

DENTAL THERAPISTS (REGISTRATION, ETC.) ACT

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DENTAL THERAPISTS (REGISTRATION, ETC.) ACT

An Act to establish the Dental Therapists Registration Board of Nigeria; to make provisions for determining the standard of knowledge and skill to be attained by persons seeking to become registered as dental therapists and for matters connected therewith.

[1993 No. 81.]

[25th August, 1993]

[Commencement.]

PART I

Establishment of the Dental Therapists Registration Board of Nigeria, etc.

1. Establishment of the Dental Therapists Registration Board of Nigeria

(1) There is hereby established for dental therapists a body to be known as the Dental Therapists Registration Board of Nigeria (in this Act referred to as the "Board").

(2) The Board shall be charged with the duties of-

- (a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession of dental therapy and improving those standards, from time to time, as circumstances may permit;
- (b) securing in accordance with the provisions of this Act the establishment and maintenance of a register of persons registered under this Act as members of the profession of dental therapy and the publication, from time to time, of lists of those persons;
- (c) conducting examinations in the profession, and awarding certificates or diplomas to successful candidates as appropriate; and for that purpose the Board shall prescribe fees to be paid in respect thereof; and
- (d) performing the other functions conferred on the Board by this Act.

2. Membership of the Board

(1) The Board shall comprise the following members, that is-

- (a) a chairman who shall be a dental therapist of not less than 15 years' experience;
- (b) two dental therapists;
- (c) one dental surgeon;
- (d) four dental therapists to represent the States in rotation for two years at a time;
- (e) one person to represent the Medical and Dental Council of Nigeria;
- (j) two dental therapists to represent schools involved in training members of the profession in rotation for two years at a time;
- (g) one person to represent public interest;
- (h) one person to represent the Federal Ministry of Health;
- (i) one person to represent the Federal Dental School;
- (j) two persons to represent the Dental Association of Nigeria; and
- (k) one dental surgery assistant to represent dental surgery assistants.

(2) All the appointments in subsection (1) of this section shall be made by the Minister on the recommendation of the appropriate bodies, if any.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the matters therein mentioned in relation to the Board.

[First Schedule.]

3. Powers of the Board

(1) Subject to subsection (2) of this section and any direction of the Minister under this Act, the Board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its functions under this Act.

(2) The Board shall not-

- (a) borrow or dispose of any property except with the prior consent of the Minister;
- (b) pay remuneration (including pensions), allowances or expenses to any employee of the Board or any other person except in accordance with scales approved by the Minister.

4. Fund of the Board

(1) The Board shall establish and maintain a fund into which shall be paid-

- (a) all fees and other moneys payable to the Board in pursuance of this Act; and
- (b) such moneys as may be payable to the Board whether in the course of the discharge of its functions or otherwise.

(2) There shall be paid out of the fund of the Board-

- (a) all expenditure by the Board in the discharge of its functions under this Act the remuneration and allowances of the Registrar and other staff of the Board;
- (b) such reasonable travelling and subsistence allowances of members of the Board in respect of the time spent on the business of the Board as the Board may, with the approval of the Minister, determine.

5. Annual estimates, accounts and audit

(1) The Board shall cause to be prepared and submit to the Minister not later than the 31st October of the year in which this Act comes into force, (so however that the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its income and expenditure for the next succeeding year.

(2) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause the accounts to be audited within six months after the end of each financial year to which the accounts relate by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

6. Directions by the Minister

The Minister 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 performance by the Board of its functions and it shall be the duty of the Board to comply with the directions.

7. Registrar and employees of the Board

(1) The Board shall appoint a fit and proper registered person, or in the case of the first Registrar, he is eligible for registration to be the Registrar for the purposes of this Act.

(2) The Registrar shall, in addition to his other functions under this Act, be the secretary to the Board and shall on the instructions of the chairman of the Board or of any committee of the Board convene meetings of the Board or of any committee of the Board and shall keep minutes of the proceedings of all the meetings.

(3) The Board may appoint such other persons to be employees of the Board as the Board may determine to assist the Registrar in the performance of his functions under this Act.

(4) The Board may, whenever the Registrar is absent or is for any other reason unable to discharge the functions of his office, appoint an acting Registrar to discharge those functions.

(5) The Registrar and other employees of the Board shall hold office on such terms and conditions as the Board may, with the approval of the Minister, determine.

PART II

Registration and related matters

8. Preparation and maintenance of register

(1) The Registrar shall prepare and maintain, in accordance with rules made by the Board under this section, a register of the names, addresses, approved qualifications and such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Act to be registered as dental therapists and who apply in the specified manner to be so registered.

(2) Subject to the following provisions of this section, the Board shall make rules with respect to the form of keeping of the register and the making of entries, and in particular-

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

- (b) providing for the notification to the Registrar by the person to whom any registered particulars relate, of a change in those particulars;
- (c) authorising a registered person to have any qualification which is, in relation to the profession, whether an approved qualification or an accepted qualification for the purposes of section 10 (2) of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;
- (d) specifying the fees to be paid to the Board in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name on the register until any fee specified for entry has been paid;
- (e) specifying any other matter so required 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 have been approved by the Minister.

(3) The Registrar shall-

- (a) correct, in accordance with the directions of the Board, an 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) make, from time to time, any necessary alterations to the registered particulars of registered persons;
- (c) remove from the register the name of a registered person who has died or has become insane or who has, for any other reason, ceased to be qualified to be a member of the profession.

(4) If the Registrar-

- (a) sends by post to a registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three months from the date of posting it; and
- (b) on the expiration of that period, sends in like manner to the person in question a second 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 from the register, but the Board may direct the Registrar to restore to the register any particulars removed therefrom under this subsection.

9. Publication of the register and lists of corrections

(1) The Registrar shall-

- (a) cause the 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 Act comes into force;
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
- (c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Board, and the Board shall keep each 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 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 the current year, shall (without prejudice to any mode of proof) be admissible in any proceeding as evidence that a person specified in the documents, or the documents read together as being registered, is so registered and that a person not so specified is not so registered.

10. Registration as dental therapist

(1) Subject to section 27 of this Act and to rules made under section 8 (2) of this Act, a person shall be entitled to be registered under this Act and being so registered to receive a registration certificate if-

- (a) he has attended a course of training approved by the Board under section 18 of this Act;
- (b) the course, was conducted at an institution so approved, or partly at one such institution and partly at another;
- (c) he holds at least one of the qualifications prescribed in the Third Schedule to this Act for the purpose of registration on the register and has complied with the other requirements prescribed under section 8 (2) of this Act;

[Third Schedule.]

- (d) he is of good character; and
- (e) he thereafter pays the prescribed fee.

(2) Subject to section 27 of this Act and to rules made under section 8 (2) of this Act, a person shall also be entitled to be registered under this Act and being so registered to receive a registration certificate if he satisfies the Board-

- (a) that he holds a qualification granted outside Nigeria for the time being accepted by the Board for the purposes of this subsection as respect the profession;

(b) that in the country in which the qualification was granted he was under no legal disability in the practice of the profession;

(c) that he is of good character; and

(d) he thereafter pays the prescribed fee.

(3) The Board shall, from time to time, publish in the *Gazette* particulars of the qualifications for the time being accepted for the purposes of this section.

(4) The qualifications specified in the Third Schedule to this Act are those accepted for the time being by the Board as the minimum qualifications for the purpose of registration on the register established under section 8 of this Act.

[Third Schedule.]

(5) Subject to section 27 of this Act and to rules made under section 8 (2) of this Act, a person shall be entitled to be temporarily registered under this Act in the cases specified in section 11 of this act.

11. Temporary registration

(1) Where a person satisfies the Board-

(a) that he has been selected for employment for a specified period in a capacity in which a registered person under this Act would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;

(b) that he holds or has passed examinations necessary for obtaining some qualification granted outside Nigeria which is for the time being accepted by the Board for the purposes of this section as respect the capacity in which, if employed, he is to serve; and

(c) he pays the fee prescribed for registration,

the Board may, if it thinks fit, give a direction that he shall be temporarily registered.

(2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease-

(a) on the termination of the period of employment specified to the Board under that subsection; or

(b) on the termination of the employment before the end of that period, whichever first occurs.

(3) Nothing in subsection (2) of this section shall preclude the Board from giving a further direction under subsection (1) of this section in respect of a specified period, the commencement of which coincides with the termination of another such period.

(4) A person who is temporarily registered shall, in relation to his employment mentioned under subsection (1) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in respect of other matters he shall be treated as not so registered.

(5) Where there is doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purposes of subsection (2) of this section.

(6) The Registrar, as directed from time to time by the Board, shall remove from the register the name of a person ceasing to be entitled to the benefit of this section.

PART III

Privileges of registered persons and offences by unregistered persons

12. Certificate invalid if given by unregistered person

A certificate required by an enactment from a class of persons for whom a register is maintained under this Act, shall not be valid unless the person signing it is registered in accordance with this Act.

13. Appointment not to be held by unregistered persons

(1) Subject to the provisions of this Act, no person, not being registered on the register, shall be entitled to hold an appointment in the civil service of the Federation or of a State or in a public or private establishment, body or institution, if the holding of the appointment involves the performance by him in Nigeria of an act pertaining to the profession for gain.

(2) Nothing in this section or in any other provision of this Part of this Act shall prevent a person from holding an appointment referred to in subsection (1) of this section while he is undergoing training for the purpose of becoming qualified for registration under this Act and the training is done under the supervision of a person who is registered under this Act.

14. Prohibition of falsely professing to be a registered person

A person, not being registered under this Act, who holds himself out to be so registered or uses a name, title, description or symbol calculated to lead a person to infer that he is so registered, is guilty of an offence and liable on conviction-

(a) for a first offence, to a fine of not less than one hundred naira and not more than two hundred naira or to imprisonment for a term not exceeding six months or to both such fine and

imprisonment; and

(b) for a second or a subsequent offence, to imprisonment for a term of not less than one year and not more than three years.

15. Recovery of fees

(1) Subject to the provisions of this Act, a registered member of the profession shall be entitled to recover his fees for professional services by action in a court of competent jurisdiction.

(2) No fee shall be recoverable by legal proceedings in respect of an act pertaining to the profession when performed by a person who is prohibited from performing the act for gain.

16. Offences

(1) If a person, for the purpose of procuring the registration of a name, qualification or any 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 is guilty of an offence.

(2) If the Registrar, or any other person employed by the Board, willfully makes a falsification in any matter relating to a register maintained under this Act, he is guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on conviction in a High Court, to a fine not exceeding one thousand naira or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(4) Where an offence under this Part of this Act which has been committed by a body corporate is proved to have been committed with the connivance of or is attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate or a 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.

17. Burden of proof

In a criminal proceeding against a person on a charge of having performed an Act which constitutes an offence if performed by an unregistered person, the person charged shall be deemed to be unregistered unless he proves the contrary.

PART IV

Training

18. Approval of courses

(1) Subject to subsection (2) of this section, the Board may approve for the purpose of section 10 of this Act-

(a) a course of training which is intended for persons seeking to become members of the profession under this Act and which the Board considers is designed to confer on persons completing the course of training sufficient knowledge and skill for the practice of the profession; or

(b) an institution, whether in Nigeria or elsewhere, which the Board considers is properly organised and equipped for conducting the whole or any part of the course of training approved by the Board under this section; or

(c) a qualification which, as a result of examinations taken in conjunction with the 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 the profession to which the qualification relates.

(2) The Board shall, from time to time, publish in the *Gazette* a list of qualifications relating to the profession approved by it for the purpose of subsection (1) of this section.

(3) The Board may, if it thinks fit, withdraw an approval given under this section in respect of a course, qualification or institution, but before withdrawing the approval the Board shall-

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

(b) afford each person an opportunity of making representation to the Board with regard to the proposal; and

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

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

(5) The giving or withdrawal of an approval under this section shall have effect from such date, 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 the instrument in the *Gazette*; and
- (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

19. Supervision of instruction and examination leading to approved qualifications

(1) The Board shall keep itself informed of the nature of-

- (a) the instructions given at approved institutions to persons attending approved courses of training; and
- (b) the examination as a result of which approved qualifications are granted,

and for that purpose the Board may appoint, either from among its own members or otherwise, persons to visit approved institutions or attend the examinations.

(2) A person appointed under this section shall report to the Board on-

- (a) the adequacy of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) the adequacy of examinations attended by him; and
- (c) any other matter relating to the institutions or examinations on which the Board may, either generally or in a particular case, request him to report,

but that person shall not 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 examination to which the report relates, requesting that person to make representations to the Board within such time as may be specified in the request, not being more than twenty eight days beginning with the date of the request.

20. Power of the Board to consider matters relating to training

(1) The Board may consider and, if it thinks fit, report to the Minister on all matters relating to the professional training and other qualifications required for admission to the profession under this Act and the conditions of practice after registration.

(2) The Minister may require the Board to advise him on any matter referred to in subsection (1) of this section.

21. Establishment of Disciplinary Committee and Investigating Panel

(1) There shall be established a body to be known as the Dental Therapists Disciplinary Committee (in this Act referred to as the "Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel established under this section.

(2) The Disciplinary Committee shall consist of the chairman of the Board and six other members of the Board to include members holding office by virtue of paragraphs (b), (v) and (k) of subsection (1) of section 2 of this Act.

(3) There shall be a body to be known as the Dental Therapists Investigating Panel (in the Act referred to as the "Investigating Panel") which shall be charged with the duty of-

(a) conducting preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as such or should for any other reason be the subject of proceedings before the Disciplinary Committee; and

(b) deciding whether the case should be referred to the Disciplinary Committee.

(4) The Investigating Panel shall be appointed by the Board and shall consist of five members of the Board, but a member of the Disciplinary Committee shall not be a member of the Investigating Panel.

(5) The provisions of the Second Schedule to this Act shall in so far as they are applicable to the Disciplinary Committee and the Investigating Panel respectively, have effect with respect to those bodies.

[Second Schedule.]

22. Proceedings of the Disciplinary Committee

(1) The chairman shall preside at every meeting of the Disciplinary Committee but in his absence the members present at the meeting shall appoint one of their number to preside at that meeting.

(2) At any meeting of the Disciplinary Committee three members present shall form a quorum.

(3) A question proposed for decision by the Disciplinary Committee shall be determined by the majority of the members present and voting.

(4) At a meeting of the Disciplinary Committee each member present shall have one vote and, in the event of an equality of votes, the chairman shall have, in addition to a deliberative vote, a casting vote.

23. Penalty for unprofessional conduct

(1) Where-

- (a) a person registered under this Act is convicted by a court or tribunal in Nigeria or elsewhere having power to award punishment for an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of such professional; or
- (b) a registered person is judged by the Disciplinary Committee to be guilty of infamous conduct in a professional respect; or
- (c) the Disciplinary Committee is satisfied that the name of a person has been fraudulently registered, the Disciplinary Committee may give any of directions mentioned in subsection (2) of this section.

(2) The Disciplinary Committee may give a direction under subsection (1) of this section-

- (a) ordering the Registrar to strike that person's name off the relevant part of the register;
- (b) suspending that person from practice for such period as may be specified in the direction;
- (c) reprimanding that person;
- (d) ordering that person to pay to the Board any costs of and incidental to the proceedings incurred by the Board;
- (e) cautioning that person and binding him over for a period not exceeding one year on one or more conditions as to his conduct during that period,

and a direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other things as the case may require.

(3) In an inquiry under this section, a finding of fact which is shown to have been made in a criminal or civil proceedings in a court in Nigeria shall be conclusive evidence of the fact found.

(4) If, after due inquiry, the Disciplinary Committee is satisfied that during the period of binding over under paragraph (e) of subsection (2) of this section a person has not complied with the conditions imposed thereunder, the Disciplinary Committee may, if it thinks fit, impose any one or more of the penalties mentioned in subparagraph (a), (b), (c) or (d) of that subsection.

(5) A certificate under the hand of the chairman that costs have been ordered to be paid by a person under this section, shall be conclusive evidence thereof.

24. Restoration of registration

(1) Where the name of a person has been struck off the register in pursuance of a direction given under section 23 of this Act, the Disciplinary Committee may, if it thinks fit, at any time direct the restoration of the person's name to the register.

(2) An application for the restoration of a name to a register shall not be made to the Disciplinary Committee before the expiration of such period from the date of the striking off (and where he has duly made an application, from the date of his last application) as may be specified in the direction.

(3) There shall be payable to the Board by a person on the restoration of his name to a register in pursuance of a direction given under this section the like fees as would be payable by that person on first becoming registered in the register.

25. Striking off entries from the register on ground of fraud or error

(1) If it is proved to the satisfaction of the Disciplinary Committee that an entry made in a register has been fraudulently or incorrectly made, the Disciplinary Committee may direct that the entry shall be struck off from the register.

(2) A person may be registered in pursuance of a provision of this Act notwithstanding that his name has been struck off in pursuance of a direction given under subsection (1) of this section, but if his name was struck off on ground of fraud he shall not be registered except an application in that behalf is made to the Disciplinary Committee, and on an application, the Disciplinary Committee may, if it thinks fit, direct that he shall not be registered or shall not be registered until the expiration of such period as may be specified in the direction.

(3) A reference in this Act to the striking off from or the restoration to a register of the name of a person, shall be construed as including a reference to the striking off from or the restoration to the register of any other registerable particulars relating to that person.

26. Appeal to the Court of Appeal

(1) Where the Disciplinary Committee-

(a) makes a finding and imposes a penalty on a registered person under section 23 of this Act; or

(b) rejects an application for restoration of a name to the register under section 24 of this Act; or

(c) directs the striking off of an entry from a register under section 25 (1) of this Act,

the Registrar shall give the person to whom the proceedings relate notice in writing thereof and that person may, within twenty-eight days from the date of service on him of the notice, appeal to the Court of Appeal.

(2) On an appeal under this section the Board shall be the respondent.

(3) No direction for the striking off of the name of a registered person from a register under section 23 or 25 of this Act shall take effect until the expiration of the time for appealing or if an appeal is brought, until such time as the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) The Court of Appeal may, on an appeal under this section-

(a) confirm, vary or set aside any finding of fact, penalty imposed or direction given by the Disciplinary Committee; or

(b) confirm the rejection by the Disciplinary Committee of the application for restoration or direct the restoration of the same to the register; or

(c) make such other order as to costs or otherwise, as may, to it, seem just.

PART VI

Miscellaneous

27. Regulations

A power to make regulations, rules or orders conferred by this Act shall include-

(a) power to make provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(b) power to make different provisions for different circumstances.

28. Interpretation

In this Act, unless the context otherwise requires-

“accepted qualification” means a degree, diploma or other certificate prescribed under section 10 of this Act;

“Board” means the Dental Therapists Registration Board of Nigeria established under section 1 of this Act;

“Minister” means the Minister charged with responsibility for matters relating to health;

“profession” means the profession of dental therapy;

“register” means a register maintained under section 8 of this Act and “registered” shall be construed accordingly;

“Registrar” means the Registrar appointed under section 7 of this Act;

“registration certificate” means a registration certificate issued under section 10 of this Act; and

“student” means a person receiving basic training in an approved training school for the purpose of the profession covered by this Act.

29. Short Title

This Act may be cited as the Dental Therapists (Registration, etc.) Act.

SCHEDULES

[Section 2 (3).]

FIRST SCHEDULE

Supplementary provisions relating to the Board

Qualification and tenure of office of members

1. (1) A person other than a person appointed under section 2 (1) (c), (e), (g), (h) and (i) of this Act, shall not be a member of the Board unless he is a citizen of Nigeria and is fully registered or, in the case of the first members of the Board, is eligible for registration.

(2) Where a member of the Board ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall, as soon as may be, appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of this subparagraph shall not apply where a person holding office as a member of the Board ceases to hold office at the time when the residue of his term does not exceed one year.

(3) Subject to the provisions of this paragraph, a member of the Board, other than an ex-officio member, shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment for a further period of three years; thereafter he shall no longer be eligible for reappointment.

(4) A member of the Board may resign his appointment by a letter addressed to the Minister and the resignation shall take effect from the date of receipt of the letter by the Minister.

(5) The Minister may appoint a person who is registered to be a temporary member of the Board during a long absence or the temporary incapacity by illness of any member; and that person may, while the appointment subsists, exercise the functions of a member under this Act.

(6) The foregoing provisions of this section shall be without prejudice to the provisions of section 11 of the Interpretation Act which relates to appointments.

[Cap. 123.]

Proceedings of the Board

2. Subject to the provisions of the Act and of section 27 of the Interpretation Act (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 Board may make standing orders regulating the proceedings of the Board or of any committee thereof and elect a temporary vice-chairman in the absence of the chairman for the conduct of the affairs of the Board.

[Cap. 123.]

3. The quorum of the Board shall be seven and the quorum of any committee of the Board shall be determined by the Board.

4. At any time while the office of the chairman is vacant or the chairman is, in the opinion of the Board, temporarily or permanently unable to perform the functions of his office, the vice-chairman shall perform those functions and references in this Schedule to the chairman shall be construed accordingly.

5. (1) Subject to the provisions of any applicable standing orders, the Board shall meet whenever summoned by the chairman and if the chairman is required to do so by notice to him by not less than six other members, he shall summon a meeting of the Board to be held within twenty-one days from the date on which the notice is given.

(2) At a meeting of the Board, the chairman or, in his absence, the vice-chairman, shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Board wishes to obtain the advice of a person on a particular matter, the Board 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 Board and shall not count towards a quorum.

Committees

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

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board and not more than one third of those persons may be persons who are

not members of the Board who shall hold office on the committee in accordance with the terms of the letter by which they are appointed.

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

Miscellaneous

7. (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Board to Act for that purpose.

(2) A contract or an 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 by a person authorised generally or specially by the Board to Act for that purpose.

SECOND SCHEDULE

[Section 21 (5).]

Supplementary provisions relating to the Disciplinary Committee and the Investigating Panel

The Disciplinary Committee

1. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

(2) The rules shall in particular provide-

(a) for securing that notice of 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 a party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Committee;

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

(e) subject to the provisions of section 23 (2) (d) of this Act, for the costs of proceedings before the Disciplinary Committee;

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

(g) for publishing in the *Gazette* a notice of a direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register.

2. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Board on the recommendation of the Attorney-General of the Federation and shall be a legal practitioner of not less than seven years' standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular the rules shall contain provisions for securing-

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

(b) that every party or person as aforesaid shall be informed if in any case the Disciplinary Committee 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 letter by which he is appointed.

The Investigation Panel

3. The quorum of the Panel shall be three.

4. (1) The Investigating Panel may, at any of its meetings attended by not less than four members of the Investigating Panel, make standing orders with respect to the Investigating Panel.

(2) Subject to the provisions of its standing orders, the Investigating Panel may regulate its own procedure.

General

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

6. The Disciplinary Committee or Investigating Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or subject to section 23 (4) of this Act by reason that a person who was not entitled to do so took part in the proceedings of that body.

7. The Disciplinary Committee and the Investigating Panel may each sit in two or more places.

8. A document authorised or required by virtue of this Act to be served on the Disciplinary Committee or the Investigating Panel shall be served on the Registrar.

9. Expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Board.

Third Schedule

[Section 10 (4).]

*Accepted minimum qualification for the purpose of registration on
the register established under this Act*

1. D.N.I.D.TH Diploma of the National Institute of Dental Therapists.

2. H.N.D.B.Sc in Dental Therapy or equivalent qualification plus a proficiency certificate in the case of dental surgery assistants.

DENTAL THERAPISTS (REGISTRATION, ETC.) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation