



MEDICAL LABORATORY SCIENCE COUNCIL OF NIGERIA ACT

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An Act to establish the Medical Laboratory Science Council of Nigeria, repeal the Institute of Medical Laboratory Technology Act, Cap. 114 Laws of the

Federation of Nigeria 2004; and for related matters.

[2003 No. 1 I.]

[26th June, 2003]

[Commencement.]

1. Repeal of L.N.F. 2004 Cap. 114

The Institute of Medical Laboratory Science and Technology Act is repealed.

2. Establishment of the Medical Laboratory Science Council of Nigeria

- (1) There is established a body to be known as the Medical Laboratory Science Council of Nigeria (in this Act referred to as "the Council") to regulate the practice of Medical Laboratory Science.
- (2) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

3. Establishment and membership of the Governing Board

- (1) There is established for the Council a Governing Board (in this Act referred to as "the Board") consisting of-
 - (a) a chairman who shall be a qualified Fellow of the Medical Laboratory Science Council of Nigeria with five years post qualification experience and shall be appointed by the President on the recommendation of the Minister from a list of names of the Fellows submitted by the Association of Medical Laboratory Scientists of Nigeria (in this Act referred to as "the Association");
 - (b) a representative of the Federal Ministry of Health and Social Services;
 - (c) twelve members of the Association of Medical Laboratory Scientists of Nigeria representing the six geo-political zones, with two persons representing each zone respectively on rotational basis, and the two of them shall not come from a state at a time;
 - (d) two registered members representing the Nigerian Universities offering medical laboratory sciences as a course, on a rotational basis;
 - (e) a representative of the private Medical Laboratory Science Practitioners;

- (f) a representative of the Association; and
- (g) a representative from a non-governmental organisation with bias for health matter to represent public interest.
- (2) Appointment of members of the Board shall be made by the President in consultation with the Minister and the Association.
- (3) The provisions of the First Schedule of this Act have effect with respect to the proceedings of the Council and other matters therein mentioned.
[First Schedule.]
- (4) All appointments under this section shall be for a term of three years renewable for a further term and no more.

4. Functions of the Board

The functions of the Board are to-

- (a) determine, from time to time, the standard of knowledge and skill to be attained by persons seeking to become Medical Laboratory Scientists, Medical Laboratory Technicians and Medical Laboratory Assistants (in this Act referred to as "scientists", "technicians" and "assistants" respectively);
- (b) regulate the practice of Medical Laboratory Science in Nigeria;
- (c) regulate the training of scientists, technicians and assistants in any institution in Nigeria and give periodic accreditation to institutions;
- (d) provide and maintain separate register for scientists, technicians and assistants;
- (e) regulate the production, importation, sales and stocking of diagnostic laboratory reagents and chemicals;
- (f) assess, evaluate and register foreign graduates of Medical Laboratory Science;
- (g) conduct examinations for technicians and assistants;
- (h) inspect, regulate and accredit medical laboratories; and
- (i) perform such other functions as may be conferred on it by this Act.

5. Appointment of the Registrar

- (1) The Board shall appoint a Registrar for the Council, who shall be the Chief Executive and Secretary to the Council.

- (2) The Registrar shall be a Fellow in the profession and a member of the Public Service with not less than 15 years post qualification experience.
- (3) Notwithstanding the provision of subsection (2), a registered Fellow member in private practice who possesses not less than 15 years post qualification experience, may be appointed by the Council as a Registrar.

6. Duties of the Registrar

The Registrar shall perform the following duties-

- (a) keep the records and conduct the correspondence of the Council;
- (b) prepare and maintain in accordance with rules made by the Council, a Register of names, addresses, qualifications and other particulars of persons entitled in accordance with the provisions of this Act to be registered;
- (c) correct in accordance with the Council's direction any entry incorrectly made;
- (d) make necessary adjustments and alterations in the particulars of members as circumstances may require;
- (e) strike off the names of deceased members from the Register; and
- (f) publish the names of members who are in default in the payment of their annual subscriptions for more than four months.

7. Powers of the Board

The Board shall have the powers to-

- (a) make rules in respect of any matter contained in this Act;
- (b) regulate the enrollment of persons seeking to be a member;
- (c) require any member to acquire such approved qualification which is acceptable as commensurate to his cadre in the profession either in addition to, or in substitution for, any other qualification with which he is Registered by the Council;
- (d) determine fees (including annual subscriptions) payable by members upon enrollment;
- (e) strike off the names of members from the Register for unprofessional conduct;
- (f) refuse to register any person as a member of the profession if it appears to it that such a person-
 - (i) does not possess the relevant qualification;

- (ii) has been indicted for any offence attracting a sentence of more than two years imprisonment;
 - (g) order the re-listing of any member whose name was struck off the Register, upon reasonable grounds; and
 - (h) employ such number of staff as it may require.
- 8. Publication of Register**
- (1) The Registrar shall cause to be published in every year (as from the commencement of this Act) an updated Register of members.
 - (2) The Registrar shall have custody of all published edition of registered members and shall ensure that all such publications are open to inspection by the public.
 - (3) Nothing in this section shall be construed as requiring the publication of names of Student Members or of Honorary Fellows except otherwise directed by the Council.

9. Admissibility of Publication in evidence

- (1) Where in any proceeding the membership of a person in the profession is in doubt, any document issued under the hand of the Registrar stating that the person so named in the document is a member of the profession shall be a *prima facie* proof of such person's membership and be admissible in evidence.
- (2) Where in accordance with subsection (1) of this section, a person is in any proceeding, shown to have been, or not to have been registered at a particular date, he shall unless the contrary is proved, be taken for the purposes of those proceedings as proving at all material times thereafter continue to be or not to be, so registered.

10. Categories of members

- (1) A person admitted into the profession by the Council may be enrolled as-
 - (a) a Fellow;
 - (b) an Associate; or
 - (c) a Student Member,

and shall be accorded all the privileges approved by the Council by its rules, provided that no student member shall hold office under this Act.

- (2) Where a person is enrolled with the Council he shall, if he is a Fellow or an Associate but not otherwise, be entitled to the use of such letter after his name as may be authorised by the Council and shall, when enrolled, receive a certificate in such form as the Council may approve for the purpose.

- (3) The Board may enrol any person as an Honorary Fellow, who in its opinion has substantially contributed to the advancement of the objects of the profession.

11. Correspondence by the Registrar and removal of particulars of a member from the Register

- (1) Where the Registrar sends a registered letter to a member, through an address of the member as contained in the members Register, inquiring whether the registered particulars relating to him are correct or not and the Registrar receives no reply to the letter within a period of six months from the date of posting and upon the expiration of that period sends a reminder letter in like manner to the member and receives no reply to the letter within three months from the date of posting, the Register may remove the particulars relating to the member from the Register pending when he shall receive a reply from the member, provided always that the Board may direct the re-listing of any particular of members removed from the Register.
- (2) Members shall within 30 days notify the Registrar of any change in their particulars.

12. Registration of scientists, etc.

- (1) Subject to section 10 a rule made under section 7 of this Act a person enrolled as student member shall be entitled to entry of his qualification in the Register as a scientist and may so apply if-
 - (a) he passes the examination prescribed for the qualifying status in any institution approved for the purpose by the Board, and completes the practical training prescribed or completes the internship prescribed; or
 - (b) he holds the equivalent qualification granted outside Nigeria and for the time being accepted by the Board, and satisfies the Council in such manner as it may in its discretion require, that he has sufficient practical experience as a scientist.
- (2) An applicant under subsection (1) shall, if so required by the Board, in addition to evidence of qualification, satisfy the Board-
 - (a) that he is of good character; and
 - (b) that he has attained the age of eighteen years.
- (3) The Council may in its sole discretion provisionally accept a qualification produced in respect of an application for registration under this section, and direct that an entry be made in the Register accordingly, or where applicable direct that the application be renewed within such period as may be specified in the direction.
- (4) Any entry directed to be made in subsection (3) shall show that registration is provisional, and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.

