

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

Sponsored by Senator Barau I. Jibrin

[] Commencement

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

1 PART I - ESTABLISHMENT, FUNCTIONS, MEMBERSHIP, ETC. OF THE
2 MICRO BIOLOGY COUNCIL, GOVERNING COUNCIL, ETC.

3 1.-(1) There shall be established a body to be known as the Micro
4 Biology Council of Nigeria (in this Act referred to as "the Council").

Establishment
of the Micro
Biology Council
of Nigeria

5 (2) The Council-

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

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

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

10 2. The functions of the Council shall be to-

Functions of the
Council

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

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

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

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

4 (e) organize and conduct professional examinations, from time to
5 time, for undergraduates in Nigerian Universities;

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

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

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

Membership
of the Council

12 **3.-(1)** Subject to the provisions of this Act, persons admitted into the
13 Council, shall possess knowledge, experience and qualifications in
14 Microbiology and other related disciplines determined from time to time by the
15 Board, and may be enrolled in the category of-

16 (a) fellows;

17 (b) associate membership;

18 (c) graduate member;

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

22 (a) as fellows, if they satisfy the Board that for the period of not less
23 than five years immediately preceding the date of their application tin that
24 behalf that they-

25 (i) are fit and proper persons;

26 (ii) are holders of approved academic qualifications;

27 (iii) have satisfied the Board in their dissertations;

28 (iv) have been continuously active in the practice of professional
29 Microbiology in the public and private sectors of the economy and as members
30 of the Council;

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

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

10 (3) the following are the other of precedence and designated titular
11 abbreviations for-

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

14 (b) an Associate Member of the Microbiology Council of Nigeria
15 who shall have the right to use the designatory letters AMCB immediately
16 after his names; and

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

21 **4.-** (1) The principal officers of the Council shall be-

22 (a) the president;

23 (b) the Vice President;

24 (c) the National Secretary;

25 (d) the Assistant National Secretary;

26 (e) the National Treasurer; and

27 (f) the Public Relations Officer.

28 (2) The principal officers listed under subsection (1) of this section
29 shall be financial members of the Council in the grades of fellows, associate
30 members and shall be elected to office biennially at the second Council

Election of
Principal Officers
of the Council

1 meeting after another term of two years, and no more.

2 (3) The President shall be the chairman at the meetings of the Council,
3 but in the event of his incapacity, death or inability to perform the duties
4 reposed on him under this subsection, the Vice-President shall perform such
5 duties for the unexpired portion of the term of office of that president.

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

Establishment
and Composition
of the Board

9 **5.-(1)** There shall be for the Council, a governing body to be known as
10 "the Board" which shall have responsibility for the administration and general
11 management of the Council.

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

14 (a) the President of the Council, who shall be the chairman;

15 (b) the Vice-President of the Council, who shall be the Deputy-
16 Chairman;

17 (c) the Registrar;

18 (d) twelve members nominated by the Council from the six
19 geopolitical zones of the Federation;

20 (e) two persons who shall be members of the Council, to represent
21 institutions of higher education in Nigeria offering courses leading to an
22 approved qualification, to be appointed in rotation;

23 (f) the immediate past President of the Council;

24 (g) one person each not below the rank of a director to represent the
25 following Federal Ministries, that is-

26 (i) Health,

27 (iii) Education,

28 (3) The provisions of the first schedule to this Act shall have effect
29 with respect to the supplementary provisions of the Council and the
30 qualifications and tenure of the office of members of the Board, and the matters

1 therein mentioned.

2 **6.**-(1) There shall be appointed annually a Board of Fellows, to
3 coordinate the activities of fellows of the Council and to recommend to the
4 Board on yearly basis admission of members to the fellows.

Appointment of
Board of Fellows

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

8 PART II - FINANCIAL PROVISIONS

9 **7.**-(1) The Board shall establish and maintain a fund for the
10 Council, the management and control of which shall be under the authority
11 of the Board, into which shall be paid-

Establishment
of fund and
expenditure

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

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

14 (c) all monies raised for the purposes of the Council by way of gifts,
15 donations, grants-in aid, testamentary dispositions from individuals, bodies
16 corporate or philanthropic organizations, non-otherwise however.

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

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

21 (b) the remunerations and allowances of the Registrar and other
22 staff of the Council;

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

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

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

29 **8.**-(1) the Board may, with the general consent of its members or in
30 accordance with the general guidelines or authority given by the

Power to borrow
money

1 government of the Federation, borrow, on behalf of the Council, by way of loan
2 or overdraft from any source, any monies required by the Board to meet the
3 obligations of the Council in other to perform its functions under this act, so
4 however that such consent or authority shall be required where the sum or
5 aggregate of the sums involved at any time does not exceed such amount as is
6 for the time being projected in relation to the Council in any particular year.

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

Annual estimates,
account and audit

11 9.-(1) The chairman of the Board shall cause to be prepared not later
12 than six months before the end of the year, estimates of recurrent and capital
13 expenditure (if any) and income of the Council during the next succeeding
14 financial year which shall be presented to the annual general meeting of the
15 Council by the Board for approval.

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

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

23 (4) The auditors appointed pursuant to subsection (3) of this section
24 shall, on completion of the audit of the accounts of the Council and the Board
25 for each financial year, prepared and submit to the Council two reports, that is
26 to say-

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

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

4 PART III - THE REGISTRAR

5 10.-(1) The Board shall appoint a fit and proper person to be the Registrar of the Council. Appointment
6 and duties of the Registrar, etc.

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

10 (3) The Register shall consist of three parts of which the first part
11 shall be in respect of fellows, the second part shall be in respect of
12 associates, and the third part shall be in respect of Graduates and students.

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

16 (a) the making of applications for enrolment or registration, as the
17 case may be;

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

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

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

29 (e) specifying anything falling to be specified under this section,
30 but rules made for the purposes of paragraph (d) of this subsection shall not

1 come into force until they are confirmed at a special meeting of the Institute
2 convened for that purpose, or at the next annual general meeting of the Council,
3 as the case may be.

4 (5) The registrar shall-

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

8 (b) remove from the Register the name of any Register's person who
9 has died;

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

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

17 (6) If the Registrar-

18 (a) sends by post to any registered person a letter addressed to him at
19 his address on the Register enquiring whether the registered particulars
20 relating to him are correct and receives no reply to the letter within the period of
21 six months from the date of posting; and

22 (b) upon the expiration of the period specified in paragraph (a) of this
23 subsection, sends in like manner to the person in question a second similar
24 letter and received no reply to the letter within three months from the posting it,
25 then the Registrar, may remove the particulars relating to the person in question
26 from the Register, and the Council may direct the Registrar to restore to the
27 appropriate part of the Register any particulars removed therefrom under this
28 subsection.

Publication of
Registers and list
of corrections

29 11.-(1) The Registrar shall-

30 (a) cause the Register to be printed, published and put on sale to

1 members of the public not later than two years from the commencement of
2 this Act;

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

6 (c) cause a print of each edition of the Registers and of each list of
7 correction to be deposited at the principal offices of the Council, and the
8 Board shall keep the Register and the list so deposited available at all
9 reasonable times for inspection by members of the Council.

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

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

23 **12.-(1)** Subject to the rules made by the Council pursuant to section
24 10 (4) of this Act, a person shall be entitled to be enrolled of registered as a
25 professional if-

Registration of
Microbiologists

26 (a) he passes the qualifying examination for membership
27 conducted by the Council under this Act and completes the practical training
28 prescribed; or

29 (b) he hold as qualification granted outside Nigeria and for the time
30 being accepted by the Council and, if the Council so requires, satisfies the

1 Council that he had sufficient practical experience as a Microbiologists.

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

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

8 (a) that he is of good character;

9 (b) that he has attained the age of twenty-one year; and

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

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

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

21 (6) The Board shall from time to time publish in the Federal
22 Government Gazette particulars of qualifications for the time being accepted a
23 aforesaid.

Approval of
qualifications,
etc.

24 **13.**-(1) The Board may approved and institution for the purposes of
25 this Act and may for those purposes approve-

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

30 (b) any qualification which, as a result of an examination taken in

1 conjunction with a course of training approved by the Board under this
2 section, is granted to candidates reaching a standard at the examination
3 indicating in the opinion of the members of the Board that the candidates
4 have sufficient knowledge and skill to practice as Microbiologists.

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

8 (a) give notice that it proposes to do so to persons in Nigeria
9 appearing to the Board to be persons by whom the course is conducted or the
10 qualification is granted or the institution is controlled, as the case may be;

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

13 (c) take into consideration any representation made as respects the
14 proposal in pursuance of paragraph (b) of this subsection.

15 (3) Where the approval of the Board under this section for a course,
16 qualification or institutions is withdrawn, the course, qualification or
17 institution shall not be treated as approved under this section, but the
18 withdrawal of any such approval shall not prejudice the registration or
19 eligibility for registration of any person who by virtue of the approval was
20 registered or eligible for registration immediately before the approval was
21 withdrawn.

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

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

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

Supervision of
instructions, etc.
leading to approved
qualifications

1 **14.**-(1) It shall be the duty of the members of the Board of the Council
2 to keep them informed of the nature of-

3 (a) the instructions given at approved institutions to persons attending
4 approving training; and

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

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

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

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

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

19 (3) On receiving a report made in pursuance of this section, the Board
20 may, if it fit, and shall if so required by the Institution, send a copy of the report
21 to the person appearing before the Board to be in charge of the institution or
22 which the Disciplinary Tribunal has cognizance under the following
23 provisions of this Act responsible for the examination to which the report
24 relates requesting that person to make an observation on the report the Council
25 within such period as may be specified in the request, not being less than one
26 month beginning with the date of the request.

27 PART V - PROFESSIONAL DISCIPLINE

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

28 **15.**-(1) There shall be a tribunal to be known as the Microbiology
29 Council of Nigeria disciplinary tribunal (in this Act, referred to as "the
30 Disciplinary Tribunal") which shall be charged with the duty

1 considering and determining any case referred to it by the Investigating
2 established pursuant to subsection (3) of this section, and any other case of
3 Panel, which the Disciplinary Tribunal has cognizance under the following
4 provisions of this Act.

5 (2) The disciplinary Tribunal shall consist of the Chairman of the
6 Council and six other members of the Council.

7 (3) There shall be a body to be known as the Microbiology Council
8 of Nigeria Investigating Panel (in this Act, referred to as "the Investigating
9 Panel") which shall be charged with the duty of-

10 (a) conducting a preliminary investigation into any case where it is
11 alleged that a member has misbehave in his capacity as a microbiologists or
12 should for any other reason be the subject of proceedings before the
13 Disciplinary Tribunal; and

14 (b) deciding whether the case should be referred to the Disciplinary
15 Tribunal.

16 (4) The Investigating Panel shall be appointed by the Council and
17 shall consist of four members of the Board and a microbiologists who is not
18 member of the Board.

19 (5) The provisions of the Second Schedule to this Act shall, so far
20 as applicable to the Disciplinary Tribunal and Investigating Panel
21 respectively, shall have effect with respect to the bodies. Second Schedule

22 (6) The Board may make rules not inconsistent with this Act as to
23 acts which constitute professional misconduct.

24 **16.-(1) Where-**

25 (a) a member is judged by the Disciplinary Tribunal to be guilty of
26 infamous conduct in any in any professional respect; or

27 (b) a member is convicted, by any court or tribunal in Nigeria or
28 elsewhere having power to award imprisonment, of an offence or (whether
29 or not punishable with imprisonment) which in the opinion of the
30 Disciplinary Tribunal is incompatible with the status of a professional

Penalties for
unprofessional
conduct

1 microbiologists ; or

2 (c) the Disciplinary Tribunal is satisfied that the name of any person
3 has been fraudulently registered, the Disciplinary tribunal may, if it thinks fit,
4 give a direction reprimanding that person or ordering the Registrar to strike his
5 name off the relevant part of the Register.

6 (2) The Disciplinary Tribunal may, if it thinks if fit, defer its decision
7 as to the giving subsection (1) of this section until a subsequent meeting of the
8 Disciplinary Tribunal but-

9 (a) no decision shall be deferred under this subsection for periods
10 exceeding two years on the aggregate; and

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

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

19 (4) when the Disciplinary tribunal gives a direction under
20 subsection(1)of this section, the Disciplinary Tribunal shall cause notice of the
21 direction to be served on the person to whom it relates.

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

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

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

3 (b) an appeal is brought and is withdraw or struck out for want of
4 prosecution on the withdrawal or striking out of the appeal;

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

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

17 PART VI - MISCELLANEOUS AND SUPPLEMENTARY

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

When a person
is deemed a
Professional
Microbiologists

21 (a) he engages himself in the practice of microbiology or holds
22 himself out as a microbiologists; or

23 (b) he renders professional service or assistance in or about matters
24 of principle or detail relating microbiology; or

25 (c) he renders any other service which may by regulations made by
26 the Board, with the approval of the ministry, be designed as service
27 constituting practice as a management and information technologist.

28 18.-(1) the Board may make rules for-

29 (a) the training of suitable persons in Microbiology methods and
30 practice; and

Rules as to
Professional
practicing fees

1 (b) the supervision and regulation of the engagement, training and
2 transfer of such persons.

3 (2) The Board may also make rules:

4 (a) prescribing the amount and the due date for payment of the annual
5 subscription, and for such purpose different amount may be prescribed by the
6 rules according to whether the person is enrolled as a fellow, associate member
7 and graduate member,

8 (d) restricting the right to practice in default of payment of the amount
9 of annual subscription where the default continues for longer than such period
10 as may be prescribed by the rules.

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

Provision of
Library facilities,
etc.

13 **29.** The Board shall-

14 (a) provide and maintain a library, comprising books and publications
15 for the advancement of knowledge of Micro biology, and such other books and
16 publications as the Board may think necessary for that purpose;

17 (b) encourage research into Microbiology methods and allied
18 subjects to the extent that the Council may from time to time consider
19 necessary;

Offences

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

22 (a) make a statement which he believes is false in a material
23 particular, or

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

26 (2) if, on or after the relevant date, any person not a member of the
27 Institute practices or holds himself out to practice as cost and management
28 accountants for or in expectation of reward or takes or uses any name, title,
29 addition or description implying that he is in practice as information
30 technologists, ha shall be guilty of an offence, provided that, in the case of a

1 person falling within section 17 of this Act-

2 (a) this subsection shall not apply in respect of anything done by
3 him during the period of three months mentioned in that section; and

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

9 (3) if the registrar or any other person employed by or on behalf of
10 the Council willfully makes any falsification in any matter relating to the
11 register, he shall be guilty of an offence.

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

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

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

18 (5) Where an offence under this section which has been committed
19 by a body corporate is proven to have been committed with the consent or
20 connivance of, or to be attributable to any neglect on the part of any
21 direction, manager, secretary or other similar officer of the body corporate
22 or any person purporting to act in any such capacity, he as well as the body
23 corporate, shall be deemed to be guilty of that offence and shall be liable to
24 be prosecuted and punished according.

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

29 **21.-(1)** Any regulations made under this Act shall be published in
30 the Federal Government Gazette as soon as may be after they are made and a

1 copy of any such regulations shall be sent to the Ministry not later than seven
2 days before they are so published.

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

Interpretation

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

12 "Council" means the Microbiology Council of Nigeria established under
13 section 1 of this Act;

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

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

18 "Fees" includes annual subscription;

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

21 "Member of the Council" means an enrolled fellow, associate member of the
22 Council; and "membership of the Council" shall be construed accordingly;

23 "Ministry" means the Ministry charge with the responsibility for matters
24 relating to Health;

25 "President and Vice President" means respectively the office holder under
26 those names in the Council;

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

Citation

29 **25.** This Bill may be cited as the Microbiology Council of Nigeria
30 Bill, 2020.

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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 of election.

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

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

(4) A person who retires from or otherwise ceases to be an elected member of the Board shall be eligible again to become a member of the Board, and any appointed member may be reappointed.

(5) Members of the Board shall at a meeting next before the annual general meeting of the Council arrange for five members of the Board appointed or elected, and longest in office to retire at that annual general meeting.

Provided that if any of the members listed thereof is the Chairman of the Board or the Vice-President of the Council, he shall remain a member of the Council.

(6) Elections to the Institute shall be held in such manner as may be prescribed by rules made by the Board, and until so prescribed they shall be decided a secret balloting process.

(7) If for any reason there is a vacation of office by a member and-
(a) such member 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

1 (b) Such member was elected, the Board may, if the period between
2 the unexpired portion of the tenure of office and the next general meeting of
3 Institute appears to warrant the prompt filling of the vacancy, co-opt some fit
4 person for such period as aforesaid.

5 *Powers of the Board*

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

8 *Proceeding of the Board*

9 3.-(1) Subject to the provisions of this Act, the Board may in the name
10 of the Council make standing orders regulating the proceedings of the Council
11 or of the Board, and in the exercise of its powers under this Act, may set up
12 committees in the general interest of the Board, and make standing orders
13 therefore.

14 (2) Standing orders shall provide for decision to be taken by a
15 majority of the members, and, in the event of equality of votes, for the President
16 or the Chairman, as the case may be, to have a second or casting vote.

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

20 4. The quorum of the Council shall be nine, and the quorum of a
21 committee of the Board shall be as be fixed by the Council.

22 *Meeting of the Council*

23 5.-(1) The Board shall convene the annual general meeting of the
24 Council on a day as the Board may from time to time appoint in any particular
25 year, so however that if the meeting is not held within one year after the
26 previous annual general meeting, not more than fifteen months shall elapse
27 between the respective dates of the two meetings.

28 (2) A special meeting of the Council may be convened by the Board at
29 any time, and if not less than thirty members of the Institute require it by notice
30 in writing addressed to the General Secretary of the Institute setting out the

1 objects of the proposed meeting, the Chairman of the Board shall convene a
2 special meeting of the Council.

3 (3) the quorum of any general meeting of the Council shall be
4 fifteen members, and that of any special meeting of the Council shall be
5 twenty-five members.

6 *Meeting of the Board*

7 6.-(1) Subject to the provisions of any standing orders of the Board,
8 the Board shall meet whenever it is summoned by the Chairman, and if the
9 Chairman is required to do so by notice in writing given to him by not less
10 than seven other members, he shall summon a meeting of the Board to be
11 held within seven days from the date on which the notice is given.

12 (2) At any meeting of the Board, the Chairman or in his absence the
13 Deputy Chairman shall preside; but if both are absent the members present
14 at the meeting shall appoint one of their numbers to preside at that meeting.

15 (3) Where the Board desires to obtain advice of any person on a
16 particular matter, the Board may co-opt him as a member for such period as
17 the Board thinks fit, but a person who is a member by virtue of the provisions
18 of this subparagraph shall not be entitled to vote at any meeting of the Board
19 and shall not count towards a quorum.

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

24 *Committees*

25 7.-(1) The Board may appoint one or more committees to carry out
26 on behalf of the Council or of the Board, such functions as the Board may
27 determine.

28 (2) A committee appointed under this paragraph shall consist of the
29 number of persons determined by the Council, and a person other than a
30 member of the Council shall hold office on the committee in accordance

1 with the terms of the instrument by which he is appointed.

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

4 *Miscellaneous*

5 8.-(1) The fixing of the seal of the Council shall be authenticated by
6 the signature of the National President or of some other member of the Board
7 authorized generally by the Council to act for that purpose.

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

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

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

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

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

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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 professional commercial practitioners.

2.-(1) The chief Justice of the 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 proceedings;

(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 be proceedings to be presented by a legal practitioner;

(e) subject to the provisions of section 16 (5) of this Act, as to the costs 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 proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and

(g) for publishing in the media notice of any direction of the

1 Tribunal, which has taken effect providing that a person's name shall be struck
2 off a Register.

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

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

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

11 4.-(1) For the purposes of advising the Tribunal on question of law
12 arising in proceedings before it, there shall in all such proceedings be an
13 assessor to the Tribunal who shall be appointed by the Council on the
14 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not
15 less than seven years standing.

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

19 (a) that where an assessor advises the Tribunal on any question of law
20 as to evidence, procedure or any matters specified in the rules, he shall do so in
21 the presence of every party or person presenting a party to the proceedings who
22 appears thereat or, if the advice is tendered while the Tribunal is deliberating in
23 private, that every such party or person as aforesaid;

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

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

1 *The panel*

2 5. The quorum of the panel shall be two.

3 6.-(1) The panel may, at any sitting of the panel attended by all
4 members of the panel, make standing orders with respect to the panel.

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

7 *Miscellaneous*

8 7.-(1) A person ceasing to be a member of the Tribunal or the panel
9 shall be eligible for reappointment as a member of that body

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

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

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

23 10. Any expenses of the Tribunal or the panel shall be defrayed by
24 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.