

NURSING AND MIDWIFERY (REGISTRATION ETC.) ACT (AMENDMENT)
BILL, 2020

ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of Nursing and Midwifery (Registration etc.) Act Cap N143 Laws of the Federation of Nigeria 2004
 2. Substitution of Section 2 of the Principal Act
 3. Amendment of section 5 of the Principal Act
 4. Amendment of section 6(6) of the Principal Act
 5. Amendment of section 8 of the Principal Act
 6. Amendment of section 9 of the Principal Act
 7. Amendment of section 10 of the Principal Act
 8. Amendment of section 11 of the Principal Act
 9. Amendment of section 12 of the Principal Act
 10. Amendment of section 13 of the Principal Act
 11. Amendment of section 14 of the Principal Act
 12. Amendment of section 16 of the Principal Act
 13. Amendment of section 17 of the Principal Act
 14. Amendment of section 20 of the Principal Act
 15. Amendment of section 21 of the Principal Act
 16. Amendment of section 23 of the Principal Act
 17. Amendment of section 24 of the Principal Act
 18. Amendment of section 26 of the Principal Act
 19. Amendment of first schedule to the Principal Act
 20. Amendment of second schedule to the Principal Act
 21. Amendment of third schedule to the Principal Act
 22. Citation
- Schedule

A BILL

FOR

AN ACT TO AMEND 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, INCLUDE BACHELOR OF NURSING SCIENCE AND COMMUNITY MIDWIVES IN THE REGISTRABLE QUALIFICATIONS OF THE COUNCIL, GIVE THE COUNCIL TIMELINE WITHIN WHICH TO COMPLETE INDEXING OF STUDENTS, REGISTER PROSPECTIVE MEMBERS AND ISSUE THEM LICENSE AND COMMUNICATE THE DECISION OF THE COUNCIL TO INSTITUTIONS THAT APPLY FOR APPROVAL AND FOR RELATED MATTERS

Sponsored by Senator Mohammed Hassan Gusau

[] Commencement

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

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| <p>1 1. The Nursing and Midwifery (Registration etc.) Act Cap N143</p> <p>2 Laws of the Federation of Nigeria 2004 (in this bill referred to as "the</p> <p>3 Principal Act") is amended as set out in this Bill.</p> | <p>Amendment of
Nursing and
Midwifery
Registration etc.)
Act Cap. N143
LFN, 2004</p> |
| <p>4 2. Section 2 of the Principal Act is amended by substituting the</p> <p>5 existing Section 2 for new Section "2"-</p> <p>6 "2(1)The Council shall consist of-</p> <p>7 (a) a Chairman, who shall be a registered Nurse or Midwife, who</p> <p>8 practiced the profession for a period of not less than 15 years;</p> <p>9 (b) Director responsible for Nursing and Midwifery Services of</p> <p>10 Federal Ministry of Health;</p> <p>11 (c) six Directors responsible for Nursing and Midwifery Services</p> <p>12 of States Ministry of Health, representing six geopolitical zones, on</p> | <p>Substitution of
Section 2 of the
Principal Act</p> |

1 rotational basis;

2 (d) one person, from Department responsible for Nursing and
3 Midwifery, representing Nigerian Universities offering Degree in Nursing and
4 Midwifery, on rotational basis;

5 (e) one Head of Nursing and Midwifery, representing University
6 Teaching Hospitals, on rotational basis;

7 (f) two persons who shall be one Nurse and one Midwifery educator
8 in accredited Nursing and Midwifery training schools, on rotational basis;

9 (g) one Nurse educator representing post basic Nursing programmes,
10 on rotational basis;

11 (h) National President of National Association of Nigerian Nurses
12 and Midwives (NANNM);

13 (i) one person representing public interest, who shall not be a health
14 worker; and

15 (j) the Registrar of the Council, who shall be member with no voting
16 power and Secretary to the Council.

17 2(2) The Chairman shall be appointed by the President on
18 recommendation of the Minister, and shall hold office for a period of four years
19 renewable, subject to satisfactory performance, for further term of four years
20 and no more.

21 2(3) Members of the Council mentioned under sub-clause
22 (1)©,(d),(e),(f),(g), and (i) shall be appointed by the Minister and shall hold
23 office for a period of three years renewable, subject to satisfactory
24 performance, for further term of three years and no more.

Cap. N74 LFN,
2004

25 2(4) The members of the Council shall be paid such remunerations
26 and allowances as the Minister may from time to time determine in line with the
27 provision of National Salaries and Wages Commission Act.

28 2(5) a member of the Council, may resign the appointment by notice
29 in writing addressed to the Minister.

30 2(6) A member of the Council, may cease membership if the member-

- 1 (a) dies or becomes of unsound mind;
- 2 (b) becomes bankrupt;
- 3 (c) is convicted of a felony or of any offence involving dishonesty;
- 4 (d) is guilty of serious misconduct in relation to the office; or
- 5 (e) when recalled by the recommending authority, or when he is no
- 6 longer staff of the Institution he is representing.

7 2(7) A member of the Council may be removed, at any time, from
8 office by the Minister, if the Minister is satisfied that it is not in the interest of
9 the Council or the public that the member should continue to hold
10 office."

Amendment of
section 5 of the
Principal Act

11 3. Section 5 of the Principal Act is amended-

12 (a) in subsection (1), (2), and (3) by substituting the word
13 "Secretary-General", for the word "Registrar"; and

14 (b) by inserting new subsection "(6)"-

15 "(6) Where all the members of the Council are dissolved, the
16 Registrar of the Council and the Management Staff shall function as the
17 Council."

Amendment of
section 6(6) of
the Principal Act

18 4. Section 6(6) of the Principal Act is amended-

19 (a) in paragraph (a), by substituting the word "six" for the word
20 "one"; and

21 (b) in paragraph (b), by substituting the word "three" for the word
22 "one".

Amendment of
section 8 of the
Principal Act

23 5. Section 8 of the Principal Act is amended-

24 (a) by inserting after subsection "(3)" new subsection "(4)" and
25 "(5)"-

26 "(4) Where the applicant is dissatisfied with the decision of the
27 Council, may apply to the Tribunal for review."

28 "(5) The Council shall complete-

29 (a) indexing of students within 90 days from the date of
30 application; and

	1	(b) the registration and issuance of license within 30 days from the
Amendment of section 9	2	date of submission of application for registration",
Amendment of section 10	3	6. Section 9 of the Principal Act is deleted.
Amendment of section 11 of the Principal Act	4	7. Section 10 of the Principal Act is deleted.
	5	8. The marginal note of section 11 of the Principal Act is amended by
Amendment of section 12 of the Principal Act	6	inserting after the word "nurses" the words "and Midwives."
	7	9. The marginal note of section 12 of the Principal Act is amended by
Amendment of section 13 of the Principal Act	8	substituting the words "co-operate on" for the words "regulate."
	9	10. Section 13(1) of the Principal Act is amended, by substituting the
	10	words "Chief Nursing Officer" for the words "Director Responsible for
Amendment of section 14 of the Principal Act	11	Nursing and Midwifery".
	12	11. Section 14 of the Principal Act is amended-
	13	(a) in subsection (1), by substituting the words, in lines 2 to 3,
	14	"organized by the Government of the federation or of a State or by voluntary
	15	agencies" for the words "wholly owned by Government or Private individuals
	16	or both"; and
	17	(b) by inserting after the existing subsection "(3)" new subsections
	18	"(4)" to "(5)"-
	19	"(4) in determining teacher student ration, the Council shall consider
	20	graduates nurses and teachers of basic medical sciences as part of the teaching
	21	staff of the Institution."
	22	“(5)after the recommendations under subsection (3) of this section,
	23	and inspection for approval by the Council, the Council shall communicate its
Amendment of section 16 of the Principal Act	24	decision to the affected Institution within one month."
	25	12. Section 16 of the Principal Act is amended by substituting-
	26	(a) in line 1, the words "Chief Nursing Officer" for the words
	27	"Director Responsible for Nursing and Midwifery"; and
Amendment of section 17 of the Principal Act	28	(b) in paragraph (b) the word "or" in line 3, for the word
	29	"and".

1 **13.** Section 17 of the Principal Act is amended-

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

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

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

7 "(2) The Tribunal shall be responsible for hearing and determining
8 matters-

9 (i) referred to it by the supervisory Authority established under this
10 Bill,

11 (ii) appeals and any other matter from the members of the
12 profession or the public, and

13 (iii) any other matter which the Tribunal considers to be within the
14 practice of the profession.;

15 (c) by substituting subsection (2) with new sub-clause "(3)"-

16 "(3) The Tribunal shall consist of-

17 (i) a Chairman who shall be a legal Practitioner, within the Legal
18 Practitioners Act who was so qualified for a period not less than 7 years, to
19 be appointed by the Chief Judge of the Federal High Court,

20 (ii) two members of the Council,

21 (iii) two representative of NANNM, and

22 (iv) a Nurse or Midwife with not less than 20 years post registration
23 experience, to be recommended by NANNM;

24 (d) by renumbering the existing subsections (3) and (4).

Amendment of
section 20 of the
Principal Act

25 **14.** Section 20 of the Principal Act is amended-

26 (a) in subsection(6) (a), by substituting the figure "1000" for the
27 figure "100,000" and figure "50" for figure "5000";

28 (b) in subsection (6) (b), by substituting the figure "2000" for the
29 figure "200,000" and figure "50" for figure "5000";

30 (c) by substituting subsection (7) with new subsection "(7)"-

1 "Where the offence is committed by body corporate, with the
2 knowledge or negligence of the Director, Manager, Secretary, agent, or
3 employee of the body corporate or both, the body corporate shall be liable to
4 pay a fine of not less than N1,000,000 while the Director, Manager, Secretary,
5 agent, or employee of the body corporate or both shall be liable on conviction
6 and punished under subsection (6) of this Act."; and

Amendment of
section 21 of the
Principal Act

7 (d) by inserting after the existing subsection (7) new subsection "(8)"-
8 "The Council shall review the penalty provisions from time to time."

9 **15.** Section 21 of the Principal Act is amended-

10 (a) in line one, by substituting the word "Minister" for the word
11 "Council" and by deleting after the word "Minister", the words "given on the
12 recommendation of the Council";

Amendment of
section 23 of the
Principal Act

13 (b) in paragraphs (a) and (b), by substituting the figure "1000" for the
14 figure "100,000" and figure "2000" for the figure "200,000".

Amendment of
section 24 of the
Principal Act

15 **16.** Section 23(2)(b) of the Principal Act is amended by inserting
16 after the word "such" in line 2 for the words "nursing or".

17 **17.** Section 24 of the Principal Act is amended by substituting the
18 existing section 24 with new section "24"-

19 "A person who has a cause of action against the Council shall-

20 (1) give the Council three months' notice, in writing, of intention to
21 commence an action, disclosing the cause of action and served the processes to
22 the principal office of the Council; and

Amendment of
section 26 of the
Principal Act

23 (2) commence the legal action within two years from the date the
24 cause of action arose."

25 **18.** Section 26 of the principal Act is amended by inserting the
26 interpretation of the word "post" immediately after the interpretation of the
27 words "nurse" or "midwife"-

Amendment of
first schedule
to the Principal
Act

28 "post include courier, and any other electronic means of
29 posting".

1 19. The first schedule to the Principal Act is amended by
2 substituting the schedule with new schedule, attached.

Amendment of
second schedule
to the Principal
Act

3 *Schedule*

4 20.-(1) The second schedule part 'A' to the Principal Act is
5 amended-

6 (a) in section 1-

7 (I) by substituting paragraphs (a) to (d) for new paragraphs "(a) to
8 "(c)"-

9 "(a) a register for registration of community midwives on
10 completion of an 18 months training programme and successfully passing
11 the Nursing and Midwifery Council of Nigeria Qualifying examination for
12 the lower cadre midwives";

13 (b) a register for registration of the persons who passed 3 years
14 training programme from accredited Institutions of Nursing and Midwifery
15 on successful completion and passing of the Nursing and Midwifery
16 Council of Nigeria professional examinations for Nurses and Midwives
17 leading to the award of the Registered Nurse (RN) and Registered Midwives
18 (RM) certificates; and

19 (c) a register for graduate nurses on successful completion of the 5
20 years degree programmes that leads to the award of the Bachelor of Nursing
21 Science (BNSc) degree in addition to the final qualifying examination for
22 the award of the RN certificate. This category of nurses should in addition to
23 their initial registration as RNs be registered as Registered Graduate Nurses
24 (RGN) without additional examination,"

25 (b) by deleting section 2.

26 (2) In part 'B' by substituting section 1(a) to (d) with new section
27 "1"-

28 "Persons holding specialised post basic nursing qualifications
29 which includes-

30 (i) orthopaedics,

Amendment of
third schedule
to the Principal
Act

1 (ii) psychiatry,
2 (iii) ophthalmic nurses,
3 (iv) perioperative nurses,
4 (v) public health nurses."
5 **21.** The third schedule to the Principal Act is amended-
6 (a) by deleting after the word "the" the word "Disciplinary", in the
7 cross heading;
8 (b) in section 1, by substituting the word "five" for the word "three";
Citation 9 (c) in section 2(1), by substituting the words "Chief Justice of
10 Nigeria" for the word "Chief Judge of the Federal High Court".
11 **22.** This Bill may be cited as Nursing and Midwifery (Registration
12 etc.) Act (Amendment) Bill, 2020.

13 FIRST SCHEDULE

14 *Clause 19*

15 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

16 PART 1 - PROCEEDINGS OF THE COUNCIL

17 1.-(1) Subject to the provisions of this Bill and other applicable laws
18 the Council may make standing orders regulating its proceedings.

19 (2) The Council shall meet whenever summoned by the Chairman, or
20 if required to do so by at least 4 members of the Council and shall meet for a
21 minimum of 4 times in a year.

22 (3) The Chairman shall preside over the meetings of the Council and
23 in his absence, members of the Council shall appoint one person among
24 themselves to act for that meeting as the Chairman.

25 (4) The quorum of the Council shall be formed by the Chairman or a
26 person sitting in his place and nine other members of the Council.

27 PART II - COMMITTEES

28 2.-(1) The Council may appoint Committees and sub-committees to
29 carry out, on its behalf, such functions that Council shall do.

1 (2) The decision of the sub-committee appointed under paragraph
2 2(1) shall have no effect until it is approved by the Committee and the
3 Council.

4 PART III - MISCELLANEOUS

5 3.-(1) The Secretary of the Council shall be the custodian of the
6 seal of the Council.

7 (2) Fixing of the common seal of the Council shall be authenticated
8 by the signature of the Chairman of the Council or some other persons
9 authorized to do so.

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

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

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

24 (6) Any member of the Council or of a Committee of the Council
25 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.

EXPLANATORY MEMORANDUM

This Bill seeks to amend 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, include Bachelor of Nursing Science and community midwives in the registrable qualifications of the Council, give the Council timeline within which to complete indexing of students, register prospective members and issue them license and communicate the decision of the Council to Institutions that apply for approval.