

THE MIDWIVES DECREE 1966



ARRANGEMENT OF SECTIONS

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Decree No. 79

Commence-  
ment of

[See s. 26(2)]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Midwives Board of Nigeria

1.—(1) There shall be established a body to be known as the Midwives Board of Nigeria (in this Decree referred to as "the board") which under that name shall be a body corporate with perpetual succession and a common seal and be charged with the general duty of—

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become registered midwives (in this Decree referred to as "midwives") and raising those standards from time to time as circumstances may permit;

(b) securing in accordance with the provisions of this Decree the establishment and maintenance of—

(i) a register of midwives, and  
(ii) a register to be known as "the provisional register" of such other persons as the board may recognise for the purposes of this Decree,

and thereafter securing the publication from time to time by the secretary to the board of lists of those persons whose names were entered in such registers; and  
(c) performing the other functions conferred on the board by this Decree.

(2) Subject to the provisions of this Decree, the board shall consist of persons appointed by the Federal Executive Council and shall comprise,—

(a) as chairman, the chief medical adviser for the time being to the Federal Military Government or, in his absence or because of his inability to act for any reason, the person for the time being discharging that function; and

(b) as members, the following persons, namely,—  
(i) the deputy chief medical adviser,  
(ii) five persons only being the holders of office as principal matron or as the case may be chief nursing officer in the Federal territory and in Northern, Eastern, Western and Mid-Western Nigeria respectively.

(iii) five persons, being one professional representative from the Midwifery school in the Federal territory and one such representative from the midwifery school in each of the Regions referred to in sub-paragraph (ii) above.

(iv) the person who, by whatsoever designation known, is the principal officer in the Federal Ministry of Education concerned with secondary education of girls,  
(v) two persons only as representatives of missionary hospitals in Nigeria, and

(vi) one member of the armed forces.

Financial provisions

2.—(1) The board shall prepare and submit to the Federal Executive Council, not later than the first day of September of the year in which this subsection comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.

(2) The board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts, and shall cause its accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Federal Executive Council.

(3) The Ministry may, with the approval of the Federal Executive Council, make to the board either by way of grant or by way of loan, payments of such amounts as that Council may from time to time determine.

Control of board generally

3.—(1) The Federal Executive Council through the Federal Ministry of Health may give to the board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the board of its functions, and it shall be the duty of the board to comply with the directions.

(2) Before giving a direction under subsection (1) of this section, the Ministry shall serve a copy of the proposed direction on the board and shall afford the board an opportunity of making representations to it with respect to the direction; and after considering any representations made in pursuance of this subsection, the Permanent Secretary may give the direction either without modification, or with such modifications as appear to be appropriate, having regard to the representations.

Appointment of registrar and preparator, etc., of registers

4.—(1) There shall, on the recommendation of the board, be appointed as registrar of the board a fit person who may be a midwife in the employ of the Public Service of the Federation.

Provided that the registrar may also be the secretary with the approval of the Federal Executive Council.

(2) There may likewise be so appointed a deputy registrar, or education officer and such other officers as may from time to time be necessary for the purposes of this Decree.

(3) The registrar shall, in accordance with rules made by the board under this section, prepare and maintain a register of the names, addresses and approved qualifications and of such other particulars as may be specified, of all persons who are entitled to be registered under this Decree and who apply in the specified manner to be registered.

(4) Subject to the following provisions of this section, the board shall make rules with respect to the form and keeping of the registers and the making of entries therein, and in particular—

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

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

(c) specifying the fees to be paid to the board in respect of the entry of names on a register and authorising the registrar to refuse to enter a name on the appropriate register until any fee specified for the entry has been paid;

(d) specifying anything falling to be specified under the foregoing provisions of this section;

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by the Federal Executive Council.

(5) It shall be the duty of the registrar—

(a) to correct, in accordance with the directions of the board, any entry in the register which the board directs him to correct as being in the opinion of the board an entry which was incorrectly made;

(b) to make from time to time any necessary alterations in the registered particulars of registered persons; and

(c) to remove from the register the name of any registered person who has died.

(6) If the registrar—

(a) sends by post to any registered person a registered letter addressed to her at her address on the register enquiring whether the registered particulars relating to her are correct and receives no reply to the letter within the period of six months from the date of posting it, and

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the register; and the board may direct the registrar to restore to the appropriate register any particulars removed therefrom under this subsection.

5.—(1) It shall be the duty of the registrar—

(a) to cause the registers to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this section comes into force; and

(b) in each year after that in which a register is first published under paragraph (a) of this subsection to cause to be printed, published and put on sale as aforesaid a corrected edition of the register or as the board thinks fit a list of corrections made to the register since it was last printed; and

(c) to cause a print of each edition of the registers and of the list of corrections to be deposited at the principal office or offices, as the case may be, of the board.

and it shall be the duty of the board to keep the registers and lists so deposited open at all reasonable times for inspection by members of the public.

Publication of registers and lists of corrections.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year shall, as an alternative to any other mode of proof in any proceeding, be admissible as evidence that any person specified in the document or in the documents if read together, as being registered under this Decree—

(a) is so registered, or

(b) is so registered subject to payment of the prescribed fee; and that if not specified in the registers he is not so registered.

(3) The registers shall show in an appropriately headed column when the registration fee was paid by each person appearing as registered therein, unless exempted under this Decree.

*Training, Examination and Registration*

6. (1) The board may approve—

(a) any course of training intended for persons who are seeking to become or are already midwives, and which the board considers is designed to confer on persons completing it sufficient knowledge and skill for that occupation or for practice as members of a specialist branch thereof;

(b) any institutions, either in Nigeria or elsewhere, which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board under this section;

(c) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the board, that they have sufficient knowledge and skill to practise as midwives;

(d) experimental schemes for the basic and post-basic education of midwives;

but no scheme of training and examination other than that prescribed for any recognised midwifery training institution in Nigeria shall, without the approval of the Federal Executive Council, be adopted by the board, or be put into operation or be extended in its operation.

(2) Any examination passed upon completion of a course of midwifery training under a scheme adopted by the board under this section shall be accepted by the board as sufficient evidence of entitlement to registration in the appropriate register; and upon application and payment of fees in the prescribed manner, midwives so trained may be registered accordingly.

(3) Subject to the next succeeding subsection, the board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the board shall—

(a) give notice that it proposes to do so to each person in Nigeria appearing to the board to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and

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(b) afford each such person an opportunity of making to the board representations with regard to the proposal; and

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

(4) As respects any period during which the approval of the board under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the board may specify in that instrument; and the board shall—

(a) as soon as may be publish a copy of every such instrument in the Gazette; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Permanent Secretary.

7.—(1) It shall be the duty of the board to keep itself informed of the nature of the instruction given at approved institutions to, and examinations taken by, persons attending approved courses of training and for the purposes of performing that duty the board may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under subsection (1) of this section to report to the board on—

(a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by her;

(b) the sufficiency of any examinations attended by her; and

(c) any other matters relating to the institutions or examinations on which the board may, either generally or in a particular case, request her to report;

but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the board shall as soon as may be send a copy of the report to the person appearing to the board to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the board within such period as may be specified in the request, not being less than one month beginning with the date of the request.

8.—(1) Where any person has, outside Nigeria, completed a course of training as a midwife not acceptable to the board without further proof of competency, the board may require that person to undergo additional training in a teaching hospital or institution or under any scheme of training in Nigeria approved for the purposes of section 5 of this Decree; and upon completion of the prescribed further training to the satisfaction of the board such person may apply for registration under this Decree and be registered accordingly in the appropriate register.

(2) Every application for registration shall be accompanied by evidence of identity and payment of the prescribed fee.

Power to prescribe further training before registration.

Supervision of instruction and examinations leading to approved qualifications.

9.—(1) The board shall from time to time arrange for the examina-

tion of candidates as midwives and for the issue of certificates under the provisions of this Decree; and for such purpose the board may prescribe fees and appoint examiners from time to time at such remuneration as the Federal Executive Council may approve.

(2) A certificate issued under subsection (1) of this section shall show that the person named therein is qualified to apply for registration as a midwife; and an applicant so qualified shall, upon payment of the prescribed fee, and satisfying the Registrar that the applicant is of good character as prescribed by this Decree, be registered under this Decree and be entitled to practise as a midwife accordingly.

(3) The board may exempt any person not a citizen of Nigeria from the requirements of examination under this section, either wholly or in part, where it is satisfied that such person is the holder of a diploma or a certificate, as the case may be, issued by any authority outside Nigeria recognised by the board and, as the applicant for registration, if she otherwise complies with the requirements of this Decree.

(4) For the purposes of this section, the board shall from time to time publish in the Gazette particulars of the examination qualification for the time being accepted by it.

10.—(1) An applicant for registration shall, unless otherwise provided by this Decree, be entitled to registration as a midwife if she satisfies the board that she is of good character, and—

(a) is exempted from examination as the holder of a qualification granted outside Nigeria and for the time being accepted by the board; Provided that if the board so requires, the applicant shall satisfy the board that she has had sufficient practical experience as a midwife.

(2) Any person aggrieved by a decision of the board under this section may appeal to the High Court most convenient of access, within one month after notice is given to her of the decision of the board.

11. Registration under this Decree shall not confer the right to assume any name, title or designation suggesting or implying that the person registered is by law entitled to take charge of cases of abnormality or disease in or relating to any pregnancy requiring medical attention.

*Professional Discipline*

12.—(1) There shall be a tribunal, to be known as the Midwives Disciplinary Tribunal (in this Decree referred to as "the tribunal"), which shall be charged with the duty of considering and determining any case recommended to the tribunal by a supervisory authority, as well as any other case of which the tribunal has cognisance under the provisions of this Decree.

(2) The tribunal shall consist of the chairman of the board and seven other members of the board appointed by the board.

(3) The provisions of the Schedule to this Decree shall have effect with respect to the tribunal.

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(4) For the purposes of this section, if any case is referred by a supervisory authority to the board, the board shall consider the case, and if it thinks fit may cause it to be dismissed; but if the case is not dismissed, the board shall give effect to the recommendation of the supervisory authority and it shall be dealt with by the tribunal accordingly.

13. The board may appoint a fit person as the supervisory authority over registered midwives in a particular district or contiguous districts (in this Decree referred to as a "supervisory authority") and it shall be the duty of every supervisory authority so appointed,—

- (a) to co-operate with the district committees, and generally to exercise supervision as directed by the board;
- (b) with or without the assistance of a district committee as the supervisory authority in any particular case thinks fit, to investigate charges of malpractice, negligence, or misconduct, or contravention of instructions given by the board;
- (c) to report any matter to the board and in any particular case, to recommend to the Board that the matter so reported be dealt with by the tribunal under this Decree;

(d) to inform the board as soon as possible of the name of any midwife convicted of an offence;

but a supervisory authority shall not delegate any of the aforesaid duties to any other person, without the authority in writing of the board.

14.—(1) Where—

- (a) any midwife registered under this Decree is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a midwife; or
- (b) the tribunal is satisfied that the name of any person has been fraudulently registered,

the tribunal in either event may, if it thinks fit, caution or censure the midwife, or direct the removal of her name from the relevant register.

(2) The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the tribunal; but—

- (a) no decision shall be deferred under this section for periods exceeding twelve months in the aggregate; and
- (b) no person shall be a member of the tribunal for the purposes of reaching a decision which has been deferred or further deferred unless she was present as a member of the tribunal when the decision was deferred, or further deferred, as the case may be.

(3) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the tribunal exercises its powers under subsection (1) of this section, the tribunal shall cause notice thereof to be served on the person to whom it relates.

Penalties for unprofessional conduct, etc.

Supervisory authorities.



(5) The person to whom a direction for removal of name relates may, at any time within twenty-eight days from the date of service on her of the notice of the direction, appeal against the direction to the appropriate High Court; and the tribunal may appeal as respondent to the appeal and, for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the tribunal for removal of name under subsection (1) of this section shall take effect—  
(a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;  
(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;  
(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed;

and it shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) A person whose name is removed from a register in pursuance of a direction of the tribunal under this section shall not be entitled to be registered in that register again except in pursuance of a direction in that behalf given by the tribunal on the application of that person; and a direction under this section for the removal of the name of a midwife from a register may prohibit an application under this subsection by the person affected until the expiration of such period from the date of the direction (and where the person affected has duly made such an application, from the date of the last application) as may be specified in the direction.

*Miscellaneous*

15.—(1) Any certificate as to registration or non-registration given by the registrar for the purposes of this Decree shall, in any proceedings, be conclusive evidence of the fact stated in the certificate.

(2) Without prejudice to any other mode of proof, a document purporting to be a print of an edition of a register or list of corrections published by authority of the registrar under this Decree shall, in respect of the year to which its publication relates be admissible in any proceedings as evidence that any person specified in the document, or print of an edition and list read together is, for the year of publication referred to in this subsection registered as a midwife, and that any person not specified therein is not so registered.

16.—(1) It shall be the duty of the board to provide throughout Nigeria in respect of districts which the Federal Executive Council may (*name of district*) midwifery committee" (in this Decree referred to as "district committees"), and a district committee shall, under the general direction and control of the board and acting in collaboration with a supervisory authority appointed under this Decree, have and exercise in a designated locality or district the powers and duties conferred upon it by this Decree, or as the board may from time to time prescribe.

District  
Midwifery  
Committees

Proof of  
Registration

(2) The qualifications for membership of district committees shall be such as may from time to time be prescribed by regulations made under this Decree, and an unqualified person shall not be appointed to a district committee without the approval of the Federal Executive Council.

(3) A district committee shall keep the supervisory authority in its district informed of its activities.

17. The Federal Executive Council may from time to time by order published in the Gazette amend or replace the Schedule to this Decree.

18. The Federal Executive Council may by orders published in the Gazette make regulations generally for the purposes of this Decree and without prejudice to the generality of the foregoing, the power to make regulations conferred by this section shall include power—

(a) to make provision for the qualifications and tenure of office of members of the board, the powers and procedure of the board, an increase or reduction in the membership thereof, and such other matters in relation to the board as the Federal Executive Council may consider appropriate;

(b) to make provision for such incidental and supplementary matters as the Federal Executive Council may consider expedient for the purpose of carrying this Decree into effect; and

(c) to make different provisions for different circumstances.

19. Any person aggrieved,—

(a) by the refusal of the board to cause her name to be entered in the appropriate register; or

(b) by the refusal of the board to approve a hospital or other similar institutions as a training school; or

(c) by any direction of the board withdrawing approval of a training school for midwives;

may within one month after the person is notified of such refusal appeal to the High Court most convenient of access to where such person resides.

Offences etc.

20.—(1) Every midwife authorised under this Decree shall, before commencing to practise, give notice of her intention to do so to the district committee in the locality; and if a midwife registered under this Decree wishes to transfer to any other place in Nigeria for the purpose of practising there, the midwife shall within twenty-one days after the transfer, give notice to the appropriate district committee of the fact.

(2) The failure to comply with the requirements of this section shall be an offence punishable on conviction by a fine of ten pounds.

21.—(1) Subject to subsection (2) of this section, any person other than a registered midwife in private practice shall not be entitled to payment in cash or in kind for services performed as a midwife; and if payment is made, the amount or its equivalent in terms of Nigerian money, as the case may be, shall be recoverable in any court of competent jurisdiction from the person to whom payment was so made.

(2) Subject to subsection (1) of this section, any person other than a registered midwife in private practice shall not be entitled to payment in cash or in kind for services performed as a midwife; and if payment is made, the amount or its equivalent in terms of Nigerian money, as the case may be, shall be recoverable in any court of competent jurisdiction from the person to whom payment was so made.

Appeals to High Court in certain cases.

Power to amend the Schedule. Regulations.

Payment to midwives and others to be recoverable in certain cases.

(2) The board may exempt from the provisions of this section, any registered midwife whether or not she has commenced to practise as a midwife in any particular district.

22.—(1) Any person not registered or exempted as a midwife under this Decree, who—  
(a) for or in expectation of reward, practises or holds herself out to practise as a midwife; or  
(b) employs any unregistered person as her substitute; or  
(c) takes or uses any name, title, addition or description implying that she is authorised by law to practise as a midwife;

(2) If a registered midwife employs an unregistered person as her substitute, she shall be guilty of an offence.  
(3) If any person, for the purpose of procuring the registration of any name, qualification or other matter—  
(a) makes a statement which he believes to be false in a material particular; or  
(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(4) If the registrar or any other person employed by the board willfully makes any falsification in any matter relating to the register he shall be guilty of an offence.  
(5) A person guilty of an offence under this section shall be liable—  
(a) on conviction otherwise than in a High Court, to a fine of fifty pounds, or to imprisonment for a term of four months, or to both;

(b) on conviction in a High Court, to a fine of five hundred pounds or imprisonment for a term of two years, or to both.  
(6) Where an offence is proved to have been committed with the consent of a body corporate, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

23.—(1) It shall be an offence for any person outside a midwifery training institution in Nigeria, or without the approval of the Federal Executive Council, given on the recommendation of the board, to train or purport to train any person as a midwife, or to provide any course of training or establish any school for such purpose or as one of its purposes; and any such person shall be liable—  
(a) on conviction otherwise than in a High Court, to a fine of fifty pounds, or to imprisonment for a term of six months, or to both;

(b) on conviction in a High Court to a fine of not less than one hundred pounds or more than five hundred pounds or to imprisonment for a term of two years, or to both.

Offences generally

Offences generally

(2) The provisions of this section shall extend to any case where approval having been given, is withdrawn under section 6 (3) of this Decree.

(3) It shall be a sufficient defence that any such training course, or school was approved by any former Minister of Health or by the Federal Executive Council, as the case may be, before the date of commencement of this Decree and approval has not been withdrawn; and subject thereto this section shall extend to any training, course, or school in operation or established before that date unless an application for approval thereof is received by the secretary to the board within seven days after the date of commencement of this Decree, and the application is approved by the Federal Executive Council within two months thereafter.

24.—(1) Subject to section 14 of this Decree and to the next following subsection, a person shall, without payment of any fee, be entitled under this Decree to be registered as a midwife if that person has at any time been enrolled under the provisions of the Midwives Act. (2) Any person not enrolled under the Midwives Act in consequence of proceedings for the name of the person to be erased or removed before the Midwives Board as a disciplinary committee under the Midwives Act shall be deemed for the purposes of this Decree to have had her name removed, in pursuance of a direction of the tribunal which took effect on the date when this subsection came into force, from the register of midwives maintained under this Decree; and the provisions of section 14 (7) of this Decree shall have effect accordingly as if the direction aforesaid prohibited applications under that subsection for the period of six months.

(3) Where—

(a) there is in any part of Nigeria an institution which was established before the commencement of this Decree, and which grants a qualification to persons who have completed a course of training in midwifery conducted at the institution; and

(b) the institution, course and qualification are recognised by the board for the purposes of this subsection,

any such qualification granted before that date to such a person as aforesaid, or after that date of a person who on that day was engaged in such a course at the institution with a view to obtaining such a qualification, shall be deemed to be a qualification approved by the board under section 9 of this Decree, and subject to the next following subsection and the provisions of section 12 and of rules made under section 4 of this Decree, a person shall, without obtaining a certificate of experience, be entitled to be fully registered by reference to a qualification which is approved qualification by virtue of this subsection.

(4) In the case of a person who is registered by virtue only of such a qualification as is mentioned in subsection (3) of this section, the registrar shall, on the expiration of the period of two years beginning with the date of the grant of the qualification or of the coming into force of this subsection, whichever is the later, remove from the register all particulars relating to that person unless before the expiration of that

period the person affected furnishes to the registrar a certificate issued by or on behalf of a Military Governor, stating that the person has, since that date, been engaged in practice as a midwife for a period of not less than twelve months within the Region of which he is Military Governor.

(5) For the purpose of enabling persons to qualify for membership of the board at any time during the period of two years beginning with the date when section 1 of this Decree comes into force, a person entitled by virtue of subsection (1) of this section to be registered as a midwife, shall be deemed to be so registered notwithstanding that the relevant registrar has not been established or that the name of that person is not registered in it.

(6) Any proceedings under the Midwives Act which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending before the disciplinary committee, by whatever name called, established or appointed thereunder or in the High Court, may be continued, and any right of appeal under the Midwives Act which was exercisable immediately before that date may be exercised, as if this Decree had not been made; and for the purposes of the foregoing provisions of this section and of enabling effect to be given to any order made or judgment given in connection with any such proceedings or appeal, but not for any other purposes, the roll maintained under the Midwives Act shall be deemed not to be abolished.

25.—(1) In this Decree unless the context otherwise requires—  
"the appointed day" means the day upon which this Decree or so much thereof as is provided for therein comes into operation by order of the Federal Executive Council;

"the board" means the Midwives Board of Nigeria;

"district committee" means a district midwifery committee established by the board under section 16 of this Decree;

"the Ministry" means the Ministry referred to in section 3 (1) of this Decree, and "Permanent Secretary" with or without reference to that Ministry shall have the like meaning;

"registrar" means a registrar under this Decree and in proper case includes a provisional registrar, and cognate expressions shall be construed accordingly;

"the registrar" means the registrar appointed for the purposes of this Decree;

"supervisory authority" has the meaning assigned by section 13 of this Decree.

"the tribunal" means the tribunal referred to in section 12 (1) of this Decree.

(2) For the avoidance of doubt it is declared that words importing the feminine gender shall, if the case so requires, include the masculine gender.

(3) Any application, approval, consent, direction, notice, report, representation or request authorised or required to be given or made by or under this Decree shall be in writing and may, without prejudice to any other prescribed mode, be served by post.

Interpretation

Cap. 118

26.—(1) This Decree may be cited as the Midwives Decree 1966 and shall apply throughout the Federation.  
(2) This Decree shall come into operation on such date or dates as the Federal Executive Council may by order published in the Federal Gazette appoint; and different dates may be appointed for different provisions.  
(3) The Midwives Act is hereby repealed.

Citation, extent, commencement and repeal.

Cap. 118

SCHEDULE  
Section 12 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND TO THE CONDUCT OF PRELIMINARY INVESTIGATIONS

The Tribunal

1. The quorum of the tribunal shall be four.  
2.—(1) The Chief Justice of Nigeria shall make rules as to the selection of members of the tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the tribunal.  
(2) The rules shall in particular provide—  
(a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;  
(b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;  
(c) for securing that any party to the proceedings shall, if she so requires, be entitled to be heard by the tribunal;  
(d) for enabling any party to the proceedings to be represented by a legal practitioner;  
(e) subject to the provisions of subsection (5) of section 14 of this Decree, as to the costs of proceedings before the tribunal;  
(f) for giving effect by notice in the Gazette of any direction of the tribunal that the name of a person shall be struck off a register.

3. For the purposes of any proceedings before the tribunal, any member of the tribunal may administer oaths and any party to the proceedings may sue out of the registry of the Supreme Court writs of *subpoena ad testificandum* and *duces tecum*; but no person appearing before the tribunal shall be compelled—  
(a) to make any statement before the tribunal tending to incriminate herself; or  
(b) to produce any document under such a writ which she could not be compelled to produce at the trial of an action.

4.—(1) For the purpose of advising the tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the tribunal who shall be appointed by the board on the nomination of the Chief Justice of Nigeria and he shall be a legal practitioner of not less than five years standing.

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

(a) that where an assessor advises the 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 tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

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

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

5. A committee conducting a preliminary investigation, unless otherwise directed in writing by the board, may regulate its own procedure.

#### Miscellaneous

6.—(1) A person ceasing to be a member of a tribunal, shall be eligible for re-appointment as a member.

(2) No person who carried out a preliminary investigation as a supervising authority or member of a district committee, as the case may be, with respect to any case shall act as a member of the tribunal with respect to that case.

7. The tribunal may act notwithstanding any vacancy in its membership, and the proceedings shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to sub-paragraph (2) of the immediately preceding paragraph) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

8. The tribunal may sit in two or more divisions.

9. Any document authorised or required by virtue of this Decree to be served on the tribunal shall be served on the registrar.

10. Any expenses of the tribunal, or of a supervising authority acting with or without a district committee and conducting a preliminary investigation, shall be defrayed by the board.

11. A person shall not, by reason only of his appointment as a legal assessor to the tribunal be treated as holding an office of emolument under the State.

Dated at Lagos this 31st day of December 1966.

LIEUTENANT-COLONEL Y. GOWON,  
Head of the Federal Military Government,  
Supreme Commander of the Armed Forces,  
Federal Republic of Nigeria

EXPLANATORY NOTE

*(This note is not part of the Decree but explains its purpose)*

The profession of midwifery in Nigeria is being modernised and will be supervised and controlled in respect of training and practice by a board responsible to the Federal Military Government for the conduct of matters of general policy.

Membership of this board will be drawn from the profession at large with representatives from the Regional ministries of health, and divers associated specialised field and voluntary agencies.

Provision is also made for post-basic training and for the setting up of experimental schemes, all with the general object of enhancing the status of the profession and of the members thereof.