A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF NURSING AND MIDWIFERY, IDEATO, IMO STATE; FOR THE TEACHING AND TRAINING OF NURSES AND MIDWIVES AND OTHER CATEGORIES OF HEALTH WORKERS; AND TO PROVIDE FOR A BOARD TO GOVERN THE INSTITUTION AND AN ACADEMIC COMMITTEE TO TAKE CHARGE OF THE ACADEMIC ACTIVITIES AND AFFAIRS AND FOR RELATED MATTERS

Sponsored by Hon. Paschal C. Obi

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1.-(1) There shall be established at Ideato, Imo State, a teaching and training institution to be known as the Federal College of Nursing and Midwifery (in this Bill referred to as the "College") which shall be a body corporate under that name and subject to the provisions of this Bill, the college shall be charged with the general duty of providing:

(a) Nursing and Midwifery courses and programmes, standard or special, designed for use in Nursing and Midwifery operations and management as may from time to be prescribed under this Bill for approved persons;

(b) teaching of approved courses and persons on the performance, operations and management as the case may be, of technical equipment the use of which is calculated or likely to increase the margin of performance and operational safety of the students and of all health activities;

(c) training of approved persons in standard or special programs designed to inculete professionalism in the practice of Nursing and Midwifery and other related fields;

(d) equipment and necessary facilities for technical research or
normal use by approved persons at the college as may from time to time be
authorized by the Board under this Bill.

\[CAP \, N143\]

(2) Courses provided for the purposes of subsection (1) of this section
shall include the organization of incidental study groups and the delivery of
necessary series of lectures; and if approved, fees may be calculated and be
charged at such rate not exceeding the estimated cost of the course as may be
prescribed under this Bill.

(3) Courses on teachings and trainings in standard or special shall be
of such a nature as to qualify the recipient or student or trainee to be registered
under the Nurses and Midwifery Act, Cap N143, Laws of the Federation of
Nigeria, and for qualifications and registrations under similar Regulatory
Agencies or Bodies for other categories of Health workers or fields.

(4) The college as a body corporate shall have perpetual succession
and a common seal which shall be kept in the custody of the Provost of the
College; and the college shall hold or acquire property, movable or immovable,
but shall not mortgage, charge or dispose of any property held by it over the
value of N10m without the consent of the Minister in writing.

2. The President, on the advice and recommendation of the Minister,
shall appoint a qualified and fit person as the Head of the college as its Provost;
and the Provost shall be responsible to the Board under this Bill for the day-to-
day administration and control of the college and shall perform such other
duties as may, from time to time, be prescribed under this Bill.

3.- (1) There shall be a Governing Board (in this Bill referred to as the
"Board") as members of the College charged with responsibility for the
organization, administration and policy making and planning of the College;
and the Board shall consist of the following members:

(a) The Chairman;

(b) Six Persons broadly representative of the whole Federation that is
to say the six Geo-political zones of Nigeria;
(c) Two persons appointed to represent the consultant staff of the College from among their number;

(d) The representative of the Federal Ministry of Health;

(e) The representative of the Federal Ministry of Education;

(f) The Provost;

(g) A representative of the Nursing and Midwifery Union of the College.

(2) The Registrar of the College, not being a member of the Board, shall serve as the Secretary of the Board and in his absence, the Deputy Registrar shall act as Secretary at meetings, but neither the Registrar serving as the Secretary nor his Deputy acting for him in that capacity shall have a vote in meetings of the Board.

(3) The Minister may give to the Board directions of a general nature or relating generally to particular matters and in any event while it continues to operate and exist not inconsistent with the objects of the special fund, or of the executing agency; and the Board shall comply with any such directions given by the Minister.

(4) Subject to the provisions of subsection (3) of this section, the Board may:

(a) prescribe the general policy of the college in consultation with the Provost of the College and the fees to be charged in respect thereof;

(b) regulate the organization and management of the college;

(c) prescribe the duties of the Provost of the College and any other members of staff;

(d) provide for the appointment, promotion, dismissal and transfer of members of staff at the college and for their salaries;

(e) make provision for pension schemes for members of staff of the college;

(f) approve annual accounts and estimates;

(g) as and when required, make any necessary contract between the
college and any person not connected therewith; and
(h) submit annual reports to the Minister.
(5) The provisions of the First schedule to this Bill shall have effect
with respect to the tenure of office of members of the Board and the Provost and
other matters thereto mentioned.

[First Schedule]

In this section "Staff" includes personnel of the College other than those
employed by the executing agency or by the special fund, or by any other
approved foreign agency or organization.

4.-(1) The members of the Board shall hold office for a period of four
years and renewable for a final term of four years and no more save for the
members under section 3 (1) (d) (e) of this Bill.
(2) A member of the Board and the Provost, other than an ex-officio
member, shall be paid out such remunerations and allowances in accordance
with such terms and conditions as may be stipulated in their letters of
appointment.

5.-(1) In the event of the death or incapacity of the Chairman of the
Board or if for any reason other than lapse of time, the office of the Chairman
becomes vacant, the President shall on the recommendation of the Minister,
appoint another person as the Chairman for the residue of the term of the
Chairman of the Board.
(2) The office of a member of the Board or the provost shall become
vacant if:
(a) he resigns his office by notice in writing under his hand, addressed
    to the President through the Minister;
(b) the period of his tenure has elapsed;
(c) by the resolution of the Board;
(d) that he has become unfit to continue as a member of the Board by
    reason that the member has become incapable by reason of mental or bodily
    infirmity to discharge his duties; or
(i) that he has been absent from three consecutive meetings of the Board without the leave of the Board; or
(ii) he has been convicted of an offence involving dishonesty, fraud or moral turpitude.
(3) Where the office of a member becomes vacant, another person representing the same interest shall be appointed for the remainder of the term for which the vacating member was appointed.
(4) Any member of the Board other than an ex-officio member may, by notice to the Board, resign his appointment.

6.- (1) There shall be established for the College, the Provost and the Deputy Provost, the Registrar and the Deputy Registrar, and other categories of Staff.

(2) The Provost/Deputy and the Registrar/Deputy shall be appointed for a period of four years, renewable for a final term of four years.

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

(4) The Registrar and Deputy shall be appointed by the Board on the recommendation of the Provost.

(5) The College shall employ as many persons as are required for the administration and management of the College; and such persons so employed shall be entitled to such emolument, allowances terms and conditions as applicable in the Public Service of the Federation, including pension and gratuity.

7.- (1) There shall be established for the College, certain numbers of departments and units for the realization of the mandates and purposes for the establishment of the College.

(2) Such numbers of departments and units shall be established by the Board on the recommendation of the Provost or as applicable in similar institutions in Nigeria or elsewhere.

(3) Such numbers of departments and units shall be headed by the
personnel of the college, and their respective designations shall be determined
and approved by the Board.

8.- (1) The College, through the Board shall be responsible for all
employments, appointments as well as the discipline of all categories of staff.
(2) The Board in the exercise of its statutory powers and functions
under this Bill shall provide and prescribe the modalities, terms and conditions
for employments, appointments and discipline of staff.
(3) Such employments or appointments made under this section shall
be in consonance with existing standards and approved structures and systems
within the Public Service of the Federation.
(4) Nothing in this Bill shall invalidate such actions by the Board or
any organ of the College in the employments or appointments or discipline of
staff save for inconsistency with the provisions of the constitution of the
Federal Republic of Nigeria, 1999 or such other enabling enactments in the
Federation.

9.- (1) The funds of the College shall comprise:
(a) Money allocated to it in each year by the Government of the
Federation and while it continues to operate and exist in Nigeria by the special
fund in such shares as may be agreed from time to time;
(b) Donations and Subsidies;
(c) Fees for teaching and training from the College;
(d) Monies from such other sources as may from time to time be
approved by the Board on behalf of the College.
(2) The Board shall cause accounts to be kept at all times of the
income and expenditure of the College and proper records in relation to those
accounts; and the accounts of the College shall be audited as soon as may be
after the end of the financial year to which the accounts relate by an auditor
appointed from the list and in accordance with the guidelines supplied by the
Auditor-General for the Federation.
(3) The Board shall prepare and submit to the Minister not later than
the last day of October in each and every year after the commencement of
this Bill an estimate of the expenditure and income during the next financial
year.

10.—(1) The Board shall in every year furnish half-yearly reports to
the Minister and while the special fund continues to operate in Nigeria, to
both the representatives of the executing agency and of the special fund, on
the activities of the College, so however that the first of such reports shall be
furnished not later than 15 July, and subsequent reports as nearly as may be
on or after is" January and is" July in each year thereafter; and every report
shall be accompanied by a copy of the audited accounts of the College and of
the report (if any) by the auditor on the accounts as audited by him.

(2) Copies of the report when made shall be printed and submitted
to the President through the Minister.

11. Members of the Board shall be paid such travelling and other
allowances at such rate as the Minister may, from time to time approve, after
consultation with the Minister of the Government of the Federation charged
with the responsibility for Finance.

12.—(1) There shall be for the College a General Council consisting
of the Provost and Chairman, the Deputy Provost, the Registrar, the Deputy
Registrar, the Heads of Departments and Units and such other members as
the Board approves or may from time to time review and approve.

(2) Meetings of the General Council shall be convened by the
Provost as and when necessary, so however that the General Council shall
meet at least four times in each calendar year.

(3) It shall be the duty of the General Council to make suggestions
to the Board relative to courses of instructions provided or to be provided by
the College, and to make recommendations to the Minister through the
Board for the holding of conferences and meetings at the College which
members of the General Council consider suitable or necessary.

(4) The Board shall consider all suggestions offered to it by the
General Council under subsection (3) of this section and shall give effect to
them as far as is practicable.

(5) Members attending a meeting of the General Council shall
nominate a chairman in the absence of the Provost or his Deputy for the
meeting and may regulate its own proceedings thereof.

(6) The Registrar or in his absence, the Deputy Registrar shall attend
meetings of the General Council and provide any necessary assistance of a
secretarial nature and any person attending under this subsection may take part
in deliberations of the General Council, but shall not vote on any subject.

13.- (1) Service in the College shall be approved service for the
purposes of the Pensions Act.

(2) The Federal Civil Service Commission may by order published in
the Federal Gazette, declare that certain special cases of service in the College
shall be approved Service for the purposes of the Pension Act.

14.- (1) Where any act, matter or thing fails to be prescribed under this
Bill, any such act, matter or thing may be prescribed by regulations made on
behalf of the College by the Board.

(2) Regulations made under this section shall when approved by the
Minister be published in the Federal Gazette.

15. It is declared for the avoidance of doubt, that where any person(s)
has/have before the commencement of this Bill been appointed or have
purported to act under powers, however conferred, incidental to the acquisition
of land for or incidental to the erection, supervision or control of the College
hereby established, such person(s) shall be deemed always to have been
lawfully appointed or to have validly exercised the powers, as the case may be.

16.- (1) The President may after consultation with the executing
agency and of the special fund, prescribe a date not earlier than five years after
the commencement of this Bill for the preparations of a schedule (in this
section referred to as “the Transfer Schedule”) of the assets in Nigeria of the
special fund, and the Accountant-General of the Federation shall, when so
directed and acting in collaboration with the executing agency, the special
fund and the Board, prepare the transfer schedule accordingly, and the
transfer schedule shall be certified to, by the persons so collaborating and a
copy shall be supplied by the Provost of the College through the Chairman
of the Board to the Minister.

(2) On a day to be appointed by the Minister (hereinafter in this Bill
referred to as "the appointed transfer day") the College shall have and may
exercise administrative control on behalf of the Government of the
Federation over all property shown in the transfer schedule and such assets
shall vest in the College accordingly.

(3) The provisions of the Second Schedule to this Bill shall have effect with respect to any matter arising from the transfer by this section to
the College of the assets in Nigeria of the special fund and with respect to the
other matters mentioned in that Schedule.

17. In this Bill unless the context otherwise requires:

"Appointed transfer day" means the day appointed for the purpose of section
16 of this Bill for the vesting of certain property of the special fund in the
College;

"Approved" means approved by the Minister;

"Board" means the Governing Board under section 3 of this Bill;

"College" means the Federal College of Nursing and Midwifery established
under Section 1 of this Bill;

"Executing Agency" means such authorized body under the Laws of the
Federation of Nigeria, 2004 CAP.N143;

"Minister" means the Minister of the Government of the Federation charged
with the responsibility for health;

"Prescribed" means Prescribed on behalf of the College with the approval of
the Minister;

"Provost" means the Provost of the College;

"Special Fund" means such fund or grants which the Government of the
18. This Bill may be cited as the Federal College of Nursing and Midwifery, Ideato, Imo State (Establishment, Etc.) Bill, 2021.

FIRST SCHEDULE

Supplementary provisions relating to the Board, qualifications and tenure of office of members

1.-(1) Subject to the provisions of this paragraph, a member of the Board shall hold office for such period not exceeding four years as may be set out in the instrument of appointment or if he is a member by office or in a representative capacity, he shall be a member while he continues to hold that particular office or be the representative, as the case may be.

(2) Any member of the Board who ceases to be a member thereof, if he is also a member of a committee thereof, ceases to hold office on the committee.

(3) Any member appointed by the Government of the Federation may by notice in writing under his hand addressed to the President through the Minister and with his consent, resign his office, and any member appointed by office or in representative capacity may with the consent of the person or body appointing him resign his office by notice in writing addressed to the President through the Minister.

(4) A person who has ceased to be a member of the Board shall be eligible for re-appointment.

(5) If for any reason there is a vacation of office by a member and:

(a) such member was appointed on behalf of the Government of the Federation, another fit person shall be appointed either permanently or temporarily in his stead to be a member of the Board; and

(b) in any other case, the vacancy shall be filled by appointment as the circumstances may require.

Powers of the Board

2. Unless otherwise prescribed by this Bill, the Board shall power to
do anything which in the opinion of the members is calculated to facilitate
the carrying on of the activities, purposes and mandates of the College.

Proceedings of the Board

3.-(1) Subject to the provisions of this Bill, the Board may, in the
name of the College, make standing orders regulating the proceedings of the
College or of the Board; and in the exercise of its powers under this Bill, may
set out committees in the general interest of the College, and make standing
orders therefor;

(2) Standing orders shall provide for decisions taken to be
unanimous and accordingly the Chairman shall have a second vote.
Standing orders made for a committee shall provide that the committee
reports back to the Board on any matter not within or within its competence
under this Bill to decide.

4. The quorum of the Board shall be five of whom one shall be the
representative of the executing agency or the special fund; and the quorum
of a committee of the Board shall be fixed by the Board itself.

5.-(1) Subject to the provisions of this Bill and any standing orders
of the Board, the Board shall meet whenever it is summoned by the
Chairman; and if the Chairman is required to do so by notice given to him by
the Minister, he shall summon a meeting of the Board to be held within seven
days from the date on which the notice was given.

(2) At any meeting of the Board, the Chairman shall preside and if
he is not present, one of their numbers to be chairman for the meeting only.

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

Committees

6.-(1) The Board may appoint one or more committees to carry out
on behalf of the Board such functions as the Board may determine,

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board.

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

Miscellaneous

7.-(1) the fixing of the seal of the College shall be authenticated by the signature of the Board or of the Provost if authorized by the 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 authorized to act for that purpose by the 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.

8. The validity of any proceedings of the Board shall not be affected by any defect in the appointment of a member of the Board 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.

9. Any member of the Board and any person holding office on a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board on behalf of the College or a committee thereof shall forthwith disclose his interest to the Minister in the case of the College or to the Chairman of the Board as the case may be, and shall not vote on any question relating to the contract or arrangement.

10. A person shall not by reason only of his membership of the Board be treated as holding an office of emolument in the Federation or of a State.
SECOND SCHEDULE

[Section 16(3)]

TRANSITIONAL PROVISIONS AS TO PROPERTY ETC.

1.-(1) Every agreement to which the executing agency or the special fund under this Bill was a part immediately before the appointed transfer date, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations hereunder could be assigned by the said executing agency shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect from the appointed transfer day or date, so far as it relates to property transferred by this Bill to the College as if:

(a) The college has been a party to the agreement on behalf of the Government of the Federation;

(b) For any reference (however worded and whether express or implied) to the said executing agency or to the special fund there were substituted, in respect of anything failing to be done on or after the appointed day or date, a reference to the College.

(2) Other documents which refer, whether specially or generally to the executing agency or to the special fund shall be construed in accordance with sub-paragraph (1) of this paragraph so far as applicable.

2. Without prejudice to the generality of the foregoing provisions of this Schedule, where by the operation of any of them or of section 16 of this Bill, any right, liability or obligation vests in the College, the College and all other persons shall, as from the appointed transfer day or date, have the same rights, powers and remedies (and in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the College.

3. Any application to any authority pending on the appointed
transfer day or date by or against the executing agency under this Bill and
relating to property transferred by this Bill may be continued on or after that
day or date by or against the College.

4. If the law in force at the place where any property transferred by
this Bill is situated provides for the registration of transfers of property of the
kind in question (whether by reference to an instrument of transfer or
otherwise), the law shall, so far it provides for alterations of a register (but not
for avoidance of transfers, the payment of fees or any other matter) apply with
the necessary modifications to the transfer of the property aforesaid; and it
shall be the duty of the Provost to furnish the necessary particulars of the
transfer to the proper officer of the registration authority, and of that officer to
register the transfer accordingly, and notwithstanding the disclosure of a trust.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Nursing and Midwifery,
Ideato, Imo State, to provide for the organizational framework in
administration and control.