

THE FEDERAL MILITARY GOVERNMENT (SUPREMACY AND ENFORCEMENT OF POWERS) DECREE 1970



Decree No. 23

[9th May 1970]

Commence-
ment

WHEREAS the military revolution which took place on January 15 1966 and which was followed by another on July 29 1966, effectively abrogated the whole pre-existing legal order in Nigeria except what has been preserved under the Constitution (Suspension and Modification) Decree 1966 No. 1;

AND WHEREAS each military revolution involved an abrupt political change which was not within the contemplation of the Constitution of the Federation 1963 (hereafter referred to as "the Constitution of 1963");

AND WHEREAS by the Constitution (Suspension and Modification) Decree (1966 No. 1) there was established a new government known as the "Federal Military Government" with absolute powers to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever and, in exercise of the said powers, the said Federal Military Government permitted certain provisions of the said Constitution of 1963 to remain in operation as supplementary to the said Decree.

AND WHEREAS by section 6 of the said Constitution (Suspension and Modification) Decree 1966, no question as to the validity of any Decree or any Edict (in so far as by section 3 (4) thereof the provisions of the Edict are not inconsistent with the provisions of a Decree) shall be entertained by any court of law in Nigeria.

AND WHEREAS by Schedule 2 of the said Constitution (Suspension and Modification) Decree 1966 the provisions of a Decree shall prevail over those of the unsuspended provisions of the said Constitution of 1963.

NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—
1. (1) The preamble hereto is hereby affirmed and declared as forming part of this Decree.
(2) It is hereby declared also that—
(a) for the efficacy and stability of the government of the Federation; and
(b) with a view to assuring the effective maintenance of the territorial integrity of Nigeria and the peace, order and good government of the Federation;

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etc., affecting
Decrees, etc.

any decision, whether made before or after the commencement of this Decree, by any court of law in the exercise or purported exercise of any powers under the Constitution or any enactment or law of the Federation or of any State which has purported to declare or shall hereafter purport to declare the invalidity of any Decree or of any Edict (in so far as the provisions of the Edict are not inconsistent with the provisions of a Decree) or the incompetence of any of the Governments in the Federation, to make the same is or shall be null and void and of no effect whatsoever as from the date of the making thereof.

(3) In this Decree—

(a) "decision" includes judgment, decree or order of any court of law, and

(b) the reference to any Decree or Edict includes a reference to any instrument made by or under such Decree or Edict.

2. This Decree may be cited as the Federal Military Government (Supremacy and Enforcement of Powers) Decree 1970 and shall apply throughout the Federation.

Made at Lagos this 9th day of May 1970.

MAJOR-GENERAL Y. GOWON,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

THE NURSES DECREE 1970



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Miscellaneous

Offences

Decree No. 2

[See section 25 (3)]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Nursing Council of Nigeria

Establishment etc. of council.

1.—(1) There shall be established a body to be known as the Nursing Council of Nigeria (in this Decree hereafter referred to as "the council") which shall be a body corporate by the name aforesaid and shall be charged with the general duty of—

- (a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the nursing profession 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 a register of persons entitled to practise as members of the nursing profession and the publication from time to time of lists of those persons;
- (c) maintaining in accordance with the provisions of this Decree, of discipline; and
- (d) performing the other functions conferred upon the council by this Decree.

(2) Subject to the provisions of this Decree, the council shall comprise—

- (a) the chief nursing officer of the Federation as chairman and in her absence for any reason, any person being a registered nurse for the time being performing the functions of that office shall act;
- (b) a registered medical practitioner having interest in nurse training nominated by the Commissioner on the recommendation of the chief medical adviser to the Federal Military Government;
- (c) the professional head of nursing in each state, whether known as chief nursing officer or otherwise howsoever;
- (d) one representative appointed under this Decree, whether the principal thereof or not, nominated in rotation as provided in Schedule 1 to this Decree by schools of nursing associated with university teaching hospitals in Nigeria;

(e) four nurse tutors appointed under this Decree, of whom two shall represent and be nominated by voluntary agencies, and two shall be nominated by the Commissioner to represent government nurses training schools;

(f) one fit person being an adviser on secondary education appointed on the recommendation of the Federal Ministry of Education; and

(g) one representative from the Nursing Service of the Armed Forces appointed on the recommendation of the Director of Medical Services.

(3) The provisions of Schedule 1 to this Decree shall have effect with respect to the qualifications and tenure of office of members of the council, the powers and procedure of the council and the other matters there mentioned.

2.—(1) The council shall prepare and submit to the Commissioner not later than the thirty-first day of December 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.

Financial provisions.

(2) The council 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 Commissioner of the government of the Federation responsible for finance.

(3) The Commissioner may, out of moneys provided by the Federal Military Government, make to the council either by way of grant or by way of loan payments of such amounts as the Federal Military Government may from time to time determine.

3—(1) The Commissioner may give to the council 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 council of its functions, and it shall be the duty of the council to comply with the directions.

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

Training and Training Facilities

4—(1) In the performance of its duties under this Decree, the council shall from time to time seek to improve methods employed in the basic and post-basic education of nurses; and, for that purpose, the council may co-operate with recognised bodies interested in the preparation of experimental schemes for the basic and post-basic education of nurses.

(2) Where the council is of the opinion that a trial should in the public interest be made on a scheme of training and examination to be undergone and passed by persons as a condition prior to registration under this Decree, (being training and examination which differ from prescribed training and examination but appear to the council to be no less efficient) the council may adopt the scheme for such period and in relation to such institutions as may be specified in the resolution; but any such resolution shall be subject to confirmation by the Commissioner.

(3) A scheme of training and examination adopted by the council under subsection (2) above shall provide that, for the period of its adoption, persons who, in an institution specified in the adopting resolution undergo the training specified therein to the satisfaction of the council and thereafter pass the prescribed examinations shall, on due compliance with all other requirements of this Decree be entitled to registration according to the standing requirement of the case, anything to the contrary in this Decree notwithstanding.

(4) A scheme of training and examinations under this section may contain such incidental and supplementary provisions (including provision for charging fees in respect of the undergoing of examinations specified in the scheme) as the council may consider necessary.

(5) Any scheme of training and examinations adopted under this section may in like manner as is provided for its adoption, be extended for such period as the council may think fit.

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5.—(1) For the purposes of this Decree there shall be constituted such number of nursing districts within a state as the Commissioner may from time to time approve by notice published in the Gazette; and it shall be the duty of the council to provide a committee for each nursing district to be called "(name of district) nursing committee" (in this Decree hereafter referred to as a "district committee"). A district committee shall, under the general direction and control of the council and acting in collaboration with the chief nursing officer, have and may exercise, in its nursing district, the powers and duties conferred upon it by this Decree or as the council may from time to time prescribe.

(2) Regulations made by the council may prescribe the qualifications for membership of a district committee and confer power to delegate any powers and duties.

(3) Nothing in this section shall be construed so as to authorise the appointment to a district committee of any unqualified person without the approval of the Commissioner.

6. The council may appoint a fit person as the supervisory authority over nurses (in this Decree hereafter referred to as a "supervisory authority") in a particular nursing district or in contiguous nursing districts and it shall be the duty of supervisory authorities so appointed,—

(a) to co-operate with appropriate district committees (which are in proper case hereby required to keep appropriate supervisory authorities informed of activities vis-a-vis relevant nursing districts), and generally to exercise supervision as directed by the council;

(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 council;

(c) to report any matter to the council and in any particular case, to recommend to the council that the matter so reported be dealt with by the tribunal under this Decree;

(d) to inform the council as soon as possible of the name of any nurse 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 council.

Approval of training schools.

7.—(1) The council may, on the recommendation of a district committee or, as the case may be, of the nursing education officer (including in that expression any fit person appointed by the council if the nursing education officer is for any reason unable to act) approve hospitals and other similar institutions in Nigeria which are organised by the Federal Military Government or by voluntary agencies as training schools for nurses.

(2) Where a district committee recommends approval pursuant to subsection (1) above, the approval by the council shall, unless the council otherwise directs, be conditional upon attainment by the hospital or other similar institution of the standard prescribed by the council for training under this Decree.

(3) Recommendations under this section shall be submitted to the council by the secretary.

8.—(1) The council shall keep itself informed of—
 (a) the nature of the instruction given at approved institutions, and
 (b) examinations taken by student nurses attending prescribed courses of training in approved institutions,
 and, for such purpose the council may appoint, either from amongst its own members or otherwise, fit persons to inspect approved institutions or to attend examinations in any such institution.

(2) Inspectors appointed under subsection (1) of this section shall report to the registrar on the following matters, that is to say—
 (a) the sufficiency of the instruction given to student nurses attending approved courses of training at institutions visited by her;
 (b) the sufficiency of any examination attended by her; and
 (c) any other matters relating to the institutions or examinations on which the council may, either generally or in any particular case, request her to report;

(3) The registrar shall, as soon as practicable after receiving the report of an inspector under this section, submit a copy of the report to the person appearing to the council to be in charge of the institution or responsible for the conduct of examinations to which the report relates, together with a request addressed to that person for comment on the report within such period as may be specified in the request, not being less than six weeks beginning with the date of the request.

9.—(1) There shall be appointed by the council for purposes incidental to registration of nurses under this Decree, a registrar and such other officers as may be necessary; and where members of the public service are appointed, the appointments shall be made with the prior approval in writing of the Public Service Commission of the Federation.
 (2) The person who immediately before the commencement of this Decree held office as registrar (whether or not in conjunction with any other office) shall, on its commencement, be deemed to have been appointed as registrar under subsection (1) above.
 (3) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the council under this section, a general register of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Decree to be registered as nurses or as nurse-tutors and who apply in the specified manner to be so registered.
 (4) Subject to the following provisions of this section, the council shall make rules with respect to the form and keeping of the general register and the making of entries therein, and in particular—
 (a) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 (b) authorising a registered person to have any nursing qualification registered in relation to her name in addition to or, as she may elect, in substitution for any other qualification so registered;

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(c) authorising the registrar to refuse to enter a name on the general register until the fee prescribed for the entry has been paid; (d) specifying anything falling to be specified under the foregoing provisions of this section.

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

(a) to correct, in accordance with the council's directions, any entry in the general register which the council directs her to correct as being in the council's opinion an entry which was incorrectly made;

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

(c) to remove from the general 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 general register; and the council may direct the registrar to restore to the appropriate part of the general register any particulars removed therefrom under this subsection.

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

(a) to cause the general register 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 subsection comes into force; and

(b) in each year after that in which the general register is first published under paragraph (a) above, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the general register or a list of alterations made to the general register since it was last printed; and

(c) to cause a print of each edition of the general register and of each list of corrections to be deposited at the principal office of the council; and it shall be the duty of the council to keep the general register and lists so deposited open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of the general register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of the general register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence as being registered as a nurse is so registered, and that any person not so specified is not so registered.

11.—(1) Subject to any restriction upon registration otherwise imposed by this Decree, the holder of—

(a) any qualification of a general nature specified in Schedule 2 to this Decree, or

Persons entitled to register. Schedule 2

Publication of general register and lists of corrections

(b) any qualification of a specialised nature specified in Schedule 3 to this Decree,

shall be entitled to registration as a nurse in the appropriate part of the general register.

(2) A registered nurse may apply for registration as a nurse tutor upon the ground that she has undergone requisite practical training in an institution where student nurses are trained and has completed a course for nurse tutors in an institution or university recognized for that purpose by the council; and if the council is satisfied as to her qualifications the council may direct registration accordingly.

(3) In the application of this section, a certificate or other document produced as evidence shall be deemed to be a valid certificate or document unless the contrary is proved.

12.—(1) Any person to whom this section applies who satisfies the council that she has undergone training pursuant to a scheme approved by the council and that she is of good character, may apply for registration in the prescribed manner; and on payment of the prescribed fee shall be registered in that part of the general register which the council may consider appropriate to the case.

(2) Any person to whom this section applies who satisfies the council that she has undergone training which requires augmentation in Nigeria and has in any institution approved by the council thereafter undergone further training and passed the examination (if any) prescribed, may apply for registration in the prescribed manner; and the provisions of subsection (1) above shall with all necessary changes, apply to an application under this subsection.

(3) Notwithstanding the foregoing provisions of this section, if the council is satisfied that an applicant, being a person to whom this section applies has not received augmented training but would, with further experience or upon subsequent examination qualify for registration in the general register, and the applicant has undertaken in writing to furnish the necessary evidence of experience or examination as the case may require, the council may defer its decision until satisfactory evidence of the augmented training is produced to the council.

(4) This section applies to persons who in any place outside Nigeria successfully complete training in general nursing or, as the case may be, in any specialised field of nursing; and the scheme of training undergone—

(a) is one already approved by the council; or

(b) is one which the council requires to be augmented by further training or examination, as the case may be, in Nigeria.

Professional Discipline

13.—(1) There shall be a tribunal known as the Nurses 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 or which the tribunal has cognisance under the provisions of this Decree or regulations made thereunder.

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

Schedule 3.

Special provisions as to nurses trained outside Nigeria.

Special powers as to discipline.

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(3) The provisions of Schedule 4 to this Decree shall have effect with respect to the tribunal.

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

14—(1) Where—

(a) any nurse registered under this Decree is convicted by any court in Nigeria or elsewhere having power to award punishment (whether or not an offence punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a nurse; 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 nurse, or direct the removal of her name from the general 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 a period exceeding twelve months in the aggregate; and
(b) a person shall not be a member of the tribunal for the purpose 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) Where 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.

(5) The person to whom a direction for removal of name relates may, at any time within 28 days from the date of service on her of the notice of the direction, appeal against the direction to the appropriate High Court; and 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 have 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 not withdrawn or struck out as aforesaid and when the appeal is dismissed;

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

Penalties for unprofessional conduct

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(b) who while registered in the supplementary section of the general register uses any name, title, description, uniform or badge or does anything thereby in any event implying or creating the impression in the minds of persons unconnected with the nursing profession that she is a fully trained nurse; or

(c) who while duly registered in the general register uses any name, title, description, uniform or badge or does anything thereby in any event implying or creating the impression in the minds of persons unconnected with the nursing profession that she holds special nursing qualifications; or

(d) who with intent to deceive uses a certificate of registration issued under this Decree to any other person; or

(e) who willfully gives or causes to be given any false information knowing or having reason to believe that the information given may be used for any application or other matter under the provisions of this Decree; or

(f) being a nurse, student, or registered nurse who prescribes any drug the acquisition of which as a dangerous drug or poison is restricted by any enactment or law,

shall be guilty of an offence and liable on conviction for a first offence to a fine of not less than fifty pounds or more than one hundred pounds or to imprisonment for a term of six months, or to both, and on conviction for a second or any subsequent offence shall be liable to imprisonment for a term of not less than one year or more than three years.

18.—(1) Any registered nurse or nurse with special qualifications who, being employed as a nurse in any capacity in a hospital, nursing home or institution of any nature whatsoever established in any event to provide medical care of the sick,—

(a) without reasonable cause or excuse (the proof of which shall lie on her), leaves her place of employment, or

(b) likewise without reasonable cause or excuse, with the burden of proof as in paragraph (a) above, persuades or attempts to persuade any nurse qualified as aforesaid to leave any such place of employment, shall be reported to the council and the council is hereby authorised to inquire into any such report, and if the case reported is proved to its satisfaction, the council may take such action by way of suspension of the offender from practice for a period not exceeding three months, or by way of reprimand, as the circumstances may require.

(2) An appeal by any person under this section affected by a suspension from practice shall lie to the appropriate High Court.

19.—(1) It shall be an offence for any person without the approval of the Federal Executive Council, given on the recommendation of the council, to train or purport to train any person as a nurse 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.

Avoidance of duty etc.

Unauthorised training

(2) The provisions of this section shall extend to any case where approval having been given, has been withdrawn.

(3) It shall be a sufficient defence that any such training course or school was approved by any former Minister of Health or 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 council 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.

(4) In this section "person" does not include Governmental or voluntary agencies.

Miscellaneous

20. The provisions of this Decree as to discipline (other than those relating to registration) shall, with any necessary modification, apply to student nurses as they apply to nurses under this Decree; and regulations under this Decree may provide for refusal of admission to examination for nurses.

21.—(1) The council may make regulations generally for the purposes of this Decree and, without prejudice to any other power to make regulations or to the generality of the power hereby conferred, regulations may—
(a) prescribe standards of accommodation to be provided and equipment for use in training of nurses;
(b) provide for the keeping of records of student nurses;
(c) prescribe standards and subjects for education of student nurses;
(d) provide for the making of applications for registration in any register established under this Decree and for the evidence to be produced in support of such applications;
(e) prescribe the design of and conditions for wearing of badges by registered or student nurses;
(f) designate persons by name or office, to hold or conduct examinations in nursing;
(g) prescribe the fees to be charged for purposes of or incidental to this Decree.

(2) Regulations made under this or any other provision of this Decree shall be sent to the Commissioner as soon as possible thereafter for his approval. The Commissioner may in his discretion approve or refuse to approve the regulations, and any regulations made shall, if approved, be thereafter published in the Gazette; and until regulations are so published they shall have no effect, notwithstanding that they may have been approved by the Commissioner.

22. The Federal Executive Council may from time to time as the case may require, by order published in the Gazette amend, vary or replace Schedules 1, 2, 3 and 4 or any of them, to this Decree.

Power to discipline student nurses

Regulations.

Power to amend etc. schedules.

Transitional Provisions

23.—(1) Any person whose name was immediately before the coming into operation of this Decree included in the register of nurses of the sick kept in accordance with any enactment or law relating to nurses and affected by this Decree shall, without further application or payment of any other fee, be deemed to be registered under the appropriate provision of this Decree.

(2) Any certificate granted, appointment made and any other thing done under or made by any Nursing Council however described, in accordance with any enactment of law relating to nurses and affected by this Decree shall on the commencement of this Decree and in so far as it is not inconsistent therewith, continue in force and be deemed to have been granted, made or done, as the case may be, under or for the purposes of this Decree.

(3) Any proceedings under the Nurses Act 1959 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, 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 purpose, the general register maintained under the Nurses Act aforesaid shall be deemed not to be abolished.

24.—(1) In this Decree unless the context otherwise requires,—
"Commissioner" or "Commissioner for Health" means the Federal Commissioner for Health;
"council" or "the council" means the Nursing Council of Nigeria;
"district committee" means a district nursing committee appointed to advise the council;
"general register" means the register kept for the purposes of registration of nurses;
"nurse" means a person who is entitled to registration as a fully trained nurse or as the case may be, as a nurse with special qualifications but does not include a nurse in training or student nurse;
"registered nurse" means a fully trained nurse duly registered in the general register elsewhere than in the supplementary section;
"special qualifications" used with reference to nurses means those qualifications entitling the holders to registration in the supplementary section of the general register;
"student nurse" means a person receiving basic training in nursing in an approved training school for nursing.

(2) For the avoidance of doubt, words importing the female gender include males.

25.—(1) This Decree may be cited as the Nurses Decree 1970 and shall apply throughout the Federation.

(2) The Nurses Act 1959 is hereby repealed; and to the extent to which the Registration of Nurses Act (published as chapter 196 of the Laws of Nigeria 1948) is in force in any part of the Federation (other than the former Federal territory) or has been adopted or re-enacted as a Law in the former Federal territory, the Registration of Nurses Act (published as chapter 196 of the Laws of Nigeria 1948) is hereby repealed; and to the extent to which commencement and repeals, No. 20 of 1959.

Citation, extent, commencement and repeals, No. 20 of 1959.

Regions of Nigeria (or as the case may be in any State or States created thereout before the commencement of this Decree), that enactment or law, force, cease to have effect in Nigeria.

(3) 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 States or for different provisions.

SCHEDULES

SCHEDULE 1

Supplementary Provisions Relating to the Council
Qualification and Tenure of Office of Members

1—(1) Appointments to the council shall be made by the Commissioner, and shall have effect subject to the provisions of this paragraph.

(2) Persons who are—
(a) appointed (otherwise than on nomination by university teaching hospitals or voluntary agencies) shall continue to be members of the council while they are employed in any of the public services of Nigeria or in the nursing service of the Armed Forces, as the case may be;

(b) appointed on nomination by university teaching hospitals shall hold office as members of the council for a term not exceeding 18 months from the date of appointment, so however that if the school of nursing associated with a university teaching hospital next entitled by rotation to nominate a representative agrees, the term of office may be extended for one further term of 18 months, and the extension shall be without prejudice to the entitlement thereafter of the school of nursing so agreeing; (c) appointed on the nomination of voluntary agencies shall be members of the council for a period of 3 years from the respective dates of their appointment.

(3) A nominated person appointed pursuant to paragraph (d) of section 1 (2) of this Decree and a nurse tutor nominated by a voluntary agency pursuant to paragraph (e) of section 1 (2) of this Decree may resign her membership by notice in writing to the council, and any person who is not so appointed who thereafter ceases to be a member of the council shall, in proper case, be eligible again to become a member of the council.

(4) It shall not be necessary to fill any vacancy on the council where the residue unexpired of the term of office of a member (other than by effluxion of time) does not exceed 1 year and the member has not been appointed on rotation.

(5) Notwithstanding that her term of office may not have expired, a nominated member may vacate her office if she gives notice in writing of her resignation addressed to the council; and any such nominated member shall vacate her office if—
(a) the council is satisfied that by reason of mental or physical infirmity she is incapable of discharging the duties of her office; or
(b) she absents herself for two consecutive ordinary meetings of the council without the leave of the council.

(6) A person who is a member by virtue of occupation of a particular office shall cease to be a member if she ceases to occupy the particular office outside the council.

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Power of Council

2—(1) Subject to the following sub-paragraph and to any directions of the Commissioner under this Decree, the council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(2) The council shall not have power to borrow money or to dispose of any property except with the prior consent of the Commissioner, and shall not have power to pay remuneration (including pensions), allowances or expenses to any member, officer or servant of the council or to any other person except in accordance with scales approved by the Commissioner.

Secretary

3. The person appointed as registrar under this Decree shall also be secretary to the council, so however that the two offices may be combined but distinguishable in their exercise; and for the avoidance of doubt, the person who immediately before the commencement of this Decree held office as secretary (and whether or not in conjunction with any other office) shall, on its commencement, be deemed to have been appointed to hold office as secretary to the council.

Proceedings of the Council

4. Subject to the provisions of this Decree and of section 26 of the Interpretation Act 1964 (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote), the council may make standing orders regulating the proceedings of the council or any committee thereof.

5—(1) The secretary shall prepare an attendance register, and unless the matter for consideration at any particular meeting is in the opinion of the chairman of sufficient importance to warrant a full attendance of members, he may direct the secretary to require the attendance at that meeting of not more than two thirds of the members, so however that in any event members not representing governmental interests shall be included in the direction.

(2) Members excluded under the foregoing sub-paragraph shall have precedence at the next subsequent meeting of the council in like circumstances. (3) Unless otherwise provided in this part of the schedule a meeting of the council shall be called by the chairman and be deemed duly convened if among members present thereat there are not less than five members representing interests other than those of any of the governments in Nigeria, and subject thereto, the quorum of the council shall be nine; and the quorum of any committee of the council shall be determined by the council.

6. At any time while the office of chairman is vacant and his deputy is in the opinion of the council temporarily unable to perform the functions of his office, the council shall appoint one of its members to be acting chairman for the meeting and the person appointed shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly.

7—(1) Subject to the provisions of this Schedule and of any standing orders of the council, the council shall meet at least twice in any calendar year and in addition whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the council to be held within seven days from the date on which the notice is given.

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

(3) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the council shall be summoned by the Commissioner, who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.

Committee

8.—(1) The council may appoint one or more committees to carry out, on behalf of the council, such of its functions as the council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, and not more than one-third of those persons may be persons who are not members of the council; and a person other than a member of the council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the council shall be of no effect until it is confirmed by the council.

Miscellaneous

9.—(1) The fixing of the seal of the council shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the council by any person generally or specially authorised to act for that purpose by the council.

(3) Any document purporting to be a document duly executed under the seal of the council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

10. The validity of any proceedings of the council or a committee thereof shall not be affected by any vacancy in the membership of the council or committee, or by any defect in the appointment of a member of the council or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

11. Any member of the council, and any person holding office on a committee of the council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the council or a committee thereof shall forthwith disclose his interest to the council and shall not vote on any question relating to the contract or arrangement.

12. A person shall not, by reason only of his membership of the council, be treated as holding an office of emolument under the Federal Government, or of any State thereof.

SCHEDULE 2

Persons Holding Registration Qualifications of a General Nature

1. Persons holding valid certificates of competency in nursing issued by the council, under this Decree.

2. Persons holding valid certificates of competency in nursing issued by the Head of the Medical Services in Nigeria, however designated, before 1st August 1947 (being the date of commencement of the Registration of Nurses Act 1946).

Section 11 (a)

Cap. 180.

- 3. Persons holding certificates of competency, valid where issued, and in the opinion of the council conformable in training requirements to the standards prescribed by the council under this Decree.
- 4. Persons holding certificates of competency in nursing, valid where issued, and subject to additional experience or examination or both, the holders of which would be deemed by the council to have reached the standards prescribed by it under this Decree.
- 5. Persons who successfully complete training in nursing under an experimental scheme approved by the council.

SCHEDULE 3

Persons Holding Registration Qualifications of a Specialised Nature

Section 11

(b)

- 1. Persons holding valid certificates of competency in a specialised branch of both or either nursing and public health issued by the council under this Decree.

- 2. Persons holding valid certificates of competency in a specialised branch both or either of nursing and public health issued by the Head of the Medical Services in Nigeria, however designated before 1st August 1947 (being the date of commencement of the Registration of Nurses Act 1946) of both or either nursing and public health, valid where issued, and in the opinion of the council conformable in training requirements to the standards prescribed by the council under this Decree.

Cap. 180.

- 4. Persons holding certificates of competency in a specialised branch of both or either nursing and public health, valid where issued, and subject to additional experience or examination or both, the holders of which would be deemed by the council to have reached the standards prescribed by it under this Decree.

SCHEDULE 4

Supplementary Provisions Relating to the Disciplinary Tribunal

Section 11

(b)

- 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 purpose 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 this Decree relating to any appearance of the tribunal before a court to enable directions to be given as to costs, for the costs of proceedings before the tribunal;

(f) for giving effect, by notice in the Gazette, to any direction of the tribunal which has taken effect providing that the name of a person shall be struck off a register;

3. For the purpose 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 a question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the tribunal who shall be appointed by the council on the nomination of the Chief Justice of Nigeria and he shall be a legal practitioner of not less than seven 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 person ceasing to be a member of the tribunal shall be eligible for re-appointment as a member.

6. 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, or by reason of the fact that any person who was not entitled to do so took part in its proceedings.

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PUBLISHED AND PRINTED

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MAJOR-GENERAL Y. GOWON,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

Made at Lagos this 16th day of January 1970.

7. Any document authorised or required by virtue of this Decree to be served on the tribunal shall be served on the registrar.
8. Any expenses of the tribunal shall be defrayed by the council.
9. 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 Federal Government or of any State thereof.