



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**NURSING AND MIDWIFERY (REGISTRATION, ETC.) ACT, CAP
N143 LAWS OF THE FEDERATION OF NIGERIA 2004
(AMENDMENT) BILL, 2021.**

(SB 304)

A BILL FOR AN ACT TO AMEND THE NURSING AND MIDWIFERY (REGISTRATION ETC.) ACT CAP N143 LAWS OF THE FEDERATION OF NIGERIA 2004, TO REVIEW THE COMPOSITION OF THE COUNCIL, QUALIFICATION AND TENURE OF OFFICE OF THE MEMBERS OF THE COUNCIL, REVIEW PENALTY PROVISIONS AND THE COMPOSITION OF THE TRIBUNAL AND FOR RELATED MATTERS BILL, 2021

FIRST READING	WEDNESDAY, 5 TH FEBRUARY, 2020
SECOND READING	TUESDAY, 20 TH APRIL, 2021
THIRD READING AND PASSAGE	TUESDAY, 30 TH NOVEMBER, 2021

**NURSING AND MIDWIFERY (REGISTRATION, ETC.) ACT, CAP N143 LAWS OF THE FEDERATION
OF NIGERIA 2004 (AMENDMENT) BILL, 2021**



Arrangement of Clauses

Nursing and Midwifery (Registration, etc.) Act, Amendment) Cap N143 Laws of the Federation of Nigeria 2004
Amendment of the Long Title
Amendment of Section 2
Amendment of Section 3
Amendment of section 5
Amendment of section 6(6)
Amendment of section 10
Amendment of section 11
Amendment of section 12
Amendment of section 13
Amendment of section 14
Insert ion of a new section 16
Amendment of section 17
Amendment of section 20
Amendment of section 21
Amendment of section 23
Amendment of section 24 of the Principal Act.
Amendment of section 26
Amendment Of First Schedule To The Principal Act.
Amendment of Second Schedule to the Principal Act.
Amendment of Third Schedule to the Principal Act.
Amendment of the Short Title

A BILL FOR AN ACT TO AMEND THE NURSING AND MIDWIFERY (REGISTRATION ETC.) ACT CAP N143 LAWS OF THE FEDERATION OF NIGERIA 2004, TO REVIEW THE COMPOSITION OF THE COUNCIL, QUALIFICATION AND TENURE OF OFFICE OF THE MEMBERS OF THE COUNCIL, REVIEW PENALTY PROVISIONS AND THE COMPOSITION OF THE TRIBUNAL AND FOR RELATED MATTERS BILL, 2021 (SB 304)

[] Commencement

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

1. The Nursing and Midwifery (Registration, etc.) Act, Cap N143 Laws of the Federation of Nigeria 2004 (Amendment) Bill, 2021 (in this Bill referred to as “the Principal Act”) is amended as set out in this Bill. Nursing and Midwifery (Registration, etc.) Act, Amendment) Cap N143 Laws of the Federation of Nigeria 2004 Amendment of the Long Title
2. The Long Title Principal Act is amended as follows –
A Bill for an Act to Amend the Nursing and Midwifery (Registration etc.) Act Cap N143 Laws of the Federation of Nigeria 2004, to review the composition of the Council, qualification and tenure of office of the members of the Council, review penalty provisions and the Composition of the Tribunal and for Related Matters Bill, 2021.
3. Section 2 of the Principal Act is amended by substituting the existing Section 2 a new Section “2” - Amendment of Section 2
 - (1) The Council shall consist of -
 - a) a Chairman who shall be a registered Nurse or Midwife;
 - b) Director responsible for Nursing and Midwifery Services in the Federal Ministry of Health;
 - c) six Directors responsible for Nursing and Midwifery Services of States Ministry of Health, representing six geopolitical zones, on rotational basis;
 - d) two Heads of Faculties/ Departments of Nursing, representing Nigerian Universities offering Degree in Nursing and Midwifery, on rotational basis;
 - e) two Heads of Nursing and Midwifery, representing Federal University Teaching Hospitals/Medical Centres on rotational basis;
 - f) two persons who shall be one Nurse Educator and one Midwife Educator in accredited Colleges/Schools of Nursing and Midwifery institutions, on rotational basis;
 - g) one Nurse Educator representing Nursing specialty programmes, on rotational basis;
 - h) two Persons representing National Association of Nigeria Nurses and Midwives (NANNM) who shall be the President and the General Secretary;
 - i) two persons representing public interest;
 - j) one Nurse representing the Armed Forces/Paramilitary on rotational basis;
 - k) one registered medical practitioner who shall be a qualified gynaecologist and obstetrician;
 - l) one person to represent Federal Ministry of Education, not below the rank of a Director; and
 - m) the Registrar of the Council who shall be a Secretary to the Council.
 - (2) The Chairman shall be appointed by the Minister, and shall hold office for a period of three years renewable, subject to satisfactory performance, for further term of three years and no more.
 - (3) Members of the Council mentioned under sub-section 1(c), (d), (e), (f), (g), and (i) shall be appointed by the Minister and shall hold office for a period of three years.

(4) The members of the Council shall be paid such remunerations and allowances in line with the existing Federal Government relevant policies.

(5) A member of the Council may resign the appointment by notice in writing addressed to the Minister.

(6) A member of the Council, may cease membership if the member:

- (a) dies or becomes of unsound mind;
- (b) becomes bankrupt;
- (c) is convicted of a felony or of any offence involving dishonesty;
- (d) is guilty of serious misconduct in relation to the office;
- (e) when recalled by the recommending authority, or when he is no longer staff of the institution he is representing;
- (f) resigns his membership; or
- (g) absents himself for two consecutive ordinary sessions of the Council without a leave of the Council.

(7) A member of the Council may be removed, at any time, from office by the Minister, if the Minister is satisfied that it is not in the interest of the Council or the Public that the member should continue to hold that office.

4. Section 3(2)(b) is substituted in paragraph "(b)" by inserting new paragraphs "b", "c" and "d" as follows

Amendment of
Section 3

(b) such sums as may, from time to time, be appropriated by the National Assembly;

(c) all funds accruing to the Council by way of gifts, grants in aids, testamentary dispositions and sales of publications; and

(d) all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any legitimate source.

5. Section 5 of the Principal Act is amended—

Amendment of
section 5

- (a) in subsection (1), (2), (3) and (4) by substituting the word "Secretary-General", for the word "Registrar", and
- (b) by inserting new sub-sections "(6)" and "(7)"—

"(6) Tenure of office of the Registrar.

The Registrar shall hold office for a period of four years and shall be eligible for re-appointment for one further period of four years and thereafter he shall no longer be eligible for reappointment.

(7) The Council shall have power to appoint other staff of the Council in line with the Federal government Policy."

6. Section 6(6) of the Principal Act is amended by substituting paragraphs (a) and (b) with new paragraphs as follows - Amendment of section 6(6)

6(6) if the Registrar-

a) sends by post or by officially recognised electronic communication, to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of one month from the date of posting it; and

upon the expiration of that period sends in like manner to the person in question a second and similar letter and receives no reply to that letter within one month from the date of posting it, the registrar may remove the particulars relating to the person in question from the relevant part of the register; but the Council may for any reason which seems to it to be sufficient, direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection.

7. Section 10 of the Principal Act is amended, by substituting the existing section 10 for a new section "10"- Amendment of section 10

" Special provisions for Nurses and Midwives trained outside Nigeria"

The Council shall issue regulation for Nurses and Midwives trained outside Nigeria to provide for:

- (a) Procedure for the recognition and confirmation of the result;
- (b) Further training of the Nurses and Midwives for a specified period of time; and
- (c) Examination of the Nurses and Midwives for the purpose of registration by the Council."

8. Section 11 of the Principal Act is amended as follows – Amendment of section 11

i. the marginal note section is amended by inserting after the word "nurses" the words "and Midwives."; and

ii. Section 11 of the Principal Act is amended by substituting the existing section 11 for a new section "11"-

"11. No Nurse or Midwife shall be allowed to practice or to continue in practice in any year except if such Nurse or Midwife has paid the annual fee for that year as prescribed by the Council."

9. Section 12 of the Principal Act is amended as follows – Amendment of section 12
- i. Substituting the existing marginal note with the words "'Power to regulate clinical training of nurses and midwives'".

10. Section 13 of the Principal Act is amended – Amendment of section 13

(a) in subsection (1) by substituting the existing subsection with a new subsection as follows –

"(1) For the purposes of this Act, there shall be constituted by the Council, a state Nursing and Midwifery Committee in each State of the Federation, which shall operate under the general direction and control of the Council."

(b) In "subsection (2) by substituting the word "Minister" with the word "Council".

11. Section 14 of the Principal Act is amended in subsection (1) and (3) -

Amendment of
section 14

(a) 14(1) by substituting the words, in lines 2 to 3, "organized by the Government of the Federation or of a State or by voluntary agencies" for the words "owned by Government or Private organisations or both as Nursing and Midwifery Educational Institutions".

(b) 14(3) after the word "Council", by substituting the words "by the Secretary to the State Nursing and Midwifery Committee" with the words "Committee and the Council shall communicate its decision to the affected party within 90 days from the date it received the report."

12. Section 16 of The Principal Act is amended by inserting after the existing clause a new section "16" as follows -

Insert ion of a new
section 16

"16.-(1) There shall be established a body to be known as the Nurses and Midwives Investigation Panel (hereafter referred to as "the Panel"), which shall be charged with the duty of -

(a) conducting a preliminary investigation into any case where it is alleged that a registered person has committed misconduct in his capacity as a Nurse or Midwife, or should for any other reason be the subject of proceedings before the Disciplinary Tribunal;

(b) compelling any person by subpoena to give evidence before it;

(c) deciding, if satisfied that to do so is necessary for the protection of members of the public, to make an order for interim suspension from the profession in respect of the person whose case they have decided to refer for inquiry; and for the case to be given accelerated hearing by the Tribunal within three months; or

(d) deciding, if satisfied that to do so is necessary for the protection of members of the public or is in his interest, to make an order for interim conditional registration in respect of that person, that is to say, an order that his registration shall be conditional on his compliance, during such period not exceeding three months or as the Panel may deem fit to impose for the protection of members of the public, or in his interest.

(2) The Panel shall be appointed by the Council and shall consist of seven members, at least four of whom shall be members of the profession."

13. Section 17 of the Principal Act is amended-

Amendment of
section 17

(a) in the marginal note, by deleting the word "disciplinary";

(b) by substituting the existing subsection (1), with new sub-clauses "(1) and (2)"-

"17(1) There shall be established a body to be known as Nurses and Midwives Tribunal (in this Bill referred to as 'the Tribunal').

(2) The Tribunal shall be charged with the duty of considering and determining any case referred to it by the Panel established under section 16 of this Bill; and any other case of which the Tribunal has

cognizance under the following provisions of this Bill.

(b) by substituting subsection (2) with new sub-clause "(2)"-

"(2) The Tribunal shall consist of-

- (i) The Chairman of the Council who shall be Chairman; and
- (ii) seven other members to be appointed by the Council.

(3) The provisions of the Third Schedule to this Bill shall have effect with respect to the Tribunal."

14. Section 20 of the Principal Act is amended by substituting the existing subsections (6) and (7) for a new subsection (6) and (7) – Amendment of section 20

20 (6) A person who violates any of the provisions of this Bill shall be liable on conviction by a court of competent jurisdiction to a fine not exceeding ~~₦~~500,000 or one year imprisonment, or both.

(7) Where the offence is committed by the body corporate, with the knowledge or negligence of the Director, manager, Secretary, agent, or employee of the body corporate or both, the body corporate shall be liable to pay a fine not exceeding ~~₦~~5,000,000, while the Director, Manager, Secretary, Agent, or Employee of the body corporate or both shall be liable on conviction and punished under subsection (6) of this Act.

A person shall not hold an appointment or practice as a Nurse/Midwife in Nigeria unless he is registered with the Council under the provisions of this Bill.

15. Section 21 of the Principal Act is amended– Amendment of section 21
- (a) in line one, by substituting the word "Minister" for the word "Council" and by deleting after the word "Minister", the words "given on the recommendation of the Council";
 - (b) in paragraphs (a) by substituting the figure "1000" for the figure "10,000" and substituting the figure six months to "three years";
 - (c) In paragraph (b) by substituting the figure "2000" for the figure "N10,000,000".

16. Section 23(2) is substituted with a new subsection – Amendment of section 23

(2) Any registered Nurse or Midwife shall be entitled to set up a private nursing home, maternity home or skilled nursing facility (SNF) if-

- a) He has minimum of ten years working experience in a recognised health establishment as a registered nurse or midwife after registration with the Council;
- b) He has complied with all the conditions laid down by the Ministry of Health of the State, this shall be without prejudice to Section 2 (c) of the Principal Act, and such recommendations are sent to the Nursing and Midwifery Council of Nigeria for approval of the establishment of such nursing home, maternity home or skilled nursing facility; and
- c) He has demonstrated unequivocally that there are adequate arrangements for prompt referral to a practicing obstetrician and gynaecologist or an experienced medical practitioner or a secondary health facility for medical attention when the medical condition is beyond the scope of practice of the Nurse or Midwife.

17. Section 24 of the Principal Act is amended by substituting the existing section 24 with new section "24"-
17. Amendment of section 24 of the Principal Act.
- "A person who has a cause of action against the Council shall-
- (1) give the Council three months' notice, in writing, of intention to commence an action, disclosing the cause of action and served the processes to the principal office of the Council; and
 - (2) commence the legal action within two years from the date the cause of action arose."

18. Section 26 of the Principal Act is amended by inserting, after the interpretation of the words "nurse" or "midwife", the interpretation of the word "post"-
- Amendment of section 26

26. "Post" includes courier, and any other electronic means of Posting."

19. The First Schedule to the Principal Act is amended by substituting the schedule with new schedule -
- Amendment Of First Schedule To The Principal Act.
- (1) The Council may appoint committees and sub-committees to carry out, on its behalf, such functions that Council shall do.
 - (2) The decision of the sub-committee appointed under paragraph 2(1) shall have no effect until it is approved by the Council.

(3) Persons who are-

a) appointed, shall continue to be members of the Council while they are employed in any of the public services of Nigeria, the universities or in the nursing service of the armed forces, as the case may be;

b) appointed on nomination by nursing and midwifery *educational institutions* on rotation, shall hold office as members of the Council for a term of three years, so however that if the school of nursing associated with a nursing or midwifery *educational institution* next entitled by rotation to nominate a representative agrees.

4) A nominated person appointed pursuant to paragraphs (d), (f) or (h) of section 2 (1) of this Act may resign his membership by notice in writing to the Council, and any person whether or not so appointed who ceases to be a member of the Council shall, in a proper case, be eligible again to become a member of the Council for one further term.

5) It shall not be necessary to fill any vacancy on the Council where the unexpired residue of the term of office of a member (other than by effluxion of time) does not exceed one year and the member has not been appointed on rotation.

Miscellaneous

(1) The Registrar shall be the custodian of the seal of the Council.

(2) Fixing of the common seal of the Council shall be authenticated by the signature of the *Registrar* of the Council or any other persons authorized to do so.

(3) Any contract or instrument, which if made or executed by a person not being a body corporate, shall not be required to be made under seal, shall be executed on behalf of the Council by the Registrar or any other person authorized to do so.

(4) Where the Council desires to obtain an expert opinion from a person not being a member of the Council, the Council may co-opt such person for such period the Council may determine but the co-opted person shall not have the right to vote or to count in forming a quorum.

(5) The validity of any proceedings of the Council or of a committee shall not be adversely affected by any vacancy in the membership of the Council or Committee or by any defect in the appointment of a member of the Council or Committee or by reason that a person not entitled to take part in the proceedings of the Council or the Committee took part in the proceedings.

(6) Any member of the Council or of the Committee of the Council who has personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a Committee, shall forthwith disclose his interest to the Council or the Committee and shall not vote on any question relating to the contract or arrangement.

Proceedings of the Council

(1) Subject to the provisions of the Bill and other applicable laws, the Council may make standing orders regulating its proceedings.

(2) The Chairman shall preside over the meetings of the council and in his absence; members of the council shall appoint one person among themselves to act for that meeting as the Chairman.

(3) The quorum of the Council shall be formed by the Chairman and one third of the members.

(4) The Council shall meet whenever summoned by the chairman, or if required to do so by 12 members of the Council and shall meet for minimum of 4 times in a year.

(5) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

20. (1) The Second Schedule Part 'A' and 'B' to the Principal Act is amended as follows: –

Amendment of
Second Schedule to
the Principal Act.

PART A

Registers to be maintained by the Council –

1. The Council shall maintain the following registers -

a) A register for registration of community Midwives on completion of a two year training programme and successfully passing the Nursing and Midwifery Council of Nigeria Licensing examination.

b) A register for registration of community Nurses on completion of a two year training programme and successfully passing the Nursing and Midwifery Council of Nigeria Licensing examination.

c) A register for registration of the persons who passed 3 years training programme from accredited institution of Nursing and Midwifery on successful completion and passing of the Nursing and Midwifery Council of Nigeria professional examinations for Nurses and Midwives leading to the

award of the registered Nurse (RN) and Registered Midwives (RM) certificates.

Registrable Qualifications

(2) A person holding the following general certificates in Nursing or Midwifery shall be entitled to registration as Nurses under this Act, that is-

- (a) Valid certificate of competency in nursing issued by the Council under this Act;
- (b) Certificates of competency validly where issued and, in the opinion of the Council, conformable in training requirements to the standards prescribed by the Council under this Act;
- (c) Certificates of competency in nursing, valid where issued, and subject to additional experience or examination or both, the holders of which would be deemed by the Council to have reached the standards prescribed by it under this Act;
- (d) Persons who successfully complete training in nursing or midwifery under any scheme approved by the Council; and
- (e) Nurses who obtain Bachelor of Nursing Sciences from the University shall be registered as Registered Nurses (RN), Registered Midwives (RM) and Registered Public Health Nurses (RPHN) if they so pass the professional examinations of the Council.

PART B

Persons holding registrable qualifications of a specialized nature.

- 1) Persons holding specialised post basic nursing qualifications in any field of nursing or midwifery as may be determined by the Council from time to time may be registrable.

Persons holding Advanced registrable qualifications of a specialized nature.

- 2) Persons holding specialised nursing or midwifery qualifications as Advance Nurse Practitioner (ANP) and Clinical Nurse Specialist which includes but not limited to –
 - i. Public Health Nursing Practitioner;
 - ii. Family Health Nurse Practitioner;
 - iii. Gerontology Nurse Practitioner;
 - iv. Mental Health Nursing Practitioner;
 - v. Midwife Practitioner;
 - vi. Maternal and Child Health Nursing Practitioner;
 - vii. Palliative Care Nurse Practitioner;
 - viii. Occupational/Industrial Health Nurse Practitioner;
 - ix. Oral Health/Dental Nurse Practitioner;
 - x. Accident and Emergency Nursing, Anesthesia, Orthopaedics, Nephrology, Oncology, Burns and Plastic, Cardiothoracic Preoperative, and Critical Care Nursing; and
 - xi. Other Advanced Nursing Specialties as may be approved by the Council from time to time.

- 3) Persons holding the following specialized qualifications shall be entitled to registration as appropriate under this Act, that is --

- (a) Valid certificates of competency in a specialized branch of nursing or midwifery issued by the Council under this Bill;

(b) Valid certificates of competency in a specialized branch of nursing or midwifery issued by the Nursing and Midwifery Council of Nigeria, however, designated before 1979 as amended;

(c) Certificates of competency in a specialized branch of nursing or midwifery; valid where issued, and in the opinion of the Council conformable in training requirements to the standards prescribed by the Council under this Act; and

(d) Certificates of competency in a specialized branch of nursing or midwifery valid where issued, and subject to additional experience or examination or both, the holders of which would be deemed by the Council to have reached the standards prescribed by it under this Act.

21. The Third Schedule to the Principal Act is amended—

(a) by deleting after the word “the” the word “Disciplinary”, in the cross heading;

(b) in section 1, by substituting the word “five” for the word “three”;

(c) in Section 2 by substituting the existing subsection 2 (1), (2), (3), (4), (5), (6), (7), and (8) with a new subsection 2 (1) and (2) –

Amendment of
Third Schedule to
the Principal Act.

2. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

For the purpose of advising the tribunal on questions 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.

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

22. This Bill may be cited as the Nursing and Midwifery (Registration, etc.) Act, Cap N143 Laws of the Federation of Nigeria 2004 (Amendment) Bill, 2021.

Amendment of the
Short Title

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nursing and Midwifery (Registration etc.) Act Cap N143 Laws of the Federation of Nigeria 2004, to review the composition of the Council, qualification and tenure of office of the members of the Council, include additional qualifications registrable by the Council, review penalty provisions and the Composition of the Tribunal.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 30TH NOVEMBER, 2021

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President,
Senate of the Federal Republic of Nigeria

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Clerk,
Senate of the Federal Republic of Nigeria