

RADIOGRAPHERS (REGISTRATION, ETC.) ACT

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[17th December, 1987]

[Commencement.]

PART I

Radiographers Registration Board of Nigeria

1. Establishment of the Radiographers Registration Board of Nigeria

There is hereby established for radiographers a body to be known as the Radiographers Registration Board of Nigeria (in this Act referred to as "the Board") which shall be charged with the duty of-

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

1. Membership of the Board

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

- (a) a chairman who shall be a radiographer and has been so qualified for not less than twelve years;
- (b) one radiographer;
- (c) one therapeutic radiographer to represent the Association of Radiographers of Nigeria;
- (d) four radiographers to represent the States on rotation for two years at a time;
- (e) one radiologist to represent the Nigerian Medical and Dental Council;
- (f) one radiographer to represent schools involved in training members of the profession on rotation for two years at a time;
- (g) one person to represent public interest;
- (h) one person to represent the Federal Ministry of Health; and
- (i) one person to represent the Faculties of Medicine with Schools of Radiography on rotation for two years at a time.

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

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

[First Schedule.]

1. Powers of the Board

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

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

1. Fund of the Board

(1) The fund of the Board shall consist of-

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

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

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

5. Financial provisions

(1) The Board shall prepare and submit to the Minister not later than the 30th day of June of the year in which this Act comes into force (so however that the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its income and expenditure during the next succeeding financial year.

(2) The Board 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 within six months after the end of each financial year to which the accounts relate.

6. Control of the Board by the Minister

The Minister may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions and it shall be the duty of the Board to comply with the directions.

1. Registrar and other staff of the Board

(1) The Board shall, in consultation with the Association of Radiographers of Nigeria, appoint a registered person of proven integrity who has been qualified as a radiographer for not less than twelve years to be the Registrar for the purposes of this Act.

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

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

(4) The Board may, whenever the Registrar is absent or for any other reason unable to discharge the functions of his office, appoint an acting Registrar who shall have the same qualifications as in subsection (1) of this section to discharge those functions.

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

PART II

Registration and miscellaneous provisions relating thereto

1. Register of radiographers

(1) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Board under this section, a register of the names, addresses, 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 radiographers and who apply in the specified manner to be so registered.

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

(a) regulating the making of application for registration and providing for the evidence to be produced in support of 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 profession, whether an approved qualification or an accepted qualification for the purposes of section 10 (2) of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees to be paid to the Board in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name on the register until any fees specified for entry have been paid,

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by the Minister.

(3) It shall be the duty of the Registrar-

(a) to correct, in accordance with the directions of the Board, any entry in the register which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made;

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

(c) to remove from the register the name of any registered person who has died or has become insane, or for any other reason has ceased to be a member of the profession.

(4) If the Registrar-

(a) sends by post to any registered person a registered letter addressed to him at his address in the register enquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three months from the date of posting it; and

(b) upon the expiration of that period sends in like manner to the person in question a second letter and receives no reply to that letter within three months from the date of posting it,

the Registrar may remove the particulars relating to that person from the register; but the Board may direct the Registrar to restore to the register any particulars removed there-

from under this subsection.

9. Publication of register and lists of corrections

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

(a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Act comes into force;

(b) in each year after that in which a register is first published under paragraph (a) of this subsection, 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 each 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 office of the Board, and it shall be the duty of the Board to keep each register and lists so deposited open at all reasonable times for inspection by members of the public.

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

10. Registration as radiographer

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

(a) he has attended a course of training approved by the Board under section 19 of this Act;

(b) the course was conducted at an institution so approved, or partly at one such institution and partly at another;

(c) he holds one or more qualifications prescribed in the Third Schedule to this Act for the purpose of registration on the register and has complied with the other requirements prescribed under section 8 (2) of this Act; and

(d) he pays any prescribed fees.

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

- (a) that he holds a qualification granted outside Nigeria for the time being accepted by the Board for the purposes of this subsection as respects the profession;
- (b) that in the country in which the qualification was granted he was under no legal disability in the practice of the profession;
- (c) that he is of good character; and
- (d) that he has paid any prescribed fees.

(3) The Board shall from time to time publish in the Federal *Gazette* particulars of the qualifications for the time being accepted as aforesaid.

(4) The qualifications specified in the Third Schedule to this Act are those accepted for the time being by the Board as the minimum qualifications for the purpose of registration on the register maintained under section 8 (1) of this Act.

[Third Schedule.

11. Temporary registration

(1) Subject to section 10 of this Act, a person shall be entitled to be temporarily registered under this Act in cases specified in subsection (2) of this section.

(2) Where a person satisfies the Board-

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

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

(c) he pays any fees prescribed for registration, the Board may, if it thinks fit, give a direction that he shall be temporarily registered.

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

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

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

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

(5) A person who is temporarily registered shall, in relation to his employment mentioned under subsection (2) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered but in respect of other matters he shall be treated as not so registered.

(6) In case of doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purposes of subsection (3) of this section.

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

12. Certificate invalid if given by unregistered person

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

13. Appointments not to be held by unregistered persons

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

(2) Nothing in this section or in any other provisions of this Act shall prevent a person from holding any appointment referred to in subsection (1) of this section while he is undergoing training for the purpose of becoming qualified for registration under this Act under the supervision of persons who are registered in accordance with this Act.

14. Prohibition of falsely professing to be a registered person

(1) Any person, not being registered on any register maintained under section 8 of this Act, who holds himself out to be so registered or uses any name, title, description or

symbol, calculated to lead any person to infer that he is so registered, shall be guilty of an offence.

(2) Any person convicted of an offence under subsection (1) of this section shall be liable for a first offence to a fine of not less than *H100* or more than *H200* or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and on conviction for a second or any subsequent offence to imprisonment for a term of not less than one year or more than three years, without an option of a fine.

15. Recovery of fees

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

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

16. Securing registration through fraudulent means

(1) 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.

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

(3) A person guilty of an offence under this section shall be liable-

(a) on conviction in a court of summary jurisdiction to a fine not exceeding NI 00;

(b) on conviction in a High Court, to a fine not exceeding NI ,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(4) Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the 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 as provided in subsection (3) of this section.

17. Burden of proving registration

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

PART III

Training

18. Establishment of the Nigerian Institute of Radiographers

(1) The Board may, for the purposes of training persons seeking to become members of the profession, establish a Nigerian Institute of Radiographers (in this Act referred to as "the Institute").

(2) Any course conducted by the Institute shall be deemed to be an approved course under section 19 (1) of this Act.

(3) The Institute shall have power-

(a) subject to any direction that may be given by the Board, to award a diploma of the Institute to any candidate who is successful at an examination conducted at the end of a course at the Institute;

(b) to charge persons undertaking courses at the Institute such fees as it may, from time to time, with the approval of the Board, fix;

(c) employ such lecturers, teachers and other employees as it may deem necessary for the efficient performance of its functions under this Act; and

(d) do such other things which in its opinion is calculated to facilitate the carrying on of its functions under this Act.

19. Approval of courses

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

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

(b) any institution, either in Nigeria or elsewhere, which the Board considers is properly organised and equipped for conducting the whole or any part of the

course of training approved by the Board under this section;

(c) any qualification which, as a result of the examinations taken in conjunction with the course of training approved by the Board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Board, that they have sufficient knowledge and skill to practise the profession to which the qualification relates.

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

(3) The Board 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 Board shall—

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

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

(c) take into consideration any representations made with regard to the proposal made in pursuance of paragraph (b) of this subsection.

(4) As respects any period during which the approval given under this section for a course, institution or qualification is withdrawn, the course or qualification shall not be treated as approved under this section, but the withdrawal of 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 immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the Board may specify in that instrument.

