A BILL FOR AN ACT TO REPEAL THE MEDICAL AND DENTAL PRACTITIONERS ACT 1988; AND TO RE-ENACT THE MEDICAL AND DENTAL PRACTITIONERS’ BILL 2020 TO ESTABLISH THE MEDICAL AND DENTAL COUNCIL OF NIGERIA FOR THE REGULATION AND CONTROL OF MEDICAL AND DENTAL PROFESSIONS IN NIGERIA; AND RELATED MATTERS THERETO

ENACTED by the National Assembly as Follows

PART I PRELIMINARY

S.1 This Bill may be cited as the Medical and Dental Practitioners Act 1988 Repeal and Re-enactment Bill

S.2 The provisions of this Bill shall apply to the professions of medicine and dentistry and all persons who are authorized to practice as medical practitioners or dental surgeons under this Bill.

PART II ADMINISTRATIVE

S.3 (1) There is hereby established the Medical and Dental Council of Nigeria (in this Bill referred to as ‘the Council’).

(2) The Council:
   a. shall be a body corporate with perpetual succession and a common seal.
   b. may sue and be sued in its corporate name; and
   c. May acquire, hold, or dispose of any property, movable or immovable, for the purpose of carrying out any of its functions under this Bill

(3) a. The head office of the Council shall be situated in the Federal Capital Territory.
   b. The Council shall establish offices in the geopolitical zones and may establish offices in each state of the Federation and the Federal Capital Territory.

S.4 Notwithstanding the provision of any other Act to the contrary, the Council shall to the exclusion of any other person or body, perform the following functions:

(1) determine the standard of knowledge and skill to be attained by a person seeking to become a member of the medical or dental profession.

(2) review from time to time as the Council deems fit, the standard of knowledge and skill determined by the Council pursuant to subsection (1) of this Section.

(3) subject to the provisions of this Bill, establish and maintain a register of persons entitled to practice as members of the medical or dental profession in Nigeria.

(4) make rules with respect to the types of and the keeping of the register of persons and the making of entries therein.

(5) specify from time to time, the fees to be paid by a person who possesses the qualification(s) and has applied to be registered.
(6) publishing from time to time with such modification as necessary, the registers maintained by the Council pursuant to subsection (3) of this section.

(7) prepare and issue from time to time, a code of conduct and ethics, which the Council considers desirable for the professions of medicine and dentistry in Nigeria.

(8) supervise, regulate, and control all aspects of homeopathy and other forms of alternative medicine.

(9) making regulations for the operation and management of clinical diagnostic centres for the practice of Pathology or Radiology and any other branch of medicine and dentistry determined by Council, provided that the regulations shall provide for fully registered practitioners to manage the diagnostic centres.

(10) supervising and controlling the training, certification and practice of Assisted Reproductive Technology including, but not limited to surrogacy, embryo transfer, embryo manipulation and related practices; and

(11) any other function that is necessary to give effect to the provisions of this Bill.

S.5 The Council shall consist of the following

a. Chairman.
b. Vice Chairman (to be elected from amongst members).
c. two representatives of the Federal Ministry of Health who are registered medical practitioners or dental surgeons, one of which shall be the Director of Hospital Services.
d. The Chief Medical Officer (however designated) of each State of the Federation and the Federal Capital Territory.
e. a representative of the Armed Forces Medical Services.
f. a representative of the National Medical College of Nigeria.
g. Two representatives of Colleges of Medicine/Health Sciences in the Country to be appointed by the Minister in rotation two of years each, from among the provosts of such Colleges, provided no two of such persons shall be from the same University or state;
h. two representatives of tertiary hospitals where training of medical or dental students, postgraduate medical or dental training is conducted to be appointed by the Minister in rotation of two years each, from among the chairmen medical advisory committee or equivalent position, provided no two of such persons shall be from the same state;
i. one representative of private practitioners of medicine or dentistry appointed by the minister.
j. ten representatives nominated by the Nigerian Medical Association provided that not less than one shall be a private medical practitioner.
k. three representatives nominated by the Nigerian Dental Association.
l. a representative of alternative medicine practitioners appointed by the Minister.
m. one pathologist and one Radiologist to be appointed by National Medical College of Nigeria.
1. The appointment of the Chairman and members of the Council other than Ex-officio members shall be made by the President.

2. The Vice Chairman of the council shall be elected from among the members by all members by a simple majority vote at the first meeting of the Council after its inauguration.

3. The Chairman shall reserve the casting vote and shall not participate in the election of the Vice Chairman other than to conduct it.

4. The Chairman and members of the Council appointed pursuant to section 6 of this Bill shall, subject to the provision of this Bill, hold office for a period of four years and may be reappointed for another period of four years and no more.

1. The Chairman or member of the Council other than an ex-officio member may by notice duly signed and addressed to the Registrar, resign from the Council.

2. The Vice Chairman elected under section 7 sub section 2 may resign or be removed from the position by two third majority of members of the council.

3. The removal of the vice chairman shall be in accordance with the procedure as may be provided in the Standing Orders and Rules of the Council.

4. Provided that the resignation or the removal in sub section (2) of this section, shall not affect the membership of such person from the Council.

