



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

**MEDICAL AND DENTAL PRACTITIONERS (REPEAL AND ENACTMENT) BILL,
2021**

(SB. 480)

A BILL

FOR

AN ACT TO REPEAL THE MEDICAL AND DENTAL PRACTITIONERS ACT,
CAP. M8, LAWS FEDERATION OF NIGERIA, 2004; AND ENACT THE
MEDICAL AND DENTAL PRACTITIONERS' BILL, 2021

FIRST READING

TUESDAY 21ST JULY, 2020

SECOND READING

TUESDAY 8TH DECEMBER, 2020

THIRD READING AND PASSAGE

TUESDAY, 8TH JUNE, 2021



MEDICAL AND DENTAL PRACTITIONERS (REPEAL AND ENACTMENT) BILL, 2021

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A BILL
FOR

AN ACT TO REPEAL THE MEDICAL AND DENTAL PRACTITIONERS ACT, CAP. M8, LAWS FEDERATION OF NIGERIA, 2004;
AND ENACT THE MEDICAL AND DENTAL PRACTITIONERS' BILL, 2021

{ } Commencement.

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

PART I: ADMINISTRATIVE

1. Establishment of the Council

1. (1). There is established the Medical and Dental Council of Nigeria (in this Bill referred to as "the Council").

(2) The Council:

(a) is a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its corporate name; and

(c) may acquire, hold, or dispose of any property, movable or immovable, for the purpose of performing any of its functions under this Bill.

(3) The head office of the Council shall be in the Federal Capital Territory.

(4) The Council may establish offices in each State of the Federation and the Federal Capital Territory.

2. Notwithstanding the provision of any other Act to the contrary, the Council shall, to the exclusion of any other person or body:

Functions of the Council

(a) determine the standard of knowledge and skills to be attained by a person seeking to become a member of the medical or dental profession;

(b) review, from time to time as the Council deems fit, the standard of knowledge and skills determined by the Council;

(c) subject to the provisions of this Bill, establish and maintain a register of persons entitled to practice as members of the medical or dental profession in Nigeria;

(d) make rules with respect to the types of, and the keeping of the register of, persons and the making of entries therein;

(e) specify, from time to time, the fees to be paid by a person who possesses the qualifications and has applied to be registered;

(f) publish, from time to time with such modification as necessary, the register maintained by the Council under paragraph (c) of this subsection;

(g) prepare and issue, from time to time, a code of conduct and ethics, which the Council considers desirable for the profession of medicine and dentistry in Nigeria;

(h) supervise, regulate, and control the practice of homeopathy and other forms of alternative medicine;

(i) make regulations for the operation of clinical laboratory practice in the field of pathology which includes histopathology, forensic pathology, autopsy and cytology, clinical cytogenetics, haematology, medical micro-biology and medical parasitology, clinical chemistry, immunology, medical virology, and any other branch of pathology as may be determined from time to time by the Council:

(j) supervise and control the training, certification and practice of assisted reproductive technology including, but not limited to surrogacy, embryo transfer, embryo manipulation and related practices; and

(k) perform any other function that is necessary to give effect to the provisions of this Bill.

3. The Council shall consist of:

Composition of the Council

(a) a Chairman;

(b) a Vice Chairman to be elected from amongst members;

(c) two representatives of the Federal Ministry of Health who are registered medical practitioners or dental surgeons, one of which shall be the Director of Hospital Services;

(d) the Chief Medical Officer (however designated) of each State of the Federation and the Federal Capital Territory;

(e) a representative of the:

(i) Armed Forces Medical Services, and

(ii) National Medical College of Nigeria;

(f) two representatives of:

(i) Colleges of Medicine and Health Sciences in the Country to be appointed by the Minister in rotation of two of years each, from among the Provosts of such Colleges, but no two of such persons shall be from the same University or State, and

(ii) tertiary hospitals where training of medical or dental students, postgraduate medical or dental training is conducted to be appointed by the Minister in rotation of two years each, from among the chairmen of medical advisory committee or equivalent position, but no two of such persons shall be from the same State;

(g) two representatives of private practitioners of medicine and dentistry nominated by the Association of General Medical and Private Practitioners of Nigeria;

(h) ten representatives nominated by the Nigerian Medical Association but at least two shall be private medical practitioners;

(i) three representatives nominated by the Nigerian Dental Association;

(j) a representative of alternative medicine practitioners appointed by the Minister; and a pathologist and a radiologist to be appointed by National Medical College of Nigeria.

4. (1) The appointment of the Chairman and members of the Council, other than ex-officio members shall be made by the President. Appointment and Tenure

(2) The Vice Chairman of the Council shall be elected from among the members by all members by a simple majority vote at the first meeting of the Council after its inauguration.

(3) The Chairman shall reserve the casting vote and shall not participate in the election of the Vice Chairman other than to conduct it.

(4) The Chairman and members of the Council shall, subject to the provisions of this Bill:

(a) hold office for a term of four years in the first instance; and

(b) may be reappointed for another term of four years and no more.

5. (1) The Chairman or a member of the Council, other than an ex-officio member, may, by notice duly signed and addressed to the Registrar, resign from the Council. Resignation and Removal

(2) The Vice Chairman elected under section 6 (2) may resign or be removed from the position by a simple majority of members of the Council.

(3) The removal of the Vice Chairman shall be in accordance with the procedure as may be provided in the Standing Orders and Rules of the Council:

Provided that the resignation or the removal shall not affect the membership of such person from the Council.

6. (1) Where the Chairman ceases to be Chairman of Council, by any reason other than Filling of vacancy

as provided in section 5 of this Bill, the President shall, in accordance with the provisions of this Bill, appoint another person to complete the tenure of the Chairman.

(2) Where a person other than the Chairman ceases to be a member of the Council, by any reason other than as provided under section 5, the body or person responsible for the nomination or appointment of such person shall nominate another person, in accordance with section 6 of this Bill, to complete the tenure.

(3) The President may remove from office the Chairman or any member of the Council other than ex-officio members if he is satisfied that it is in the interest of the public to do so and the perpetuity of the Council shall be maintained.

A person shall not be a member of the Council unless that person:

Requirements as to practice

7. (a) is registered as a medical practitioner or dental surgeon by the Council; and
(b) has no impairment as to fitness to practise at the point of appointment.

8. (1) There shall be a Registrar of the Council who is responsible for the day-to-day management of the human, financial and material resources of the Council in accordance with this Bill.
(2) The Registrar shall be appointed by the Council.

Appointment of Registrar of the Council

9. (1) A person is qualified to be appointed as Registrar if the person:

Qualifications of Registrar

- (a) is fully registered as a medical practitioner or dental surgeon of at least 15 years post registration; and
(b) possesses reasonable cognate administrative experience in human resources and health matters.

(2) The Registrar shall hold office for a term of four years renewable, subject to satisfactory performance, for another term of four years and no more.

(3) The Registrar shall be paid such emoluments as may be determined by the Council provided that such emoluments shall not be less than those payable to the heads of agencies of the Government of the Federation.

10. In addition to any other duty conferred by any provision of this Bill, the Registrar shall:

Duties of the Registrar

- (a) establish and maintain such number of registers of medical practitioners and dental surgeons in accordance with the rules made by the Council;
(b) record the names, gender, age, address of practice, qualifications and such other particulars of all persons qualified to practise as medical practitioners or

dental surgeons, as the Council may direct in accordance with the provisions of this Bill;

(c) on the directive of the Council:

(i) make corrections or alterations with respect to the record of any person whose name is in the relevant register, or

(ii) remove from the relevant register the name of any person whose name and particulars are in any of the registers being maintained in accordance with provision of this Bill,

(iii) transfer the name of a person from one register to another,

(d) cause the registers of medical practitioners and dental surgeons to be printed, published and put on sale to members of the public and displayed at the appropriate electronic platforms at all times with such modifications, corrections, and alterations to the registers in accordance with the provisions of this Bill; and

(e) cause a print of each edition of the registers to be kept at the head office, State offices of the Council and any other office as may be directed by the Council.

11. (1) The Council may appoint, from time to time, such other staff as may be required for the purposes of the efficient performance of its functions under this Bill. Other Staff of the Council
- (2) The Council has power to promote and discipline all staff of the Council.
- (3) The Council shall pay remuneration (including pensions), allowances or expenses to any member and staff of the Council or any other person in accordance with scales determined by the Council.

PART II - FINANCIAL PROVISIONS.

12. (1) There is established the Medical and Dental Council of Nigeria General Fund (in this Bill referred to as "the Fund") for the day-to-day administration of the Council and into which shall be paid: General Fund of the Council
- (a) funds appropriated annually by the National Assembly; and such funds as the Council may receive as grants, gifts, fees or otherwise in accordance with provisions of this Bill or any other law.
13. (1) The Council shall prepare and submit to the Minister, not later than 31st day of August of the year, an estimate of its expenditure and income during the next succeeding year as may be directed by extant circulars of the Federal Government. Annual Account and Audit
- (2) The Council shall keep proper records of accounts in respect of each financial

year and shall cause its accounts to be audited not later than 31st day of May of the next succeeding year to which the accounts relate by a firm of auditors approved, with respect to that year, by the Council.

(3) The auditors to be approved by the Council shall be in accordance with the provision of section 85 (3) of the Constitution of the Federal Republic of Nigeria.

14. The Council may borrow money, acquire or dispose of any property in accordance with the provisions of this Bill or any other law for the time being in force with respect to borrowing power of government agencies. Power to Borrow Money

15. (1) The Council may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gift

(2) The Council shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Council.

PART III: SUBSTANTIVE PROVISIONS

16. (1) The Council shall maintain separate registers for medical practitioners and dental surgeons in accordance with provisions of this section. Registers

(2) The registers to be maintained by the Council are:

- (i) Provisional Register.
- (ii) Full Register.
- (iii) Specialist Register.
- (iv) Limited or Temporary Register; and
- (v) Exit Register.
- (vi) Suspension Register.

17. The Council may, from time to time, make regulations specifying the qualifications, fees to be paid and mode of application to be made for the entry of a person's name into any of the registers maintained by the Council. Regulations with respect to register

18. (1) Subject to the provisions of this Bill and direction of the Council, the Registrar shall cause the name of any person to be removed from the register if: Removal of a name from the register

- (a) the person is dead.
- (b) the person is registered for a limited time and the time has elapsed; or
- (c) the person is provisionally registered and has qualified or failed to qualify for full registration.

(2) Nothing in subsection (1) of this section shall preclude the Registrar from removing the name of any person from any of the registers in compliance with an order of the tribunal.

(3) Where the Registrar sends a correspondence either by registered post, email or any other form of correspondence to a registered person with respect to any thing concerning the registration of such person, the person shall, within 30 days of postage or sending of such correspondence:

(a) respond to the issues raised in the correspondence, and

(4) Where no response is received within the specified time under subsection (3) of this section,

the Registrar shall remove the name of such person from the register if no response is received within 14 days after similar correspondence is sent by the Registrar for the second time.

(5) The Registrar shall, by the direction of the Council, restore the name of any person removed from the Register pursuant to the provisions of this Bill.

(6) The Registrar shall give notice in writing by registered post email or any other form of correspondence to any medical practitioner or dental surgeon concerned with respect to the removal of the person's name from any of the registers under this section.

19. Subject to the provisions of this Bill and any other rule made by the Council, a person is entitled to be fully registered as a medical practitioner or as a dental surgeon if the person:

Registration of Medical Practitioners and dental surgeon

(a) has attended a course of training approved by the Council in one or more approved institutions with respect to either medical or dental profession and obtained an approved qualification; and

(b) holds a certificate of experience issued under Section 33 of this Bill.

20. (1) A person, who has obtained an approved medical or dental qualification and satisfies the Registrar that the person is of good character and is about to be employed for the purpose of obtaining certificate of experience under this Bill, shall, subject to the rules made by the Council, be entitled to be provisionally registered as a medical practitioner or dental surgeon.

Provisional Registration

(2) A person who is provisionally registered shall, for the purposes of employment at any recognised institution with a view to obtaining a certificate of experience, but not for any other purpose, be deemed to be fully registered.

21. (1) Where a person other than a Nigerian satisfies the Council that the person:

Limited Registration

(a) is a registered medical practitioner or dental surgeon in any country other than Nigeria,

(b) has been selected for employment for a specified period in an approved hospital or in an approved institution in Nigeria in the capacity of a medical practitioner or dental surgeon,

(c) intends to be in Nigeria for a limited period for the purposes of the employment in question,

(d) has passed the assessment examination, of the Council, if any, or

(e) has submitted all his relevant training and working documents, where applicable, and reference letter from the head of his current or last employer, as the case may be,

the Council may, if it deems fit, give a direction that the person shall be registered for a limited period as a medical practitioner or as a dental surgeon.

(2) The registration of a person for a limited period shall:

(a) continue only while the person is in such employment for the purpose of which the limited registration is granted; and

(b) cease on the termination of the employment or the period specified by the Council, whichever is earlier.

(3) Nothing in subsection (2) of this section shall preclude the Council from giving a further extension of the limited registration under subsection (1) of this section in respect of the expiration of a specified period and whose commencement coincides with the expiration of another such period.

(4) A person registered in accordance with the provisions of this section shall, in relation to the employment for the purpose of which the limited registration is granted, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matters shall be treated as not so registered.

(5) No person or group of persons with limited registration shall be allowed to manage any health institution independently.

(6) In the case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purposes of this section.

(7) In case of dental emergency, in the absence of a qualified and registered dental surgeon, a medical practitioner may stabilize a dental patient before referral to the nearest available dental surgeon.

22. (1) Every registered medical practitioner or dental surgeon shall obtain a practising license for each year after paying to the Council, the prescribed fees as may be determined from time to time by the Council. Practising License

(2) Every medical practitioner or dental surgeon that has been issued with a practising license as provided under subsection (1) shall obtain a practising seal from the Medical and Dental Council of Nigeria.

(3) The Council shall share the aggregate amount collected as practising fee during the year as follows:

- (a) 70% to the Nigerian Medical Association; and
- (b) 30% to the Council.

23. A registered medical practitioner or dental surgeon is exempted from payment of practising fee where the person is: Exemption

- (a) fully registered and has attained the age of 70 years; or
- (b) undergoing the mandatory National Service under the National Youth Service Corps Scheme.

24. (1) Where a registered medical practitioner or dental surgeon defaults in the payment of practising fees prescribed by the Council, and practises within that period, the person shall: Default in payment of practising fees

- (a) pay the outstanding practising fee to the Council;
- (b) in the case of default, be levied an amount twice the prescribed practising fee for every year of default.

(2) A registered medical practitioner or dental surgeon who contravenes sections 23 (1) of this Bill and is in the employment of a person, the employer is also liable to pay to the Council an amount not less than five times the prescribed practising fees for every year of default.

25. Subject to the provisions of this Bill, the Council may give approval to any institution in Nigeria which it considers properly organised and equipped, for conducting the whole or any part of a course of training approved by the Council under this Bill. Approval of Institutions
The Council, for the purpose of this Bill, has power to:

26. (a) approve any course of training intended for persons who are seeking to become, or are already members of the medical or dental profession, and which the Council considers is designed to confer on the persons sufficient or additional knowledge and skill for the practice of the profession or for practice of a specialized branch of the profession;

(b) approve any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council that they have sufficient knowledge and skill to practice medicine or dentistry or to practice as members of a specialized branch of the professions; and

(c) determine the minimum qualifications for persons engaged or to be engaged in the training of persons seeking to become medical practitioners or dental surgeons.

27. (1) The Council shall not, in pursuance of section 25 of this Bill, approve a qualification granted by an institution in Nigeria with respect to persons seeking to be members of the medical or dental profession unless the qualification bears:

Designation of qualification

(a) Bachelor of Medicine and Surgery; or

(b) Bachelor of Dental Surgery.

(2) The Council shall, in pursuance to section 27 of this Bill, not approve a qualification granted by an institution in Nigeria with respect to medical practitioners or dental surgeons seeking to become members of a specialised branch of medicine or dentistry unless the qualification bears:

(a) a Fellowship of a Postgraduate Medical College of Nigeria or its equivalent recognized by the Council; and

(b) any other appellation as may be determined by the Council from time to time.

(3) Nothing in this subsection precludes the Council from approving qualifications specifying specialisation by medical practitioners or dental surgeons in the clinical, or basic medical and dental sciences.

28. (1) The Council may institute an assessment examination for holders of foreign medical or dental qualifications recognised by the government of the countries from

Assessment of Examination For registration

where such qualifications were obtained before granting registration to the holders of such qualification to practice medicine or dentistry in Nigeria.

(2) The holders of foreign medical or dental qualifications may be required to show evidence of at least provisional registration to practice in the country of training, and/or clinical attachment for not less than one year in a Nigerian teaching hospital or similar institution in Nigeria, before sitting for the assessment examination.

(3) The Council shall determine from time to time foreign graduates who shall be required to undergo the clinical attachment referred to in subsection (2) of this section.

29. (1) The Council may, if it deems fit, withdraw any approval given under this Bill in respect of any institution, course, or qualification.

Withdrawal of Approval for
Institution, course or qualification

(2) the Council shall, before exercising the powers conferred on it by this section:

- (a) give notice that it proposes to do so to each person by whom the course is conducted, or the qualification is granted, or the institution is controlled, as the case may be;
- (b) afford each such person an opportunity of making to the Council presentations regarding the proposal; and
- (c) take into consideration any presentations made with respect to the proposal in pursuance of paragraph (b) of this subsection.

(3) Where the Council, pursuant to the provisions of this section, withdraws the approval of an institution, course or qualification, such withdrawal shall not prejudice the registration or eligibility for registration of any person who by virtue of the prior approval was registered or eligible for registration (either unconditionally or subject to the obtaining a certificate of experience) immediately before the approval was withdrawn.

(4) The giving or withdrawal of any approval under this section shall have effect on such date, either before or after the execution of the instrument signifying the giving or withdrawal of approval, as the Council may specify in the instrument and the Council shall publish a copy of every such instrument in the Federal Government Gazette.

30. (1) The Council has a supervisory role on all approved institutions in Nigeria established for the:

Supervision of Institutions and
Examinations

- (a) training of persons seeking to become medical practitioners or dental surgeons; or
- (b) training of medical practitioners or dental surgeons seeking to become members of a specialized branch of either profession.

- (2) The Council shall supervise the examinations conducted in such institutions.
- (3) Every approved institution shall keep the Council informed of the nature of:
 - (a) the instructions given to persons attending approved courses of training; and
 - (b) the examinations through which the approved qualifications are granted.
 The Council may appoint, either from among its members or other persons, visitors to visit approved institutions or to observe such examinations at least once in three years.

31. (1) It is the duty of a visitor or visitors appointed under section 32 of this Bill to report to the Council on: Visitation Report

- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions.
- (b) the sufficiency of the examinations observed; and
- (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case request the Visitor(s) to report.

Notwithstanding the provision of this section, no visitor shall interfere with the giving of any instruction or the holding of any examination.

32. (1) Upon receipt of report made under section 33 of this Bill, the Council shall, as soon as practicable, send a copy of the report to the person in charge of the institution to which the report relates, requesting such person to make observations with respect to the report within a time specified by the council: Right of response for the visitation Report

Provided that the time given by the Council under subsection (1) of this section, shall not be less than 30 days beginning with the date of the request.

33. (1) A person who, after obtaining an approved medical or dental qualification, satisfies the conditions specified in subsection (2) of this section is entitled to receive free of charge a certificate of experience in the prescribed form. Certificate of response

(2) The conditions which a person must satisfy under subsection (1) of this section are:

- (a) employment for the prescribed period at a recognised institution in Nigeria with a view to obtaining a certificate of experience;
- (b) residence throughout that period either in the institution or near to it in accordance with requirements in that behalf specified in the terms of his

employment;

(c) acquisition of practical experience during employment under the personal supervision and guidance of one or more fully registered medical practitioner or dental surgeon as the case may be, in the practice of surgery, obstetrics and gynecology, pediatrics and medicine or dental surgery, as the case may be, for such periods as may be prescribed in relation to each of those subjects respectively; and

(d) the manner in which the person carried out the duties of the employment and the person's conduct during the period of the employment must have been satisfactory.

(3) It is the duty of the person in charge of a recognised institution at which a person is employed with a view to obtaining a certificate of experience to ensure that the person is afforded proper opportunities of acquiring the practical experience required for the purposes of subsection (2) of this section.

(4) The Council shall make regulations to provide for the certification of certificate of experience issued by institutions outside Nigeria.

(5) In this section, "recognized" means approved for the time being for the purposes of this section by Order of the Council.

34. (1) Where after having been employed as mentioned for the purpose of section 33 of this Bill at any institution, a person is refused a certificate of experience he is entitled to: Denial of Certificate

(a) receive from the person in charge of the institution particulars in writing of the grounds of the refusal; and

(b) appeal against the refusal to a Committee of the Council in accordance with rules made by the Council in that behalf (including Rules as to the time within which appeals are to be brought).

(2) After duly considering any such appeal the committee shall either dismiss the appeal or issue the certificate of experience in question or give such other directive in the matter as it considers just.

35. (1) There is established the Medical and Dental Practitioners Investigation Panel (in this Bill referred to as "the Panel"). Establishment, appointment, duties and tenure of investigation panel

(2) The Panel shall consist of 15 members appointed by the Council, at least three of whom shall be dental surgeons.

(3) The Panel established under subsection (1) of this section shall be charged with

the duties of:

- (a) conducting a preliminary investigation into any case where it is alleged that a registered person has committed gross professional misconduct in his capacity as a medical practitioner or dental surgeon or for any other reason, be subject of proceedings before the Disciplinary Tribunal;
 - (b) compel the appearance of any person by subpoena to give evidence before it;
 - (c) decide whether or not to refer any registered person to the Tribunal;
 - (d) deciding, if satisfied that to do so is necessary for the protection of members of the public, make an order of interim suspension of a registered practitioner whose case they have decided to refer for adjudication, and the case to be given accelerated hearing by the Disciplinary Tribunal within three months;
 - (e) make an Order for Conditional Registration of a registered person if satisfied that such an Order is necessary for the protection of the public or is in the person's interest; and
 - (f) an Order of Conditional Registration shall specify the conditions upon which compliance the person's registration is conditioned and specify the period of such conditions not exceeding 18 months;
- (4) A person on whom an Order of interim suspension has been invoked shall remain suspended until the matter is determined by the Tribunal as provided in paragraph (d) of this subsection.
- (5) The outcome of the disciplinary proceedings and action(s) or sanctions of the Nigerian Medical Association against her members shall lay to the Panel.
- (6) Members of the Panel shall hold office for a term of four years and may be eligible for reappointment.
- (7) The provisions of the Second Schedule to this Bill shall be applicable to the Panel with respect to its proceedings.

36. (1) There is established the Medical and Dental Practitioners Disciplinary Tribunal (in this Bill referred to as "the Disciplinary Tribunal") charged with the duty of considering and determining any:

Establishment of Disciplinary Tribunal

- (a) case referred to it by the Panel established under this Bill; and
- (b) other case of which the Disciplinary Tribunal has cognizance under the provisions of this Bill.

(2) The Disciplinary Tribunal shall consist of:

(a) the Chairman of the Council or an appointee of the Chairman of the Council who is a member of the Council;

(b) 10 other persons who shall include three Council members, at least two persons who are fully registered dental surgeons, four persons from among the past Disciplinary Tribunal members.

(3) The Disciplinary Tribunal shall remain in force and continue to sit and exercise jurisdiction over matters referred to it by the Panel, notwithstanding any expiration of the tenure of the Council.

(4) If any person willfully:

(a) gives false evidence on oath before the Tribunal during the course of any proceedings, or

(b) makes a false statement in any affidavit sworn for the purpose of any such proceedings,

the Tribunal may refer the matter to the Attorney General of the Federation for prosecution.

37. (1) Where the Tribunal finds a registered person under this Bill to:

Penalties for misconduct

(a) be guilty of professional misconduct,

(b) have been convicted by any court of law or tribunal in Nigeria or elsewhere for an offence (whether or not an offence punishable with imprisonment) which, in the opinion of the Tribunal, is incompatible with the status of a registered person under this Bill,

(c) have been fraudulently registered in any of the registers maintained by the Council under this Bill,

the Disciplinary Tribunal shall give any of the directions specified in subsection (2) of this section.

(2) The directions which the Disciplinary Tribunal shall give under this section are:

(a) ordering the Registrar to erase the person's name from the relevant register;

(b) suspend the person from the profession for at least six months and not exceeding 18 months as may be specified in the direction; or

(c) admonishing that person.

(3) When the Tribunal gives a direction under this section, the Tribunal shall cause a notice of the direction to be served on the person to whom it relates.

38. (1) An appeal on the decision of the Tribunal shall lie as of right to the Court of Appeal within 28 days of issuance of the direction pursuant under this Bill. Right of Appeal

(2) There shall be no interlocutory appeal in respect of any direction or order made by the Disciplinary Tribunal.

(3) There shall be no stay of proceeding in respect of any matter pending before the Panel or Disciplinary Tribunal.

39. (1) A person whose name is erased from a register in pursuance of a direction of the Tribunal under this Bill is not entitled to be registered in that register again except in accordance with the direction of the Tribunal. Power of the Tribunal to Register person again

The Tribunal, pursuant to subsection (1) of this section, may upon an application by the person, direct the Registrar to register that person again, on such terms it may deem fit.

40. (1) Subject to subsection (4) of this section, no person other than a registered medical practitioner shall: Offences and Penalties

(a) for or in expectation of reward, practise or hold himself out to practise as a medical practitioner;

(b) take or use the title of physician, surgeon, doctor or licentiate of medicine, medical practitioner; or

(c) without reasonable excuse, take or use any name, title, addition or description implying that he is authorised by law to practise as a medical practitioner.

(2) Subject to subsections (4) of this section, no person other than a registered dental surgeon shall:

(a) for or in expectation of reward, practise or hold himself out to practice as a dental surgeon.

(b) take or use the title of dental surgeon, doctor, dentist, dental officer, or dental practitioner, or

(c) without reasonable excuse take or use any name, title, addition, or description implying that he is authorised by law to practise as a dentist.

(3) A person who contravenes subsections (1) or (2) of this section commits an offence and is liable on conviction to a punishment under this Bill.

(4) Where any person is acknowledged by the generality of members of the community to which he belongs as having been trained in the system of

therapeutic medicine traditionally in use in that community, nothing in subsections (1) (a) and (2) (a) of this subsection shall be construed as making it an offence for that person to practise or to hold himself out to practise that system.

(5).The provision of subsection (4) of this section does not extend to any activity involving an incision in human tissue or to administering, supplying or recommending the use of any dangerous drug within the meaning of Part V of the Dangerous Drugs Act Cap. D1, Laws of the Federation of Nigeria, 2004.

41. (1) Any person who, for the purpose of procuring the registration of any name, qualification or other matter under this Bill, makes a statement which turns out to be false in a material particular commits an offence. False Statement
- (2) Any person employed by the Council who makes any falsification in any matter relating to the registers established under this Bill commits an offence.
- (3) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to punishment under this Bill.
42. (1) A person who is guilty of an offence under sections 40 and 41 of this Bill, is liable: Vicarious liability of corporate body and its officer
- (a) on summary conviction, to a fine of at least ₦500,000.00 or imprisonment for a term of at least two years; and
 - (b) on conviction after trial, to a fine of at least ₦1,000,000.00 or imprisonment for a term of at least five years;
 - (c) on conviction of a corporate body, its principal officers shall be fined not less than ₦2,500,000.00.
- (2) Nothing in section 40 of this Bill shall be construed as making it an offence for a person employed as a medical practitioner or dental surgeon on any ship, other than a Nigerian ship within the meaning of the Merchant Shipping Act Cap. M11 Laws of the Federation Nigeria, 2004 to act as a medical practitioner or dental surgeon in relation to the master, crew and passengers of that ship.
- (3) Where an offence, under sections 40 and 41 has been committed by a person and it is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any Chief Medical Director, Manager, Secretary or other principal officers of a body corporate, the officer and the body corporate are also deemed to be guilty jointly and severally of the same offence and shall be liable to be prosecuted and punished accordingly.
- (4) Where a person knowingly employs an unregistered medical practitioner or dental surgeon, he commits an offence and is liable on conviction to:

- (a) a fine of N1,000, 000;
- (b) a term of imprisonment for one year; or
- (c) both fine and imprisonment.

PART V: MISCELLANEOUS.-

43. (1) A person shall not hold an appointment or practise as a medical practitioner or dental surgeon in Nigeria unless the person is registered by the Council under this Bill.
- (2) A registered medical practitioner or dental surgeon is entitled to practise as a medical practitioner or dental surgeon, throughout Nigeria.
- (3) No person shall issue a prescription, medical report, medical certificate of fitness, sick report or any other related document except the person is a fully registered medical practitioner.
- (4) No person shall issue a prescription or report on the oral health of a person, dental report, sick report, or any other related documents except the person is a fully registered dental surgeon.
- (5) A registered medical practitioner or dental surgeon shall not issue a prescription for a medicine except it is written on the prescription form approved by the Council.
- (6) Pursuant to subsections (3) and (4) of this section, the documents therein shall have the practise seal of the medical practitioner or dental surgeon duly affixed as appropriate.
- (7) No person other than a fully registered medical practitioner or dental surgeon is entitled to bring any proceeding in any court of law for the purpose of recovering any fee or other consideration payable in respect of services rendered or facilities or things supplied by the person when purporting to act as a medical practitioner or as a dental surgeon.
- 8) It is the duty of the person in charge of the medical school, postgraduate medical colleges, or similar institution in Nigeria at which there is held a course of training intended for:
- (a) persons seeking to become members of the medical or dental profession, or
 - (b) medical or dental practitioners seeking to become specialists in a field of medicine or dentistry, to furnish to the Registrar, a list of successful candidates immediately after the publication of the pass list.
- (9) The successful candidates referred to in subsection 12 (a) of this section shall be

posted by the Council to approved hospitals for the purpose of acquiring the Certificate of Experience pursuant to section 24 of this Bill.

(10) No person shall hold the post of medical or dental officer of Health unless the person is registered as a medical or dental practitioner, as the case may be.

44. (1) Any power to make regulations, rules or orders conferred by this Bill includes the power to:

46. Power to make regulations, rules or orders

(a) make provisions for such incidental and supplementary matters as the Council considers expedient; and

(2) make different provisions for different circumstances
In this Bill:

Interpretation

“alternative medicine” means homeopathy, naturopathy, acupuncture, and osteopathy as defined in the Code of Conduct issued by the Council for Alternative Medicine Practice;

“approved medical or dental qualification” under section 24 of this Bill means a qualification which is approved in respect of the medical or dental profession;

“Certificate of experience” means a certificate granted in pursuance of section 33 of this Bill;

“Chairman” means the Chairman of the Council appointed under section 6 of this Bill;

“Clinical or Medical Laboratory” means laboratory for the practice of Pathology;

“Council” means the Medical and Dental Council of Nigeria established under section 4 of this Bill;

‘Chief Medical Officer’ means the Director of Medical or Hospital Services (or however designated) in the State’s Ministry of Health and the Federal Capital Territory other than the Permanent Secretaries or Commissioners for health;

“Dentistry” in relation to its practice includes the prevention and management of diseases and malformations of the teeth, gums, oral cavity, and related structures;

“A registered Dental Surgeon” means a person who gives all dental related treatments, which includes but not limited to routine extractions and oral surgery

procedures, all forms of tooth restorations, fitting of dentures and dental appliances and other maxillofacial surgery operation”

“Gazette” means the Gazette of the Federal Government of Nigeria.

“Incision” means a deliberate cut, or a wound made by a sharp instrument on a human being.

“Impairment to fitness to practise” means conviction for misconduct in a professional respect or interim suspension pending disciplinary proceeding; deficient professional performance; a conviction or caution for a criminal offence; adverse physical or mental health; or a determination by a Tribunal or Court in Nigeria or elsewhere that fitness to practise is impaired.

“laboratory” means a room, building or institution either as a stand alone or in a health facility equipped for scientific research, experimentation, investigation, analysis, and diagnosis of a disease (illness) or health related problem.

“medically qualified” means a person registered fully as a medical practitioner or dental surgeon by the Council.

“Minister” means the Minister of the Government of the Federation charged with responsibility for matters relating to Health.

‘Panel’ means Medical and Dental Practitioners’ Investigation Panel established under this Bill.

“Pathology” means the branch of medicine that deals with the clinical and laboratory examination and processing of samples of body tissues, cells, excretions and fluids for the diagnosis, treatment, and monitoring of response to treatment of disease; and analysis and provision of forensic evidence;

“Pathologist” means a medical practitioner that specialized in pathology and registered as such by the council;

‘Practitioner’ means a person registered by council to practice medicine or dentistry.

“Radiology” means the branch of medicine that deals with the use of radioactive substances and equipment for scientific research, experimentation, investigation,

diagnosis, treatment, analysis, and provision of forensic evidence, and monitoring of response to treatment of disease;

“Register” means a register maintained under this Bill;

“Registrar” means the officer appointed pursuant to section 11 of this Bill;

“Regulations” means rules, orders, directives, and other such instruments made by the Council for the control of the medical and dental professions in Nigeria including accreditation of practitioners’ practice premises;

“Tissue” means any part of the human body or fluid or blood that has multiple cells; and

‘Tribunal’ means Medical and Dental Practitioners’ Disciplinary Tribunal established under this Bill.

This Bill may be cited as the Medical and Dental Practitioners (Repeal and Enactment) Bill, 2021. Citation

(1) The Medical and Dental Practitioners Act Cap. M8, Laws of the Federation of Nigeria is repealed. Repeals and Savings

(2) Notwithstanding subsection (1) of this section:

(a) Any person whose name was immediately before the coming to force of this Bill, included in any of the Registers maintained under the repealed Enactment shall, without further application or payment of any other fee, be deemed to be registered under the appropriate provision of this Bill.

(b) Any Register kept in pursuance of the repealed Act shall be deemed to be part of the Register to be kept under this Bill.

(c) Any document referring to a provision of the repealed Act shall be construed as a reference to the corresponding provision of this Bill.

(d) Where any offence, being an offence for the continuance of which a penalty was provided, has been committed under the repealed Act, proceedings may be taken under this Bill in respect of the continuance of the offence after the commencement of this Bill, in the same manner as if the offence had been committed under the corresponding provisions of this Bill.

- (3) All Assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the body established by the repealed Act shall by virtue of this Bill be vested in the Council.
- (4) As from the commencement of this Bill-
- (a) the rights, interests, obligations and liabilities of the body referred to in subsection (3) of this section existing immediately before the commencement of this Bill under any contract or instruction or at law or in equity are hereby assigned to and vested in the Council; and
- (b) any such contract or instrument shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the body mentioned in the repealed Act, the Council has been named therein or had been a party thereto.
- (5) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the body mentioned in the repealed Enactment in respect of any rights, interest, obligation or liability of the body aforesaid may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Council to the same extent that any such proceeding, cause of Action or determination could have been continued, commenced or enforced by or against the body aforesaid if this Bill had not been made.
- (6) Notwithstanding the repeal of Act referred to in this section, if the Council deems it expedient that any vacancy in the Council should be filled by a person holding office at the commencement of this Bill in the body dissolved by this section it may employ such person by way of transfer to the Council and the previous service in the dissolved body by such person shall count as service for the purposes of any pension subsequently payable by the Council.

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Council

1. Vice-chairman and Secretary At any time while the office of Chairman is vacant, or the Chairman is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his office, the Vice-Chairman shall perform those functions and reference in this Schedule to the Chairman shall be construed accordingly.
2. A Vice-Chairman who ceases to be a member of Council shall cease to be Vice-Chairman.
3. The Registrar shall serve as the Secretary to the Council and to the Disciplinary Tribunal.
4. Subject to the provisions of this Bill and of section 27 of the Interpretation Act, the Council may make standing

- orders regulating the proceedings of the Council or any committee thereof.
5. The quorum of the Council shall be one third of membership and the quorum of any committee of the Council shall be determined by the Council.
 6. Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman and if the chairman is required to do so by notice given to him by one-third of members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
 7. At any meeting of the Council the Chairman or, in his absence, the Vice Chairman shall preside, but if both are absent the members present at the meeting shall elect from amongst themselves one person to preside at that meeting.
 8. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt that person as a member for such period as it deems fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote or be voted at any meeting of the Council and shall not be counted for the purposes of reckoning a quorum.
 9. Notwithstanding anything in the foregoing provisions of this schedule, the vacancies created in the membership of the Council by the coming to effect of this Bill shall be filled as provided in section 6 of this Bill.
 10. The Council may appoint one or more committees to carry out, on its behalf, such of its functions as the Council may determine.
 11. A committee appointed pursuant to paragraph 10 of this schedule, shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be non-members of 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 letter by which he is appointed.
 12. A decision of a committee of the Council (other than the committee mentioned in Section 37 of this Bill) shall be of no effect until it is confirmed by the Council.
 13. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and of Secretary to the Council.
 14. 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 by any person generally or specially authorized to act for that purpose by the Council.
 15. Any document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
 16. The validity of any proceedings of the Council or a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or any defect in the appointment of a member of the Council, or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.
 17. Any member of the Council, and any person holding office in a committee of a Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council or committee and shall not vote on any question relating to that contract or arrangement.
 18. A person shall not, by reason of his membership of the Council only, be treated as holding an office in the Public Service of the Federation.

SECOND SCHEDULE

The Disciplinary Tribunal

Supplementary provisions relating to the Disciplinary Tribunal and Investigation Panel.

The Disciplinary Tribunal.

1. The quorum of the Disciplinary Tribunal shall be the Chairman and four (4) other members of whom:
 - (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
 - (b) one at least shall be a registered dental surgeon in a case relating to a registered dental surgeon.
2. The Chief Justice of Nigeria shall make rules 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 Disciplinary Tribunal.
3. The rules shall in particular provide:
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
 - (c) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (d) as to the costs of proceedings before the Disciplinary Tribunal;
 - (e) for requiring, in a case where it is alleged that the person who is the subject of proceedings is guilty of professional misconduct, that where the Disciplinary 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 matter to which the allegation relates;
 - (f) for publishing in the Federal Gazette, notice of any direction of the Disciplinary Tribunal which has taken effect, providing that a person's name shall be erased from a register.
4. For the purpose of any proceedings before the Disciplinary Tribunal, any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Court of Appeal writs of subpoena ad testificandum et duces tecum, but no person appearing before the Disciplinary Tribunal shall be compelled to:
 - (a) make any statement before the Disciplinary Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.
5. For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall be appointed by Council in all such proceedings, legal practitioners or a firm of legal practitioners of not less than 10 years at the bar recommended by the Chief Justice of Nigeria, one of which shall participate in the proceedings of the Tribunal.
6. The Chief Justice of Nigeria shall make rules as to functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that:
 - (a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or persons aforesaid shall be informed what advice the assessor has tendered; and

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

A law firm to serve as assessors may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall continue and cease to be appointed in accordance with the terms of the letter by which the firm is appointed.

the Panel

The quorum of the Panel shall be five who:

- 1) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
- 2) one at least shall be a fully registered dental surgeon in a case relating to a registered dental surgeon.

The Panel may, at any meeting attended by not less than five members, including not less than one registered dental surgeon, make standing orders with respect to the Panel.

3. Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

4. A person ceasing to be a member of the Disciplinary Tribunal or the Panel shall be eligible for reappointment as a member of that body.

5. A person may, if otherwise eligible, be a member of both the Disciplinary 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 Disciplinary Tribunal with respect to that case.

6. The Disciplinary 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 body, or subject to section 38 of this Bill, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

7. The Disciplinary Tribunal and the Panel may each sit in two or more divisions.

8. The Chairman of Council or his appointee shall serve as Chairman of any of the divisions of the Tribunal.

9. Any document authorised or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Panel shall be served on the Secretary of the body concerned.

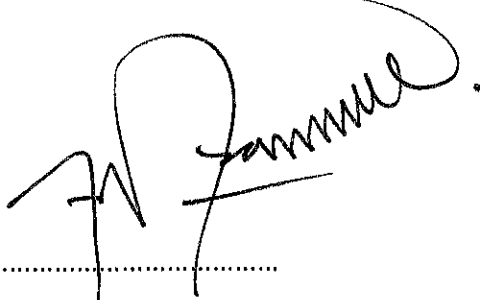
10. Any expenses of the Disciplinary Tribunal or the Panel shall be defrayed by the Council.

11. A person shall not, by reason only of being a legal assessor to the Disciplinary Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Medical and Dental Practitioners Act Cap. M8, Laws Federation of Nigeria, 2004 and enact the Medical and Dental Practitioners Bill 2021 for the regulation and control of medical and dental professions in Nigeria.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 8TH JUNE, 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