

CHAPTER 390

REGULATED AND OTHER PROFESSIONS
(PRIVATE PRACTICE PROHIBITION) ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE

SCHEDULED PROFESSIONS

CHAPTER 390

REGULATED AND OTHER PROFESSIONS
(PRIVATE PRACTICE PROHIBITION) ACT

An Act to prohibit Public Officers from engaging in Private Practice and to make other provisions relating thereto. 1984 No. 34.

[12th December, 1984] Commence-
ment.

1. (1) Subject to this Act and notwithstanding anything to the contrary in any other enactment or instrument, no public officer shall, as from the commencement of this Act, engage in or continue to engage in private practice in or in connection with any scheduled profession. Prohibition of private practice by professionals employed in the public service, etc.

(2) For the purposes of this Act but subject as hereinafter provided, private practice in relation to any scheduled profession includes the rendering of or offer to render to any 1978 No. 5 Part II.

other person (not being the employer or any other person normally entitled in the course of his official duties to receive such services) of any service relative to the profession concerned whether or not after his normal hours of work or on work free days, for money or money's worth or for any other valuable consideration and, without prejudice to the generality of the foregoing, includes in particular—

- (a) the performance of services of all descriptions relating to the profession concerned including the rendering of advice or provision of consultancy services connected with or relating to the profession concerned; or
- (b) the issue of certificates, the certification of documents or any other matter concerned with the issue or certification of documents connected with or relating to any of the aforementioned services; or
- (c) the establishment of any undertaking either by the professional concerned or in partnership, or in any other form of association with any other person (whether or not himself a public officer) for the provision of any of the services or matters referred to in this subsection.

(3) Notwithstanding any provision of this section, it shall be lawful for the professional concerned, apart from during the course of his normal official duties, to render any of the services referred to in subsection (2) of this section—

- (a) to himself;
- (b) to any person in an emergency;
- (c) to any person (whether corporate or unincorporate) authorised either generally or specifically by the Government to receive the services of that professional for the time being or, where a period is specified, for that specified period;
- (d) where such services are rendered free of charge to any of the following, that is—
 - (i) any member of the family of that professional;
 - (ii) any charitable organisation or any other person on purely humanitarian grounds; and
 - (iii) any professional association to which he belongs.

(4) For the purposes of this Act—

“public officer” means any person who holds office in the public service of the Federation or a State within the meaning of the Constitution of the Federal Republic of Nigeria;

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“scheduled profession” means any profession or calling specified in column (A) of the Schedule to this Act and professions allied thereto being, where so specified, a profession or calling for the meantime regulated by or pursuant to the corresponding enactment (as amended from time to time) specified in column (B) thereof.

(5) The President may by order published in the *Federal Gazette* amend the Schedule to this Act, either by way of deletion therefrom, addition thereto or otherwise howsoever.

2. (1) Any public officer who engages or continues to engage in private practice otherwise than in compliance with the provisions of this Act shall be guilty of an offence. Penalties.

(2) Any public officer found guilty of an offence under this Act shall be liable—

- (a) upon conviction for the first offence to a fine of ₦2,000 or imprisonment for one year;
- (b) upon conviction for the second offence, to a fine of ₦5,000 or imprisonment for two years;
- (c) upon conviction for a third offence, to imprisonment for three years without the option of a fine.

(3) Any public officer convicted for a third offence under this Act shall have his name and particulars removed from the register or struck off the roll by the appropriate disciplinary tribunal or, where there is no such tribunal, by the relevant professional association, as the case may be.

3. (1) Prosecution for an offence under this Act may be commenced and proceeded with in the Federal High Court, the High Court of a State or the High Court of the Federal Capital Territory, Abuja. Prosecution, etc.

(2) No appeal shall lie from a decision of the Court under this Act but the registrar of the Court which has awarded the conviction shall within fifteen days after delivery of such judgment forward a certified copy thereof to the President for confirmation or disallowance.

(3) An Order of the President under this section confirming or disallowing a conviction shall have effect according to its tenor.

Exclusion of
rights, etc.

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4. (1) Subject to section 3 of this Act, the question whether any provision of Chapter IV of the Constitution of the Federal Republic of Nigeria is being or would be contravened by anything done in pursuance of this Act shall not be enquired into in any court of law.

(2) Notwithstanding subsection (1) of this section, but subject to any other enactment or any instrument, nothing in this Act shall be construed as—

- (a) preventing the dismissal by a recognised organisation of any professional or the exercise of disciplinary control over any professional holding or acting in any office in any such organisation; or
- (b) preventing any professional employed in any recognised organisation from resigning his appointment or otherwise terminating his contract of service.

Interpreta-
tion.

Cap. 62.

5. In this Act, unless the context otherwise requires—

“Constitution” means the Constitution of the Federal Republic of Nigeria;

“enactment” includes any Act, Law, Edict and any subsidiary instrument made under such enactment;

“instrument” includes any contract of service or any document whatsoever relating to conditions of service of the staff of any recognised organisation;

“professional” means any practitioner of or any person entitled to practise any scheduled profession under this Act and “professional concerned” shall be construed accordingly;

“public officer” has the meaning assigned thereto by section 1(4) of this Act;

“recognised organisation” means the public service of the Federation or a State within the meaning of section 277 of the Constitution;

“scheduled profession” has the meaning assigned thereto by section 1(4) of this Act.

6. (1) This Act may be cited as the Regulated and Other Professions (Private Practice Prohibition) Act.

Short title and repeal.

(2) The following provisions of the Regulated and other Professions (Miscellaneous Provisions) Act 1978, that is to say—

1978 No. 5.

(a) Part I (that is, sections 1 to 8) thereof; and

(b) Part III (that is, subsection (2) of section 12 and sections 13 and 14) thereof;

are hereby repealed.

SCHEDULE
SCHEDULED PROFESSIONS

s. 1(4).

(A) PROFESSION	(B) CORRESPONDING ENACTMENT <i>Title</i>	<i>Cap. or No.</i>
Architecture	Architects (Registration, etc.) Act	Cap. 20
Accountancy	Institute of Chartered Accountants Act	Cap. 185
Dental Hygiene	—	
Dental Technology	—	
Engineering	Engineers (Registration, etc.) Act	Cap. 110
Estate Management	Estate Surveyors and Valuers (Registration, etc.) Act	Cap. 111
Law	Legal Practitioners Act	Cap. 207
Medical Technology	Institute of Medical Laboratory Technology Act	Cap. 186
Medicine and Dentistry	Medical and Dental Practitioners Act	Cap. 221
Midwifery and Nursing	Nursing and Midwifery (Registration, etc.) Act	Cap. 332

SCHEDULE—*continued*

Pharmacy	Pharmacists Act	Cap. 357
Physiotherapy	—	—
Quantity Surveying	Quantity Surveyors (Registration, etc.) Act	Cap. 383
Radiography	Radiographers (Registration, etc.) Act	Cap. 386
Surveying	Surveyors' Registration Council of Nigeria Act	Cap. 485
Teaching	—	—
Veterinary Medicine	Veterinary Surgeons Act	Cap. 464

**REGULATED AND OTHER PROFESSIONS
(PRIVATE PRACTICE PROHIBITION) ACT**

CHAPTER 390

SUBSIDIARY LEGISLATION

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CHAPTER 390

**REGULATED AND OTHER PROFESSIONS
(PRIVATE PRACTICE PROHIBITION) (EXEMPTION)
ORDER**S.I. 6 of
1987.*under section 1(5)*

In exercise of the powers conferred by section 1(5) of the Regulated and Other Professions (Private Practice Prohibition) Act, and of all other powers enabling me in that behalf, the President, Commander-in-Chief of the Armed Forces of the Federation, hereby makes the following Order:—

Commence-
ment.

[26th March, 1987]

Exemption,
etc. from the
provisions of
Cap. 371

1. (1) The public officers whether or not practitioners of the teaching profession specified in the Schedule to the Regulated and Other Professions (Private Practice Prohibition) Act, being—

(a) persons engaged by the West African Examinations Council for the purpose of correcting examination scripts in respect of the various examinations periodically conducted by the West African Examinations Council;

(b) persons employed on a part-time basis by certain institutions and vocational centres under the control of the Federal Ministry of Education;

(c) external examiners of tertiary institutions and Universities engaged in assessing the examination scripts of other institutions and university students,

are hereby exempted from the provisions of the Regulated and Other Professions (Private Practice Prohibition) Act aforesaid.

(2) The exemption granted to the persons concerned under this Order shall remain in force only for the period during which their services are required by the West African

Examinations Council or the relevant institution, as the case may be, and shall cease to have effect on the termination of such part-time appointment.

2. This Order may be cited as the Regulated and Other Professions (Private Practice Prohibition) (Exemption) Order. Short title.
