

NATIONAL HOSPITAL FOR WOMEN AND CHILDREN, ABUJA
(ESTABLISHMENT, ETC.) ACT

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NATIONAL HOSPITAL FOR WOMEN AND CHILDREN, ABUJA
(ESTABLISHMENT, ETC.) ACT

An Act to establish the National Hospital for Women and Children, Abuja and for matters connected therewith.

[1999 No. 36.]

[10th May, 1999]

[Commencement.]

PART I

*Establishment of the National Hospital for Women and Children, Abuja
and the Board of Management*

1. Establishment of the National Hospital for Women and Children, Abuja

(1) There is hereby established a National Hospital for Women and Children, Abuja (in this Act referred to as "the hospital").

(2) The hospital-

- (a) shall be a body corporate;
- (b) may sue and be sued in its corporate name;
- (c) shall have perpetual succession and a common seal.

2. Establishment of the Board of Management of the hospital

There is hereby established for the management of the Hospital a Board of Management (in this Act referred to as "Board") which shall be constituted and have the functions and powers set out in this Act.

3. Membership of the Board

(1) The Board shall consist of-

- (a) a chairman;
- (b) the Chief Medical Director of the Hospital;
- (c) the Director of Clinical Services;
- (d) the Director of Administration;
- (e) the Director of Finance;
- (f) the Director of Maintenance;
- (g) a representative each of the following, that is-
 - (i) the President;
 - (ii) the Federal Ministry of Health;
 - (iii) the Federal Ministry of Women Affairs and Youth Development;
 - (iv) the Federal Ministry of Works and Housing;
- (h) the National Planning Commission-
 - (i) the Family Support Trust Fund;
 - (ii) the Society of Gynaecology and Obstetrics of Nigeria;
 - (iii) the Pharmaceutical Society of Nigeria;
 - (iv) the Paediatric Association of Nigeria;
 - (v) the National Association of Nigerian Nurses and Midwives;
- (i) one person to represent women interest;
- (j) one person to represent public interest.

(2) The chairman and members of the Board, other than *ex-officio* members, shall be

- (a) appointed by the President; and
- (b) persons of proven integrity and ability.

(3) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

4. Tenure of office

Subject to the provisions of section 5 of this Act, a member of the Board, other than *ex-officio* members, shall each hold office-

- (a) for a term of three years in the first instance and may be re-appointed for a further term of three years and no more; and

- (b) on such terms and conditions as may be specified in his letter of appointment.

5 Cessation of membership

(I) Notwithstanding the provisions of section 4 of this Act a person shall cease to hold office as a member of the Board if-

- (a) he becomes bankrupt, suspends payment or compounds with his creditors; or
- (b) he is convicted of a felony or any offence involving dishonesty or fraud; or
- (c) he becomes of unsound mind or is incapable of carrying out his duties; or
- (d) he is guilty of a serious misconduct in relation to his duties; or
- (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or
- (f) he resigns his appointment by a letter addressed to the President.

(2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

(3) A member of the Board may be removed by the President if he is satisfied that it is not in the interest of the hospital or the interest of the public that the member continues in office.

6. Allowances of members

There shall be paid to every member of the Board such allowances and expenses as the Federal Government may, from time to time, direct.

PART II

Functions and powers of the Board, etc.

7. Functions of the Board

(1) The Board shall-

- (a) equip, maintain and operate the hospital so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment;
- (b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the hospital at all times with a proper staff of hospital technicians and nurses;
- (c) construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the hospital.

(2) The Board shall ensure that the standards of teaching provided at all establishments under its control and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of international repute.

(3) Subject to this Act, the Board shall perform such other functions which in its opinion are calculated to facilitate the carrying out of its functions under this Act.

8. Powers of the Board

The Board shall have power to--

- (a) provide the general policies and guidelines relating to major expansion programmes of the hospital;
- (b) provide facilities for the training of medical students of associate universities;
- (c) manage and superintend the affairs of the hospital;
- (d) subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying on the functions of the hospital;
- (e) fix terms and conditions of service, including remuneration of the employees of the hospital; and
- (f) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the hospital.

PART III

Staff of the hospital

9. Medical Director of the hospital

(1) There shall be for the hospital a Chief Medical Director who shall be appointed by the President on the recommendation of the Board and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the Government of the Federation.

(2) The Chief Medical Director shall-

- (a) be the chief executive and accounting officer of the hospital;
- (b) be responsible to the Board for the day-to-day administration of the hospital;
- (c) be appointed for a term of four years in the first instance and may be re-appointed for a further term of four years subject to satisfactory performance;
- (d) be a person who is a medical practitioner and shall have been so qualified for a period of not less than 15 years;
- (e) have considerable administrative experience in matters of health;
- (f) hold a post-graduate specialist qualification obtained not less than ten years prior to the appointment as Chief Medical Director.

10. Appointment of Directors and other staff of the hospital

(1) The Board shall appoint for the hospital-

- (a) a Director of Administration, who shall-

(i) be responsible to the Chief Medical Director for the effective functioning of all the administrative divisions of the hospital;

(ii) conduct the correspondence of the Board and keep the records of the hospital; and

(iii) perform such other functions as the Board or the Chief Medical Director, as the case may be, may, from time to time, assign to him;

(b) a Director of Clinical Services;

(c) a Director of Finance;

(d) a Director of Maintenance.

(2) The Directors appointed under paragraphs (b), (c) and (d) of subsection (1) of this section shall each be responsible to the Chief Medical Director for the effective running of the clinical services, the finance and accounts and the co-ordination of the maintenance of the hospital, as the case may be.

(3) The Board shall appoint for the hospital such number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the hospital.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section the Board shall have power to appoint for the hospital either directly or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the hospital in the discharge of any of its functions under this Act.

(5) Nothing in subsection (4) of this section shall preclude the Board from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.

(6) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the hospital shall be as determined by the Board.

11. Service in the hospital to be pensionable

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

[Cap. P4.]

(2) The officers and other persons employed in the hospital shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board, and not by any other person or authority.

12. Establishment of the Medical Advisory Committee, etc.

(1) There shall be for the hospital, a Medical Advisory Committee which shall-

- (a) consist of a chairman who shall be the Director, Clinical Services and such number of other members as may be determined from time to time;
- (b) be responsible to the Chief Medical Director for all the clinical and training activities of the hospital; and
- (c) be appointed by the Board.

(2) Subject to this Act, the Board shall have power to appoint either directly or on secondment and discipline consultants holding or acting in any office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the hospital.

(3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Chief Medical Director may assign to such consultants.

PART IV

Financial provisions

13. **Fund** of the hospital

There shall be established and maintained for the hospital a fund into which shall be paid and credited-

- (a) all subventions and budgetary allocation from the Government of the Federation;
- (b) all fees and funds accruing from the sale of drugs and other services;
- (c) all sums accruing to the hospital by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
- (d) foreign aid and assistance from bilateral agencies; and
- (e) all other sums which may, from time to time, accrue to the hospital.

14. Expenditure of the hospital

The hospital shall, from time to time, apply the funds at its disposal to-

- (a) the cost of administration and maintenance of the hospital;
- (b) publicise and promote the activities of the hospital;
- (c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;
- (d) pay the salaries, allowances and benefits of employees of the hospital;
- (e) pay other overhead allowances, benefits and other administrative costs of the hospital; and
- (j) undertake such other activities as are connected with all or any of the functions of the hospital under this Act.

15. Power to accept gifts

(I) The hospital may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The hospital shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the hospital under this Act.

16. Annual estimates and expenditure

(I) The Board shall, not later than 30 September in each year, submit to the President through the Secretary to the Government of the Federation an estimate of the expenditure and income of the hospital during the next succeeding year.

(2) The Board shall cause to be kept proper accounts of the hospital in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

17. Annual report

The Board shall prepare and submit to the President, not later than 30 June in each year, a report in such form as the President may direct on the activities of the hospital during the immediately preceding year, and shall include in the report a copy of the audited accounts of the hospital for that year and the auditor's report thereon.

18. Power to borrow

(I) The hospital may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(2) The hospital shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.

(3) Notwithstanding subsection (I) of this section, where the sum to be borrowed is in foreign currency, the hospital shall not borrow the sum without the prior approval of the President.

19. Exemption from tax

(I) The hospital shall not pay income tax on any income derived by the hospital under this Act or accruing to it from any of its investments.

(2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the hospital.

20. Exemption from customs duties, etc.

The hospital shall not pay customs duty on or be restricted or prohibited from importing any equipment, material, supply and any other thing required by the hospital for the purposes of this Act.

PART V

General

21. Discipline of students

(1) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that any student of the hospital has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations, direct-

- (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the hospital, or make use of such facilities of the hospital as may be so specified; or
- (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
- (c) that the student be rusticated for such period as may be specified in the direction; or
- (d) that the student be expelled from the hospital.

(2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.

(3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the hospital as the Board may nominate.

(4) Nothing in this section shall be construed as preventing the restriction or termination of student's activities at the Hospital otherwise than on the ground of misconduct.

(5) A direction issued under subsection (1) (a) of this section may be combined with a direction issued under subsection (1) (b) of this section.

(6) Nothing in this Act shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.

22. Removal and discipline of clinical, administrative and technical staff

(I) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the hospital, other than the Chief Medical Director, should be removed from his office or employment, the Board shall require the Director of Administration to-

- (a) give notice of those reasons to the person in question;
- (b) afford him an opportunity of making representations in person on the matter to the Board; and
- (c) if the person in question so requests within a period of 1 month beginning with the date of the notice, make arrangements for-
 - (i) a committee to investigate the matter and report on it to the Board; and

- (ii) the person in question to be afforded an opportunity of appearing before and being heard by an investigating committee set up with respect to the matter,

and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.

(2) The Chief Medical Director may, in a case of misconduct by a member of the staff which in the opinion of the Chief Medical Director is prejudicial to the interest of the hospital, suspend any such member and any such suspension shall forthwith be reported to the Board.

(3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated or he may be dismissed by the Board and for the purposes of this section, "good cause" means-

- (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
- (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
- (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office or
- (d) conduct which the Board considers to be such as to constitute a failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(4) Any person suspended shall, subject to subsections (2) and (3) of this section be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to-

- (a) whether to continue the person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him); or
- (b) whether to reinstate the person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension; or
- (c) whether to terminate the appointment of the person concerned, in which case he shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to take such lesser disciplinary action against the person (including the restoration of his emoluments that might have been withheld), as the Board may determine,

and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

(5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) of this section to use his best endeavors to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.

(6) Nothing in the foregoing provisions of this section shall preclude the Board from making such regulations not inconsistent with the provisions of this Act for the discipline of students and all other categories of employees of the hospital as the Board may prescribe.

(7) Regulations made under subsection (6) of this section need not be published in the *Gazette* but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

23. Discipline of junior staff

(1) If any junior staff is accused of misconduct or inefficiency, the Chief Medical Director may suspend him for not more than a period of 3 months and shall direct a committee to--

- (a) consider the case; and
- (b) make recommendations as to the appropriate action to be taken by the Chief Medical Director.

(2) In all cases under this section of this Act, the officer shall be informed of the charge against him and given a reasonable opportunity to defend himself.

(3) The Chief Medical Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, or take such other disciplinary action against the officer concerned.

(4) Any person aggrieved by a decision of the Chief Medical Director made under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case.

PART VI

Miscellaneous

24. Regulations

(1) The Board may, with the approval of the Minister, make regulations--

- (a) as to the access of members of the public either generally or of a particular class, to premises under the control of the Board and as to the orderly conduct of members of the public on those premises; and
- (b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.

(2) Bye-laws under this section shall not come into force until they are confirmed (with or without modification) by the Minister and published in such manner as he may direct.

25. Power to give directives

The President may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with the directions; but no direction shall be given which is inconsistent with the duties of the Board under this Act.

26. Interpretation

In this Act, unless the context otherwise requires-

"associate universities" means the universities whose medical students receive aspects of their training from the hospital;

"Board" means the Board of Management of the hospital;

"chairman" means the chairman of the Board;

"functions" include powers and duties;

"hospital" means the National Hospital for Women and Children, Abuja;

"junior staff" means staff of such grade as may be determined, from time to time, by the Board;

"medical student" means a student whose course of instruction is-

- (a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner; or
- (b) designed for the further training of medical practitioners;

"Minister" means the Minister charged with responsibility for matters relating to health and "Ministry" shall be construed accordingly;

"student" means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution.

27. Short title

This Act may be cited as the National Hospital for Women and Children, Abuja (Establishment, etc.) Act.

SCHEDULE
[Section 3 (3).]

Supplementary provisions relating to the Board, etc.

Proceedings of the Board

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be *ex-officio* members, and the quorum of any committee of the Board shall be as determined by the Board.

2. (1) 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 not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is in attendance 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

3. (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 such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

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

Miscellaneous

4. (1) The fixing of the seal of the hospital shall be authenticated by the signatures of the Chairman, the Chief Medical Director or any person generally or specifically authorised by the Board to act 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 hospital by the Chief Medical Director or any person generally or specifically authorised by the Board to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the hospital shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by-

(a) a vacancy in the membership of the Board or committee; or

(b) a defect in the appointment of a member of the Board or committee or

(c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

