

NATIONAL MEDICAL COLLEGE ACT

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NATIONAL MEDICAL COLLEGE ACT

An Act to establish a National Medical College to be charged with the responsibility of conducting examinations in the various specialised branches of medicine, surgery, obstetrics and gynaecology and dental surgery and other related matters.

[1979 No. 67.]

[24th September, 1979]

[Commencement.]

1. Establishment of National Medical College

There is hereby established a National Medical College (in this Act referred to as "the College") which shall be a body corporate with perpetual succession and a common seal.

2. Functions of the College

The College shall have responsibility for the conduct of professional post-graduate examination of candidates **in** the various specialised branches of medicine, surgery, obstetrics and gynaecology and dental surgery and making awards in relation thereto accordingly.

3. Constitution of the College

(1) The College shall consist of all Fellows of the College and its affairs shall be managed by-

- (a) a Governing Board; and
- (b) a Senate,

which shall each exercise such powers as are conferred on it by this Act.

(2) The supplementary provisions in the Schedule to this Act shall have effect with respect to the proceedings of the Governing Board and the Senate and the other matters therein mentioned.

[Schedule.]

4. Composition of the Governing Board

The Governing Board of the College shall consist of--

- (a) the President of the College, who shall be chairman;
 - (b) the President and the registrar of the Medical and Dental Council of Nigeria;
 - (c) twelve representatives of the Senate;
 - (d) the Federal Director of Medical Services and Training;
 - (e) the Permanent Secretary, Federal Ministry of Health or his representative;
 - (f) the Permanent Secretary, Federal Ministry of Finance or his representative;
 - (g) the Permanent Secretary, Federal Ministry of Education or his representative;
- and
- (h) one representative of the armed forces of the Federation, who shall be a registered medical practitioner or dental surgeon.

S. Functions of the Board

The Governing Board shall be the governing body of the College and shall be charged with the general control and superintendence of the policy, finances and property of the College including its public relations.

6. Composition of the Senate

The Senate shall consist of-

- (a) the President of the College, who shall be chairman;
- (b) the chairman and secretary of each faculty board appointed pursuant to section 9 of this Act; and
- (c) one representative elected by each faculty.

7. Functions of the Senate

The Senate shall have responsibility for the running of the academic affairs of the College including-

(a) the organisation and control of courses of study at the College and of the examinations held in connection with those courses; and

(b) the award of degrees, diplomas and such other qualifications as may be prescribed in connection with examinations held as aforesaid.

8. Appointment and tenure of office of President and members of the Governing Board and the Senate

(1) Subject to paragraph I of the Schedule to this Act, the President shall be appointed by the Governing Board and shall hold office as such for two years.

[Schedule.)

(2) In the event of the death or incapacity of the President or if for any reason other than the effluxion of time the office of President is vacant, the Governing Board shall appoint another person as President for the residue of term of the President.

(3) Members of the Governing Board appointed under paragraph (b) of section 4 of this Act and members of the Senate appointed under paragraphs (b) and (c) of section 6 of this Act shall each hold office for two years.

(4) Any of the members of the Governing Board or the Senate referred to in subsection (3) of this section, may by notice to the Governing Board or, as the case may be, to the Senate, resign his appointment and where any such member ceases to hold office before his term of office would have expired by the effluxion of time, the body 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.

9. Faculty Boards

(1) Each faculty shall comprise all fellows in the appropriate specialty and the faculties in the College shall be as follows, that is-

- (a) the faculty of anaesthesia;
- (b) the faculty of general dental practice;
- (c) the faculty of dental surgery;
- (d) the faculty of general medical practice;
- (e) the faculty of obstetrics and gynaecology;
- (f) the faculty of ophthalmology;
- (g) the faculty of paediatrics;
- (h) the faculty of pathology;
- (i) the faculty of physiology;
- (j) the faculty of psychiatry;

- (k) the faculty of public health;
- (l) the faculty of radiology;
- (m) the faculty of surgery; and
- (n) the faculty of any other specialty as may be prescribed by the Governing Board of the College.

(2) Each faculty shall elect from among its members not less than eight nor more than sixteen persons to serve on its Faculty Board, two of such persons being elected chairman and secretary, respectively of the Faculty Board; and all members so elected to the Faculty Board shall each hold office for a period of two years.

(3) Subject to such standing orders that may be made by the Senate for that purpose, each Faculty Board may carry out its duties as it deems fit.

(4) Each Faculty Board shall appoint a court of examiners and the courts shall be charged with the conduct of examinations under this section and thereafter the Faculty Board shall make its recommendations to the Senate.

(5) Members of a Faculty Board shall not be entitled to any emoluments, other than expenses reasonably incurred in travelling on the Board's business, but members of a court of examiners shall be entitled to such remuneration as the Governing Board of the College may authorise.

10. Candidates for examinations

Where a candidate offers himself for examination under this Act he shall satisfy the appropriate Faculty Board-

(a) that he is a registered medical practitioner or dental surgeon, as the case may be, so however that if the candidate is on the temporary register he may be examined only by leave of the Senate given either generally or as a special case; and

(b) that he is in possession of and is therein named as the holder of a certificate from an institution recognised by the College showing that he has satisfactorily attended the prescribed course of training in the particular specialised branch and for the prescribed period of the course.

11. A ward of diploma

Where the College awards its diploma under this Act, the holder shall be entitled to status as a fellow in the specialised branch of which the diploma is evidence.

12. Award of honorary fellowships and election of fellows

(1) The College may on the recommendation of the Senate, award honorary fellowships to persons of distinction in the community who need not be medical practitioners or dental surgeons and, subject to subsection (2) of this section, may on the like recommendation, elect fellows who need not have offered themselves for any postgraduate examination conducted by the College.

(2) No person shall be eligible for election as a fellow unless he already possesses a postgraduate degree, diploma or other qualification registered with the Nigeria Medical Council and satisfies such other conditions as may be prescribed by the College.

13. Publication of approved standards and institutions

The College shall, from time to time, publish in the Federal *Gazette* and elsewhere as it may think fit-

(a) particulars of the standards which are to be treated as sufficient for the purposes of examinations conducted by the College pursuant to this Act; and

(b) the list of institutions recognised for the purposes of section 10 of this Act.

14. Appointments of secretary and other staff

(1) The Governing Board may employ such staff of the College as the Governing Board may consider necessary for the purpose of any of the functions conferred on any body under this Act.

(2) The Governing Board shall from among the officers appointed pursuant to subsection (1) of this section, select a person to act both as its secretary and as secretary to the Senate.

15. Interpretation

(1) In this Act, unless the context otherwise requires-

"Act" means the Medical and Dental Practitioners Act;
[Cap. M8.]

"College" means the National Medical College established by section 1 of this Act;

"Faculty Board" means any Faculty Board established by or pursuant to section 9 of this Act;

"Governing Board" means the Governing Board of the College referred to in section 3 of this Act;

"Medical and Dental Council" or "the Council" means the Medical and Dental Council of Nigeria, established by section 1 of the Act;

"President" means the President of the College;

"Senate" means the Senate of the College referred to in section 3 of this Act.

(2) Unless the context otherwise requires, expressions used in this Act have the same meaning as in the Act.

16. Short title

This Act may be cited as the National Medical College Act.

SCHEDULE
[Section 3 (2).]

Supplementary provisions relating to the Governing Board, the Senate, etc.

Composition of the first senate and Faculty Boards and election of the first President of the College

1. (I) Notwithstanding anything to the contrary in this Act the persons who immediately before the commencement of this Act were members of any Faculty Boards appointed by the Council, shall on the commencement of this Act become members of the corresponding Faculty Boards for the purposes of this Act and shall be deemed to have been appointed pursuant to section 9 of this Act.

(2) Half of the members of Faculty Boards to whom sub-paragraph (I) of this paragraph relates, shall remain in office for a period of one year and the other half for a period of two years. Thereafter appointments of members of Faculty Boards shall be made in accordance with the provisions of section 9 of this Act.

(3) The persons who were chairman and secretary of any Faculty Board referred to in sub-paragraph (I) of this paragraph shall be deemed to have been duly elected as chairman and secretary for the purposes of subsection (2) of section 9 of this Act. Each Faculty Board shall also elect the first representative of the corresponding faculty on the Senate as specified in section 6 (c) of this Act.

(4) The first meeting of the Senate shall be summoned by the President of the Council and shall be presided over by him. At this meeting, the Senate shall elect the person to be recommended to the Governing Board for appointment as the first President of the College as well as the first twelve representatives of the Senate on the Governing Board, as specified in section 4 (c) of this Act.

(5) The first meeting of the Governing Board shall be called by the President of the Council and shall be presided over by him, until the President of the College is appointed in the manner prescribed in section 8 (I) of this Act.

Proceedings of the Governing Board, Senate, etc.

2. (I) The Governing Board may make standing orders regulating its proceedings or of any committee of the Board.

(2) The Senate may make standing orders regulating its proceedings or of any Faculty Board or of any committee of the Senate.

3. The quorum-

(a) of the Governing Board shall be seven;

(b) of the Senate shall be fourteen;

(c) of any Faculty Board shall be determined by the Senate.

4. At any meeting of the Governing Board or the Senate the President shall preside and if the President is absent the members present shall elect one of their number to preside at that meeting.

Committees of the Governing Board and Senate

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

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

Miscellaneous

6. (1) The fixing of the seal of the College shall be authenticated by the signature of the President or of some other member authorised generally or specially by the Governing Board for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the College by any person generally or specially authorised to act for that purpose by the Governing Board.

(3) Any document purporting to be a document duly executed under the seal of the College 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 Governing Board, the Senate or any Faculty Board or of a committee of the Governing Board or the Senate shall not be affected by any vacancy in the membership of the body concerned or by any defect in the appointment of any member or by reason that a person not entitled to do so, took part in the proceedings.

8. Any member of the Governing Board, 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 or a committee thereof shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation