

# ORTHOPEDIC HOSPITALS MANAGEMENT BOARD ACT

## ARRANGEMENT OF SECTIONS

*Establishment of Board of Management, etc.*

### SECTION

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## SCHEDULES

### FIRST SCHEDULE

*Constitution, etc., of the Board*

SECOND SCHEDULE

*Hospitals under the control and management of the Board*

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*Affiliations*

**An Act to establish a management board for the running of the Orthopaedic Hospitals established by the Federal Government and to provide for their affiliation with teaching hospitals mentioned in the Act.**

[1979 No. 91.]

[28th September, 1979]

[Commencement.]

*Establishment of the Board of Management, etc.*

### **1. Establishment of Orthopaedic Hospitals Management Board**

(1) There is hereby established, a board by the name of the Orthopaedic Hospitals Management Board (in this Act referred to as "the Board") to be responsible for the management of Orthopaedic Hospitals specified in the Second Schedule to this Act, for the purpose of providing medicine and surgery and facilities for the training of orthopaedic personnel at all levels.

[Second Schedule.]

(2) The Board shall be a body corporate with perpetual succession and a common seal.

#### **1. Composition of the Board**

(1) The Board shall consist of a chairman and the following other members, that is-

- (a) the Medical Directors of the hospitals;
- (b) a representative of the Federal Ministry of Health;
- (c) the Federal Chief Nursing Officer;
- (d) a representative of the Nigerian Medical Association who shall not be a member of the academic faculty of a university;
- (e) three persons appointed by the Minister for their interest in medical care or

social welfare;

(f) a representative of the medical school of the affiliate teaching hospital; and

(g) the Director of Administration of the affiliate teaching hospital.

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

(3) The chairman shall be appointed by the President on the recommendation of the Minister.

(4) The members specified in paragraphs (a) to (c) and (f) and (g) in subsection (1) of this section are hereafter referred to as "*ex-officio* members".

(5) The provisions of the First Schedule to this Act shall have effect with respect to the constitution of the Board and other matters therein mentioned.

[First Schedule.]

### **3. Tenure of office of members**

(1) The chairman or any member of the Board other than an *ex-officio* member shall-

(a) hold office for such period, not exceeding four years and on such terms as may be specified in his letter of appointment;

(b) unless he previously vacates his office, be eligible for re-appointment for one further term of four years:

Provided that nothing in this paragraph shall be construed as entitling any person who has held office as chairman for a term and who is being re-appointed under this paragraph to be appointed again as chairman;

(c) be paid out of money at the disposal of the Board such remuneration and allowances in accordance with scales approved in that behalf by the President.

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

(a) he 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 incapable, by reason of mental or bodily infirmity, of discharging his duties; or
- (ii) that he has become unfit for membership of the Board by reason of the fact that he has an interest in a contract entered into by the Board and has not disclosed that fact; or
- (iii) that he has been absent from three consecutive meetings of the Board without leave of the Board; or
- (iv) he is convicted of an offence which involves moral turpitude.

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

#### **4. Functions of the Board**

(1) It shall be the duty of the Board-

(a) to equip, maintain and operate the hospitals which are to provide facilities for diagnosis, curative, promotive and rehabilitative services in orthopaedic treatment;

(b) to construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the hospital at all times with a proper staff of hospital technicians and nurses; and

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

(2) The duty of operating the hospitals imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper course of instruction for medical students of the affiliate hospitals, and the Board may perform the last mentioned duty by arranging with the approval of the Minister for students of such affiliate hospitals to attend courses at other institutions not controlled by the Board.

(3) The Board shall ensure that the standards of teaching provided at all establishments controlled by the Board and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of internationally high repute.

(4) 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. Secretary to the Board and other staff**

(1) There shall be appointed a secretary to the Board who shall have such experience and qualifications as are appropriate for a person required to perform the functions conferred on the secretary by or under this Act.

(2) The secretary shall be appointed by the Board and shall, subject to the directions of the Board, be responsible for the general administration of the hospitals and shall carry out such other duties as the Board may from time to time direct.

(3) Subject to this Act, the Board shall have power-

(a) to appoint such other employees of the Board as it may determine;

(b) to pay its employees such remuneration and allowances as the Board may with the approval of the Minister determine.

### **1. Composition of Management Committees of the various hospitals**

(1) There shall be established under the Management Board the Hospital Management Committees which shall exercise powers delegated by the Management Board thereto for the effective day-to-day administration of the various hospitals.

(2) The Committees shall have a chairman to be appointed by the Minister.

(3) Other members of the Committee shall comprise-

(a) the Medical Director of each hospital;

(b) the chief administrative officer of each hospital;

(c) the matron or the nursing superintendent of each hospital;

(d) a representative of the Ministry of Health of the State in which the hospital is situated;

(e) a representative of the Ministry of Social Welfare of the State in which the hospital is situated;

(f) the Director of Administration of the affiliate teaching hospital;

(g) two persons from the local government area where the hospital is situated, to be appointed by the Minister for their interest in medical care or social welfare.

### **1. Use of State Government medical institutions by the Board**

Subject to the provisions of this section, the Minister may at the request of the Board arrange with the person in charge of any State Government medical institution for the person aforesaid to make available to the Board such facilities at that institution as the Board may request.

### **1. Powers of the Board in relation to expansion, staff, etc., of the hospitals**

(1) The Board shall be responsible for laying down general policies and guidelines relating to major expansions of the hospital and the provision of facilities for the training of medical students of the affiliate hospitals and it shall be the duty of the Board to execute such policies and to keep within such guidelines.

(2) The Board shall have power of promotion, advancement, discipline and the determination of appointment of members of the staff of the hospitals.

### **1. Power of 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 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, etc.*

## **10. Financial provisions**

(1) The Board shall prepare and submit to the Minister, not later than the 31st day of October in each financial year, an estimate of its income and expenditure during the next succeeding financial year; and such estimates shall be submitted by the Minister for approval by the President.

(2) The Board shall keep proper accounts in respect of each financial year (and proper records in relation to those accounts) and shall cause the 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 from the list of auditors and in accordance with the guidelines submitted by the Auditor-General for the Federation as respects that year, by the Minister for Finance.

(3) The Board shall with the approval of the Minister have power-

(a) to borrow money; or

(b) to charge fees for any facilities provided by or by arrangement with the Board (including in particular the provision of tuition, treatment and accommoda-

tion).

## **11. Affiliation of hospitals under the Board with teaching hospitals**

(1) For the purposes of interflow of knowledge, the hospitals under the management of the Board shall be affiliated with the teaching hospitals specified in the Third Schedule to this Act.

[Third Schedule.]

(2) The affiliation provided for in subsection (1) of this section shall not affect the independent status of the Boards of the teaching hospitals and the Board established under this Act, but shall be confined to exchange of staff, experience in the areas of training and research, services and hospital facilities.

## **12. Discipline of students**

(1) Subject to the provisions of this section, where it appears to the Board that any student of any of the hospitals has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it 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 hospital, or make use of such facilities of the hospital 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 hospital.

(2) 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.

(3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the hospital as the Board may nominate.

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

(5) A direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.

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

### **13. Removal and discipline of the 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 Hospitals, other than Medical Directors, should be removed from his office or employment, the Board shall require the secretary 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 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 Medical Director may in a case of misconduct by a member of the staff which in the opinion of the Medical Director is prejudicial to the interest of the hospitals, suspend any such member and any 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 of-



fice; 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 hospitals 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.

#### **14. Discipline of junior staff**

(1) If any junior staff is accused of misconduct or inefficiency, the Medical Director may suspend him for not more than three months and forthwith shall direct a committee—

(a) to consider the case; and

(b) to make recommendations as to the appropriate action to be taken by the Medical 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 Medical Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, or take such other disciplinary action against, the officer concerned.

(4) Any person aggrieved by the Medical Director's decision under subsection (3) of this section may, within a period of twenty-one days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case.

*Miscellaneous and supplementary*

## **15. By-laws regulating behaviour of the public**

(1) The Board may, with the approval of the Minister make by-laws—

(a) as to the access of members of the public either generally or of a particular class, to premises under the control of the Board and as to the orderly conduct of the members of the public on those premises; and

(b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.

(2) By-laws under this section shall not come into force until they are confirmed (with or without modification) by the Minister and published in such manner as he may direct.

(3) By-laws made under this section may provide that a breach of the by-laws or of a particular provision of the by-laws shall be punishable by a fine (not exceeding N10) and in default of payment of the fine by imprisonment for such a term as may be so specified, not exceeding seven days.

(4) By-laws under this section shall not apply to any member of the Board and shall not, in their application to a particular institution, apply to an officer or servant of the Board employed in connection with the institution or to a student at the institution.

## **16. Inspection of institutions controlled by the Board**

(1) The Minister, the Permanent Secretary, Federal Ministry of Health, the Director of Medical Services and Training and (on production, if so required, of his authority) any person authorised in that behalf by any of the persons aforesaid may at any time enter and inspect any institution controlled by the Board.

(2) The Board shall render to the Director of Medical Services and Training at such times and in such form as he may specify, such statistical and other returns as he may from time to time require.

(3) Any direction, notice, 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 method of service, be served by post.

## **17. Special provisions as to staff**

The affiliate teaching hospital may make available to the Board if the Board so requests, the specialised services of officers in the service of the University Teaching Hospital (including the Chief Engineer, the Chief Accountant, the Estate Officer and such other officer whose services the Board may require) to assist the Board in the discharge of its functions under this Act.

## **18. Annual reports**

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

## **19. Interpretation**

In this Act, unless the context otherwise requires-

**“Board”** means the Orthopaedic Hospitals Management Board established by section 1 of this Act;

**“chairman”** means the chairman of the Board;

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

**“the hospitals”** includes all institutions (however called) controlled by the Board;

**“junior staff”** means staff of such grade as may be determined from time to time by

the Board;

**“medical student”** means a student whose course of instruction is-

(a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner; or

(b) designed for the further training of medical practitioners;

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

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

## **20. Short title**

This Act may be cited as the Orthopaedic Hospitals Management Board Act.

## SCHEDULES

### FIRST SCHEDULE

[Section 2 (5).]

#### *Constitution, etc., of the Board*

#### *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) The Board shall elect from among its number a member to be deputy chairman of the Board for such period as the Board may determine, so however that a deputy chairman who ceases to be a member shall cease to be chairman.

(2) At any time while the office of chairman is vacant or the chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the deputy chairman shall perform those functions, and references to the chairman in this Schedule shall be construed accordingly.

**4.** (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 or in his absence the deputy chairman shall preside, but if both are absent the members present at the meeting shall elect one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may eo-opt him as 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.

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

### *Committees*

**5.** (1) Without prejudice to the other provisions of this Act, 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 such number of persons as may be determined by the Board and not more than one-third of those persons may be persons who are not members of the Board; and a person other than a member shall hold office on the committee in accordance with the instrument by which he is appointed.

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

### *Remuneration*

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

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

(b) as regard employees in whose case it may determine so to do, to pay to or in respect of them such pensions and gratuities approved by the Government of

the Federation; and

(c) to give loans to its employees for purposes approved 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) 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 Board by any person generally or specially authorised to act for that purpose by the Board.

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

**8.** 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 any other person to serve thereon.

**9.** 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.

### SECOND SCHEDULE

[Section 1 (1).]

#### *Hospitals under the control and management of the Board*

1, The Orthopaedic Hospital, Igbobi, Lagos.

1. The Orthopaedic Hospital, Enugu.
2. The Orthopaedic Hospital, Kano.

### THIRD SCHEDULE

[Section 11 (1).]

#### *Affiliations*

##### *Hospital*

1. The Orthopaedic Hospital, Igbobi, Lagos.
2. The Orthopaedic Hospital, Enugu.

##### *Name of leaching hospital to which affiliated*

- Lagos University Teaching Hospital, Lagos.
- University of Nigeria Teaching

Hospital, Enugu,

3. The Orthopaedic Hospital, Kano.

Hospital, Zaria.

Ahmadu Bello University Teaching

### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*