

MEDICAL AND DENTAL PRACTITIONERS ACT

1988

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An Act to establish the Medical and Dental Council of Nigeria for the registration of medical practitioners and dental surgeons and to provide for a Disciplinary Tribunal for the discipline of members.[1988 No. 23.]

[28th June, 1988] [Commencement.]

Amended by Medical and Dental Practitioners Act Decree No. 78 of 1992

<p>1. (1) There is hereby established a body to be known as the Medical and Dental Council of Nigeria (hereafter in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.(2) The Council shall have responsibility for-(a) determining the standards of knowledge and skill to be attained by persons seeking to become members of the medical or dental profession and reviewing 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 registers of persons entitled to practise as members of the medical or dental profession and the publication from time to time of lists of those persons;(c) reviewing and preparing from time to time, a statement as to the code of conduct which the Council considers desirable for the practice of the professions in Nigeria;(d)supervising and controlling the practice of homeopathy and other forms of alternative medicine;[1992 No. 78.](e)making regulations for the operation of clinical laboratory practical in the field of Pathology which includes Histopathology, Forensic Pathology, Autopsy and Cytology, Clinical Cytogenetics, Haematology, Medical Microbiology and Medical Parasitology, Chemical Pathology, Clinical Chemistry, Immunology and Medical Virology; and[1992 No. 78.] (f) performing the other functions conferred on the Council by this Act.</p>	<p><i>Establishment and functions of the Medical and Dental Council of Nigeria.</i></p>
<p>2. (1) The Council shall consist of a chairman to be appointed by the President, and the following other members, that is-(a) two representatives of the Federal Ministry of Health both of whom shall be fully registered medical</p>	<p><i>Composition of the Council.</i></p>

<p>practitioners or dental surgeons;(b) the Chief Medical Officer (or however called) of the Ministry of Health of each State of the Federation;(c) one representative of the Armed Forces Medical Services;(d) one representative of the National Post-Graduate Medical College;(e) three representatives of Colleges or Faculties of Medicine of universities in the country to be appointed by the Minister in rotation from among the provosts or deans of such Colleges or Faculties, so however so that no two of such persons shall be from the same university;(f) two representatives of the medical and dental professions to be appointed by the Minister;(g)eleven members of which nine shall be from the Nigerian Dental Association having at least two representatives in the council.[1992 No. 78.](h)one representative of alternative medicine practitioners;[1992 No. 78.](i)two pathologists to be appointed by the National Post-Graduate Medical College to represent the health zonal distributors, teaching and specialists hospitals in Nigeria.[1992 No. 78.] (2) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the council, the procedure of the Council and the other matters therein mentioned. [First Schedule.]</p>	
<p>3. (1) Subject to subsection (2) of this section and to any directions given to the Council under this Act the Council shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its activities under this Act.(2) The Council shall, with the prior consent of the Minister, have power to borrow money, acquire or dispose of any property and shall have power to pay remuneration (including pensions), allowances or expenses to any member, officer or servant of the Council or to any other person in accordance with scales approved by the Council.</p>	<p><i>Powers of the Council.</i></p>
<p>4. (1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual persons or case) with regard to the exercise by the Council of its functions under this Act and it shall be the duty of the Council to comply with the directions.(2) Before giving a direction under subsection (1) of this section, the Minister 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. (3) The Minister may, after considering any representations made to him in pursuance of subsection (2) of this section, give the direction either without modifications or with such modifications as appear to him to be appropriate having regard to the representations.</p>	<p><i>Control of the Council by Minister.</i></p>
<p>5. (1) The Council shall prepare and submit to the Minister, not later than the</p>	<p><i>Financial</i></p>

30th day of July of the year in which this Act comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.(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 respect that year, by the Council.(3) The Minister shall out of moneys provided by the Federal Government, make to the Council either by way of grant or by way of loan, payments of such amounts as the President may from time to time determine.

provisions.

6. (1) It shall be the duty of the Council to appoint a fit medical practitioner or dental surgeon to be the Registrar for the purposes of this Act.(2) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Council under this section, registers 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 Act to be registered as medical practitioners or dental surgeons and who apply in the specified manner to be so registered.(3) Separate registers shall be maintained for medical practitioners and dental surgeons respectively, each of which shall be divided into the following parts-(a) one part for fully registered persons;(b) one part for provisionally registered persons, in the case of medical practitioners; and(c) one part for persons who have been granted limited registration under section 13 of this Act.(4) Subject to the following provisions of this section, the Council shall make rules with respect to the form and keeping of the registers and the making of entries therein and in particular-(a) regulating the making of applications for registration and providing for the evidence to be produced in support of the applications;(b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;(c) authorising a registered person to have any qualification which is, in relation to the relevant profession, either an approved qualification or an accepted qualification for the purposes 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 Council in respect of the entry of names on the registers and authorising the Registrar to refuse to enter a name on a register until any fee specified for the entry has been paid; and(e) specifying anything failing to be specified under the foregoing provisions of this section, but rules made for the purpose of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Council.(5) It shall be the duty of the Registrar-(a) to correct, in accordance

Appointment of Registrar, preparation and maintenance of registers.

with the directives of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council, an entry which was incorrectly made;(b) to make any necessary alterations in the registered particulars of registered persons from time to time;(c) to remove from the part of the relevant register which relates to provisionally registered persons all particulars relating to a person registered in that part of the register;(d) to remove from the part of the relevant register which relates to limited registration, all particulars relating to a person whose limited registration has ceased; and(e) to remove from the relevant register the name of any registered person who has died or become insane.(6) If the Registrar-(a) sends by post to any registered person a registered letter addressed to him at his address on the register reminding him of any duty or enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of three 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 relevant register but the Council may direct the Registrar to restore to the appropriate part of the register, any particulars removed therefrom under this subsection.(7) For the avoidance of doubt it is declared that a person shall not be entitled to have his name included in more than one part of the relevant register; and the Council may direct the removal of the name of any person to give effect hereto, so however that if the person is a citizen of Nigeria, his name shall not be removed from the part of the register which relates to fully registered person under the authority of this subsection.(8) The Registrar shall give notice in writing by registered post to any medical practitioner or dental surgeon concerned of any directive of the Council given under subsection (7) of this section, and thereafter no appeal shall lie against the removal.

7. (1) It shall be the duty of the Registrar-(a) to cause the registers to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Act comes into force; (b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed; and(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the Council.(2) It shall be the duty of the Council to keep the registers and lists of corrections deposited under subsection (1) of this section open at all reasonable time for inspection by

Publication of registers and list of corrections.

members of the public.(3) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the documents, or the documents read together, as being fully or provisionally registered or as being registered for a limited period as a medical practitioner or a dental surgeon, is so registered, and that any person not so specified is not so registered.

8. (1) Subject to section 16 and to Rules made under section 6 (4) of this Act, a person shall be entitled to be fully registered as a medical practitioner or as a dental surgeon if-(a) he has attended a course of training approved by the Council under section 9 of this Act as respects the medical or dental profession, as the case may be;(b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; (c) he holds a qualification so approved; and(d) he holds a certificate of experience issued in pursuance of section 11 of this Act.(2) Subject as aforesaid, a person shall be entitled to register any post-graduate qualification if the qualification is approved by the Council in a specialised branch of medicine or dental surgery.

Full registration of medical practitioners and of dental surgeons

9. (1) Subject to subsection (2) of this section, the Council may approve for the purposes of the Act-(a) any course of training which is intended for persons who are seeking to become, or are already members of the medical or dental profession and which the Council considers is designed to confer on person completing it sufficient knowledge and skill for the practice of that profession or for practice as members of a specialised branch of that profession;(b) any institution in Nigeria which the Council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the Council under this section;(c) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practice the profession in question or to practise as members of a specialised branch of that profession.(2) The Council shall not, in pursuance of subsection (1) of this section, approve a qualification granted by an institution in Nigeria unless the qualification bears one of the following designations (with or without the addition of words indicating specialisation in a particular field), that is to say-

Approval of courses, qualifications and institutions.

(a) Bachelor of medicine and surgery; or(b) Bachelor of dental surgery.(3) The Council may institute an assessment examination for holders of foreign medical or dental qualifications recognised by the government of the countries from where such qualifications were obtained.(4) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval, the Council shall-(a) give notice that it proposes to do so to each person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;(b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and(c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.(5) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.(6) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of approval, as the Council may specify in the instrument; and the Council shall-(a) as soon as may be, publish a copy of every such instrument in the Federal Gazette; and(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

10. (1) It shall be the duty of the Council to keep itself informed of the nature of-(a) the instructions given at approved institutions to persons attending approved courses of training; and(b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations at least once in three years.(2) It shall be the duty of a visitor appointed under subsection (1) of this section to report to the Council on-(a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;(b) the sufficiency of the examinations attended by him; and(c) any other matters relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no visitor shall interfere with the giving of any instruction or the holding of any examination.(3) On receiving a

Supervision of instructions and examinations leading to approved qualifications.

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

11. (1) A person who, after obtaining an approved medical or dental qualification, satisfies the conditions specified in subsection (2) of this section shall be entitled to receive free of charge a certificate of experience in the prescribed form.(2) The conditions which a person must satisfy under subsection (1) of this section are-(a) he must have been employed for the prescribed period at a recognised institution in Nigeria with a view to obtaining a certificate of experience and have resided throughout that period either in the institution or near to it in accordance with requirements in that behalf specified in the terms of his employment;(b) he must have acquired during his employment practical experience under the personal supervision and guidance of one or more fully registered medical practitioners in the practice of surgery, midwifery, medicine or dental surgery, as the case may be, for such periods as may be prescribed in relation to each of those subjects respectively; and(c) the manner in which he carried out the duties of his employment and his conduct during the period of his employment must have been satisfactory.(3) Any period spent under subsection (2) of this section by a person during his employment in acquiring experience of the techniques for safeguarding and improving the health of children or public health or of the activities carried on in a recognised health centre shall be calculated for the purposes of that subsection as periods in the practice of medicine.(4) It shall be the duty of the person in charge of a recognised institution at which a person is employed with a view to obtaining a certificate of experience to ensure that the last-mentioned person is afforded proper opportunities of acquiring the practical experience required for the purposes of subsection (2) of this section.(5) Where after having been employed as mentioned in paragraph (a) of subsection (2) of this section at any institution, a person is refused a certificate of experience he shall be entitled to-(a) receive from the person in charge of the institution particulars in writing of the grounds of the refusal; and(b) appeal against the refusal to a committee of the Council in accordance with Rules made by the Council in that behalf (including Rules as to the time within which appeals are to be brought); and after duly considering any such appeal the committee shall either dismiss the appeal or issue the certificate of experience in question or give such other directive in the matter as it considers just.(6) The Council may make regulations to

Certificate of experience.

provide for the issuance of certificate of experience in respect of employment at institutions outside of Nigeria.(7) In this section and in section 12 of this Act, "recognised" means recognised for the time being for the purposes of those sections by order of the Council.

12. (1) A person who has obtained an approved medical or dental qualification and satisfies the Registrar that he is of good character and he is about to be employed as mentioned in paragraph (a) of subsection (2) of section 11 of this Act, shall, subject to the provisions of section 15 and of Rules made under section 6 of this Act, be entitled to be provisionally registered as a medical practitioner or dental surgeon.(2) A person who is provisionally registered shall, for the purposes of his employment at any recognised institution with a view to obtaining a certificate of experience, but not for any other purposes, be deemed to be fully registered.

Provisional registration of medical practitioners and dental surgeons.

13. (1) Where a person satisfies the Council-(a) that he has been selected for employment for a specified period in an approved hospital or as the case may be, in any other approved institution in Nigeria in the capacity of a practitioner of medicine, surgery, dental surgery or midwifery, and that he is or intends to be in Nigeria for a limited period for the purposes of serving for that period in the employment in question; and(b) that he has passed the assessment examination, if any, of the Council following some qualifications granted outside Nigeria which is for the time being accepted by the Council for the purposes of this section as respect the capacity in which, if employed, he is to serve, the Council may, if it thinks fit, give a direction that he shall be registered for a limited period as a medical practitioner or as a dental surgeon, as the case may be.(2) The registration of a person for a limited period 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 Council under that subsection; or(b) on the termination of the said employment before the end of that period, whichever first occurs.(3) Nothing in subsection (2) of this section shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specified period whose commencement coincides with the termination of another such period.(4) A person registered by virtue of the provisions of this section shall, in relation to his employment as mentioned in 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 relation to all other matters he shall be treated as not so registered.(5) No person with limited registration shall be allowed either to open or manage on his own a private health institution.(6) In the case of

Practitioners for limited registration.

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

VIEW RELEVANT CASES

14. (1) Subject to subsection (2) of this section, no medical practitioner or dental surgeon shall practise as a medical practitioner or dental surgeon, as the case may be, in any year unless he has paid to the Council in respect of that year the appropriate practising fees prescribed hereunder-(a) in the case of a medical practitioner or dental surgeon of not less than 10 years' standing, N100.00;(b) in the case of medical practitioner or dental surgeon of less than 10 years' standing, N50.00;(c) in the case of a house officer, N25.00; and(d) in the case of a medical practitioner or dental surgeon with limited registration, N200.00.(2) A medical practitioner or dental surgeon during his service year in the National Youth Service Corps Scheme shall be exempted from the payment of practising fees.(3) The Council may, with the approval of the Minister from time to time, vary the practicing fees prescribed under subsection (1) of this section.(4) The Council shall share the aggregate amount collected as practising fees during the year as follows-(a) 70 per cent to the Nigeria Medical Association; and(b) 30 per cent to the Medical and Dental Council of Nigeria.(5) Any medical practitioner or dental surgeon who in respect of any year and without paying the prescribed practising fees practises as such shall be guilty of an offence and shall be liable on conviction-(a) in the case of a first offence, to a fine of twice the prescribed practising fees; and(b) in the case of a second or subsequent offence, to a fine of not less than ten times the prescribed practising fee, and if the medical practitioner or dental surgeon is in the employment of any person, that person shall also be guilty of an offence and punished in like manner as the medical practitioner or dental surgeon unless he proves that the failure to pay the practising fee was without his knowledge, consent or connivance.

Practising fees.

15. (1) There shall be established a tribunal to be known as the Medical and Dental Practitioners Disciplinary Tribunal (in this Act referred to as "the Disciplinary Tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the Panel established under subsection (3) of this section and any other case of which the Disciplinary Tribunal has cognisance under the following provisions of this Act.(2) The Disciplinary Tribunal shall consist of the chairman of the Council and ten other members of the Council appointed by the Council who shall include not less than two persons who are fully registered dental surgeons.(3) There shall be

Establishment of Disciplinary Tribunal and Investigation Panel.

established a body to be known as the Medical and Dental Practitioners Investigation Panel (hereafter in this Act referred to as "the Panel"), which shall be charged with the duty of-(a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a medical practitioner or dental surgeon, or should for any other reason be the subject of proceedings before the Disciplinary Tribunal;(b) compelling any person by subpoena to give evidence before it;(c) deciding, if satisfied that to do so is necessary for the protection of members of the public, to make an order for interim suspension from the medical or dental profession in respect of the person whose case they have decided to refer for inquiry; and for the case to be given accelerated hearing by the Disciplinary Tribunal within three months; or(d) deciding, if satisfied that to do so is necessary for the protection of members of the public or is in his interest, to make an order for interim conditional registration in respect of that person, that is to say, an order that his registration shall be conditional on his compliance, during such period not exceeding two months as is specified, as the Panel may think fit to impose for the protection of members of the public or in his interest.(4) The Panel shall be appointed by the Council and shall consist of fifteen members, at least three of whom shall be dental surgeons. (5)The provisions of the Second Schedule to this Act shall, so far as applicable to the Disciplinary Tribunal and the Panel respectively, have effect with respect to those bodies.[Second Schedule.]

VIEW RELEVANT CASES

16. (1) Where-(a) a registered person is adjudged by the Disciplinary Tribunal to be guilty of infamous conduct in any professional respect; or(b) a registered person is convicted, by any court of law or Tribunal in Nigeria or elsewhere having power to impose imprisonment, for an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the status of a medical practitioner or dental surgeon, as the case may be; or(c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered, the Disciplinary Tribunal may, if it thinks fit, give any of the directions specified in subsection (2) of this section.(2) The Disciplinary Tribunal may give a direction under subsection (1) of this section-(a) ordering the Registrar to strike the person's name off the relevant register or registers; or(b) suspending the person from practice by ordering him not to engage in practice as medical practitioner or dental surgeon, as the case may be, for such period not exceeding six months as may be specified in the direction; or(c) admonishing that person.(3) The Disciplinary Tribunal may, if it thinks fit, defer or further

Penalties for professional misconduct, etc.

defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the disciplinary committee; but-(a) no decision shall be deferred under this subsection for any period exceeding two years in the aggregate; and(b) no person shall be a member of the Disciplinary Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Disciplinary Committee when the decision was deferred.(4) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (b) 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.(5) When the Disciplinary Tribunal gives a direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.(6) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Court of Appeal; and the Disciplinary Tribunal may appear as respondent to the appeal and, for the purposes of enabling directions to be given as to the costs of the appeal and of proceedings before the Disciplinary Tribunal, the Disciplinary Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.(7) A direction of the Disciplinary Tribunal under subsection (1) of this section shall take effect-(a) where no appeal under this section is brought against the direction within the time allowed for the appeal, on the expiration of that time;(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed.(8) A person whose name is removed from a register in pursuance of a direction of the Disciplinary Tribunal under this section shall not be entitled to be registered in that register again except in pursuance of a direction in that behalf given by the Disciplinary Tribunal on the application of that person.(9) A direction under this section for the removal of a person's name from a register may prohibit an application under subsection (8) of this section by that person until the expiration of such period from the date of the direction, and where he has duly made such an application, from the date of his last application, as may be specified in the direction.

VIEW RELEVANT CASES

17. (1) Subject to subsections (6) and (7) of this section, if a ny person who is not a registered medical practitioner-(a) for or in expectation of reward,

Offences and penalties.

practises or holds himself out to practise as a medical practitioner; or(b) takes or uses the title of physician, surgeon, doctor or licentiate of medicine, medical practitioner or apothecary; or(c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a medical practitioner, he shall be guilty of an offence.(2) Subject to subsections (6) and (7) of this section, if any person who is not a registered dental surgeon-(a) for or in expectation of reward, practises or holds himself out to practise as a dental surgeon; or(b) takes or uses the title of dental surgeon, dentist or dental practitioner; or(c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a dentist, he shall be guilty of an offence under this section.(3) If any person, for the purpose of procuring the registration of any name, qualification or other matter-(a) makes a statement which he believes to be false in a material particular; or(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence under this section.(4) If the Registrar or any other person employed by the Council wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence under this section.(5) A person who is guilty of an offence under this section shall be liable-(a) on summary conviction, to a fine not exceeding N5,000;(b) on conviction or indictment, to a fine not exceeding N10,000 or imprisonment for a term not exceeding five years or to both such fine and imprisonment(6) Where any person is acknowledged by the members generally of the community to which he belongs as having been trained in the system of therapeutic medicine traditionally in use in that community, nothing in paragraph (a) of subsection (1) or paragraph (a) of subsection (2) of this section shall be construed as making it an offence for that person to practise or to hold himself out to practise that system.(7)The exemption conferred by subsection (6) of this section shall not extend to any activity involving an incision in human tissue or to administering, supplying or recommending the use of any dangerous drugs within the meaning of Part V of the Dangerous Drugs Act.[Cap. D1.](8)Nothing in subsection (1) or (2) of this section shall be construed as making it an offence for a person employed as a medical practitioner or dental surgeon on any ship, other than a Nigerian ship within the meaning of the Merchant Shipping Act, to act as a medical practitioner or dental surgeon in relation to the master, crew and passengers of that ship.[Cap. MJ 1.](9) Where an offence, under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in

any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

18. (1) A person shall not hold an appointment or practise as a medical practitioner or dental surgeon in Nigeria unless he is registered with the Council under the provisions of this Act.(2) A registered medical practitioner or dental surgeon shall be entitled to practise as a medical practitioner or dental surgeon, as the case may be, throughout Nigeria.(3) A document which is required by any law for the time being in force in Nigeria or any part thereof to be issued or signed by a medical practitioner or a dental surgeon of a particular description shall not, if issued or signed, after this Act comes into force, be valid unless it is issued or signed, as the case may be, by a fully registered medical practitioner or dental surgeon.(4) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provisions of an enactment, no person other than a fully registered medical practitioner or dental surgeon shall be entitled to bring any proceedings in any court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services rendered or facilities or things supplied by him when purporting to act as a medical practitioner or as a dental surgeon.(5) It shall be the duty of the person in charge of the medical school of a university or similar institution in Nigeria at which there is held a course of training intended for persons who are seeking to become members of the medical or dental profession to furnish to the Registrar, a list of successful candidates immediately after the publication of the pass list.

Miscellaneous and supplementary provisions.

19. (1) Any power to make regulations, rules or orders conferred by this Act shall include the power to-(a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and(b) make different provisions for different circumstances.(2) The Minister shall submit a copy of all regulations made by the Council before the President as soon as may be after the regulations are made, and if the President decides that the regulations be annulled, they shall, without prejudice to anything previously done in pursuance of the regulations, cease to have effect on the day next following the date of the decision.

Regulations, rules and orders.

20. (1) The Medical and Dental Practitioners Act 1963 (in this section referred to as "the repealed enactment") is hereby repealed and the body established thereunder is hereby dissolved.(2) Notwithstanding subsection (1) of this section-(a) any person whose name was immediately before the coming to

Repeals, saving, transfer of assets,

force of this Act included in the registers maintained under the repealed enactment shall, without further application or payment of any other fee, be deemed to be registered under the appropriate provision of this Act;(b) any register kept in pursuance of the repealed enactment shall be deemed to be part of the register to be kept in pursuance of this Act;(c) any document referring to a provision of the repealed enactment shall be construed as a reference to the corresponding provision of this Act; and(d) where any offence, being an offence for the continuance of which a penalty was provided, has been committed under the repealed enactment, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provisions of this Act.(3) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the body established by the repealed enactment shall by virtue of this Act and without any further assurances, be vested in the Council.(4) As from the commencement of this Act-(a) the rights, interests, obligations and liabilities of the body referred to in subsection (3) of this section existing immediately before the commencement of this Act under any contract or instruction or at law or in equity are hereby assigned to and vested in the council without further assurance; and(b) any such contract or instrument shall be of the same force and effect against or in favour of the council and shall be enforceable as fully and effectively as if instead of the body mentioned in the repealed enactments, the council has been named therein or had been a party thereto. (5) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the body mentioned in the repealed enactment in respect of any rights, interest, obligation or liability of the body aforesaid may be continued or, as the case may be, commenced and any determination of a court of law, Tribunal or other authority or person may be enforced by or against the Council to the same extent that any such proceeding, cause of action or determination could have been continued, commenced or enforced by or against the body aforesaid if this Act had not been made.(6) Notwithstanding the repeal of the enactment referred to in this section, if the Council thinks it expedient that any vacancy in the Council should be filled by a person holding office at the commencement of this Act in the body dissolved by this section it may employ such person by way of transfer to the Council and the previous service in the dissolved body by such person shall count as service for the purposes of any person subsequently payable by the Council.

liabilities, staff, etc.

21. (1) In this Act, unless the context otherwise requires- "alternative

Interpretation,

medicine" means naturopathy, acupuncture and osteopathy; [1992 No. 78.]
"approved" means for the time being approved under section 9 of this Act;
"approved medical or dental qualification" means a qualification which is approved in respect of the medical or dental profession; "certificate of experience" means a certificate granted in pursuance of section 11 of this Act;
"chairman" means the chairman of the Council appointed under section 2 (1) of this Act; "Council" means the Medical and Dental Council of Nigeria established pursuant to section 1 (1) of this Act; "dentistry" in relation to its practice includes the giving of any advice or treatment or the performance of any operation necessary for the cure or preservation of teeth unusually given by or performed by a dental surgeon and includes all operations necessary or incidental to the preparation and fitting of dentures, artificial teeth or other dental appliances or other maxillo-facial operation so however that-(a) in case of emergency of which the medical practitioner shall be the sole judge, nothing shall preclude a medical practitioner from extracting teeth; and(b) a qualified dental therapist or nurse acting under the supervision of a registered dental surgeon may scale and polish teeth, extract and scale, polish and restore teeth respectively, advise on dental care and carry out post operative care on maxillo-facial patients; "Disciplinary Tribunal" has the meaning assigned to it by section 15 of this Act; "Gazette" means the Gazette of the Federal Republic of Nigeria; "Minister" means the Minister charged with responsibility for matters relating to health; "Panel" has the meaning assigned to it by section 15 of this Act; "prescribed" means prescribed by Regulations; "register" means a register maintained under this Act and "registered" shall be construed accordingly; "Registrar" means the Registrar appointed in pursuance of section 6 of this Act; and "regulations" means regulations made by the Council.(2) For the purposes of this Act-(a) a person is fully registered as a medical practitioner or dental surgeon if his name is for the time being entered in the part of the register of medical practitioners or dental surgeons maintained in respect of fully registered medical practitioners or dental surgeons;(b) a person is provisionally registered as a medical or dental practitioner if his name is for the time being entered in the part of the register maintained in respect of provisionally registered medical or dental practitioners; and(c) a person has limited registration as a medical practitioner or dental surgeon if his name is for the time being entered in the part of the register maintained in respect of medical practitioners or dental surgeons with limited registration and his registration has not ceased under section 13 of this Act.(3)Any approval, consent, direction, notice, observation, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other

etc.

method of service but subject to the provisions of rules made under the Second Schedule of this Act, be served by post.[Second Schedule.]	
22. This Act may be cited as the Medical and Dental Practitioners Act.	<i>Short title.</i>

SCHEDULES

FIRST SCHEDULE Section 2(2)

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

Qualifications and Tenure of Office of Members

1. (1) A person shall not be a member of the Council unless he is a fully registered medical practitioner or dental surgeon.
- (2) A person who is a member of the Council otherwise than by office shall, subject to the following provisions of this paragraph, hold office for the period of four years beginning with the date of his appointment or election as a member and shall be eligible for re-appointment for only one further period of four years.
- (3) Any member of the Council other than an ex-officio member may, by notice to the Council, resign his office.
- (4) Where a member of the Council 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 sub-paragraph shall not apply where a person holding office as a member of the Council in pursuance of this paragraph ceases to hold office at a time when the residue of his term does not exceed one year.
- (5) The President shall have the power to remove from office the Chairman or any member of the Council or dissolve the Council at any time, if he is satisfied that it is in the interest of the public so to do.

Vice-Chairman and Secretary

2. (1) The Council shall elect from amongst its members a vice-Chairman of the Council who shall act as the Chairman in the absence of the Chairman.
- (2) A Vice-Chairman who ceases to be a member shall cease to be Vice-Chairman.
- (3) The Registrar shall be the Secretary to the Council and to the disciplinary tribunal.

Proceedings of the Council

3. (1) Subject to the provisions of this Act and of section 27 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 Council may make standing orders regulating the proceedings of the Council or any committee thereof.

(2) The quorum of the Council shall be one-third of the membership and the quorum of any committee of the Council shall be determined by the Council.

(3) At any time while the office of Chairman is vacant or the Chairman is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his office, the Vice-Chairman shall perform those functions, and reference in this Schedule to the Chairman shall be construed accordingly.

4. (1) Subject to the provisions of any standing orders of the Council, the Council 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 six other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council 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 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.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the inauguration of the Council shall be summoned by and presided over by the Minister.

Committees

5. (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 letter by which he is appointed.

(3) A decision of a committee of the Council (other than the committee mentioned in subsection (5) of section 11 of this Act) shall be of no effect until it is confirmed by the Council.

Miscellaneous

6. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and 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.
7. 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 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.
8. 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 or committee and shall not vote on any question relating to that contract or arrangement.
9. A person shall not, by reason of his membership of the Council, be treated as holding an office in the public service of the Federation.

SECOND SCHEDULE Section 15(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

TRIBUNAL AND INVESTIGATING PANEL

The Disciplinary Tribunal

1. The quorum of the disciplinary committee shall be determined by the Council of whom-
 - (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
 - (b) one at least shall be a registered dental surgeon in a case relating to a registered dental surgeon.
2. (1) The Attorney-General of the Federation shall make rules as to the selection of members of the disciplinary tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the disciplinary 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 quorum aforesaid, shall be a party to the proceedings;

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

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

(e) as to the costs of proceedings before the disciplinary tribunal;

(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 tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;

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

3. For the purpose of any proceedings before the disciplinary tribunal, any member of the disciplinary tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Court of Appeal writs of subpoena ad testificandum et duces tecum; but no person appearing before the disciplinary tribunal shall be compelled-
- (a) to make any statement before the disciplinary tribunal tending to incriminate himself;
 - or
 - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

Assessors

4. (1) For the purpose of advising the disciplinary tribunal on question of law arising in proceedings before it, there shall in all such proceedings be an assessor to the disciplinary tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and 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 disciplinary 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 disciplinary 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 disciplinary 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 letter by which he is appointed.

The Panel

5. The quorum of the panel shall be five of whom-
 - (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
 - (b) one at least shall be a fully registered dental surgeon in a case relating to a registered dental surgeon.
6. (1) The panel may, at any meeting of the panel attended by not less than seven members of the panel, including not less than one registered dental surgeon, make standing orders with respect to the panel.
(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the disciplinary tribunal or the panel shall be eligible for re-appointment as a member of that body.
(2) A person may, if otherwise eligible, be a member of both the disciplinary tribunal and the panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the disciplinary tribunal with respect to that case.
8. The disciplinary tribunal or the 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 sub-paragraph (2) of paragraph 7 of this Schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. The disciplinary tribunal and the panel may each sit in two or more divisions.
10. Any document authorised or required by virtue of this Act to be served on the disciplinary tribunal or the panel shall be served on the Registrar.
11. Any expenses of the disciplinary tribunal or the panel shall be defrayed by the Council.
12. A person shall not, by reason only of his appointment as a legal assessor to the disciplinary tribunal or as a member of the panel, be treated as holding an office in the public service of the Federation.

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