(6) The Board shall as soon as may be, publish a copy of every instrument executed under subsection (5) of this section in the Federal *Gazette* and send a copy of the instrument to the Minister.

20. Supervision of instruction and examinations leading to approved qualifications

(1) It shall be the duty of the Board to keep itself informed of the nature of—

(a) the instruction 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 Board may appoint, either from among its own members or otherwise, persons to visit approved institutions or attend such examinations.

(2) It shall be the duty of a visitor appointed under this section to report to the Board on-

(a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him;

(b) the sufficiency of examinations attended by him; and

(c) any other matter relating to the institution or examinations on which the Board 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 report made in pursuance of this section, the Board shall as soon as may be send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make representations to the Board within such time as may be specified in the request, not being more than one month beginning with the date of the request.

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

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

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

PART IV

Discipline

22. Establishment and composition of the Disciplinary Committee and the Investigating Panel

(1) There is hereby established a disciplinary committee to be known as the Radiographers Disciplinary Committee (in this Act referred to as "the Disciplinary Committee")

which shall be charged with the duty of considering and determining any case referred to it by the Panel established by the following provisions of this Act.

(2) The Disciplinary Committee shall consist of the chairman of the Board and six other members of the Board including members holding office by virtue of paragraphs (c), (d) and (e) of subsection (1) of section 2 of this Act.

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

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

(b) deciding whether or not the case should be referred to the Disciplinary Committee.

(4) The Panel shall be appointed by the Board and shall consist of five members of the Board, one of whom shall be named as the chairman of the Panel.

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

[Second Schedule.]

23. Penalties for unprofessional conduct

(1) Where-

(a) a person registered under this Act is convicted by a court or tribunal in Nigeria or elsewhere having power to award punishment for an offence (whether or not the offence is punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of such registered person; or

(b) a registered person is judged by the Disciplinary Committee to be guilty of infamous conduct in a professional respect; or

(c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered, the Disciplinary Committee may give any of the directions specified in subsection (2) of this section.

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

(a) ordering the Registrar to strike off the person's name from the register;

(b) suspending that person from practice for such period as may be specified in the direction;

- (c) reprimanding that person;
- (d) ordering the person to pay to the Board any cost of or incidental to the proceedings incurred by the Board; or
- (e) cautioning that person and binding him over for a period not exceeding one year on one or more conditions as to his conduct during that period, and any such direction may, where appropriate, include provisions requiring the refund of moneys paid or the handing over of documents or any other provision as the case may require.

(3) In any inquiry under this section, any finding of fact which is shown to have been made in-

- (a) any criminal proceedings in a court in Nigeria; or
- (b) any civil proceedings in a court in Nigeria,

shall be conclusive evidence of the fact found.

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

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

24. Restoration of registration

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

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

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

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

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

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

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

26. Appeal to the Court of Appeal

(1) Where the Disciplinary Committee-

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

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

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

the Registrar shall give the person to whom the proceedings relate notice in writing thereof and such person may, within 28 days from the date of service on him of the notice, appeal to the Federal High Court.

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

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

(4) The Federal High Court may, on an appeal under this section-

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

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

(c) remit the matter to the Disciplinary Committee for further consideration; or

(d) make such other order as to costs or otherwise as it may deem just, but no proceedings before the Disciplinary Committee shall be set aside by reason only of informality or technicalities in those proceedings which did not embarrass or prejudice the appellant.

PART V

Supplementary provisions

27. Regulations, rules and orders

Any power to make regulations, rules or orders conferred under this Act shall include-

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

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

28. Interpretation

In this Act, unless the context otherwise requires-

“**accepted qualification**” means a degree, diploma or other certificate specified in the Third Schedule to this Act;

[Third Schedule.]

“**Board**” means the Radiographers Registration Board of Nigeria established under section 1 of this Act;

“**Institute**” means the Nigerian Institute of Radiographers as may be established under section 18 of this Act;

“**member**” means member of the Board and includes the chairman;

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

“**profession**” means the radiography profession;

“**radiographer**” means a person who is trained, qualified and registered to practice any or all the various aspects of the radiography profession;

“**radiography**” means the art and science of the application of various forms of radiant energies on human beings in order to promote health, treat diseases and produce various diagnostic images including-

- (a) X-ray imaging;
- (b) radio nuclide imaging;
- (c) ultrasonic imaging;
- (d) thermographic imaging;
- (e) magnetic resonance imaging,

when medically indicated;

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

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

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

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

29. Short title

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

SCHEDULES

FIRST SCHEDULE

[Section 2 (3).]

Supplementary provisions relating to the Board

Qualification and tenure of office

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

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

2. (1) Subject to the provisions of this paragraph, a member of the Board, other than a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment.

(2) A member of the Board, other than a public officer, may resign his appointment by a letter addressed to the Minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.

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

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

Proceedings of the Board

3. The Board may make standing orders regulating the proceedings of the Board or of any committee thereof or, in the absence of the chairman, elect a temporary vice-chairman who shall be a radiographer and has been so qualified for not less than twelve years for the conduct of affairs of the Board.

4. The quorum of the Board shall be five and the quorum of any committee of the Board shall be as determined by the Board.

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

6. (1) Subject to the provisions of any applicable standing orders, the Board shall meet whenever summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Board to be held within 21 days from the date on which the notice is given.

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

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

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

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

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

8. (l) 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.

SECOND SCHEDULE

[Section 22 (5).]

Supplementary provisions relating to the Disciplinary Committee and the Investigating Panel

The Disciplinary Committee

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

(2) The rules shall in particular provide-

(a) for securing that notice of proceedings shall be given at such time, and in such manner, as may be specified by the rules, to the person who is the subject of the proceedings;

(b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

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

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

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

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee finds 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* the notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be erased from a register.

2. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Board on the recommendation of the 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 Committee on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Committee is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered;

(b) that every party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class or proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

1. The quorum at any meeting of the Disciplinary Committee shall be three.

2. At any meeting of the Disciplinary Committee, the chairman of the Board shall preside and in his absence the members present shall appoint one of their number to preside at that meeting.

5. Any question proposed for decision by the Disciplinary Committee shall be determined by the majority of the members present and voting at a meeting of the Disciplinary Committee at which

a quorum is present.

6. At all meetings of the Disciplinary Committee each member present shall have one vote on a question proposed for decision by the Disciplinary Committee and, in the event of an equality of votes, the chairman shall, in addition to a deliberation vote, have a casting vote.

7. For the purposes of any inquiry, the Disciplinary Committee may hear and receive evidence and may, under the hand of the chairman or Registrar summon witnesses and require the production of any book, record, document or thing and may through the Registrar administer an oath to any witness.

1. The quorum of the Panel shall be three.

2. (1) The Panel may, at any meeting of it attended by not less than four members, make standing orders for its purpose.

(2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.

Miscellaneous

10. (1) A person ceasing to be a member of the Disciplinary Committee or the Panel shall be eligible for re-appointment as a member of that body.

(2) A person may be a member of both the Disciplinary Committee and the Panel; but no person who has acted as a member of a Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

11. The Disciplinary Committee or 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 10 of this Schedule, by reason of the fact that any person who was not entitled so to do took part in the proceedings of that body.

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

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

14. Any expenses of the Disciplinary Committee or the Panel shall be defrayed by the Board.

THIRD SCHEDULE

[Section 10 (4).]

Accepted minimum qualification for registration as a member of the profession

Profession

Accepted qualification for registration

Radiography 1. Professional Diploma of the College of Radiographers, London or its recognised equivalent qualification.

1. B.Sc. (Medical Radiography/Radiological Technology) of recognised universities, plus professional certification.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation