the Register authorizing the Register to refuse to enter a name on the Register until the fee specified for entry has been paid; and

(e) specifying anything falling to be specified under this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed at a special meeting of the Council convened for that purposes.

(5) the Registrar shall-

(a) correct, in accordance with the Board's directives, any entry in the Register which the board directs him/her to correct as being in the Board's opinion an entry which was incorrectly made;

(b) remove from the Register the name of any Registered person who died;

(c) record the names of the members of the Council who are in default in the payment of annual subscriptions or other charges for more than twelve months, and take such action in relation thereto (including removal of the names of the defaulters from the Register) as the Board may determine or direct; and

(d) make from time to time any necessary alterations in the registered particulars of registered person.

(6) if the Registrar-

(a) sends a communication to any registered person on the register enquiring whether the registered particulars relating to him/her are correct and receives no reply within the period of six months from the date of communication.

(b) upon the expiration of the period specified in paragraph (a) of this subsection, sends in like manner to the person in question a second similar communication and received no reply within three months then the Registrar, may remove the particulars relating to the person in question from the register, and the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection.

11. (1) The Registrar shall-

(a) cause the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Act;

(b) thereafter, in each year to cause to be printed, published and put on sale as aforesaid, rather a corrected edition of the register since it was last printed; and

(c) cause a print of each edition of the Registers and of each list of correction to be deposited at the registrar's office, and the Council shall keep the Register and the list so deposited available at all reasonable times for inspection by members of the Council.

(2) a document purporting to be print of an edition of the Register published under and pursuant to this section by authority of the Registrar, or documents purporting to be prints of an edition so printed, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, or the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

(3) where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so register.

12. (1) subject to the rules made by the Council pursuant to section 10(4) of this a person shall be entitled to be enrolled or registered as a professional if-

(a) he passes the qualifying examination for membership conducted by the Council under

Publication of
Registers and list
of corrections.

Registration of
Microbiologists.

- this Act and completes the training prescribed; or
- (b) he holds a qualification granted outside Nigeria and for the time being accepted by the Council and, if the Council so requires, satisfies the Council that he had sufficient practical experience as a Microbiologist.

(2) subject to the provision of this Act and to rules made pursuant to section 10(4), a person shall be entitled to be registered as a Microbiologist if he satisfies the Council that immediately before the appointed day he had not less than five years' experience.

(3) an applicant for registration shall, in addition to evidence of qualification, satisfy the Board-

(a) that he is of good character;

(b) that he has attained the age of twenty one years; and

(c) he has not been convicted of a criminal offence involving fraud or dishonesty in Nigeria or elsewhere.

(4) The Board may in its discretion provisionally accept a qualification presented in respect of an application for registration under this section, or direct that the application be renewed within such period as may be specified in the direction.

(5) any entry directed to be made in the Register in terms of subsection (4) of this section shall indicate that the Registration is provisional, and no entry made in consequence thereof, shall be converted to, construed as, full registration without explicit consent of the Council made in writing in that behalf.

(6) The Board shall from time to time publish in the Federal Government Gazette particulars of qualifications of the time being accepted as aforesaid.

13. (1) The Board may approve institutions for the purposes of this Act and may for those purposes approve-

Approval of
Qualifications,
etc.

(a) any course of training at any approved institution which for person who are seeking to become or are already Microbiologists, and which the Council considers as necessary to confer on persons completing the course, sufficient knowledge and skill for admission to the Council;

(b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Board under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Board that the candidates have sufficient knowledge and skill to practice as microbiologists.

(2) The Council may, if it deem fit withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such approval, the Board shall-

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Board to be

persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case maybe;

(b) afford each such an opportunity of making representations to the Board with regard the proposal; and

(c) take into consideration any representation made with respect to the proposal in pursuance of paragraph (b) of this subsection.

(3) where the approval of the Board under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section, but withdrawal of any such approval shall not prejudice the registration or eligibility for registration immediately before the approval was withdrawn.

(4) the giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Board may specify in that instrument, and Board shall-

(a) publish as soon as possible a copy of every such instrument in the Federal Government Gazette; and

(b) not later than seven days before its publication, send a copy of the instrument to the Ministry.

14. (1) it shall be the duty of the members of the Board of the Council to keep them informed of the nature of

(a) the instructions given at approval institutions to persons attending approving training; and

(b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty the Board of the Council may appoint, either from among its own members or otherwise, person to visit approved institutions, or to attend such examination.

(2) It shall be the duty of the visitor appointed in terms of the foregoing subsection of this section to report to the Council on-

(a) the sufficiency of the instructions given to persons attending approved course of training at institutions visited by him;

(b) the conduct and adequacy of the examinations observed by him; and

(c) any other matters relating to the instruction or examinations on which the Board may, either generally or in particular case, request him to report, but no visitor shall interfere with the giving of any instruction or more conduct of any examination.

(3) On receiving a report made in pursuance of this section, the Board may, deem it fit and shall if so

Supervision of
Instructions, etc.
leading to
approved
qualifications.

required by the Institution, send a copy of the report to the person appearing before the Board to be in charge of the institution or which the Disciplinary Tribunal has cognizance under the following provisions of this Act responsible for the examination to which the report relates requesting that person to make an observation on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

PART V — PROFESSIONAL DISCIPLINE

15. (1) There shall be a tribunal to be known as the Microbiology Council of Nigeria disciplinary tribunal (in this Act, referred to as “the Disciplinary Tribunal”) which shall be charged with the duty considering and determining any case referred to it by the Investigating Body panel to subsection (3) of this section, and any other case of Panel, which the Disciplinary Tribunal has cognizance under the following Provision of this Act.

Establishment, Composition, etc. of the Disciplinary Tribunal and of Investigating Panel.

(2) There shall be a body to be known as the Microbiology Council of Nigeria investigating Panel (in this Act, referred to as “the Investigating Panel”) which shall be charged with the duty of-

(a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a microbiology Council shall consist of four members of the Board and a Microbiologist who is not member of the Board.

(3) The provisions of the second schedule to this Act shall, so far As applicable to the Disciplinary Tribunal and Investigating panel Respectively, shall have effect with respect to the bodies.

(4) The Board may make rules not inconsistent with this Act as to Acts which constitute professional misconduct.

16. (1) Where-

Penalties for Unprofessional Conduct.

- (a) a member is judged by the Disciplinary Tribunal to be guilty of infamous conduct in any professional respect; or
- (b) a member is convicted, by any court or tribunal in Nigeria or Elsewhere having power to award imprisonment, of an offence or (whether or not punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the status of a professional Microbiologist; or
- (c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered, the Disciplinary tribunal may, if it deems give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the Register.

(2) The Disciplinary Tribunal may, if it deems defer its decision until a subsequent meeting of the disciplinary Tribunal but-

(a) no decision shall be deferred under this subsequent meeting for periods exceeding

two years on the aggregate; and

(b) no person shall be a member of the Disciplinary Tribunal for purposes of reaching a decision which has been deferred or further deferred, unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.

(3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Disciplinary tribunal gives a direction under Subsection (1) of this section the direction is to be served on the person to whom it relates.

(5) A person to whom such a direction relates may, at any time within Twenty-eight days from the date of the service on him of notice of the direction may appeal against the direction and the Disciplinary Tribunal may appeal as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the court of appeal, the Disciplinary Tribunal, shall be deemed to be a party thereto whether or not it appears at the hearing of the appeal.

(6) A decision of the Disciplinary Tribunal under subsection (1) of this section, shall take effect where-

(a) no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;

(b) an appeal, and is withdrawn or struck out for want of prosecution on the withdrawal or striking out of the appeal;

(c) an appeal is brought and is not withdrawn or struck out as Aforesaid if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) A person whose name is struck off the Register in pursuance of a Direction of the Disciplinary Tribunal under this section, shall not be entitled to be enrolled or registered again except in pursuance of a direction in that behalf given the Disciplinary Tribunal on the application of that person, and a direction under this section for the removal of a person's name from the Register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of this last application) as may be specified in the direction.

PART VI — MISCELLANEOUS AND SUPPLEMENTARY

17. A person shall be deemed to practice as a professional Microbiologist if, in consideration of remuneration to be received, and whether by himself or in partnership with any other person-

When a person is deemed a Professional Microbiologists.

- (a) he engages himself in the practice of Microbiology or holds Himself out as a microbiologists; or
- (b) he renders professional service or assistance in or about matters of principle or detail relating to Microbiology; or
- (c) he renders any other service which may by regulations made by the Board, with the approval of the supervising Ministry be designed as service constituting practice as a Microbiologist.

18. (1) The Board may make rules for-

- (a) the training of suitable persons in Microbiology methods and practice; and
- (b) the supervision and regulation of the engagement, training and transfer of such persons.

Rules as to
Professional
practicing fees.

(2) The Board may also make rules:

- (a) prescribing the amount and the due payment of the annual Subscription, and for such purpose different amount may be prescribed by the Rules according to whether the person is enrolled as a Fellow, Associate member and Graduate member ;
- (b) restricting the right to practice in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules.

(3) Rules when made under this section shall, if the Chairman of the Board so directs, be published in the Federal Government Gazette.

19. The Board shall-

- (a) provide and maintain a library, comprising books and publications for the advancement of knowledge of Microbiology, and such other books and publications as the Board may think necessary for that purpose;
- (b) encourage research into Microbiology methods and allied subjects to the extent that the Council may from time to time consider necessary.

Provision of
Library facilities,
etc.

20. (1) If any person, for the purpose of procuring the registration of any name, qualification or other matter-

(a) makes a statement which he believes is false in a material particular, or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

Offences.

(2) If, on or after the relevant date, any person not a member of the Council practices or holds himself out to practice as Microbiologist or in expectation of reward or takes or uses any name, title addition or description implying that he is in practice as a Microbiologist, he shall be guilty of an

offence-

(a) this subsection shall apply in respect of anything done by him during the period of three months mentioned in that section; and

(b) if within that period he duly applies for membership of the Council then, unless within that period he is notified that application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or resisted or is notified as aforesaid.

(3) if the registered or any other person employed by or on behalf of the council willfully makes any falsification in any matter relating to the Register, he shall be guilty of an offence.

(4) A person guilty of an offence under this section be liable-

(a) on summary conviction, to a fine of an amount not exceeding N50,000;

(b) on conviction or indictment to a fine of an amount not exceeding N100,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(5) Where an offence under this section which has been committed by a corporate body is proven to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any Director or similar officer of the corporate body or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

(6) In this section, "the relevant date" means the third anniversary of the appointed day or such earlier date as may be prescribed for the purpose of this section by order of the Ministry published in the Federal Government Gazette.

21. (1) Any regulations made under this Act shall be published in the Federal Government Gazette as soon as may be after they are made and a copy of any regulations shall be sent to the Supervisor not later than seven days before they are so published.

Regulations and Rules.

(2) Rules made for the purpose of this Act shall be subject to confirmation by the Council at meeting or at any special Meeting of the Council convened for that purpose, and if then, annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

22. In this Act, unless the context otherwise requires, the following words and expressions have the meanings respectively assigned to them, that is-

Interpretation.

"Board" means the Board established as the governing body of the Council under section 5 of this Act;

"Council" means the Microbiology Council of Nigeria established under Section 1 of this Act;

"Disciplinary Tribunal" means the Microbiology Council of Nigeria Disciplinary Tribunal under section 15 (1) of this Act;

"Fees" includes annual subscription;

"Investigation Panel" means the Microbiology Council of Nigeria Investigation Panel established under section 15(3) of this Act;

"Member of the Council" means an enrolled Fellow, Associate member of the Council; and "membership of the Council" shall be construed accordingly;

"Ministry" means the supervising charge with the responsibility for matters relating to Microbiology Registrar means the charge executive of the Council ;

"Register" means the register maintained in pursuance of section 10 (2) of this Act.

23. This Bill may be cited as the Microbiology Council of Nigeria Bill, 2022.

Citation.

SCHEDULES

FIRST SCHEDULE

Section 5 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualifications and tenure of members

1.-(1) Subject to the provisions of this paragraph, a member of the Board shall hold office for a period of two years beginning with the date of his appointment.

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

(3) Any nominated member may by notice in writing under his hand addressed to the Registrar resign his office, and any appointed member may, likewise, resign his appointment.

(4) A person who retires from or otherwise, ceases to be a nominated Member of the Board shall not be eligible again to become a member of the Board and any appointed member may be reappointed to the executive positions of the Council and the Board shall be by the Federal Government of Nigeria-

(a) such member who was appointed by the Minister or any other body corporate, the Minister or any such body corporate shall appoint another fit person to occupy the office in which the vacancy occurs; or

(b) Such member was appointed the Board may, if the period between the unexpired portion of the tenure of office and the next general meeting of Council appears to warrant the prompt filling of the

vacancy, co-opt some fit person for such period as aforesaid.

Power of the Board

2. The Board shall have powers to do anything which in its opinion is calculated to facilitate the carrying on the activities of the Council.

Proceeding of the Board

3.-(1) Subject to the provisions of this Act, the Board may in the name of the Council make standing orders regulating the processing's of the Council or of the Board, and in the exercise of its power under this Act, may set up Committees in the general interest of the Board, and make standing orders.

(2) Standing order shall provide for decision to be taken by a Majority of the members, and, in the event of equality of voters, the chairman shall have a second or casting vote.

(3) Standing orders made for a committee shall provide that the Committee report back to the Board on any matter not within its competence to decide upon.

4. The quorum of the Council shall be nine, and the quorum of a Committee of the Board shall be fixed by the Council.

Meeting of the Council

5.-(1) The Council shall convene a meeting of the Council on a day as the Board may from time to time appoint in any particular year, so however that if the meeting is not held within one year after the previous annual general meetings, not more than fifteen months shall elapse between the respective dates of the meetings.

(2) A special meeting of the Council may be convened by the Board at any time, and if not less than thirty members of the Council require it by notice in writing addressed to the General Secretary of the Council of the proposed meeting, the Chairman of the Board shall convene a Special meeting of the Council.

(3) The quorum of any general meeting of the Council shall be One third of the membership a special meeting of the Council shall also be One third of the membership.

Meeting of the Board

6.-(1) Subject to the provisions of any standing orders of the Board it shall meet on quarterly basis. The Chairman is required to do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman or in his absence any member of the Board selected to act in his/her capacity at the meeting shall appoint one of their members to preside at that meeting.

(3) Where the Board desire to obtain advice of any person on a particular matter, 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 the provisions of this subparagraph shall

not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

7.-(1) The Board may appoint one or more committees to carry out on behalf of the Council or of the Board, such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, and a person other than a Member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) Any recommendation of a committee of the Council shall be of no effect until it is approved by the Council.

Miscellaneous

8.-(1) The fixing of the seal of the Council shall be authenticated by the signature of the Registrar.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council or Board as the case may require, by any person generally or specially authorized to act for that purpose by the Board.

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

(9) The validity of any proceedings of the Council or the Board or of a Committee of the Board shall not be affected by any vacancy in membership, or of any defect in the appointment of a member of the Council or of the Board or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceeding.

(10) Any member of the Council or the Board, and any person holding office on a committee of the Board, who has a personal interest by the Board or a committee thereof, shall forthwith disclose his interest to the Registrar or to the Chairman of the case may be, and shall not vote on any question relating to the contract or arrangement.

(11) A person shall not by reason only of his membership of the Council be required to disclose any interest relating solely to the audit to the Accounts of the Council.

SECOND SCHEDULE

SECTION 15 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be three of whom at least two shall be a practicing microbiologist.

2.-(1) The Chief Justice of Federation shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide-

(a) for securing that notice of the proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is the subject of the proceeding;

(b) for determining who in addition to the aforesaid, shall be a party to the proceeding;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;

(d) for enabling any party to the proceedings to be presented by a Legal practitioner;

(e) subject to the provisions of section 16 (5) of this Act, as to the cost of proceedings before the Tribunal;

(f) for requiring, in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proven it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and

(g) for publishing in the media notice of any direction of the Tribunal, which has taken effect providing that a person's name shall be struck off a Register.

3. For the purposes of any proceedings before the Tribunal, any Member of the Tribunal may administer oaths and any party to the proceedings may sue through the Supreme Court writs of subpoena ad testificandum and Duces tecum, but no person appearing before the Tribunal shall be compelled-

(a) to make any statement before the Tribunal tending to incriminate himself;

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4.-(1) For the purposes of advising the Tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessor appointed under this, paragraph, and in particular such rules shall contain provision for securing-

(a) that every such party or person as aforesaid as to evidence, procedure or any matters specified in the rules, he shall do so in the presence of every party or person presenting a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid;

(b) that every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which He is appointed.

THE PANEL

4. The quorum of the panel shall be two.

5.-(1) The panel may, at any sitting of the panel attended by all Members of the panel, make standing orders with respect to the panel.

(2) Subject to the provision of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

6.-(1) A person ceasing to be a member of the Tribunal or the panel shall be eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the tribunal and the panel, but no person who acted as a member of the panel with respect to any case shall act as a member of the tribunal with respect to that case.

7. The Tribunal or the panel may act notwithstanding any vacancy in its membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that, or (subject to paragraph 7 (2) of this schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

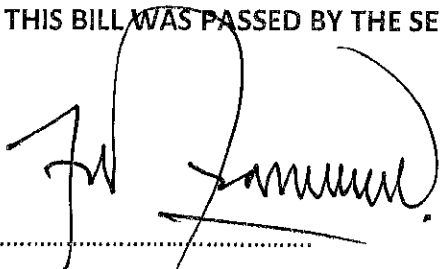
8. Any document authorized or required by virtue of this Act to be served on the Tribunal or the panel shall be served on the Registrar appointed in pursuance of section 10 of this Act.

9. Any expenses of the Tribunal or the panel shall be defrayed by the Council.

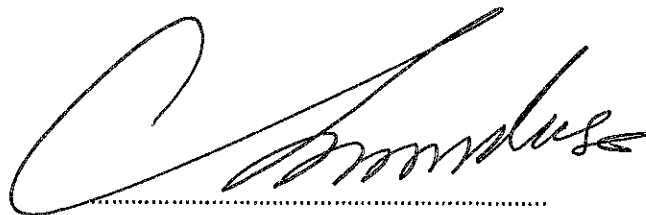
EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Microbiology Council of Nigeria to provide for the control of its membership and to promote and foster the practice of the profession in the Federation.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 23rd NOVEMBER, 2022



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President,
Senate of the Federal Republic of Nigeria



.....
Clerk,
Senate of the Federal Republic of Nigeria

1