- (5) The Council shall, from time to time, publish in the *Federal Gazette* particulars of qualifications for the time being accepted as aforesaid.

13. Approved qualification, etc.

- (1) The Board may accredit any institution for the purposes of this Act, and may for the purposes approve-
- (a) any course of training, at an accredited institution which is intended for persons who are seeking to become or are already scientists or associates and which the Board considers is designed to confer on persons undergoing it, is sufficient knowledge and skill for admission to status in the Council; and
- (b) any qualification which, as a result of examination taken in conjunction with a course of training approved by the Board under this section, is granted to candidates attaining standard at the examination indicating in the opinion of the members of the Board that the candidates have sufficient knowledge and skill in the work performed in the laboratory.
- (2) The Board may, if it thinks fit, withdraw any approval or accreditation given under this section in respect of any course, qualification or institution, but before withdrawing such approval or accreditation the Board shall-
- (a) give notice of its intention to do so, to all parties to be affected by the action;
- (b) afford the parties an opportunity of making representation to the Board in consequence to the proposed action; and (c) take into consideration any representations made in respect of the proposal.
- (3) In respect of any period during which the approval or accreditation of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved or accredited under this section; but the withdrawal of such an approval or accreditation shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval or accreditation was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval or accreditation was withdrawn.
- (4) The giving or withdrawal of an approval or accreditation under this section shall have effect from such date, either before or after the execution of instrument signifying the giving or withdrawal of the approval or accreditation as the Council may specify in that instrument and the Council shall-
- (a) as soon as may be publish a copy of every such instrument in the *Federal Gazette*; and
- (b) not less than seven days next preceding the publication, send a copy of the instrument to the Minister.

14. Supervision of instructions and examinations leading to approved qualifications

- (1) The Board shall itself keep informed of the nature of-
 - (a) the instruction given at an accredited institution to persons attending approved courses of training; and
 - (b) the examinations as a result of which approved qualifications are granted and for the purpose of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit accredited institutions, or to attend such examinations.
- (2) A visitor appointed under subsection (1) of this section to report to the Council on-
 - (a) the sufficiency of the instructions given to persons attending approved course of training at institutions visited by him; (b) the standard of the examination; and
 - (c) any other matters relating to the institutions or examinations on which the Council may either generally or in a particular case, request him to report, but no visitor shall interfere with the giving of any instruction or the holdings of any examinations.
- (3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall if so required by the Council send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observation on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

15. Establishment of Disciplinary Committee and Investigation Panel

- (1) There is established a Committee to be known as the Medical Laboratory Science Council of Nigeria Disciplinary Committee (in this Act referred to as "the Committee") which shall be charged with the responsibility of considering and determining any case referred to it by the investigation panel established under subsection (3) of this section, and any case of which the Committee has cognisance of under this Act.
- (2) The Committee shall consist of the Chairman of the Board and other members of the Board appointed by the Board.
- (3) There is established a body to be known as the Investigation Panel of the Council (in this Act referred to as "the Panel") which is charged with the duty of-
 - (a) conducting investigation into any case where it is alleged that a member is involved in a misconduct in his capacity as a member or should for any other reason be the subject or proceeding before the Committee; and

- (b) deciding whether the case shall be referred to the Committee.
- (4) The Panel shall be appointed by the Board and shall consist of three members of the Board.
- (5) The provisions of the Second Schedule to this Act shall, so far as applicable to the Committee and the Panel respectively, have effect with respect to the bodies.

[Second Schedule.]

- (6) The Board may make rules as to acts which constitute professional misconduct.

16. Penalties for unprofessional conduct

- (1) Where-
 - (a) a member is judged by the Committee to be guilty of infamous conduct in any professional respect;
 - (b) a member is convicted by any Court in Nigeria or elsewhere on criminal acts (whether or not punishable with imprisonment) which in the opinion of the Committee is incompatible with his status in the profession; or
 - (c) the Committee is satisfied that the name of any person has been fraudulently registered,

the Committee may, if it thinks fit, give a direction reprimanding that person and ordering the Registrar to strike his name off the relevant part of the Register.

- (2) The Committee may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Committee, but-
 - (a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and
 - (b) so far as possible no person shall be a member of the Committee for purposes of reaching a decision which has been deferred unless he was present as a member of the Committee when the decision was deferred.
- (3) For the purpose of subsection (1) (b) of this section, a person shall not be treated as convicted as therein mentioned unless the conviction stands at a time when no appeal or further appeal is pending or may (by extension of time) be brought in connection with the conviction.
- (4) When the Committee gives a direction under subsection (1) of this section, the Committee shall cause notice of the direction to be served on the person to whom it relates.

- (5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of direction, appeal against the directions in the High Court, and the Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Committee shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (6) A direction of the Committee under subsection (1) of this section shall take effect only-
 - (a) where no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time;
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution; or
 - (c) where such an appeal is brought and is dismissed.
- (7) A person whose name is removed from the Register in pursuance of a direction of the Committee under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Committee on the application of that person; and a direction under this section for the removal of a person's name from

the Register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of last application) and may be specified in the direction.

Miscellaneous and General

17. Application of this Act to un-enrolled persons

A person not being a member of the Council, who but for this Act would have been qualified to apply for and obtain membership of an approved Council outside Nigeria may within the period of three months apply for the membership of the Council in such manner as may be subscribed by rules made by the Council, and if approved, he shall be registered according to his qualification.

18. When a person is deemed to practise as a member of the profession

- (1) Subject to subsection (2) of this section, a person shall be deemed to be actively engaged as a member of the Council if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person-
 - (a) he holds himself out to the public as a scientist under the Act; or
 - (b) he offers to perform or performs any service involved knowledge of medical laboratory sciences; or

- (c) he renders professional service or assistance in or about matters of principle or details relating to medical laboratory science procedure or the processing of data; or
 - (d) he renders any other service which may by regulations made by the Board, be designated as service constituting practice as a medical laboratory scientist under this Act
- (2) Subject to the provision of this Act, no person not being a fully registered medical laboratory scientist under this Act shall be entitled to hold any appointment in the Public Service of the Federation or State or any public or private establishment, body or institution, if the holding of such appointment involves the performance by him in Nigeria of any act pertaining to the profession of medical laboratory sciences for gain.

19. Rules as to practice, etc.

- (1) The Board may make rules for-
 - (a) the training with suitable persons of approved members;
 - (b) the supervision and regulation of the engagement, training and transfer of such approved members;
 - (c) distinguishing between scientist and other medical laboratory personnel (technician and assistant); and
 - (d) the maintenance of good standard of medical laboratory practice and services with respect to regulation and control of private practice including statutory inspection, approval and monitoring of all medical laboratories including those adjoined to clinics, private and public health institutions
- (2) The Board may also make rules-
 - (a) prescribing the amount and due date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules in accordance with the standing of the member in the profession either as a Fellow, an Associate, or a Student Member;
 - (b) prescribing (otherwise than in respect of a student who shall not require it) the form of licence to practise to be issued annually to Associate and Fellows or, if the Board thinks fit, by endorsement on an existing licence; or
 - (c) restricting the right to practice of any member in default of payment of the annual subscription where the default continues for longer than such period as may be prescribed by the rules.

- (3) The rules, when made, shall, if the Board so directs, be published in *Federal Gazette*.

20. Provision of library facilities, etc.

- (1) The Council shall-
- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of medical laboratory sciences, and such other books and publications as the Council may think necessary for the purpose; and
- (b) encourage research into medical laboratory sciences and allied subject to the extent that the Council may, from time to time, consider necessary.

21. Publication of rules

- (1) The rules made under this Act shall be published in the *Federal Gazette* as soon as they are made.
- (2) The rules made for the purpose of this Act shall be subject to confirmation by the Council at its general meeting or at any special general Council meeting convened for the purpose and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rule.

22. Offences

- (1) A person shall not-
- (a) for the purpose of procuring the registration of any name, qualification or other matter under this Act- (i) make a statement which he knows to be false in any material particular; or (ii) recklessly make a statement which is false in any material particular.
- (2) A person who is not a member of the profession shall not practise the profession or, in expectation of reward, take or use any name, title, addition or description implying that he is in practice as a member of the profession, on or after the relevant date, provided that, in the case of a person falling within section 17 of this Act-
- (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section; and
- (b) if within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified.

- (3) A member shall not hold himself out as a Fellow or an Associate of the Council or takes or uses any name, title, addition or description implying that he is a Fellow or Associate on or after the relevant date unless he is entitled to do so.
- (4) The Registrar or any other person employed by or on behalf of the Council shall not make any falsification in any matter relating to the Register.
- (5) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction-
 - (a) for the first offence, to a fine not less than ₦40,000 and not exceeding ₦80,000; and
 - (b) for the second or any subsequent offence to a fine not less than ₦100,000 and not exceeding ₦150,000, or to imprisonment for a term of six months, or to both.
- (6) Where an offence under this section has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any Director, Manager, Secretary, or other similar officer of the body corporate or any person purporting to act in such capacity, he, as well as the body corporate, shall be deemed to have committed that offence and be liable to be proceeded against and punished accordingly.
- (7) In this section "**the relevant date**" means the date prescribed for the purpose of this section by the Council and published in the *Federal Gazette*.
- (8) No scientist shall practise as such in any year unless he has paid to the Council in respect of that year the appropriate practising fee as prescribed by the Council.
- (9) Any scientist who, in respect of any year and without paying the prescribed practising fee, practises as such commits an offence and is liable on conviction-
 - (a) in the case of a first offence, to a fine twice the prescribed fee; and
 - (b) in the case of a second or subsequent offence, to a fine not less than three times the prescribed practising fee, and if the scientist is in the employment of any person, that person commits an offence and shall be punished in like manner as the scientist unless he proves that the failure to pay the practising fee was without his knowledge, consent or connivance.

23. Direction by the Minister

The Minister may give to the Council directions of general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and the Council shall comply with the direction.

24. Fund of the Council

- (1) The Council shall establish and maintain a fund into which shall be paid and credited-
 - (a) such sums as may, from time to time, be granted to the Council by the Federal Government;
 - (b) all moneys raised for the purpose of the Council by way of gifts, grants-in-aids, testamentary dispositions and sales of publication; and
 - (c) all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

25. Estimate of revenue and expenditure of the Council

The Council shall submit to the Minister in each financial year an estimate of its revenue and expenditure.

26. Accounts

- (1) The Council shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct.
- (2) The Council shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by qualified auditors approved by the Minister from the list of Auditors, and in accordance with guidelines, supplied by the Auditor-General of the Federation.

27. Annual reports

- (1) The Council shall prepare and submit to the Minister not later than 30th June in each financial year, a report in such form as the Minister may direct on the activities of the Council during the immediate preceding financial year and shall include in the report a copy of the audited account of the Council for that year and of the Auditor's report on the accounts.
- (2) The Minister shall submit the report and any recommendation made by him to the Federal Executive Council.

28. Third Schedule

The provisions of the Third Schedule to this Act shall have effect with respect to matters arising from the transfer by this section to the Council, of the property of the Institute of Medical Laboratory Technology and with respect to the other matters mentioned therein.

29. Interpretation

In this Act-

"approved" means for the time being approved by the Council;

"Board" means the Board established for the Council under section 3 of this Act;

"Chairman" means the office-holder under that name in the Council;

"Committee" has the meaning assigned to it by section 15 (1) of this Act;

"Council" means the Medical Laboratory Science Council of Nigeria established under section 2 (1) of this Act;

"enrolled" in relation to a Fellow or an Associate means registered in the part of the Register relating to Fellows or Associates as the case may be, and in relation to any other member means registered in that part of the Register pertaining to the category of the particular member;

"fees" includes annual subscriptions;

"laboratory" means the Medical Laboratory under this Act, and where used in its adjectival sense it shall be construed accordingly;

"Medical Laboratory Science"-

- (a) means the practice involving the analysis of human or animal tissues, body fluids, excretions, production of biologicals, design and fabrication of equipment for the purpose of medical laboratory diagnosis, treatment and research; and
- (b) includes medical microbiology, clinical chemistry, chemical pathology, haematology, blood transfusion science, virology, histopathology, histochemistry, immunology, cytogenetic, exfoliative cytology, parasitology, forensic science, molecular biology, laboratory management; or any other related subject as may be approved by the Council;

"member" means member of the profession;

"Minister" means the Minister of Health;

"Panel" has the meaning assigned to it by section 15 (3) of this Act;

"Register" means the Register maintained in pursuance of section 6 of this Act;

"scientist" means a person qualified for enrolment with the Council as a Fellow or as an Associate, as the case may be, but does not include any person entitled in an honorary capacity.

30. Citation

This Act may be cited as the Medical Laboratory Science Council of Nigeria Act.

SCHEDULES

FIRST SCHEDULE

[Section 3 (3).]

Supplementary Provisions relating to the Board

1. (1) Subject to the provisions of this paragraph, a member of the Board shall hold office from the effective date of the instrument of his appointment, as the case may be.
- (2) Any member of the profession who ceases to be a member thereof shall, if he is also the member of the Board, cease to hold office on the Board.
- (3) Any member of the Board may by notice in writing under his hand addressed to the Chairman with the consent of the Minister, resign his office.
- (4) A person who retires from or otherwise ceases to be a member of the Board shall be eligible again to become a member of the Board and any appointed member may be reappointed.
- (5) If for any reason there is a vacation of office by a member and-
 - (a) such member was appointed by the President, the President shall appoint another fit person from the territory in respect of which the vacancy occurs; or
 - (b) such member was nominated by the Association, the Board shall request the Medical Laboratory Scientist' Association to recommend a member from the appropriate zone to fill such vacancy.

2. Powers of the Board

The Board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Council.

3. (1) Subject to the provisions of this Act, the Board may make standing orders regulating its proceedings and in the exercise of its powers under this Act, may set up committees in the general interest of the Council and make standing orders therefore.
- (2) Standing orders shall provide for decisions to be taken by a majority of the members, and in the event of equality of votes, for the Chairman, as the case may be, to have a second or casting vote.
- (3) Standing orders made for a committee shall provide that the Committee is to report back to the Council on any matter not within its competence to decide.
- (4) The quorum of the Board shall be simple majority and the quorum of a Committee of the Council shall be fixed by the Board.

4. Meeting of the Board

The Board shall meet for not less than four times in any financial year and subject to the provisions of any standing order of the Council, it shall meet at other times as summoned by the Chairman, and if the Chairman is required to do so by notice in writing given to him by not less than five other members, he shall summon a meeting of the Board to be held within one month from the date on which the notice is given.

5. Committees

- (1) The Board may appoint one or more committees either standing or *ad hoc* to carry out on behalf of the Board, such functions as the Board may determine.
- (2) The initiating of policy shall be the principal duty of a standing committee to be known as the Executive Committee appointed under this paragraph, and persons who are members of the Board shall be ineligible for appointment and members of the Executive Committee shall hold office as the Board may, from time to time, determine.
- (3) Subject as provided in the case of the Executive Committee, any committee appointed under this paragraph shall consist of the number of persons determined by the Board, and any committee other than the Executive Committee may co-opt any person whose advice is desired as a member but the co-opted member shall not be entitled to vote at any meeting of the Committee and shall not count towards a quorum.
- (4) A decision of the Committee of the Board shall be of no effect until it is confirmed by the Council.

6. Miscellaneous

- (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other members of the Board authorised generally or specifically 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 Board by any person generally or specially authorised to act for that purpose by the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (4) The validity of any proceeding of the Board or of a Committee of the Board shall not be affected by any vacancy in the membership or 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.
- (5) Any member of the Board and any person holding office on a committee of the

Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board shall disclose his interest to the Chairman or to the Board, as the case may be, and shall not vote on any question relating to the contract or arrangement.

- (6) A person shall not by reason only of his membership of the Board be treated as holding an office of emolument with the Civil Service of the Federation.

SECOND SCHEDULE
[Section 15 (5).]

Supplementary Provisions relating to the Disciplinary Committee and

Investigation Panel

- I. The quorum of the Committee shall be by simple majority.
2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Committee for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in the proceedings before the Committee.
 - (2) 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 determining who in addition to the person aforesaid shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 16 (5) of this Act, as to the costs of proceedings before the Committee;
 - (f) for requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the tribunal adjudges that the allegations have not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegations relate; and
 - (g) for publishing in the Federal Gazette notice of any direction of the Committee which has taken effect providing that a person's name shall be struck off the Register.

- 3.** For the purposes of any proceeding before the Committee, any member of the Committee may administer oaths and any party to the proceedings may issue out of the registry of the High Court writs of subpoena *ad testificandum ad duces tecum*, but no person appearing before the Committee shall be compelled to-
- (a) make any statement before the Committee 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.

4. Miscellaneous

- (1) For the purpose of advising the Committee on questions of law arising in the proceedings before it, there shall, in all such proceedings, be an Assessor to the Disciplinary Committee who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than ten years standing.
- (2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing-
 - (a) that where an assessor advises the Committee 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 proceeding who appears thereat or if the advice is tendered while the Committee is deliberating in private, that every such party or person shall be informed of what advice the assessor has tendered; and
 - (b) that every such party or person as shall be informed if in any case, the committee does not accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceedings and shall hold any vacant office in accordance with the terms of the instrument by which he is appointed.

5. Quorum

The quorum of the Panel shall be three.

- 6.** (1) The Panel may, at any meeting of the Panel attended by all the members of the Panel, make standing orders with respect to the Panel.
- (2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.
- 7.** (1) A person ceasing to be a member of the Committee or the Panel shall be eligible for reappointment as a member of that body.

- (2) A person may be eligible to be a member of both the Committee 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 Committee with respect to that case.
8. The Committee 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 paragraph 7 (2) above) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

THIRD SCHEDULE

[Section 28.]

Transitional and Saving Provisions

1. (1) By virtue of this Act there shall be vested in the Council, on the commencement of this Act and without any further assurance, all assets, funds resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Institute of Medical Laboratory Science Technology repealed by this Act (hereinafter referred to as "the Institute").
 - (2) All persons previously registered as Medical Laboratory Technologists by the Institute of Medical Laboratory Technology shall at the commencement of this Act be referred to as Medical Laboratory Scientists and be considered registered by the Council accordingly.
2. (1) As from the commencement of this Act -
 - (a) all rights, interest, obligations and liabilities of the Institute existing immediately before the commencement of this Act under any contract or instrument or law or equity from any contract or instrument shall by virtue of this Act be assigned to and vested in the Council; and
 - (b) the Council shall be subject to all the obligations and liabilities to which the Institute was subject immediately before the commencement of this Act and all other persons shall as from the commencement of this Act have the same rights, powers and remedies against the Council as they had against the Institute immediately before the commencement of this Act.
- (2) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Institute in respect of any right, interest, obligation or liability of the Institute may be commenced, continued or enforced by or against the Council provided that in any suit against the Council, no execution or attachment or process in the nature thereof shall be issued against the Council but any sum of money which may be the judgment of the Court be awarded against the Institute, may be awarded against the Council.
- (3) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in

question (whether by reference to any instrument of transfer or otherwise) the law shall, so far as it provides for alterations of a register (but not for avoidance of transfer, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property, and the Council shall furnish the necessary particulars of the transfer to the property officer of the registration authority, and the officer shall register the transfer accordingly without payment of any fee by the Council.

3. All regulations, rules and similar instruments for the purpose of the Committee that were in force immediately before the making of this Act shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect, with any necessary modification, as if duly made for the corresponding purposes of the Council.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation



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