

# NATIONAL EYE CENTRE ACT

## ARRANGEMENT OF SECTIONS

### *Establishment, etc., of the National Eye Centre*

#### SECTION

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**An Act to establish the National Eye Centre at Kaduna for the prevention and cure of eye defects and diseases and to establish a Board to govern the Centre and an Academic Committee, to take charge of the Centre's academic affairs.**

[1979 No. 52.]

[20th August, 1979]

[Commencement.]

*Establishment, etc. of the National Eye Centre*

### **1. Establishment of the National Eye Centre**

(1) There is hereby established at Kaduna, a center by the name of the National Eye Centre (in this Act referred to as "the Centre"), which shall be a body corporate with perpetual succession and a common seal.

(2) The Centre shall be a hospital, specialising in ophthalmology, with facilities for the training of ophthalmic personnel at all levels.

### **1. Functions of the Centre**

(1) The functions of the Centre shall be to provide as part of the hospital and specialist services, services in connection with the diagnosis and treatment of diseases or defects of the eye, supply of optical appliances and other supplementary ophthalmic services.

(2) The Centre shall have power-

(a) to provide diagnostic, curative, promotive and rehabilitative ophthalmic services;

(b) to provide ambulatory and domiciliary ophthalmic treatment, employing the services of ophthalmologists and other medical practitioners;

(c) to provide facilities for the clinical training of ophthalmologists;

(d) to provide facilities for the training of ophthalmic and dispensing opticians, ophthalmic nurses, orthoptists and ophthalmic technicians;

(e) to create facilities for research into all aspects of ophthalmology, that is to say, visual, clinical and experimental;

(f) to develop new diagnostic and therapeutic ophthalmic instruments and appliances better suited to the practice of ophthalmology in Nigeria.

(3) For the purposes of the discharge of its functions under the foregoing provisions of this section, the Centre may-

- (a) arrange periodic conferences, seminars, study groups and like activities in ophthalmology;
- (b) advise the Government of the Federation or of a State on all matters relating to defects and diseases of the eye and the prevention of blindness;
- (c) offer such assistance to ophthalmic hospitals or units in various parts of the Federation, as the Board may deem necessary;
- (d) do anything in connection with or incidental to the functions conferred on it by this Act.

### **3. Constituent parts of the Centre**

The Centre shall be constituted as follows, that is to say-

- (a) management board;
- (b) an education committee;
- (c) the clinical and other departments of the Centre;
- (d) all members of the administrative, clinical and technical staff; and
- (e) all students of the Centre.

### **4. The Management Board**

(1) There is hereby established for the Centre, a board to be known as the National Eye Centre Management Board (in this Act referred to as "the Board"), which shall have general responsibility for the government of the Centre and shall consist of-

- (a) the Chairman;
- (b) the Director;
- (c) four persons, broadly representative of the whole Federation and representing a variety of interest, who shall be appointed by the President;
- (d) two persons appointed by the consultant staff of the hospital from among their number;
- (e) the Permanent Secretary, Federal Ministry of Health, or his representative;
- (f) the Permanent Secretary, Federal Ministry of Education, or his representative.

(2) The Chairman and other members who are not *ex officio* shall be appointed by the President, on the recommendation of the Minister.

(3) The Chairman shall be a person of proven integrity, coupled with experience and outstanding ability in administration and professional or technical education.

(4) The members specified in paragraphs (b), (d), (e) and (f) of subsection (1) of this section, are hereafter referred to as "*ex-officio* members".

(5) The supplementary provisions in the Schedule to this Act, shall have effect with respect to the constitution and proceedings of the Board and the education committee and the other matters therein mentioned.

[Schedule.]

### **1. Tenure of office of the Chairman and members of the Board**

(1) The Chairman and any other member of the Board (not being an *ex-officio* member), shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years:

Provided that members of the Board appointed under paragraph (d) of section 4 (1) of this Act, shall hold office for two years and shall not be eligible for re-appointment.

(2) A member of the Board, other than an *ex-officio* member, shall be paid out of monies at the disposal of the Board such remuneration and allowances in accordance with scales approved from time to time by the President.

(3) In the event of the death or incapacity of the Chairman of the Board, or if for any reason other than effluxion of time, the office of the Chairman is vacant, the President shall, on the recommendation of the Minister, appoint another person as chairman for the residue of the term of the Chairman of the Board.

(4) The office of a member of the Board shall become vacant if-

(a) he previously resigns his office by notice in writing given to the Minister;

(b) the period of his appointment has expired; or

(c) there is passed by the Board, a resolution declaring-

(i) that he has become unfit for membership of the Board, by reason of the fact that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or

(ii) that he has been absent from three consecutive meetings of the Board without leave of the Board; or

(iii) he has been convicted of an offence which involves moral turpitude.

(5) Soon after the office of a member becomes vacant, the authority by which he was appointed shall appoint another person in his place in accordance with the provisions of this Act.

(6) Any member of the Board other than an *ex-officio* member may, by notice to the Board, resign his appointment.

### **1. General duty of the Board**

(1) The Board shall be the governing body of the Centre and shall be charged with the general control and superintendence of the policy, finances and property of the Centre, including its public relations.

(2) Without prejudice to the generality of the foregoing, it shall be the duty of the Board-

(a) to construct, equip, maintain and operate the hospital, which is to provide comprehensive services, teaching and clinical research in ophthalmology;

(b) to construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary, for providing the Centre at all times with adequate and sufficiently qualified staff, including ophthalmologists, ophthalmic technicians, nurses and members of other allied professions and calling, relevant to the practice of ophthalmology;

(c) to construct, equip, maintain and operate such clinics, units, out-patient departments, laboratories, research or experimental stations and other like institutions, as the Board may consider necessary for the efficient functioning of the Centre.

(3) The duty of running the Centre imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction for students; but the Board shall not have power to award degrees, so however that the Board shall not be prevented from arranging for students to attend courses at or take higher qualifications awarded by other institutions not controlled by the Board.

(4) The Board shall ensure that the standards of treatment and care for patients provided at all establishments controlled by the Board and the standards of training at those

establishments, do not fall below those usually provided by similar establishments of internationally high repute.

(5) Subject to this Act, the Board shall have power to do anything, which in its opinion, is calculated to facilitate the carrying out of its functions under this Act.

### **1. Powers of the Board in relation to management, etc., of the Centre staff**

The Board shall be responsible for laying down general policies and guidelines relating to the management of the affairs of the Centre, including the management of the hospital and the provision of facilities relating to the training of all categories of ophthalmic personnel and it shall be the duty of the Director to execute such policies and to keep within such guidelines.

#### *Staff*

### **8. The Director**

(1) Subject to the provisions of this section, the Director shall be appointed or removed from his office by the President.

(2) The Director shall hold office for four years in the first instance and shall be eligible for reappointment for terms not exceeding three years, on each occasion.

(3) Subject to this section, the Director shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.

(4) The Director shall, in relation to the Board, take precedence before all other members of the Centre, except the Chairman of the Board and any person for the time being acting as Chairman of the Board.

(5) Subject to this section, the Director shall be the chief executive officer of the Centre and in addition to any other function conferred on him by this Act, have the general function of directing the day-to-day activities of the Centre.

### **1. Appointment, etc., of other staff**

(1) The senior members of the clinical, administrative and technical staff of the Centre shall be appointed by the Board on the recommendation of a committee, to be known as the Appointments and Promotions Committee, set up under the provisions of paragraph 4 (3) of the Schedule to this Act.

[Schedule.]

(2) The Board shall from among the officers appointed pursuant to subsection (1) of this section select, on the recommendation of the Director, a person to act both as the

secretary to the Board and to the education committee.

(3) The power to appoint all other categories of staff to hold or act in offices in the Centre (including power to make appointments on promotion and transfer and to confirm, dismiss or exercise other disciplinary control over persons holding or acting in such offices), shall be exercised by the Director acting on the recommendation of the Junior Staff Appointments and Promotions Committee, constituted under paragraph 4 (4) of the Schedule to this Act

## **10. Composition of the education committee**

The education committee shall consist of-

- (a) the Director, who shall be the chairman;
- (b) the heads of the departments of the Centre, responsible for training; and
- (c) the persons for the time being holding such offices in the Centre, as the Director may specify.

## **11. Functions of the education committee**

The education committee shall have responsibility for the running of the academic affairs of the Centre including-

- (a) the organisation and control of courses of study at the Centre and of the examinations held in connection with those courses;
- (b) determining the requisite qualifications for admission into any of the courses offered by the Centre;
- (c) determining the duration of the training period; and
- (d) effecting the affiliation of the Centre with universities and institutions, for the award of degrees, diplomas or fellowship to students, on the successful completion of the relevant courses.

## **12. Candidacy for admission**

Where a candidate offers himself for admission as a postgraduate medical student under this Act, he shall satisfy the Board that he is a registered medical practitioner or that he is on the temporary or provisional register of medical practitioners of the Nigeria Medical Council.

## **13. Power of the Minister to give directions**

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 exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with the directions, but no direction shall be given which is inconsistent with the duties of the Board under this Act.

### *Finance and discipline*

## **14. Financial provisions**

(1) The Board shall establish a fund into which it shall pay-

(a) such sums as may be provided, from time to time, by the Government of the Federation or of a State for the Centre; and

(b) all sums accruing to the Centre by way of fees, gifts, testamentary disposition, contributions from philanthropic persons or organisations or otherwise howsoever.

(2) Except with the approval of the Minister, the Centre shall not have power to borrow money.

(3) The Board shall prepare and submit to the Minister, not later than 31 December in each financial year, an estimate of the income and expenditure of the Centre during the next succeeding financial year.

(4) The Centre 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 appointed, as respects that year, by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

## **15. Fees for services**

The Board may, with the approval of the Minister, prescribe the scale of fees chargeable for hospital services provided by the Centre.

## **16. Power to accept gifts**

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

(2) The Board shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Board under this Act.

## **17. Discipline of students**



(1) Subject to the provisions of this section, where it appears to the Director that any student of the Centre has been guilty of misconduct, the Director may, without prejudice to any other disciplinary powers conferred on him by regulations, direct-

(a) that, the student shall not, during such period as may be specified in the direction, participate in such activities of the Centre or make use of such facilities of the Centre as may be so specified; or

(b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or

(c) that the student be rusticated for such period as may be specified in the direction; or

(d) that the student be expelled from the Centre.

(2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Board; and where such an appeal is brought, the Board shall, after causing inquiry to be made in the matter as the Board considers appropriate, either confirm or set aside the direction or modify it in such manner as the Board thinks fit.

(3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection, shall not affect the operation of the direction while the appeal is pending.

(4) The Director may delegate his powers under this section to a disciplinary committee consisting of such members of the Centre as he may nominate.

(5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Centre otherwise than on the ground of misconduct.

(6) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

(7) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, nurses or members of any other profession or calling.

## **18. Removal and discipline of clinical, administrative and technical staff**

(1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Centre, other

than the Director, should be removed from his office or employment, the Board shall require the Director to—

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter to the Board; and
- (c) if the person in question so requests within the period of one month beginning with the date of the notice, make arrangements—
  - (i) for a committee to investigate the matter and to report on it to the Board; and
  - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter,

and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.

(2) The Director may, in a case of misconduct by a member of staff, which in the opinion of the Director is prejudicial to the interest of the Centre, suspend any such member and any such suspension shall forthwith be reported to the Board.

(3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Board; and for the purposes of this section, **“good cause”** means—

- (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
- (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
- (d) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(4) Any person suspended shall, subject to subsections (2) and (3) of this section, be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension, consider the case against that person and come to a decision as to-

(a) whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him); or

(b) whether to reinstate such person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension; or

(c) whether to terminate the appointment of the person concerned, in which case such person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

(d) whether to take such lesser disciplinary action against such person (including the restoration of his emoluments that might have been withheld), as the Board may determine,

and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) of this section, to use his best endeavours to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.

(6) Nothing in the foregoing provisions of this section shall prevent the Board from making regulations for the discipline of students and all other categories of employees of the Centre, as the Board may prescribe.

(7) Regulations made under subsection (6) of this section, need not be published in the *Federal Gazette*, but the Board shall bring them to the notice of all affected persons in such manner as it may, from time to time, determine.

## **19. Discipline of junior staff**

(1) If any junior staff is accused of misconduct or inefficiency, the Director may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotion Committee appointed under the provisions of paragraph 3 (b) of the Schedule to this Act-

[Schedule.]

(a) to consider the case; and

(b) to make recommendations as to the appropriate action to be taken by the Director.

(2) In all cases under this section the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.

(3) The Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or down-grade the officer concerned.

(4) Any person aggrieved by the Director's decision under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case, and the Board's decision thereon shall be final.

*Miscellaneous and supplementary*

## **20. Exclusion of discrimination on account of religion, race, etc.**

No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition to becoming or continuing to be a student at the Centre, the holder of any appointment or employment at the Centre or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the Centre, by reference to any of those matters:

Provided that nothing in this section shall be construed as preventing the Centre from imposing any disability or restriction on any of the aforementioned persons, where such person wilfully refuses or fails, on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the Centre reasonably justifiable in the national interest.

## **21. Annual reports**

The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year and shall include in such report a copy of the audited accounts of the Centre for that year and of the auditors' report thereon.

## 22. Interpretation

In this Act, unless the context otherwise requires-

“**the Board**” means the governing Board for the Centre, appointed under section 4 (1) of this Act;

“**the Centre**” means the National Eye Centre, established under section 1 of this Act;

“**functions**” includes powers and duties;

“**the Minister**” means the Minister charged with responsibility for health;

“**student**” means a person enrolled at an institution controlled by the Board, for the purpose of pursuing a course of instruction at the institution.

## 23. Short title

This Act may be cited as the National Eye Centre Act.

### SCHEDULE

[Section 4 (5).]

*Supplementary provisions relating to the Board, the Education Committee. etc.*

#### *Proceedings of the Board*

1. Subject to the provisions of this Act and section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. 123.]

2. The quorum of the Board shall be five, which shall include the Chairman and at least one other member, who is not an *ex-officio* member; and the quorum of any committee of the Board shall be determined by the Board.

3. (1) Subject to the provisions of any standing orders of the Board, the Board shall meet 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 five other members, he shall summon a meeting of the Board to be held within fourteen days of the date of the receipt by him of the notice.

(2) At any meeting of the Board, the Chairman of the Board shall preside and if the Chairman is absent, the members present shall elect one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on any 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 and shall not count towards a quorum.

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

#### *Committees of the Board and Education Committee*

**4.** (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, but a decision of a committee shall be of no effect until it is confirmed by the Board.

(2) The education committee may appoint one or more committees to carry out on behalf of the education committee such of its functions as the education committee may determine, but a decision of a committee shall be of no effect until it is confirmed by the education committee.

(3) Without prejudice to the generality of sub-paragraphs (1) and (2) of this Schedule, the Board shall appoint the following committees, that is-

(a) the Appointments and Promotions Committee, which shall-

(i) consist of not less than five members, including the Director, who shall be the chairman of the Committee;

(ii) be charged with the responsibility for making recommendations to the Board on the appointment and promotion of the clinical, administrative and technical staff of the Centre and have a quorum of three members;

(b) the Junior Staff Appointments and Promotions Committee, which shall have the powers set out in section 19 of this Act.

#### *Employees of the Centre*

**5.** Subject to this Act, the Board shall have power-

(a) to pay the employees of the Centre such remuneration and allowances as the Board may with the approval of the Minister determine;

(b) to pay any person appointed to a committee of the Board such remuneration (whether by way of fees or otherwise), in respect of the performance of his functions under this Act and such travelling and subsistence allowances while on the business of the Board, as the Board may determine;

(c) to establish for the employees of the Centre such superannuation scheme (whether contributory or not), as the Board may determine; and

(d) to give loans to its employees for purposes approved by the Board.

### *Miscellaneous*

**6.** (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 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 Centre by any person generally or specially authorised to act for that purpose by the Board or a committee of the Board.

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

**7.** The validity of any proceedings of the Board or a committee thereof, shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of any other person on the committee.

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

### *Education Committee*

**9.** The provisions of this Schedule shall apply *mutatis mutandis* to the education committee; so however that in relation to the quorum thereof, it shall be as may be determined by the education committee.

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*