

A BILL

FOR

AN ACT TO REPEAL THE MEDICAL AND DENTAL PRACTITIONERS ACT 1988; AND TO RE-ENACT THE MEDICAL AND DENTAL PRACTITIONERS' ACT TO ESTABLISH THE MEDICAL AND DENTAL COUNCIL OF NIGERIA FOR THE REGISTRATION OF MEDICAL PRACTITIONERS AND DENTAL SURGEONS AND TO PROVIDE FOR A DISCIPLINARY TRIBUNAL FOR THE DISCIPLINE OF MEMBERS AND RELATED MATTERS THERETO, 2020

Sponsored by Senator Adamu Aliero

[] Commencement

ENACTED By the National Assembly of the Federal Republic of Nigeria as-

1 **1.** This Bill may be cited as the Medical and Dental Practitioners Citation
2 Act 1988 (Repeal and Re-enactment) Bill, 2020.

3 **2.** In this Bill, unless the context otherwise requires: Interpretation

4 "Alternative Medicine" means homeopathy, naturopathy, acupuncture and
5 osteopathy as defined in the Code of Conduct issued by the Council for
6 Alternative Medicine Practice;

7 "Approved medical or dental qualification" under section 24 of this Bill
8 means a qualification which is approved in respect of the medical or dental
9 profession;

10 "Certificate of experience" means a certificate granted in pursuance of
11 section 38 of this Bill;

12 "Chairman" means the Chairman of the Council appointed under section 7
13 of this Bill;

14 "Council" means the Medical and Dental Council of Nigeria established
15 pursuant to Section 4 of this Bill;

16 "Dentistry" in relation to its practice includes the giving of any advice or
17 treatment or the performance of any procedure necessary for the cure or

1 preservation of the mouth and its surrounding structures usually given by or
2 performed by a Dental Surgeon and includes all operations necessary or
3 incidental to the preparation and fitting of dentures, artificial teeth or other
4 dental appliances or other maxillo-facial operation so however that:

5 (a) in case of emergency of which the medical practitioner shall be the
6 sole judge, nothing shall preclude a medical practitioner from extracting teeth;
7 and

8 (b) a qualified Dental Therapist or Dental Nurse acting under the
9 supervision of a Registered Dental Surgeon may scale and polish teeth;

10 "Gazette" means the Gazette of the Federal Republic of Nigeria;

11 "Minister" means the Minister charged with responsibility for matters relating
12 to health;

13 'Panel' means Medical and Dental Practitioners' Investigation Panel
14 established under this Bill;

15 "Register" means a Register maintained under this Bill;

16 "Registrar" means the Registrar appointed pursuant to section 13 of this Bill;

17 "Regulations" means regulations made by the Council;

18 'Tribunal' means Medical and Dental Practitioners' Disciplinary Tribunal
19 established under this Bill.

Application 20 3. The provision of this Bill shall apply to all persons who are
21 authorized to practice as Medical Practitioners or Dental Surgeon under this
22 Bill or any other law in Nigeria.

Establishment
of the Council 23 4.-(1). The Medical and Dental Council of Nigeria (hereafter in this
24 Bill referred to as 'the Council') is hereby established.

25 (2). The Council shall be a body corporate with perpetual succession
26 with a common seal and may sue and be sued in its name.

Functions of
the Council 27 5. Notwithstanding the provision of any other Act to the contrary, the
28 Council shall to the exclusion of any other body, perform the following
29 functions:

30 (1) determine the standard of knowledge and skill to be attained by a

1 person seeking to become a member of the medical or dental profession;

2 (2) review from time to time as the Council deems fit, the standard
3 of knowledge and skill determined by the Council pursuant to subsection (1)
4 of this Section;

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

8 (4) make rules with respect to the types of and the keeping of the
9 register of persons and the making of entries therein.

10 (5) specify from time to time, the fees to be paid by a person who
11 possess the qualification(s) and has applied to be registered.

12 (6) publishing from time to time with such modification the
13 registers maintained by the Council pursuant to subsection (3) of this
14 section;

15 (7) prepare and issue from time to time, a code of conduct, which
16 the Council considers desirable for the professions of Medicine and
17 Dentistry in Nigeria;

18 (8) control the practice of homeopathy and other forms of
19 alternative medicine;

20 (9) make regulations for the operation of clinical laboratory
21 practice in the field of Pathology; and

22 (10) any other function that is necessary to give effect to the
23 provision of this Bill.

24 **6.** The Council shall consist of following

Composition
of the Council

25 (a) Chairman;

26 (b) Vice Chairman;

27 (c) two representatives of the Federal Ministry in charge of health
28 who are registered medical or dental practitioners;

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

- 1 (e) a representative of the Armed Forces Medical Services.
- 2 (f) a representative of the National Post-Graduate Medical College;
- 3 (g) Three representatives of Colleges or Faculties of Medicine in the
- 4 Country to be appointed by the Minister in rotation two years each, from
- 5 among the provosts or deans of such Colleges or faculties, provided no two of
- 6 such persons shall be from the same University or state;
- 7 (h) nine representatives of the Nigerian Medical Association;
- 8 (i) two representatives the Nigerian Dental Association;
- 9 (j) a representative of alternative medicine practitioners;
- 10 (k) two pathologists to be nominated by the National Post-Graduate
- 11 Medical College of Nigeria;
- 12 (l) the Registrar of the Council
- 13 (m) The appointment of the Chairman and other members of the
- 14 Council other than Ex-officio members shall be made by the President on the
- 15 recommendation of the Minister;
- 16 (n) The Vice Chairman of the council shall be elected from among its
- 17 ex-officio members by all members at the first meeting of the council after it is
- 18 inaugurated.
- 19 **7.** The Chairman and members of the Council appointed pursuant to
- 20 section 7 of this Bill shall, subject to the provision of this Bill, hold office for a
- 21 period of four years and may be reappointed for another period of four years
- 22 and no more.
- 23 **8.**(1) The Chairman or member of the Council other than an ex-
- 24 officio member may by notice duly signed and addressed to the Registrar,
- 25 resign from the Council.
- 26 (2) The Vice Chairman elected under section 7 sub section 2 may
- 27 resign or be removed from the position by members of the council.
- 28 (3) the removal of the vice chairman shall be in accordance with the
- 29 procedure as may be provided in the Standing Orders and Rules of the council.
- 30 (4) Provided that the resignation or the removal in sub section (2) of

Appointment
and Tenure

Resignation
and Removal

1 this section, shall not affect the membership of such person from the council.

2 **10.**-(1) Where the Chairman or any member of the Council ceases
3 to be the Chairman or member of the Council by any reason other than as
4 provided in section 8 of this Bill, the President shall in accordance with the
5 provisions of this Bill appoint another to complete the tenure of the person
6 who ceases to be the Chairman or members as the case may be.

7 (2) Where a person who ceases to be a member in accordance with
8 subsection (1) of this section was appointed to Council pursuant to
9 nomination under Section 6 of this bill, the body responsible for the
10 nomination of such person, shall nominate another person in accordance
11 with section 6 of this Bill

12 (3) The President shall have the power to remove from office the
13 chairman or any member of the Council other than Ex-officio members if he
14 is satisfied that it is in the interest of the public so to do.

15 (4) It is hereby declared that at no time would the Council be
16 dissolved in its entirety.

17 **11.** A person shall not be a member of the Council unless that Qualification
18 person is a registered Medical Practitioner or Dental Surgeon who has no
19 impairment as to fitness to practice at the point of appointment

20 **12.**-(1). There shall be a Registrar of the Council who shall be
21 responsible for the day-to-day management of the human, financial and
22 material resources of the Council in accordance with this Bill.

23 (2) the registrar shall be appointed by the Council.

24 **13.**-(1) A person is qualified to be appointed Registrar if the person; Appointment
of Rrgistrar of
the Council

25 (i) is fully registered medical practitioner or dental surgeon of not
26 less than 10 years post registration; and

27 (ii) possessed reasonable cognate administrative experience in the
28 health matters.

29 (2) The registrar shall hold office for a term of four years which

1 may be renewable, subject to satisfactory performance, for another term of four
2 years.

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

Duties of the
Registrar

7 **14.**-(1) In addition to any other duty conferred by any provision of this
8 Bill, the Registrar shall perform the following functions;

9 (a) establish and maintained such number of Registers of medical
10 Practitioners and dental Surgeons in accordance with the rules made by the
11 Council;

12 (b) record the names, address, qualification and such other particulars
13 all persons qualified to practice a medical practitioners or dental surgeon in
14 accordance with the provision of this Bill;

15 (c) with the directive of the council, make corrections or alterations
16 with respect to the record of any person whose name is in the relevant register;

17 (d) removed from the relevant register the name of any person whose name and
18 particulars is on any of the registers being maintained in accordance with
19 provision of this Bill;

20 (e) to transfer the name of a person from one register to another in
21 accordance with the directive of the council;

22 (f) cause the registers of medical practitioners and dental surgeons to
23 be printed, published and put on sale to members of the public at all times with
24 such modifications, corrections, and alterations to the registers in accordance
25 with the provision of this Bill;

26 (g) cause a print of each edition of the register to be kept at the
27 principal offices of the Council.

Other Staff of
the Council

28 **15.**-(1) The Council shall have power to appoint from time to time
29 such other staff as may be required for the purposes of the efficient
30 performance of the functions of the Council pursuant to this Bill.

1 (2) Subject to subsection (1) of this section, the remuneration of the
2 staff of the Council shall be determined by the Council after consultation
3 with the National Salaries and Wages Commission.

4 **16.** There shall be established the Medical and Dental Council of
5 Nigeria General Fund for the day-to-day administration of the Council into
6 which shall be paid-

General Fund
of the Council

7 (a) such sums as shall be appropriated annually by the National
8 Assembly pursuant to the provision of this Bill.

9 (b) such sums as the Council may receive as grants, gifts, fees or
10 otherwise in accordance with provisions of this Bill or any other law.

11 **17.**-(1). The Council shall prepare and submit to the National
12 Assembly, not later than the 30th day of July of each year, an estimate of its
13 expenditure and income during the next succeeding financial year

Annual Account
and Audot

14 (2)The Council shall keep proper records of accounts in respect of
15 each financial year and shall cause its accounts to be audited as soon as may
16 be practicable after the end of the financial year to which the accounts relate
17 by a firm of auditors approved, with respect to that year, by the Council.

18 (3) The auditors to be approved by the Council shall be in
19 accordance with the provision of Section 85 (3) of the Constitution of the
20 Federal Republic of Nigeria, 1999 (as amended).

21 **18.** The Council shall, with the prior consent of the Minister, have
22 power to borrow money, acquire or dispose of any property in accordance
23 with the provision of this Bill or any other law for the time being in force
24 with respect to borrowing power of government agencies

Power to borrow
money

25 **19.** -(1) The Council may accept gifts of land, money or other
26 property upon such terms and conditions, if any as may be specified by the
27 person or organization making the gift.

Power to accept
gifts

28 (2) The Council shall not accept any gift if the conditions attached
29 by the person or organization making the gift to the acceptance thereof are
30 inconsistent with or threaten the functions of the Council

Registers	1	20. -(1) The Council shall maintain separate registers for medical
	2	practitioners and dental surgeons in accordance with provisions of this section.
	3	(2) The registers to be maintained by the Council are:
	4	(i) Provisionally registered persons;
	5	(ii) Fully registered persons;
	6	(iii) Specialist registered persons; and
	7	(iv) Limited registered persons.
Regulations with respect to Registers	8	21. The council may from time to time make regulations specifying
	9	the qualifications, fees to be paid and mode of application to be made for the
	10	entry of a person's name into any of the registers maintained by the Council.
Removal of a name from the Register	11	22. Subject to the provisions of this Bill and direction of the Council,
	12	the Registrar shall cause the name of any person to be removed from the
	13	register if:
	14	(a) the person is dead;
	15	(b) the person is registered for a limited time and the time has elapsed;
	16	(c) the person is provisionally registered and has qualified or failed to
	17	qualify for full registration.
	18	(1) Nothing in subsection (1) of this section shall preclude the
	19	Registrar from removing the name of any person from any of the registers in
	20	compliance with an Order of the Tribunal or a Court of law;
	21	(2) Where the Registrar sends a correspondence either by registered
	22	post, email or any other form of correspondence to a registered person with
	23	respect to any thing concerning the registration of such person, the person shall
	24	within 30 days of postage or sending of such correspondence, respond to the
	25	issue(s) raised in the correspondence;
	26	(3) Where no response is received within the specified time under
	27	subsection (3) of this section, the Registrar shall remove the name of such
	28	person from the register if no response is received within fourteen days after
	29	similar correspondence is sent by the Registrar for the second time;
	30	(4) The Registrar shall by the direction of the Council restore the

1 name of any person removed from the Register pursuant to the provision of
2 this Bill;

3 (5) The Registrar shall give notice in writing by registered post to
4 any medical practitioner or dental surgeon concerned with respect to the
5 removal of the person's name from any of the registers pursuant to the
6 provision of this section.

7 **23.** Subject to the provision of this Bill and to any other Rules made
8 by the Council, a person shall be entitled to be fully registered as a medical
9 practitioner or as a dental surgeon if the person -

Registration of
Medical
Practitioners
and Dental surgeon

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

13 (b) holds a certificate of experience issued in pursuance of section
14 21 of this Bill.

15 **24.** A person who has obtained an approved medical or dental
16 qualification and satisfies the Registrar that the person is of good character
17 and is about to be employed for the purpose of obtaining certificate of
18 experience under this Bill, shall, subject to the provisions of Rules made by
19 the Council and provisions of section 39 of this Bill, be entitled to be
20 provisionally registered as a medical practitioner or dental surgeon.

Provisional
Registration

21 **25.** A person who is provisionally registered shall, for the purposes
22 of employment at any recognized institution with a view to obtaining a
23 certificate of experience, but not for any other purposes, be deemed to be
24 fully registered.

25 (1) Where a person other than a Nigerian satisfies the Council:

26 (a) that the person is a registered medical practitioner or dental
27 surgeon in any country other than Nigeria;

28 (b) that the person has been selected for employment for a specified
29 period in an approved hospital or in an approved institution in Nigeria in the
30 capacity of a medical practitioner or dental surgeon;

1 (c) that the person intends to be in Nigeria for a limited period for the
2 purposes of the employment in question; and

3 (d) the person has passed the assessment examination, if any, of the
4 Council;

5 (e) The Council may, if it thinks fit, give a direction that the person
6 shall be registered for a limited period as a medical practitioner or as a dental
7 surgeon as the case may be.

8 (2) The registration of a person for a limited period shall continue
9 only while the person is in such employment for the purpose of which the
10 limited registration is granted and shall cease on the termination of the
11 employment or the period specified by the Council, whichever is earlier.

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

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

21 (5) No person with limited registration shall be allowed to manage on
22 his own a public or private health institution.

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

Practicing
license

26 **26.** -(1). Every registered medical practitioner or dental surgeon shall
27 for each year pay to the Council, the prescribed practicing fees as may be
28 determined from time to time by the Council

29 (2). The Council shall share the aggregate amount collected as
30 practicing fees during the year as follows-

1 (a) sixty percent to the Nigeria Medical Association and Nigerian
2 Dental Association which shall be shared between them proportionally with
3 reference to the number of registered medical practitioners and dental
4 surgeons in the particular year; and

5 (b) Forty percent to the Council.

6 **27.** A registered medical practitioner or dental surgeon shall be Exemption
7 exempted from payment of practicing fee where the person -

8 (a) has attained the age of seventy years or forty-five years of post-
9 registration of good standing; or

10 (b) is undergoing the mandatory National service under the
11 National Youth Service Corps Scheme.

12 **28.** Where a registered medical practitioner or dental surgeon Default in payment
13 defaults in the payment of practicing fee prescribed by the council, and of Practicing Fees
14 practices within that period, the person shall:

15 (a) pay the outstanding practicing fee to the Council; and

16 (b) be levied one percent daily, of the outstanding practicing fee
17 from the day the person is in default of payment.

18 (c) where a person in default fails to comply with subsection (1) of
19 this section, and the council charge such person in accordance with the
20 provision of this Bill, the person shall be guilty of an offence and shall be
21 liable on conviction to:

22 (i) In the case of a first offender, comply with the provision of
23 subsection (1) of this section and to a fine of twice the prescribed practicing
24 fees; or

25 (ii) In any other case other first offender; comply with the provision
26 of subsection (1) of this section and to a fine of not less than ten times the
27 prescribed practicing fee.

28 (d) if a registered medical practitioner or dental surgeon who
29 contravenes Sections 26 (1) and 28 of this Bill is in the employment of any
30 person, that person shall also be guilty of an offence and punished in like

	1	manner as the medical practitioner or dental surgeon.
Approval of Institutions	2	29. Subject to the provision of this Bill, the Council may give
	3	approval to any institution in Nigeria which it considers properly organized
	4	and equipped, for conducting the whole or any part of a course of training
	5	approved by the Council under this Bill.
Approval of courses and qualification	6	30. The Council shall, for the purpose of this Bill, have power to
	7	approve:
	8	(1) any course of training intended for persons who are seeking to
	9	become, or are already members of the medical or dental profession, and which
	10	the Council considers is designed to confer on the persons sufficient or
	11	additional knowledge and skill for the practice of the profession or for practice
	12	of a specialized branch of the profession;
	13	(2) any qualification which, as a result of an examination taken in
	14	conjunction with a course of training approved by the Council under this
	15	section is granted to candidates reaching a standard at the examination
	16	indicating, in the opinion of the Council that they have sufficient knowledge
	17	and skill to practice the profession in question or to practice as members of a
	18	specialized branch of that profession.
Designation of qualifications	19	31. The Council shall in pursuance to Section 30 of this Bill, not
	20	approve a qualification granted by an institution in Nigeria with respect to
	21	persons seeking to be members of the medical or dental profession unless the
	22	qualification bears one of the following designations (with or without the
	23	addition of words indicating specialization in a particular field), that is to say-
	24	(a) Bachelor of Medicine and Bachelor Surgery (MBBS); or
	25	(b) Bachelor of Dental Surgery. (BDS)
Assessment Examination for Registration	26	32. The Council may institute an assessment examination for holders
	27	of foreign medical or dental qualifications recognized by the government of the
	28	Countries from where such qualifications were obtained before granting
	29	registration to the holders of such qualification to practice the Medical or
	30	Dental profession in Nigeria.

- 1 **33.** -(1). The Council may, if it thinks fit, withdraw any approval
2 given under this Bill in respect of any institution, course or qualification. Withdrawal of
approval for
Institution, courses
or qualification
- 3 (2). the Council shall, before exercising the powers conferred on it
4 by this section shall-
- 5 (a) give notice that it proposes to do so to each person by whom the
6 course is conducted or the qualification is granted or the institution is
7 controlled, as the case may be;
- 8 (b) afford each such person an opportunity of making to the
9 Council presentation with regard to the proposal; and
- 10 (c) take into consideration any presentations made with respect to
11 the proposal in pursuance of paragraph (b) of this subsection.
- 12 (3). Where the Council pursuant to the provisions of this section
13 withdraws the approval of an institution, course or qualification, such
14 withdrawal shall not prejudice the registration or eligibility for registration
15 of any person who by virtue of the prior approval was registered or eligible
16 for registration (either unconditionally or subject to the obtaining a
17 certificate of experience) immediately before the approval was withdrawn.
- 18 (4). The giving or withdrawal of any approval under this section
19 shall have effect on such date, either before or after the execution of the
20 instrument signifying the withdrawal of approval, as the Council may
21 specify in the instrument and the Council shall:
- 22 (a) publish a copy of every such instrument in the Federal Gazette;
23 and
- 24 (b) not later than seven days before the publication aforesaid,
25 send a copy of the instrument to the Minister.
- 26 **34.**-(1). The Council shall have a supervisory role on all approved Supervision of
Institutions and
Examinations
27 institutions in Nigeria, established for the training of Medical practitioners
28 and Dental surgeons and the examinations conducted therein.
- 29 (2). every institution shall keep the Council informed of the nature
30 of;

1 (a) the instructions given at approved institutions to persons attending
2 approved courses of training; and

3 (b) the examinations through which approved qualifications are
4 granted.

5 (3). The Council may appoint, either from among its members or
6 other persons to visit approved institutions or to observe such examination at
7 least once in three years.

Visitation report

8 **35.**-(1). It shall be the duty of a visitor or visitors appointed under
9 section 34 of this Bill to report to the Council on-

10 (a) the sufficiency of the instructions given to persons attending
11 approved courses of training at institutions;

12 (b) the sufficiency of the examinations observed; and

13 (c) any other matter(s) relating to the institution(s) or examination(s)
14 on which the Council may, either generally or in a particular case request the
15 Visitor(s) to report,

16 (d) Notwithstanding the provision of this section, no visitor(s) shall
17 interfere with the giving of any instruction or the holding of any examination.

Right of response
to the Visitation
report

18 **36.**-(1) Upon receipt of report made pursuant Section 34 of this Bill,
19 the Council shall, as soon as practicable, send a copy of the report to the person
20 in charge of the institution to which the report relates, requesting such person to
21 make observation with respect to the report within a time specified by the
22 council;

23 (2). Provided that the time given by the Council pursuant to
24 subsection (1) of this section, shall not be less than thirty days beginning with
25 the date of the request.

Certificate of
Experience

26 **37.**-(1). A person who after obtaining an approved medical or dental
27 qualification, satisfies the conditions specified in subsection (2) of this section
28 shall be entitled to receive free of charge a certificate of experience in the
29 prescribed form.

30 (2). The conditions which a person must satisfy under subsection (1)

1 of this section are-

2 (a) employment for the prescribed period at a recognized
3 institution in Nigeria with a view to obtaining a certificate of experience;

4 (b) residence throughout that period either in the institution or near
5 to it in accordance with requirements in that behalf specified in the terms of
6 his employment;

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

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

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

21 (4). The Council shall make regulations to provide for the issuance
22 of certificate of experience in respect of employment at institutions outside
23 of Nigeria.

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

26 **38.** Where after having been employed as mentioned for the
27 purpose of Section 36 of this section at any institution, a person is refused a
28 certificate of experience he shall be entitled to:

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

Denial of
Certificate

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

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

Establishment,
appointment
and tenure of
Investigation
Panel

7 **39.** -(1). There shall be established a body to be known as the Medical
8 and Dental Practitioners Investigation Panel (hereafter in this Bill referred to as
9 "the Panel")

10 (2). The Panel established under subsection (1) of this Section shall be
11 charged with the duties of-

12 (a) conducting a preliminary investigation into any case where it is
13 alleged that a registered person has misbehaved in his capacity as a medical
14 practitioner or dental surgeon or for any other reason that may be subject of
15 proceedings before the Disciplinary Tribunal;

16 (b) compel the appearance of any person by subpoena to give
17 evidence before it;

18 (c) decide whether or not to refer any registered person to the
19 Tribunal;

20 (d) order the interim suspension of the registered person whom the
21 Panel has decided to refer to the Tribunal, if the Panel deems it necessary for the
22 protection of the public that the person's practice is unsafe;

23 (e) make an Order for Conditional Registration of a registered person
24 if satisfied that such an Order is necessary for the protection of the public or is
25 in the person's interest;

26 (f) an Order of Conditional Registration shall specify the conditions
27 upon which compliance the person's registration is conditioned, and specify
28 the period of such condition(s) not exceeding 18 months.

29 (g) A person on whom an Order of interim suspension has been
30 invoked shall remain suspended until the matter is determined by the Tribunal

1 or an appellate court

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

4 (4). Members of the Panel shall hold office for a term of four years
5 and shall be eligible for reappointment.

6 (5). The provisions of the Second Schedule to this Bill shall be
7 applicable to the Panel with respect to its proceeding.

8 **40.**-(1). There shall be established a tribunal to be known as the
9 Medical and Dental Practitioners Disciplinary Tribunal (in this Bill referred
10 to as "the Disciplinary Tribunal"), which shall be charged with the duty of
11 considering and determining any case referred to it by the Panel established
12 under this Bill and any other case of which the Disciplinary Tribunal has
13 cognizance under the provisions of this Bill.

Establishment
of Disciplinary
Tribunal

14 (2). The Disciplinary Tribunal shall consist of the Chairman of the
15 Council and ten other members of the Council appointed by the Council who
16 shall include not less than two persons who are fully registered dental
17 surgeons.

18 **41.**-(1). Where the Tribunal finds a registered person under this Bill
19 to:

Penalties for
misconduct

20 (a) Be guilty of infamous conduct in any professional respect;

21 (b) Have been convicted by any Court of Law or Tribunal in
22 Nigeria or elsewhere for an offence (whether or not an offence punishable
23 with imprisonment) which in the opinion of the Tribunal is incompatible
24 with the status of a registered persons under this Bill

25 (c) Have been fraudulently registered in any of the registers
26 maintained by the Council pursuant to this Bill;

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

29 (2). The direction which the Disciplinary Tribunal shall give under
30 subsection (1) of this section are:

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

3 (b) suspend the person from the profession for such period not less
4 than six months and not exceeding eighteen months as may be specified in the
5 direction; or

6 (c) Admonishing that person.

7 (3) When the Tribunal gives a direction under subsection (1) of this
8 section, the Tribunal shall cause notice of the direction to be served on the
9 person to whom it relates.

Right of Appeal

10 **42.**-(1). An appeal on the decision of the Tribunal shall lie as of right to
11 the Court of Appeal within 28 days of issuance of the direction pursuant to the
12 provision of this Bill.

13 (2). provided that an order of interim suspension pursuant to S. 39(2)
14 of this Bill shall remain applicable pending the determination of the appeal.

15 (3). there shall be no interlocutory appeal in respect to any direction or
16 order made by the Disciplinary Tribunal.

17 (4). there shall be no stay of proceeding in respect of any matter
18 pending before the Disciplinary Tribunal.

19 **43.** Subject to provision of Section 39(2), a direction of the Tribunal
20 shall take effect:

21 (a) where no appeal under this is pending against the direction within
22 the time allowed for the appeal, on the expiration of that time;

23 (b) where there is a pending appeal but the appeal is withdrawn,
24 struck out or dismissed

Power of the
Tribunal to
Register a person
again

25 **44.** -(1) . A person whose name is erased from a register in pursuance
26 of a direction of the Tribunal under this bill shall not be entitled to be registered
27 in that register again except in accordance with the direction of the tribunal.

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

- 1 45.-(1). Subject to subsections (4) of this section, no person other
2 than a registered medical practitioner shall: Offences and
Penalties
- 3 (a) for or in expectation of reward, practice or hold himself out to
4 practice as a medical practitioner;
- 5 (b) take or uses the title of physician, surgeon, doctor or licentiate
6 of medicine, medical practitioner or apothecary;
- 7 (c) Without reasonable excuse takes or uses any name, title
8 addition or description implying that he is authorized by law to practice as a
9 medical practitioner;
- 10 (2). Subject to subsections (4) of this section, no person other than a
11 registered dental surgeon shall-
- 12 (a) for or in expectation of reward, practice or hold himself out to
13 practice as a dental surgeon;
- 14 (b) takes or uses the title of dental surgeon, dentist or dental
15 practitioner, or
- 16 (c) without reasonable excuse takes or uses any name, title,
17 addition or description implying that he is authorized by law to practice as a
18 dentist,
- 19 (3). A person who contravenes the of subsection (1) and (2) of this
20 section is guilty of an offence and is liable on conviction to a punishment
21 under this Bill.
- 22 (4). Where any person is acknowledged by the generality of
23 members of the community to which he belongs as having been trained in
24 the system of therapeutic medicine traditionally in use in that community,
25 nothing in subsection (1a) and (2a)of this subsection shall be construed as
26 making it an offence for that person to practice or to hold himself out to
27 practice that system.
- 28 (5). The provision of subsection (4) of this section shall not extend
29 to any activity involving an incision in human tissue or to administering,
30 supplying or recommending the use of any dangerous drugs within the

1 meaning of Part V of the Dangerous Drugs Bill.

False Statement

2 **46** -(1). any person who for the purpose of procuring the registration
3 of any name, qualification or other matter under this Bill makes a statement
4 which turns out to be false in a material particular is guilty of an offence

5 (2). any person employed by the Council who makes any falsification
6 in any matter relating to the Registers established pursuant to this Bill is guilty
7 of an offence.

8 (3). a person who contravenes the provision of this section shall be
9 liable, on conviction to punishment under this Bill.

Vicarious liability
of corporate body
and its officers

10 **47** -(1). A person who is guilty of an offence under sections 45 and 46
11 of this Bill, shall be:

12 (a) on summary conviction to a fine not exceeding N500, 000:00; or
13 imprisonment for a term not exceeding two years or both on conviction after
14 trial, to a fine not exceeding N1, 000,000:00; or imprisonment for a term not
15 exceeding five years or to both such fine and imprisonment.

16 (3). Nothing in section 45 of this Bill shall be construed as making it
17 an offence for a person employed as a medical practitioner or dental surgeon on
18 any ship, other than a Nigerian ship within the meaning of the Merchant
19 Shipping Bill, to Bill as a medical practitioner or dental surgeon in relation to
20 the master, crew and passengers of that Ship.

21 **48**. Where an offence, under sections 45 and 46 has been committed
22 by a person and it is proved to have been committed with the consent or
23 connivance of, or to be attributable to any negligence on the part of any
24 Director, Manager, Secretary or other principal officer(s) of a body corporate,
25 the officer and the body corporate shall also be deemed to be guilty jointly and
26 severally of the same offence and shall be liable to be proceeded against and
27 punished accordingly.

28 **49** -(1). A person shall not hold an appointment or practice as a
29 medical practitioner or dental surgeon in Nigeria unless the person is registered
30 by the Council under this Bill.

1 (2). A registered medical practitioner or dental surgeon shall be
2 entitled to practice as a medical practitioner or dental surgeon, throughout
3 Nigeria.

4 (3). A document or any part of a document which is required by any
5 Law in Nigeria to be issued or signed by a medical practitioner or a dental
6 surgeon of a particular description shall not, if issued or signed, after this
7 Bill comes into force, be valid unless it is issued or signed, by a fully
8 registered medical practitioner or dental surgeon.

9 (4). No person other than a fully registered medical practitioner or
10 dental surgeon shall be entitled to bring any proceedings in any Court of
11 Law for the purpose of recovering any fee or other consideration whatsoever
12 payable in respect of services rendered or facilities or things supplied by the
13 person when purporting to act as a medical practitioner or as a dental
14 surgeon.

15 (5). A fee for services rendered or any amount due to a medical
16 practitioner or dental surgeon in pursuit of the practice of the profession,
17 shall be due fourteen days after the service of the demand letter on the
18 person(s) or authority concerned, pursuant to Third Schedule to this Bill.

19 (6). The recovery procedure with respect to subsection (5) of this
20 Section shall be as provided in third schedule to this Bill.

21 (7). It shall be the duty of the person in charge of the Medical
22 School of a University or similar institution in Nigeria at which there is held
23 a course of training intended for persons who are seeking to become
24 members of the medical or dental profession to furnish to the Registrar, a list
25 of successful candidates immediately after the publication of the pass list.

26 **50.**-(1). Any power to make Regulations, Rules or Orders Regulations
27 conferred by this Bill shall include the power to:

28 (a) make provisions for such incidental and supplementary matters
29 as the Council considers expedient for the purposes of that power; and

30 (b) make different provisions for different circumstances.

1 (2). The Minister shall submit a copy of all regulations made by the
2 Council to the President as soon as practicable.

3 (3). where the President decides not to approve, the regulation shall
4 without prejudice to anything previously done in pursuance thereof, cease to
5 have effect on the day after the date of the decision.

6 FIRST SCHEDULE

7 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

8 *Vice-chairman and Secretary*

9 1. At any time while the office of chairman is vacant or the chairman
10 is, in the opinion of the Council, permanently or temporarily unable to perform
11 the functions of his office, the vice-chairman shall perform those functions and
12 reference in this Schedule to the chairman shall be construed accordingly

13 2. A vice-chairman who ceases to be a member shall cease to be vice-
14 chairman.

15 3. The Registrar shall in addition to being a member, serve as the
16 Secretary of the Council.

17 4. Subject to the provisions of this Bill and of section 27 of the
18 Interpretation Act, the Council may make standing orders regulating the
19 proceedings of the Council or any committee thereof.

20 5. The quorum of the Council shall be one third of membership and
21 the quorum of any committee of the Council shall be determined by the
22 Council.

23 6. Subject to the provisions of any standing orders of the Council, the
24 Council shall meet whenever it is summoned by the Chairman and if the
25 chairman is required to do so by notice given to him by not less than six other
26 members, he shall summon a meeting of the Council to be held within fourteen
27 days from the date on which the notice is given.

28 7. At any meeting of the Council the chairman or, in his absence, the
29 vice chairman shall preside, but if both are absent the members present at the
30 meeting shall appoint one of their member to preside at that meeting.

1 8. Where the Council desires to obtain the advice of any person on
2 a particular matter, the Council may co-opt that person as a member for such
3 period as it thinks fit but a person who is a member by virtue of this sub-
4 paragraph shall not be entitled to vote at any meeting of the Council and
5 shall not be counted for the purposes of reckoning a quorum.

6 9. Notwithstanding anything in the foregoing provisions of this
7 paragraph, the inauguration of the Council shall be summoned by and
8 presided over by the Minister.

9 10. The Council may appoint one or more committees to carry out,
10 on its behalf, such of its functions as the Council may determine.

11 11. A committee appointed pursuant to paragraph 10 of this
12 schedule, shall consist of the number of persons determined by the Council,
13 and not more than one-third of those persons who are not members of the
14 Council; and a person other than a member of the Council shall hold office
15 on the committee in accordance with the terms of the letter by which he is
16 appointed.

17 12. A decision of a committee of the Council (other than the
18 committee mentioned in Section 39 of this Bill) shall be of no effect until it is
19 confirmed by the Council.

20 13. The fixing of the seal of the Council shall be authenticated by
21 the signature of the Registrar and of Secretary to the Council.

22 14. Any contract or instrument which, if made or executed by a
23 person not being a body corporate, would not be required to be under seal
24 may be made or executed on behalf of the Council by any person generally
25 or specially authorized to Bill for that purpose by the Council.

26 15. Any document duly executed under the seal of the Council
27 shall be received in evidence and shall, unless the contrary is proved, be
28 deemed to be so executed.

29 16. The validity of any proceedings of the Council or a committee
30 thereof shall not be affected by any vacancy in the membership of the

1 Council or committee, or any defect in the appointment of a member of the
2 Council, or of a person to serve on the committee, or by reason that a person not
3 entitled to do so took part in the proceedings.

4 17. Any member of the Council, and any person holding office in a
5 committee of a Council, who has a personal interest in any contract or
6 arrangement entered into or proposed to be considered by the Council or a
7 committee thereof shall forthwith disclose his interest to the Council or
8 committee and shall not vote on any question relating to that contract or
9 arrangement.

10 18. A person shall not, by reason of his membership of the Council
11 only, be treated as holding an office in the public service of the Federation.

12 SECOND SCHEDULE

13 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL
14 AND INVESTIGATING PANEL.

15 *The Disciplinary Tribunal.*

16 1. The quorum of the Disciplinary Tribunal shall be four (4) members
17 of whom:

18 (a) all shall be fully registered medical practitioners in a case relating
19 to a registered medical practitioner and;

20 (b) one at least shall be a registered dental surgeon in a case relating to
21 a registered dental surgeon.

22 2. The Attorney-General of the Federation shall make rules as to the
23 selection of members of the Disciplinary Tribunal for the purposes of any
24 proceedings and as to the procedure to be followed and the rules of evidence to
25 be observed in proceedings before the Disciplinary Tribunal.

26 3. The rules shall in particular provide:

27 (a) for securing that notice of the proceedings shall be given, at such
28 time and in such manner as may be specified by the rules, to the person who is
29 the subject of the proceedings.

30 (b) for determining who, in addition to the quorum aforesaid, shall be

1 a party to the proceeding;

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

4 (d) for enabling any party to the proceedings to be represented by a
5 legal practitioner;

6 (e) as to the costs of proceedings before the Disciplinary Tribunal;

7 (f) for requiring, in a case where it is alleged that the person who is
8 the subject of proceedings is guilty of infamous conduct in any professional
9 respect, that where the Disciplinary Tribunal adjudges that the allegation has
10 not been proved it shall record a finding that the person is not guilty of such
11 conduct in respect of the matter to which the allegation relates:

12 (g) for publishing in the Federal Gazette, notice of any direction of
13 the Disciplinary Tribunal which has taken effect providing that a person's
14 name shall be erased from a register.

15 4. For the purpose of any proceedings before the Disciplinary
16 Tribunal, any member of the Disciplinary Tribunal may administer oaths
17 and any party to the proceedings may issue out of the registry of the Court of
18 Appeal writs of subpoena ad testificandum et duces tecum; but no person
19 appearing before the Disciplinary Tribunal shall be compelled to:

20 (a) make any statement before the Disciplinary Tribunal tending to
21 incriminate himself; or

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

24 5. For the purpose of advising the Disciplinary Tribunal on
25 questions of law arising in proceedings before it, there shall in all such
26 proceedings, be a legal practitioner of not less than ten years standing at the
27 Bar, from a firm of Legal practitioners appointed by the Council on the
28 nomination of the Chief Justice of Nigeria, to serve as legal assessors

29 6. The Chief Justice of Nigeria shall make rules as to functions of
30 assessors appointed under this paragraph, and in particular such rules shall

1 contain provisions for securing that:

2 (a) where an assessor advises the Disciplinary Tribunal on any
3 question of law as to evidence, procedure or any other matters specified by the
4 rules, he shall do so in the presence of every party or person representing a
5 party to the proceedings who appears thereat or, if the advice is tendered while
6 the Disciplinary Tribunal is deliberating in private, that every such party or
7 persons aforesaid shall be informed what advice the assessor has tendered;

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

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

15 *The Panel*

16 8. The quorum of the Panel shall be five who:

17 (a) all shall be fully registered medical practitioners in a case relating
18 to a registered medical practitioner; and

19 (b) one at least shall be a fully registered dental surgeon in a case
20 relating to a registered dental surgeon.

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

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

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

28 12. A person may, if otherwise eligible, be a member of both the
29 Disciplinary Tribunal and the Panel; but no person who acted as a member of
30 the Panel with respect to any case shall act as a member of the Disciplinary

1 Tribunal with respect to that case.

2 13. The Disciplinary Tribunal or the Panel may act
3 notwithstanding any vacancy in its membership; and the proceedings of
4 either body shall not be invalidated by any irregularity in the appointment of
5 a member of that body, or subject to section 39 of this Bill, by reason of the
6 fact that any person who was not entitled to do so took part in the
7 proceedings of that body.

8 14. The Disciplinary Tribunal and the Panel may each sit in two or
9 more divisions.

10 15. Any document authorized or required by virtue of this Bill to
11 be served on the Disciplinary Tribunal or the Panel shall be served on the
12 Secretary concerned.

13 16. Any expenses of the Disciplinary Tribunal or the Panel shall be
14 defrayed by the Council.

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

18 THIRD SCHEDULE

19 RECOVERY OF SERVICES' FEE AND RELATED PAYMENTS

20 1. Demand letter specifying date, amount and the nature of the
21 services rendered.

22 2. Bill or note containing the details of the service(s) rendered.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Medical and Dental Practitioners Act 1988; and to Re-enact the Medical and Dental Practitioners' Act to Establish the Medical and Dental Council of Nigeria for the registration of Medical Practitioners and Dental Surgeons and to provide for a Disciplinary Tribunal for the discipline of Members.