

A BILL

FOR

ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE CERTIFIED COUNCIL OF ALLIED DENTAL HEALTH PROFESSIONALS COUNCIL TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE AND FOSTER THE PRACTICE OF DENTAL HEALTH AND DENTAL SURGERY TECHNICIANS IN THE FEDERATION AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

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

1 PART I - ESTABLISHMENT, FUNCTION, MEMBERSHIP, ETC OF THE
2 CERTIFIED COUNCIL OF ALLIED DENTAL HEALTH
3 PROFESSIONALS COUNCIL

4 1.-(1) There shall be established a body to be known as the
5 Certified Council of Allied Dental Health Professionals Council (in this Act
6 as "the Council").

Establishment
of the Certified
Council of Allied
Dental Health
Professionals
Council

7 (2) The Council:

8 (a) shall be a body corporate with perpetual succession;

9 (b) shall have a common seal which shall be kept in such custody as
10 the Council may, from time to time, authorize; and

11 (c) may sue or be sued in its corporate name.

12 2. The function of the Council shall be to:

Functions of the
Council

13 (a) determine what standard of knowledge and skill are to be
14 acquired and attained by persons seeking to become registered member of
15 the Council and reviewing those standards from time to time as
16 circumstances may require;

17 (b) secure, in term of this Act, the establishment and maintenance
18 of a register of members;

1 (c) encourage, increase, disseminate and promote the education and
2 training of members admitted thereof, and the exchange of information and
3 ideas in respect of all questions appertaining thereto;

4 (d) conduct examination in the relevant professions awarding
5 certificates to successful candidates as appropriate; and for such thing as may
6 be proper and necessary to maintain and advance the status and interests of the
7 members;

8 (e) Participate in the formulation of policies guiding the practice and
9 welfare and keep abreast with new development in management and dental
10 health professionals care delivering;

11 (f) Shall participate in curriculum development for trainee dental
12 health;

13 (g) Shall constantly evaluate the practice of dental health professional
14 and initiates creative innovations for a smoother and more effective running of
15 dental clinic/hospitals with improvement for patient care.

Establishment
and Composition
of the Council

16 3.-(1) There shall be for the Council, a governing body to be known as
17 the Board" which shall have responsibility for the administration and general
18 management of the Council.

19 (2) The Council established pursuant to subsection (1) of this section
20 shall consist of the following members, that is:

21 (a) A chairman who shall be a member of the professions and has been
22 so qualified for not less than 15 years;

23 (b) One representative of each of the nomenclatures that is Dental
24 health profession;

25 (c) The Registrar;

26 (d) Three persons to represent from elected disciplines to represent
27 the state on rotation for two years at a time;

28 (e) Four persons to represent institutions of higher education in
29 Nigeria offering courses in the training of members for two years at a time;

30 (f) One non medical person to represent public interest;

1 (g) One person not below the rank of a director to represent the
2 Federal Ministry of Health;

3 (h) One person to represent the faculties of dentistry on rotation for
4 two years in rotation;

5 (i) One person to represent the association of registered dental
6 nurses of Nigeria.

7 (3) The provisions of the first schedule to this Act shall have effect
8 with respect to the supplementary provisions of the Council and the
9 qualifications and tenure of the office of members of the Council and the
10 matters therein mentioned.

11 4.-(1) The Council may, with the general consent of its members or
12 in accordance with the general guidelines or authority given by the
13 government of the federation, borrow, on behalf of the Council, by way of
14 loan or overdraft from any monies required by the Council to meet the
15 obligations of the Council in order to perform its function under this act, so
16 however that such consent or authority shall be required where the sum or
17 aggregate of the sums involved at any institute in any particular year.

Power to borrow
money

18 (2) The Council may, subject to the provision of this Act and
19 conditions of trust in respect of funds held or any property owned by the
20 Council, invest any but not all of its funds with the same consent by general
21 authority.

22 5.-(1) The chairman of the Council shall cause to be prepared not
23 later than six months before the end of the year, estimates of recurrent and
24 capital expenditure (if any) and income of the Council during the next
25 succeeding financial year which shall be presented to the annual general
26 meeting of the Council by the Council for approval.

Annual Estimate
Account and Audit

27 (2) The Council shall keep proper account and record in relation
28 thereto, and shall prepare in respect of each financial year, a statement of
29 account in such form as the chairman or the Council shall direct.

30 (3) The Council shall as soon as necessary after the end of a

1 financial year, cause the account of the Council to be audited by qualified
2 auditors appointed from the list of auditors and in accordance with the
3 guidelines laid down by the Auditor General for the Federation.

4 (4) The auditors appointed pursuant to subsection (3) of this section
5 shall on completion audit the account of the institute and the Council for each
6 financial year, prepared and submit to the Council two reports, that is:

7 (a) a general report setting out the observation and recommendations
8 of the said auditors on the financial affairs of the Council and the Board for that
9 year, and on any important matters which the auditors may consider necessary
10 to bring to the notice of the Board; and

11 (b) a detailed report containing the observation and recommendations
12 of the auditors on all aspect of the operations of the Council and the Board.

13 PART III - THE REGISTRAR

Appointment
and duties of
the Registrar, etc.

14 6.-(1) The Council shall appoint a fit and proper person to the
15 Registrar of the Council.

16 (2) The Registrar appointed in terms of subsection (1) of this section
17 shall be head of the administration of the Council and Secretary to the Board.

18 (3) Subject to the following provisions of this subsection, the Council
19 may make rules with respect to the form and keeping of the Register and
20 making of entries therein and in particular:

21 (a) the making of applications for enrolment or registration, as the
22 case may be;

23 (b) providing for notification to the Registrar, by the person to whom
24 any registered particulars related of any change in those particulars;

25 (c) authorizing a registered person to have any qualification, which is
26 in relation to the relevant discipline of the profession, administration, either an
27 approved qualification or an accepted qualification for the purposes of this Act,
28 registered in relation to his name in addition to, as he may elect, in substitution
29 for other qualifications so registered;

30 (d) specifying from time to time the fee including subscription to be

1 paid to the Council in respect of the entry of names on the Register
2 authorizing the Registrar to refuse to enter a name on the Register until the
3 fee specified for the entry has been paid; and

4 (e) specifying anything failing to be specified under this section,
5 but rules made for the purposes of paragraph (d) of this subsection shall not
6 come into force until they are confirmed at a special meeting of the institute,
7 as the case may be.

8 (4) The register shall:

9 (a) correct, in accordance with the Board's directives, any entry in
10 the Register which the council direct him to correct as being in the Board's
11 opinion an entry which was incorrectly made;

12 (b) remove from the Register the name of any Register's person
13 who has died;

14 (c) record the names of the members of the Council who are in
15 default in the payment of annual subscriptions, dues or other charges for
16 more than twelve months, and take such action in relation thereto (including
17 removal of the names of the defaulters from the Register) as the Board
18 meeting determine or direct; and

19 (d) make from time to time any necessary alterations in the
20 registered particulars of registered persons:

21 (5) If the Registrar:

22 (a) sends by post to any registered person a letter addressed to him
23 at his address on the Register enquiring whether the registered particular
24 relating to him are correct and receives no reply to the letter within the period
25 of six months from the date of posting; and

26 (b) upon the expiration of the period specified in paragraph (a) of
27 this subsection, send in like manner to the person in question a second
28 similar letter and received no reply the letter within three month from the
29 date of posting it, then the registrar, may remove the particulars relating to
30 the person in question from the Register, and the Council may direct the

1 Registrar to restore to the appropriate part of the Register any particulars
2 removed there from under this subsection.

Publication of
Registers and
list of Correction

3 7.-(1) The Registrar shall be:

4 (a) cause the Register to be printed, published and put on sale to
5 members of the public not later than two years from the commencement of this
6 ACT;

7 (b) thereafter in each year to cause to be printed, published and put on
8 sale as aforesaid, a corrected edition of the Register since it was last printed;
9 and

10 (c) cause a print of each edition of the Registers and of each list of
11 correction to be deposited at the principal offices of the institutes, and the
12 Council shall keep the register and the list so deposited available at all
13 reasonable time for inspection by members of the Council.

14 (2) A document purporting to be print of an edition of the Register
15 published under and pursuant to this section by authority of the Registrar, or
16 document purporting to be prints of an edition so printed shall (without
17 prejudice to any other mode of proof) be admissible in any proceeding as
18 evidence that any person specified in the document, or the document read
19 together, as being register was so registered at the date of the edition or of the
20 list of corrections, as the case may be, and that any person not so specified was
21 not so registered.

22 (3) Where in accordance with subsection (2) of this section, a person
23 is, in any proceeding, shown to have been, or not to have been, registered at a
24 particular date, he shall, unless the contrary is proved, be taken for the purposes
25 of those proceedings as having at all material time thereafter continued to be or
26 not to be, so registered.

Registration

27 8.-(1) Subject to all the rules made by the Council pursuant to section
28 10(5) of this Act A person shall be entitled to be enrolled as registered if:

29 (a) He passes the qualifying examination for membership conducted

1 by the Council under this Act and completes the practical training
2 prescribed; or

3 (b) He holds as qualification granted outside Nigeria and for the
4 time being accepted by the Council and, if the Council so requires, satisfies
5 the Board that he had sufficient practical experience as a dental health
6 professional.

7 (2) Subject to section 16 of this Act and to rules made pursuant to
8 section 10 (5) of this Act a person shall be entitled to be registered as a dental
9 Surgeon if he satisfies the Council that immediately before the appointed day
10 he had not less than five years experience as an inspector or internal auditor
11 and/or the affairs of a company as defined under the provisions of the
12 Companies and Allied Matters Act.

13 *Cap. C20 LFN*

14 (3) An applicant for registration shall, in addition to evidence of
15 qualification, satisfy the Council:

16 (a) that he is of good character;

17 (b) that he has attained the age of twenty one years; and

18 (c) he has not been convicted of a criminal offence involving fraud
19 or dishonesty in Nigeria or elsewhere.

20 (4) The Council may in its discretion provisionally accept a
21 qualification presented in respect of an application for registration under
22 this section, or direct that the application be renewed within such period as
23 may be specified in the direction.

24 (5) Any entry directed to be made in the Register in terms of
25 subsection (4) of this section shall indicate that the Registration is
26 provisional, and no entry made in consequence thereof shall be converted to
27 construed as, full registration without explicit consent of the council made in
28 writing in that behalf.

29 (6) The Council shall from time to time publish in the Federal

1 Government Gazette particulars of qualification for the time being accepted as
2 aforesaid.

Approval of
Qualifications, etc.

3 9.-(1) The Board may approve for the purpose of this Act:

4 (a) any course of training at any approved institution for members;

5 (b) any qualification which, as a result of an examination taken in
6 conjunction with a course of training approved by the Board under this section,
7 is granted to candidates reaching a standard at the examination indicating in the
8 opinion of the members of the Council that the candidates have sufficient
9 knowledge and skill to practice as dental Health professional.

10 (2) The Board may, if it thinks it fit withdraw any approval given
11 under this section in respect of any course, qualification or institution, but
12 before withdrawing such an approval, the council shall:

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

16 (b) afford each such an opportunity of making representations to the
17 Council with regard to the proposal; and

18 (c) take into consideration any representation made as respects the
19 proposal in pursuance of paragraph (b) in this section.

20 (3) Where the approval of the Board under this section for a course,
21 qualification or institution is withdrawn, the course, qualification or institution
22 shall not prejudice the registration or eligibility for registration of any person
23 who by virtue of the approval was registered for registration immediately
24 before the approval was withdrawn.

25 (4) The giving or withdrawal of an approval under this section shall
26 have effect from such date, either before or after the execution of the
27 instrument signifying the giving or withdrawal of the approval as the board
28 may specify in that instrument, and the Council shall:

29 (a) publish as soon as possible a copy of every such instrument in the
30 Federal Government Gazette; and

1 (b) not later than seven days before its publication, send a copy of
2 the instrument to the Minister.

3 10.-(1) It shall be the duty of the members of the Board of the
4 Council to keep them informed of the nature of:

Supervision of
the instructions,
etc leading to
approval of
qualifications

5 (a) the instructions given at approved institutions to persons
6 attending approving training; and

7 (b) the examinations as a result of which approved qualifications
8 are granted, and for the purposes performing that duty the Board of the
9 Council may appoint, either from among its own members or otherwise,
10 person to visit approved institutions, or to attend such examination.

11 (2) It shall be the duty of the visitor appointed in terms of the
12 foregoing subsection of this section to report to the Council on:

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

15 (b) the conduct and adequacy of the examination observed by him;
16 and

17 (c) any other matters relating to the instruction or examinations on
18 which the Council may either generally or in particular case, request him to
19 report, but no visitor shall interfere with the giving of any instruction or the
20 conduct of any examination.

21 (3) On receiving a report made in pursuance of this section, the
22 Council may, if it thinks fit, and shall if so required by the institution, send a
23 copy of the report to the person appearing before the Council to be in charge
24 of the institution or which the Disciplinary Tribunal has cognizance under
25 the following provisions of this Act responsible for the examination to
26 which the report relates requesting that person to make an observation on the
27 report to the Council within such period as may be specified in the request
28 not being less than one month beginning with the date of the request.

PART IV - PROFESSIONAL DISCIPLINE

Establishment, composition, etc of the Disciplinary Tribunal and of Investigating Panel

1 PART IV - PROFESSIONAL DISCIPLINE
2 11.-(1) There shall be a tribunal to be known as the Certified Council
3 of Allied Dental Health Professionals Council Disciplinary Tribunal (in this
4 Act referred to as lithe Disciplinary Tribunal") which shall be charged with the
5 duty of considering and determining any case referred to it by the investigating
6 panel established pursuant to subsection (3) of this section and any other case
7 of Panel, which the Disciplinary Tribunal has cognizance under the following
8 provisions of this Act.

9 (2) The Disciplinary Tribunal shall consist of the Chairman of the
10 Board and six other members of the council.

11 (3) There shall be a body to be known as the Certified Council of
12 Allied Dental Health Professionals Council Investigating Panel (in this Act,
13 referred to as lithe Investigating Panel") which shall be charged with the duty
14 of:

15 (a) conducting a preliminary investigation into any case where it is
16 alleged that a member has misbehaved in his capacity as a Dental Health
17 professoining should for any other reason be the subject of proceedings before
18 the Disciplinary Tribunal; and

19 (b) deciding whether the case should be referred to the Disciplinary
20 Tribunal.

21 (4) The Investigating Panel shall be appointed by the Board and shall
22 consist of four members of the Board and one who is not a member of the
23 Council.

Second Schedule

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

27 (6)The Council may make rules not inconsistent with this Act as in
28 acts which constitute professional misconduct.

Penalties for unprofessional conduct

29 12.-(1) Where:

30 (a) a member is judged by the Disciplinary Tribunal to Allied Dental

1 Health Professionals Council be guilty of infamous conduct in any
2 professional respect to;

3 (b) a member is convicted, by any court or tribunal in Nigeria or
4 elsewhere having power to imprisonment of an offence or (whether or not
5 punishment with imprisonment) which in the opinion of the Disciplinary
6 Tribunal is incompatible with the status of Allied Dental Health
7 Professionals Council; or

8 (c) the Disciplinary Tribunal is satisfied that the name of any
9 person has been fraudulently registered. The Disciplinary Tribunal may, if it
10 thinks fit, give a direction reprimanding that person or ordering the Registrar
11 to strike his name off the relevant part of the Register.

12 (2) The Disciplinary Tribunal may, if it thinks fit, defer its decision
13 as in subsection (1) of this section until a subsequent meeting of the
14 Disciplinary Tribunal but:

15 (a) no decision shall be deferred under this subsection for periods
16 exceeding two years on the aggregate; and

17 (b) no person shall be a member of the Disciplinary Tribunal for
18 purposes of reaching a decision which has been deferred or further deferred,
19 unless it was present as a member of the Disciplinary Tribunal when the
20 decision was deferred.

21 (3) for the purpose of subsection (1)(b) of this section, a person shall
22 not be treated as convicted as therein mentioned unless the conviction stands
23 at a time when no appeal or further appeal is pending or may (without
24 extension or time) be brought in connection with the conviction.

25 (4) when the Disciplinary Tribunal gives a direction under
26 subsection (1) of this section, the Disciplinary Tribunal may appeal as
27 respondent to the appeal, and for the purpose of enabling directions to be
28 given as to the costs of the appeal and of the proceedings before the court of
29 Appeal, the Disciplinary Tribunal, shall be deemed to be a party whether or
30 not it appears at the hearing of the appeal.

1 (5) A decision of the Disciplinary Tribunal under subsection (1) of this
2 section, shall take effect where:

3 (a) no appeal brought under this section is brought against the
4 direction within the time limited for the appeal on the expiration of that time;

5 (b) an appeal is brought and is withdrawn or struck out for want of
6 prosecution on the withdrawal or striking out of the appeal;

7 (c) an appeal is brought and not withdrawn or struck out as aforesaid if
8 and when the appeal is dismissed and shall not take effect except in accordance
9 with the foregoing provisions of this subsection;

10 (6) A person whose name is struck off the Register in pursuance of a
11 direction of the Disciplinary Tribunal under this section shall not be entitled to
12 be enrolled or registered again except in pursuance of a direction under this
13 section for the removal of a person's name from the Register may prohibit an
14 application under this subsection by that person until the expiration of such
15 period from the date of direction (and where he has duly made such an
16 application, from the date of his last application) as may be specified in the
17 direction.

18 PART V - MISCELLANEOUS AND SUPPLEMENTARY

19 13.-(1) the Board may make rules for:

20 (a) the training of members in methods and practice; and

21 (b) the supervision and regulation of the engagement, training and
22 transfer of such persons.

23 (2) The Board may also make rules:

24 (a) prescribing the amount and the due date for payment of the annual
25 subscription, and for such purpose different amount may be prescribed by the
26 rules according to whether the person is enrolled as a fellow, associate member,
27 graduate member, licentiate member or student;

28 (b) prescribing the form and manner to practice to be issued annually
29 or, if the Board thinks it fit, by endorsement on any existing licence; and

30 (c) restricting the right to practice in default of payment of the amount

1 of annual subscription where the default continues for longer than such
2 period as may be prescribed by the rules.

3 (3) Rules when made under this section shall, if the Chairman of
4 the Council so directs, be published in the Federal Government Gazette.

5 14.-(1) if any person, for the purpose of procuring the registration Offences
6 of any name, qualification or other matter:

7 (a) makes a statement which he believes is false in a material
8 particular, or

9 (b) recklessly makes a statement which is false in a material
10 particular, he shall be guilty of an offence.

11 (2) If, on or after the relevant date, any person not a member of the
12 Council practices or holds himself out to practice for or in expectation of
13 reward or takes or uses any name, title, addition or description shall be guilty
14 of an offence, provided that, in the case of a person falling within section 14
15 of this Act:

16 (a) this subsection shall not apply in respect of anything done by
17 him during the period of three months mentioned in that section; and

18 (b) if within that period he duly applies for membership of the
19 Council, then, unless within that period he is notified that his application has
20 not been approved, this subsection shall not apply in respect of anything
21 done by him between the end of that period and the date on which he is
22 enrolled or registered or is notified as aforesaid.

23 (3) if the registrar or any other person employed by or on behalf of
24 the Council willfully makes any falsification in any matter relating to the
25 register, he shall be guilty of an offence.

26 (4) A person guilty of an offence under this section shall be liable:

27 (a) on summary conviction, to a fine of an amount not exceeding
28 50,000 Naira;

29 (b) on conviction on indictment, to a fine of an amount not
30 exceeding 100,000 Naira or to imprisonment for a term not exceeding two

1 years or to both such fine and imprisonment.

2 (5) Where an offence under this section is which has been committed
3 by a body corporate or any person purporting to an act in any such capacity, he
4 as well as the body corporate shall be deemed to be guilty of that offence and
5 shall be liable to be prosecuted and punished accordingly.

Regulations
and Rules

6 15.-(1) Any regulations made under this Act shall be published in the
7 Federal Government Gazette as soon as may be after they are made and a copy
8 of any such regulations shall be sent to the Ministry not later than seven days
9 before they are so published.

10 (2) Rules made for the purposes of this Act shall be subject to
11 confirmation by the Council at its next general meeting or at any specified
12 meeting of the Council convened for that purpose, and if then annulled shall
13 cease to have effect on the day after the date of annulment, but without
14 prejudice to anything done in pursuance or intended pursuance of any such
15 rules.

Interpretation

16 16. In this act, unless the context otherwise requires, the following
17 words and expressions have the meanings respectively assigned to them, that
18 is:

19 "Council" means the certified Council of Allied Dental Health Professionals
20 Council established under section (1) of this Act;

21 "Board" means the Board established as the governing body of the Council
22 under section (3) of this Act;

23 "Disciplinary Tribunal" means the Certification Council of Allied Dental
24 Health Professionals Council Disciplinary Tribunal under section 12(1) of this
25 Act;

26 "fees" includes annual subscription;

27 "investigation panel" means the Certified Council of Allied Dental Health
28 Professionals Council investigating panel established under section 12 (3) of
29 this Act;

30 "Ministry" means the Ministry charged with the responsibility for matters

1 relating to health;

2 "President and Vice president" means respectively the office under those
3 names in the institute; and

4 "Register" means the register maintained in pursuance of section 8 of this
5 Act.

6 17. This Bill may be cited as the Certified Council of Allied Dental Citation
7 Health Professionals Council Bill, 2019.

8 SCHEDULES

9 FIRST SCHEDULE

10 Section 5 (3)

11 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

12 *Qualifications and tenure of members*

13 1.-(1) Subject to the provisions of this paragraph, a member of the
14 Council shall hold office for a period of two years beginning from the date of
15 his appointment or election.

16 (2) Any member of the Council who ceases to be a member thereof
17 shall, if he is also a member of the Board, cease to hold office on the Board.

18 (3) Any elected member may by notice in writing under his hand
19 addressed to the Chairman resign his office, and any appointed member
20 may, likewise resign his appointment.

21 (4) A person who retires from, or otherwise ceases to be an elected
22 member of the Board shall be eligible again to become a member of the
23 Board, and any appointed member may be reappointed.

24 (5) Members of the Council shall at a meeting next before the
25 annual general meeting of the Board arrange for five members of the
26 Council appointed or elected, and longest in office to retire at that annual
27 general meeting:

28 Provided that if any of the members listed therein is the Chairman
29 of the Board, he shall remain a member of the Council.

30 (6) Elections to the Board shall be held in such manner as may be

1 prescribed by rules made by the Council, and until so prescribed they shall be
2 decided a secret balloting process.

3 (7) If for any reason there is a vacation of office by a member and

4 (a) such a member was appointed by the Minister or anybody
5 corporate, the Minister or any such body corporate shall appoint another fit
6 person to occupy the office in which the vacancy occurs; or

7 (b) such member was elected, the board may, if the period between the
8 unexpired portion of the tenure of office and the next general meeting of the
9 Council appears to warrant the prompt filling of the vacancy, co-opt some fit
10 persons for such period as aforesaid.

11 *Powers of Board*

12 1. The Board shall have powers to do anything which in its opinion is
13 calculated to facilitate the carrying on the activities of the council.

14 *Proceedings of the Board*

15 2.-(1) subject to the provisions of this Act, the Board may, in the name
16 of the Council make standing orders regulating the proceedings of the
17 Council or the Board, and in the exercise of its powers under this Act, may set
18 up committees in the general interest of the Council, and make standing orders
19 therefore.

20 (2) Standing orders shall provide for decision to be taken by a
21 majority of the members, and, in the event of equality of votes, for the
22 Chairman, or as the case may be, to have a second or casting vote.

23 (3) Standing orders made for a committee shall provide that the
24 committee report back to the Council on any matter not within its competence
25 to be decided upon.

26 (4) The quorum of the Board shall be nine, and the quorum of a
27 committee of the Council shall be as fixed by the Board.

28 *Meeting of the Council*

29 5.-(1) The Board shall convene the annual general meeting of the
30 Council on a day as the Board may from time to time appoint in any particular

1 year, so however that if the meeting is not held within one year after the
2 previous annual general meeting, not more than fifteen months shall elapse
3 between the respective dates of the two meetings.

4 (2) A special meeting of the Council may be convened by the Board
5 at any time, and if not less than thirty members of the Council require it by
6 notice in writing addresses to the Registrar of the Council setting out the
7 objects of the proposed meeting, the Chairman of the Board shall convene a
8 special meeting of the Council.

9 (3) The quorum of any general meeting of the Council shall be
10 fifteen members and that of any special meeting shall be twenty five
11 members.

12 *Meeting of the Board*

13 6.-(1) Subject to the provisions of any standing orders of the
14 Council, the Board shall meet whenever it is summoned by the Chairman,
15 and if the Chairman is required to do so by notice in writing given to him by
16 not less than seven other members, he shall summon a meeting of the Board
17 to be held within seven days from the day from which the notice is given.

18 (2) At any meeting of the Council, the Chairman or in his absence
19 the Deputy Chairman shall preside but if both are absent the members at the
20 meeting shall appoint one of their numbers to preside at the meeting.

21 (3) Where the Board desires to obtain advice of any person on a
22 particular matter, the Board may co-opt him as a member for such period as
23 the Board thinks fit, but a person who is a member by virtue of the provisions
24 of this subparagraph shall not be entitled to vote at any meeting of the Board
25 and shall not count towards a quorum.

26 (4) Notwithstanding anything in the foregoing provisions of this
27 paragraph, the first meeting of the Board shall be summoned by the Minister,
28 who may give such directions as he thinks fit as to the procedure which shall
29 be followed at the meeting.

1 *Committees*

2 7.-(1) The Board may appoint one or more committees to carry out on
3 behalf of the Council or the Board, such functions as the Board may determine.

4 (2) A committee appointed under this paragraph shall consist of the
5 number of persons determined by the Board, and a person other than a member
6 of the Board shall hold office on the committee in accordance with the terms of
7 the instrument by which he is appointed.

8 (3) Any recommendation of a committee of the Council shall be of no
9 effect until it is approved by the Board.

10 *Miscellaneous Provisions*

11 8.-(1) The fixing of the seal of the Council shall be authenticated by
12 the signature of the Chairman or of any other member of the Board authorized
13 generally by the Council to act for that purpose.

14 (2) Any contract or instrument which, if made or executed by a person
15 not being a body corporate would not be required to be under seal, may be made
16 or executed on behalf of the Council or Board as the case may require, by any
17 person generally or specially authorized to act for that purpose by the Board.

18 (3) Any document purporting to be a document duly executed under
19 the seal of the Council shall be received in evidence and shall unless the
20 contrary is proved to be deemed to be so executed.

21 9. The validity of any proceedings of the Council or Board or of a
22 committee of the Council shall not be affected by any vacancy in membership,
23 or of any defect in the appointment of a member of the Council or Board or of a
24 person to serve on the committee, or by reason that a person not entitled to do so
25 took part in the proceedings.

26 10. A person shall not by reason only of his membership of the
27 Council be required to disclose any interest relating solely to audit the accounts
28 of the Council.

1 SECOND SCHEDULE

2 *Section 12 (5)*3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
4 TRIBUNAL AND INVESTIGATING PANEL5 *The Tribunal*

6 1. The quorum of the Tribunal shall be three of whom at least two
7 shall be professional practitioners.

8 2.-(1) The chief Justice of Nigeria shall make rules as the selection
9 of members of the Tribunal for the purposes of any proceedings and as to the
10 procedure to be followed and the rules of evidence to be observed in
11 proceedings before the Tribunal.

12 (2) The rules shall in particular provide:

13 (a) for securing that notice of proceedings shall be given at such
14 time and at such manner as may be specified by the rules to the person who is
15 the subject of the proceeding.

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

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

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

22 (e) subject to the provisions of section 16 (5) of this Act, as to the
23 costs of proceedings before the Tribunal;

24 (f) for requiring, in a case where it is alleged that the person who is
25 subject of the proceedings is guilty of infamous conduct in any professional
26 respect, that where the Tribunal adjudges that the allegation has not been
27 proved it shall record a finding that the person is not guilty of such conduct in
28 respect of the matters to which the allegation related; and

29 (g) for publishing in the media, notice(s) of any direction of the
30 Tribunal, which has taken effect providing that a person's name shall be

1 struck off a Register.

2 3. For the purposes of any proceedings before the Tribunal; any
3 member of the Tribunal may administer oaths and any party to the proceedings
4 may sue through the Supreme Court writs of subpoena ad testificandum and
5 ducesdecum, but no person appearing before the Tribunal shall be compelled:

6 (a) to make any statement before the Tribunal tending to incriminate
7 himself;

8 (b) to produce any statement under such a writ which he could not be
9 compelled to produce before it, there shall in all such proceedings be an
10 assessor to the Tribunal who shall be appointed by the Council on the
11 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
12 not less than seven years standing.

13 (2) The chief Justice of Nigeria shall make rules as to the functions of
14 assessors appointed under this paragraph, and in particular such rules contain
15 provisions for securing:

16 (a) that where an assessor advises the Tribunal on any question of law
17 as to evidence, procedure or any matters specified in the rules, he shall do so in
18 the presence of every party or person presenting a party to the proceedings who
19 appears thereat or, if the advice is tendered while the tribunal is deliberating in
20 private.

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

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

28 *The Panel*

29 5. The quorum of the panel shall be two.

30 6.-(1) The panel may, at any sitting of the panel attended by all

1 members of the panel, make standing orders with respect to the panel.

2 (2) Subject to the provisions of any such standing orders, the panel
3 may regulate its own procedure.

4 *Miscellaneous*

5 7.-(1) A person ceasing to be a member of the Tribunal or the panel
6 shall be eligible for reappointment as a member of that body

7 (2) A person may, if otherwise, eligible, be a member of both the
8 Tribunal and the panel, but no person who acted as a member of the panel
9 with respect to any case shall act as a member of the tribunal with respect to
10 that case.

11 8. The Tribunal or the panel may act notwithstanding any vacancy
12 in its membership, and the proceedings of either body shall not be
13 invalidated by any irregularity in the appointment of a member of that, or
14 (subject to paragraph 7 (2) of this schedule) by reason of the fact that any
15 person who was not entitled to do so took part in the proceedings of that
16 body.

17 9. Any document authorized or required by virtue of this Act to be
18 served on the Tribunal or the panel shall be served on the Registrar
19 appointed in pursuance of section 10 of this Act.

20 10. Any expenses of the Tribunal or the panel shall be defrayed by
21 the Council.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Certified Council of Allied Dental Health Professionals Council to provide for the control of its membership and to promote and foster the practice of Dental health and Dental Surgery Technicians in the Federation.