1. Where the Chairman ceases to be Chairman of Council, by any reason other than as provided in section 7 of this Bill, the President shall in accordance with the provisions of this Bill appoint another person to complete the tenure of the Chairman.

2. Where a person other than the Chairman ceases to be a member of Council, by any reason other than as provided in section 7, the body or person responsible for the nomination or appointment of such person, shall nominate another person in accordance with section 5 of this Bill, to complete the tenure.

3. The President shall have the power to remove from office the Chairman or any member of the Council other than Ex-officio members if he is satisfied that it is in the interest of the public to do so provided that perpetuity of the Council shall be maintained.

1. A person shall not be a member of the Council unless that person is registered as a medical practitioner or dental surgeon by the Council, and has no impairment as to fitness to practice at the point of appointment.

1. There shall be a Registrar of the Council who shall be responsible for the day-to-day management of the human, financial and material resources of the Council in accordance with this Bill.

2. The Registrar shall be appointed by the Council.
S.11 1. A person is qualified to be appointed as Registrar if the person:

i. is fully registered as a medical practitioner or dental surgeon of not less than 12 years post registration; and

ii. possesses reasonable cognate administrative experience in human resources and health matters.

2. The Registrar shall hold office for a term of four years renewable, subject to satisfactory performance, for another term of four years and no more.

3. The Registrar shall be paid such emoluments as may be determined by the Council provided that such emoluments shall not be less than those payable to the heads of agencies of the Government of the Federation.

S.12 In addition to any other duty conferred by any provision of this Bill, the Registrar shall perform the following functions.

(a) establish and maintain such number of registers of medical practitioners and dental surgeons in accordance with the rules made by the Council.

(b) record the names, gender, age, address of practice, qualification(s) and such other particulars of all persons qualified to practice as medical practitioners or dental surgeons, as the Council may direct in accordance with the provisions of this Bill.

(c) on the directive of the Council, make corrections or alterations with respect to the record of any person whose name is in the relevant register, remove from the relevant register the name of any person whose name and particulars is in any of the registers being maintained in accordance with provision of this Bill;

(d) to transfer the name of a person from one register to another in accordance with the directive of the Council.

(e) cause the registers of medical practitioners and dental surgeons to be printed, published and put on sale to members of the public and displayed at the appropriate electronic platforms at all times with such modifications, corrections, and alterations to the registers in accordance with the provisions of this Bill; and

(f) cause a print of each edition of the registers to be kept at the head office and zonal offices of the Council.

S.13 1. The Council shall have power to appoint, from time to time such other staff as may be required for the purposes of the efficient performance of its functions pursuant to this Bill.

2. The Council shall have power to promote and discipline all staff of the Council.

3. The Council shall have power to pay remuneration (including pensions), allowances or expenses to any member, staff, or servant of the Council or to any other person in accordance with scales determined by the Council.
PART III FINANCIAL PROVISIONS

S.14  1. There shall be established the Medical and Dental Council of Nigeria General Fund for the day-to-day administration of the Council into which shall be paid:
   
   (a) such funds as shall be appropriated annually by the National Assembly pursuant to the provision of this Bill; and
   
   (b) such funds as the Council may receive as grants, gifts, fees or otherwise in accordance with provisions of this Bill or any other law.

S.15  (1) The Council shall prepare and submit to the National Assembly an estimate of its expenditure and income during the next succeeding year as may be directed by extant circulars of the Federal Government.

(2) The Council shall keep proper records of accounts in respect of each financial year and shall cause its accounts to be audited as soon as may be practicable after the end of the financial year to which the accounts relate by a firm of auditors approved, with respect to that year, by the Council.

(3) The auditors to be approved by the Council shall be in accordance with the provision of Section 85 (3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

S.16 The Council shall have power to borrow money, acquire or dispose of any property in accordance with the provisions of this Bill or any other law for the time being in force with respect to borrowing power of government agencies.

S.17  (1) The Council may accept gifts of land, money or other property upon such terms and conditions, if any as may be specified by the person or organization making the gift.

   (2) The Council shall not accept any gift if the conditions attached by the person or organization making the gift, to the acceptance thereof are inconsistent with or threaten the functions of the Council.

PART IV SUBSTANTIVE PROVISIONS

S.18  (1) The Council shall maintain separate registers for medical practitioners and dental surgeons in accordance with provisions of this section.

   (2) The registers to be maintained by the Council are.

   i. Provisional Register.
   ii. Full Register.
   iii. Specialist Register.
   iv. Limited or Temporary Register; and
   v. Exit Register.
   vi. Suspension Register.

S.19  The Council may from time to time make regulations specifying the qualifications, fees to be paid and mode of application to be made for the entry of a person’s name into any of the registers maintained by the Council.
S.20 (1) Subject to the provisions of this Bill and direction of the Council, the Registrar shall cause the name of any person to be removed from the register if:

(a) the person is dead.
(b) the person is registered for a limited time and the time has elapsed; or
(c) the person is provisionally registered and has qualified or failed to qualify for full registration.

(2) Nothing in subsection (1) of this section shall preclude the Registrar from removing the name of any person from any of the registers in compliance with an Order of the Tribunal.

Where the Registrar sends a correspondence either by registered post, email or any other form of correspondence to a registered person with respect to any thing concerning the registration of such person, the person shall within 30 days of postage or sending of such correspondence, respond to the issue(s) raised in the correspondence;

(2) Where no response is received within the specified time under subsection (3) of this section, the Registrar shall remove the name of such person from the register if no response is received within fourteen days after similar correspondence is sent by the Registrar for the second time;

(3) The Registrar shall by the direction of the Council restore the name of any person removed from the Register pursuant to the provisions of this Bill.

(4) The Registrar shall give notice in writing by registered post to any medical practitioner or dental surgeon concerned with respect to the removal of the person’s name from any of the registers pursuant to the provision of this section.

S.21 Subject to the provision of this Bill and to any other rules made by the Council, a person shall be entitled to be fully registered as a medical practitioner or as a dental surgeon if the person

a) has attended a course of training approved by the Council in one or more approved institutions with respect to either medical or dental profession and obtained an approved qualification; and

b) holds a certificate of experience issued in pursuance of section 35 of this Bill.

S.22 1. A person who has obtained an approved medical or dental qualification and satisfies the Registrar that the person is of good character and is about to be employed for the purpose of obtaining certificate of experience under this Bill, shall, subject to the provisions of Rules made by the Council, be entitled to be provisionally registered as a medical practitioner or dental surgeon.

2. A person who is provisionally registered shall, for the purposes of employment at any recognized institution with a view to obtaining a certificate of experience, but not for any other purposes, be deemed to be fully registered.

S.23 1. Where a person other than a Nigerian satisfies the Council.

(a) that the person is a registered medical practitioner or dental surgeon in any country other than Nigeria:
(b) that the person has been selected for employment for a specified period in an approved hospital or an approved institution in Nigeria in the capacity of a medical practitioner or dental surgeon.

(c) that the person intends to be in Nigeria for a limited period for the purposes of the employment in question; and

(d) the person has passed the assessment examination, of the Council if any.

(e) the person has submitted all their relevant training and working documents, where applicable, and reference letter from the head of his current or last employer as the case may be.

the Council may, if it deems fit, give a direction that the person shall be registered for a limited period as a medical practitioner or as a dental surgeon.

2. The registration of a person for a limited period shall continue only while the person is in such employment for the purpose of which the limited registration is granted and shall cease on the termination of the employment or the period specified by the Council, whichever is earlier.

3. Nothing in subsection (2) of this section shall preclude the Council from giving a further extension of the limited registration under subsection (1) of this section in respect of the expiration of a specified period and whose commencement coincides with the expiration of another such period.

4. A person registered in accordance with the provisions of this section shall, in relation to the employment for the purpose of which the limited registration is granted, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matters shall be treated as not so registered.

5. No person or group of persons with limited registration shall be allowed to manage any health institutions independently.

6. In the case of doubt as to whether a person’s employment has been terminated, the decision of the Council shall be conclusive for the purposes of this section.

S.24 1. Every registered medical practitioner or dental surgeon shall obtain a practicing license for each year after paying to the Council, the prescribed fees as may be determined from time to time by the Council.

2. Every medical practitioner or dental surgeon that has been issued with a practicing license as provided under subsection (1) above shall obtain a practicing seal from the Nigerian Medical Association.

3. The Council shall share the aggregate amount collected as practising fee during the year as follows –
   (a) Seventy percent to the Nigerian Medical Association, and
   (b) Thirty percent to the Council.
S.25 A registered medical practitioner or dental surgeon shall be exempted from payment of practicing fee where the person -
   a. is fully registered and has attained the age of seventy years; or
   b. is undergoing the mandatory National Service under the National Youth Service Corps Scheme.

S.26 1. Where a registered medical practitioner or dental surgeon defaults in the payment of practising fees prescribed by the Council, and practises within that period, the person shall.
   (a). pay the outstanding practising fee to the Council.
   (b). in the case of first default, be levied an amount twice the prescribed practicing fee; and
   (c). in the case of a second or subsequent default, be levied an amount not less than ten times the prescribed practising fee.

2. If a registered medical practitioner or dental surgeon who contravenes Sections 23 (1) of this Bill is in the employment of any person, that person shall also be liable to pay to the Council:
   (a). In the case of a first default, to an amount twice the prescribed practising fees; or
   (b). In the case of a second or subsequent default, to an amount not less than ten (10) times the prescribed practising fee.
   (c). if that person fails to comply with the provisions of paragraphs (a) and (b) of this subsection, he shall be guilty of an offence and shall be liable, on conviction, to a jail term not exceeding one year.

S.27 Subject to the provision of this Bill, the Council may give approval to any institution in Nigeria which it considers properly organized and equipped, for conducting the whole or any part of a course of training approved by the Council under this Bill.

S.28 The Council shall, for the purpose of this Bill, have power to approve.
   (1). any course of training intended for persons who are seeking to become, or are already members of the medical or dental profession, and which the Council considers is designed to confer on the persons sufficient or additional knowledge and skill for the practice of the profession or for practice of a specialized branch of the profession;
   (2). any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council that they have sufficient knowledge and skill to practice medicine or dentistry or to practice as members of a specialized branch of the professions.
   (3). shall have power to determine the minimum qualifications for persons engaged or to be engaged in the training of persons seeking to become medical practitioners or dental surgeons.
S.29  (1). The Council shall in pursuance to Section 27 of this Bill, not approve a qualification granted by an institution in Nigeria with respect to persons seeking to be members of the medical or dental profession unless the qualification bears one of the following designations –

Designation of qualification

   a) Bachelor of Medicine and Surgery; or

   b) Bachelor of Dental Surgery.

(2). (i) The Council shall in pursuance to Section 27 of this Bill, not approve a qualification granted by an institution in Nigeria with respect to medical practitioners or dental surgeons seeking to become members of a specialized branch of medicine or dentistry unless the qualification bears Doctor of Science with addition of words indicating field of specialization: and

   (ii). A Post-doctorate Fellowship of the National Medical College of Nigeria or its equivalent.

(3). Nothing in the foregoing subsection shall preclude the Council from approving qualifications specifying specialization by medical practitioners or dental surgeons in the clinical, or basic medical and dental sciences.

(1). The Council may institute an assessment examination for holders of foreign medical or dental qualifications recognized by the government of the countries from where such qualifications were obtained before granting registration to the holders of such qualification to practice medicine or dentistry in Nigeria.

S.30  (2). The holders of foreign medical or dental qualifications may be required to show evidence of at least provisional registration to practice in the country of training, and/or clinical attachment for not less than one year in a Nigerian teaching hospital or similar institution in Nigeria, before sitting for the assessment examination.

(3). The Council shall determine from time to time foreign graduates who shall be required to undergo the clinical attachment referred to in subsection (2) of this section.

S.31  (1) The Council may, if it deems fit, withdraw any approval given under this Bill in respect of any institution, course, or qualification.

   (2) the Council shall, before exercising the powers conferred on it by this section: -

   (a) give notice that it proposes to do so to each person by whom the course is conducted, or the qualification is granted, or the institution is controlled, as the case may be.

   (b) afford each such person an opportunity of making to the Council presentations regarding the proposal; and

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

(3) Where the Council pursuant to the provisions of this section withdraws the approval of an institution, course or qualification, such withdrawal shall not
prejudice the registration or eligibility for registration of any person who by
to the obtaining a certificate of experience) immediately before the approval was withdrawn.

(4) The giving or withdrawal of any approval under this section shall have effect on
such date, either before or after the execution of the instrument signifying the
giving or withdrawal of approval, as the Council may specify in the instrument
and the Council shall publish a copy of every such instrument in the Federal
Government Gazette.

S.32 (1) The Council shall have a supervisory role on all approved institutions in
Nigeria:

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<th>Supervision of Institutions and Examinations</th>
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<td>a. established for the training of persons seeking to become medical practitioners or dental surgeons; or</td>
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<td>b. established for the training of medical practitioners or dental surgeons seeking to become members of a specialized branch of either profession.</td>
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<td>c. The Council shall supervise the examinations conducted in such institutions.</td>
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(2) Every approved institution shall keep the Council informed of the nature of:

(a) the instructions given to persons attending approved courses of training; and

(b) the examinations through which approved qualifications are granted.

(3) The Council may appoint, either from among its members or other persons,
visitor(s) to visit approved institutions or to observe such examinations at least
once in three years.

S.33 (1) It shall be the duty of a visitor or visitors appointed under section 32 of this
Bill to report to the Council on:

(a) the sufficiency of the instructions given to persons attending approved courses of training at institutions.

(b) the sufficiency of the examinations observed; and

(c) any other matter(s) relating to the institution(s) or examination(s) on which the Council may, either generally or in a particular case request the Visitor(s) to report,

(d) Notwithstanding the provision of this section, no visitor(s) shall interfere with the giving of any instruction or the holding of any examination.

S.34 (1) Upon receipt of report made pursuant Section 33 of this Bill, the Council
shall, as soon as practicable, send a copy of the report to the person in charge of the
institution to which the report relates, requesting such person to make observations with
respect to the report within a time specified by the council;

(2) Provided that the time given by the Council pursuant to subsection (1) of this
section, shall not be less than thirty days beginning with the date of the request.
S.35 (1) A person who after obtaining an approved medical or dental qualification, satisfies the conditions specified in subsection (2) of this section shall be entitled to receive free of charge a certificate of experience in the prescribed form.

(2) The conditions which a person must satisfy under subsection (1) of this section are-

Certificate of response
(a) employment for the prescribed period at a recognized institution in Nigeria with a view to obtaining a certificate of experience.
(b) residence throughout that period either in the institution or near to it in accordance with requirements in that behalf specified in the terms of his employment.
(c) acquisition of practical experience during employment under the personal supervision and guidance of one or more fully registered medical practitioner or dental surgeon as the case may be, in the practice of surgery, obstetrics and gynaecology, paediatrics and medicine or dental surgery, as the case may be, for such periods as may be prescribed in relation to each of those subjects respectively; and
(d) the manner in which the person carried out the duties of the employment and the person’s conduct during the period of the employment must have been satisfactory.

(3) It shall be the duty of the person in charge of a recognized institution at which a person is employed with a view to obtaining a certificate of experience to ensure that the person is afforded proper opportunities of acquiring the practical experience required for the purposes of subsection (2) of this section.

(4) The Council shall make regulations to provide for the issuance of certificate of experience in respect of employment at institutions outside of Nigeria.

In this section, “recognized” means approved for the time being for the purposes of this section by Order of the Council.

S.36 (1) Where after having been employed as mentioned for the purpose of Section 35 of this Bill at any institution, a person is refused a certificate of experience he shall be entitled to:

Denial of Certificate
(a) receive from the person in charge of the institution particulars in writing of the grounds of the refusal; and
(b) appeal against the refusal to a Committee of the Council in accordance with Rules made by the Council in that behalf (including Rules as to the time within which appeals are to be brought).

(2) After duly considering any such appeal the committee shall either dismiss the appeal or issue the certificate of experience in question or give such other directive in the matter as it considers just.

S.37 (1) There is hereby established a body to be known as the Medical and Dental Practitioners Investigation Panel (in this Bill referred to as “the Panel”)

Establishment, appointment, and tenure of investigation panel
(2) The Panel shall consist of 15 members appointed by the Council; at least three of whom shall be dental surgeons.
(3) The Panel established under subsection (1) of this Section shall be charged with the duties of-
   (a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a medical practitioner or dental surgeon or for any other reason, be subject of proceedings before the Disciplinary Tribunal.
   (b) compel the appearance of any person by subpoena to give evidence before it.
   (c) decide whether or not to refer any registered person to the Tribunal.
   (d) deciding, if satisfied that to do so is necessary for the protection of members of the public, make an order of interim suspension of a registered practitioner whose case they have decided to refer for adjudication; and the case to be given accelerated hearing by the Disciplinary Tribunal within three months;
   (e) make an Order for Conditional Registration of a registered person if satisfied that such an Order is necessary for the protection of the public or is in the person’s interest.
   (f) an Order of Conditional Registration shall specify the conditions upon which compliance the person’s registration is conditioned and specify the period of such condition(s) not exceeding 18 months.
   (g) A person on whom an Order of interim suspension has been invoked shall remain suspended until the matter is determined by the Tribunal as provided in paragraph (d) of this subsection.
   (h) The outcome of the disciplinary proceedings and action(s) or sanctions of the Nigerian Medical Association against her members shall lay to the Panel.

(4) Members of the Panel shall hold office for a term of four years and shall be eligible for reappointment.

(5) The provisions of the Second Schedule to this Bill shall be applicable to the Panel with respect to its proceeding.

S.38 (1) There is hereby established a tribunal to be known as the Medical and Dental Practitioners Disciplinary Tribunal (in this Bill referred to as “the Disciplinary Tribunal”), which shall be charged with the duty of considering and determining any case referred to it by the Panel established under this Bill and any other case of which the Disciplinary Tribunal has cognizance under the provisions of this Bill.

(2) The Disciplinary Tribunal shall consist of:
   a. the Chairman of the Council or an appointee of the Chairman of Council who is a member of Council.
   b. Ten other persons who shall include three Council members, at least two persons who are fully registered dental surgeons, four persons from among the past Disciplinary Tribunal members.
c. The Disciplinary Tribunal shall remain in force and continue to sit and exercise jurisdiction over matters referred to it by the Investigation Panel, notwithstanding any dissolution or expiration of the tenure of the Council.

d. If any person willfully gives false evidence on oath before the Tribunal during the course of any proceedings, or willfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney General of the Federation for prosecution.

S.39  (1) Where the Tribunal finds a registered person under this Bill to:

a. be guilty of professional misconduct.

b. have been convicted by any Court of Law or Tribunal in Nigeria or elsewhere for an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a registered person under this Bill.

c. have been fraudulently registered in any of the registers maintained by the Council pursuant to this Bill.

the Disciplinary Tribunal shall give any of the directions specified in subsection (2) of this section.

(2) The directions which the Disciplinary Tribunal shall give under subsection (1) of this section are:

(a) ordering the Registrar to erase the person’s name from the relevant register.

(b) suspend the person from the profession for such period not less than six months and not exceeding eighteen months as may be specified in the direction; or

(c) Admonishing that person.

(3) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.

S.40  (1) An appeal on the decision of the Tribunal shall lie as of right to the Court of Appeal within 28 days of issuance of the direction pursuant to the provision of this Bill.

(2) there shall be no interlocutory appeal in respect to any direction or order made by the Disciplinary Tribunal.

(3) there shall be no stay of proceeding in respect of any matter pending before the Investigating Panel or Disciplinary Tribunal.

S.41  (1) A person whose name is erased from a register in pursuance of a direction of the Tribunal under this bill shall not be entitled to be registered in that register again except in accordance with the direction of the Tribunal.

(2) The Tribunal pursuant to subsection (1) of this section, may upon an application by the person direct the Registrar to register that person again, on such terms it may deem fit.

S.42  (1) Subject to subsections (4) of this section, no person other than a registered medical practitioner shall:
a. for or in expectation of reward, practice or hold himself out to practice as a medical practitioner.
b. take or use the title of physician, surgeon, doctor or licentiate of medicine, medical practitioner, or apothecary.
c. Without reasonable excuse take or use any name, title addition or description implying that he is authorized by law to practice as a medical practitioner.

(2) Subject to subsections (4) of this section, no person other than a registered dental surgeon shall-
   (a) for or in expectation of reward, practice or hold himself out to practice as a dental surgeon.
   (b) take or use the title of dental surgeon, doctor, dentist, dental officer, or dental practitioner, or
   (c) without reasonable excuse take or use any name, title, addition, or description implying that he is authorized by law to practice as a dentist,

(3) A person who contravenes subsections (1) or (2) of this section is guilty of an offence and is liable on conviction to a punishment under this Bill.

(4) Where any person is acknowledged by the generality of members of the community to which he belongs as having been trained in the system of therapeutic medicine traditionally in use in that community, nothing in subsections (1a) and (2a) of this subsection shall be construed as making it an offence for that person to practice or to hold himself out to practice that system.

(5) The provision of subsection (4) of this section shall not extend to any activity involving an incision in human tissue or to administering, supplying or recommending the use of any dangerous drugs within the meaning of Part V of the Dangerous Drugs Act Cap D1 LFN 2004.

S.43 (1) any person who for the purpose of procuring the registration of any name, qualification or other matter under this Bill makes a statement which turns out to be false in a material particular is guilty of an offence.

(2) any person employed by the Council who makes any falsification in any matter relating to the Registers established pursuant to this Bill is guilty of an offence.

(3) a person who contravenes the provision of this section shall be liable, on conviction to punishment under this Bill.

S.44 (1) A person who is guilty of an offence under sections 42 and 43 of this Bill, shall be liable:

a. on summary conviction, to a fine not less than N500, 000:00 and imprisonment for a term not less than two years.
b. on conviction after trial, to a fine not less than N1, 000,000:00 and imprisonment for a term not less than five years.
c. on conviction of a corporate body, its principal officers shall be fined not less than N2,500,000:00.
(2) Nothing in section 42 of this Bill shall be construed as making it an offence for a person employed as a medical practitioner or dental surgeon on any ship, other than a Nigerian ship within the meaning of the Merchant Shipping Act Cap M11 LFN 2004, to act as a medical practitioner or dental surgeon in relation to the master, crew and passengers of that Ship.

(3) Where an offence, under sections 43 and 44 has been committed by a person and it is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any Chief Medical Director, Manager, Secretary or other principal officer(s) of a body corporate, the officer and the body corporate shall also be deemed to be guilty jointly and severally of the same offence and shall be liable to be prosecuted and punished accordingly.

**PART V MISCELLANEOUS**

S.45  (1) A person shall not hold an appointment or practice as a medical practitioner or dental surgeon in Nigeria unless the person is registered by the Council under this Bill.

(2) A registered medical practitioner or dental surgeon shall be entitled to practice as a medical practitioner or dental surgeon, throughout Nigeria.

(3) (a) No person shall issue a prescription, medical report, medical certificate of fitness, sick report or any other related documents except the person is a fully registered medical practitioner.

(b) No person shall issue a prescription or report on the oral health of a person, dental report, sick report, or any other related documents except the person is a fully registered dental surgeon.

(c). A registered medical practitioner or dental surgeon shall not issue a prescription for a medicine except it is written on the prescription form approved by Council.

(d). Only a registered pharmacist shall dispense medicines prescribed by a registered medical practitioner or dental surgeon.

(e). Nothing in the foregoing shall preclude a registered medical practitioner or dental surgeon, or a registered nurse under the supervision of a doctor or dentist, from providing medicines in the absence of a registered pharmacist.

(f). Pursuant to paragraph (a) and (b) of this subsection, the documents therein shall have the practise seal of the medical practitioner or dental surgeon duly affixed as appropriate.

(4) No person other than a fully registered medical practitioner or dental surgeon shall be entitled to bring any proceedings in any Court of Law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services rendered or facilities or things supplied by the person when purporting to act as a medical practitioner or as a dental surgeon.

(5) A fee for services rendered or any amount due to a medical practitioner or dental surgeon in pursuit of the practice of the profession, shall be due fourteen days after the service of the demand letter on the person(s) or authority concerned, pursuant to Third Schedule to this Bill.
(6) The recovery procedure with respect to subsection (5) of this Section shall be as provided in Third Schedule to this Bill.

(7) It shall be the duty of the person in charge of the Medical School, postgraduate medical colleges, or similar institution in Nigeria at which there is held a course of training intended for:
   a. persons seeking to become members of the medical or dental profession; or
   b. medical or dental practitioners seeking to become specialists in a field of medicine or dentistry,
   to furnish to the Registrar, a list of successful candidates immediately after the publication of the pass list.

(8) The successful candidates referred to in subsection 7(a) of this section shall be posted by the Council to approved hospitals for the purpose of acquiring the Certificate of Experience pursuant to section 24 of this Bill.

(9) No person shall hold the post of Medical Officer of Health unless the person is registered as a medical practitioner as the case may be.

S.46  (1) Any power to make Regulations, Rules or Orders conferred by this Bill shall include the power to:
   (a) make provisions for such incidental and supplementary matters as the Council considers expedient; and
   (2) make different provisions for different circumstances.

S.47 In this Bill, unless the context otherwise requires:
   “Alternative Medicine” means homeopathy, naturopathy, acupuncture, and osteopathy as defined in the Code of Conduct issued by the Council for Alternative Medicine Practice.
   “Approved medical or dental qualification” under section 24 of this Bill means a qualification which is approved in respect of the medical or dental profession.
   “Certificate of experience” means a certificate granted in pursuance of section 24 of this Bill.
   “Chairman” means the Chairman of the Council appointed under section 7 of this Bill.
   “Clinical or Medical Laboratory” means laboratory for the practice of Pathology.
   “Council” means the Medical and Dental Council of Nigeria established pursuant to Section 4 of this Bill.
   ‘Chief Medical Officer’ means the Director of Medical or Hospital Services (or however designated) in the states’ Ministry of Health and the Federal Capital Territory other than the Permanent Secretaries or Commissioners for health.
   “Dentistry” in relation to its practice includes the prevention and management of diseases and malformations of the teeth, gums, oral cavity, and related structures.
A registered Dental Surgeon gives all dental related treatments, which includes but not limited to routine extractions and oral surgery procedures, all forms of tooth restorations, fitting of dentures and dental appliances and other maxillofacial surgery operation so however that:

(a) In case of dental emergency, in the absence of a qualified and registered dental surgeon, nothing shall preclude a medical practitioner from stabilization of a dental patient, before referral to the nearest available dental surgeon; and
(b) a qualified dental therapist or dental nurse acting under the supervision of a registered dental surgeon may scale and polish teeth.

“Gazette” means the Gazette of the Federal Government of Nigeria.

“Incision” means a deliberate cut, or a wound made by a sharp instrument on a human being.

“Impairment to fitness to practise” means conviction for misconduct in a professional respect or interim suspension pending disciplinary proceeding; deficient professional performance; a conviction or caution for a criminal offence; adverse physical or mental health; or a determination by a Tribunal or Court in Nigeria or elsewhere that fitness to practise is impaired.

“laboratory” means a room, building or institution either as a stand alone or in a health facility equipped for scientific research, experimentation, investigation, analysis, and diagnosis of a disease (illness) or health related problem.

“medically qualified” means a person registered fully as a medical practitioner or dental surgeon by the Council.

“Minister” means the Minister of the Government of the Federation charged with responsibility for matters relating to Health.

‘Panel’ means Medical and Dental Practitioners’ Investigation Panel established under this Bill.

“pathology” means the branch of medicine that deals with the clinical and laboratory examination and processing of samples of body tissues, cells, excretions and fluids for the diagnosis, treatment, and monitoring of response to treatment of disease; and analysis and provision of forensic evidence;
pathologist means a medical practitioner that specialized in pathology and registered as such by the council.

‘practitioner’ means a person registered by council to practice medicine or dentistry.

“radiology” means the branch of medicine that deals with the use of radioactive substances and equipment for scientific research, experimentation, investigation, diagnosis, treatment, analysis, and provision of forensic evidence, and monitoring of response to treatment of disease.

“Register” means a Register maintained under this Bill.

“Registrar” means the officer appointed pursuant to section 11 of this Bill.
“Regulations” means rules, orders, directives, and other such instruments made by the Council for the control of the medical and dental professions in Nigeria including accreditation of practitioners’ practice premises.

“Tissue” means any part of the human body or fluid or blood that has multiple cells.

‘Tribunal’ means Medical and Dental Practitioners’ Disciplinary Tribunal established under this Bill.

S.48  (1) The Medical and Dental Practitioners Act 1988 as amended (in this section referred to as “the repealed Enactment”) is hereby repealed.

(2) Notwithstanding subsection (1) of this section:

(a) any person whose name was immediately before the coming to force of this Bill, included in any of the Registers maintained under the repealed Enactment shall, without further application or payment of any other fee, be deemed to be registered under the appropriate provision of this Bill;

(b) any Register kept in pursuance of the repealed Enactment shall be deemed to be part of the Register to be kept in pursuance of this Bill.

(c) any document referring to a provision of the repealed Enactment shall be construed as a reference to the corresponding provision of this Bill; and

(d) where any offence, being an offence for the continuance of which a penalty was provided, has been committed under the repealed Enactment, proceedings may be taken under this Bill in respect of the continuance of the offence after the commencement of this Bill, in the same manner as if the offence had been committed under the corresponding provisions of this Bill.

(3) All Assets, Funds, Resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the body established by the repealed Enactment shall by virtue of this Bill be vested in the Council.

(4) As from the commencement of this Bill:

(a) the rights, interests, obligations and liabilities of the body referred to in subsection (3) of this section existing immediately before the commencement of this Bill under any contract or instruction or at Law or in equity are hereby assigned to and vested in the Council; and

(b) any such contract or instrument shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the body mentioned in the repealed Enactments, the Council has been named therein or had been a party thereto.

(5) Any proceeding or cause of Action pending or existing immediately before the commencement of this Bill by or against the body mentioned in the repealed Enactment in respect of any rights, interest, obligation or liability of the body aforesaid may be continued or, as the case may be, commenced and any determination of a Court of Law, Tribunal or other authority or person may be enforced by or against the Council to the same extent that any such proceeding,
cause of Action or determination could have been continued, commenced or enforced by or against the body aforesaid if this Bill had not been made.

(6) Notwithstanding the repeal of the Enactment referred to in this section, if the Council deems it expedient that any vacancy in the Council should be filled by a person holding office at the commencement of this Bill in the body dissolved by this section it may employ such person by way of transfer to the Council and the previous service in the dissolved body by such person shall count as service for the purposes of any pension subsequently payable by the Council.

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Council

Vice-chairman and Secretary

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

2. A Vice-Chairman who ceases to be a member of Council shall cease to be Vice-Chairman.

3. The Registrar shall serve as the Secretary to the Council and to the Disciplinary Tribunal.

4. Subject to the provisions of this Bill and of section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

5. The quorum of the Council shall be one third of membership and the quorum of any committee of the Council shall be determined by the Council.

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

7. At any meeting of the Council the Chairman or, in his absence, the Vice Chairman shall preside, but if both are absent the members present at the meeting shall elect from amongst themselves one person to preside at that meeting.

8. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt that person as a member for such period as it deems fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote or be voted at any meeting of the Council and shall not be counted for the purposes of reckoning a quorum.
9. Notwithstanding anything in the foregoing provisions of this schedule, the vacancies created in the membership of the Council by the coming to effect of this Bill shall be filled as provided in section 6 of this Bill.

10. The Council may appoint one or more committees to carry out, on its behalf, such of its functions as the Council may determine.

11. A committee appointed pursuant to paragraph 10 of this schedule, shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be non-members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.

12. A decision of a committee of the Council (other than the committee mentioned in Section 37 of this Bill) shall be of no effect until it is confirmed by the Council.

13. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman and of Secretary to the Council.

14. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person generally or specially authorized to act for that purpose by the Council.

15. Any document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

16. The validity of any proceedings of the Council or a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or any defect in the appointment of a member of the Council, or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

17. Any member of the Council, and any person holding office in a committee of a Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council or committee and shall not vote on any question relating to that contract or arrangement.

18. A person shall not, by reason of his membership of the Council only, be treated as holding an office in the Public Service of the Federation.

SECOND SCHEDULE
Supplementary provisions relating to the Disciplinary Tribunal and Investigating Panel.

The Disciplinary Tribunal.

1. The quorum of the Disciplinary Tribunal shall be the Chairman and four (4) other members of whom:
   (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner and.
   (b) one at least shall be a registered dental surgeon in a case relating to a registered dental surgeon.

2. The Chief Justice of Nigeria shall make rules for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.

3. The rules shall in particular provide:
(a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings.
(b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal.
(c) for enabling any party to the proceedings to be represented by a legal practitioner.
(d) as to the costs of proceedings before the Disciplinary Tribunal.
(e) for requiring, in a case where it is alleged that the person who is the subject of proceedings is guilty of professional misconduct, that where the Disciplinary Tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates:
(f) for publishing in the Federal Gazette, notice of any direction of the Disciplinary Tribunal which has taken effect, providing that a person’s name shall be erased from a register.

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

5. For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall be appointed by Council in all such proceedings, legal practitioners or a firm of legal practitioners of not less than 10 years at the bar recommended by the Chief Justice of Nigeria, one of which shall participate in the proceedings of the Tribunal.

6. The Chief Justice of Nigeria shall make rules as to functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that:
   (a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or persons aforesaid shall be informed what advice the assessor has tendered;
   (b) every such party or person as aforesaid shall be informed if in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question as aforesaid.

7. A law firm to serve as assessors may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall continue and cease to be appointed in accordance with the terms of the letter by which the firm is appointed.

The Panel
8. The quorum of the Panel shall be five who:
   (a) all shall be fully registered medical practitioners in a case relating to a registered medical practitioner; and
   (b) one at least shall be a fully registered dental surgeon in a case relating to a registered dental surgeon.

9. The Panel may, at any meeting attended by not less than seven members, including not less than one registered dental surgeon, make standing orders with respect to the Panel.

10. Subject to the provisions of any such standing orders, the Panel may regulate its own procedure.

11. A person ceasing to be a member of the Disciplinary Tribunal or the Panel shall be eligible for reappointment as a member of that body.

12. A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.

13. The Disciplinary Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or subject to section 38 of this Bill, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

14. The Disciplinary Tribunal and the Panel may each sit in two or more divisions.

15. The Chairman of Council or his appointee shall serve as Chairman of any of the divisions of the Tribunal.

16. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal or the Panel shall be served on the Secretary of the body concerned.

17. Any expenses of the Disciplinary Tribunal or the Panel shall be defrayed by the Council.

18. A person shall not, by reason only of being a legal assessor to the Disciplinary Tribunal or as a member of the Panel, be treated as holding an office in the public service of the Federation.

THIRD SCHEDULE

Recovery of Services’ fee and related payments

1. Demand letter specifying date, amount and the nature of the services rendered

2. Bill or note containing the details of the service(s) rendered