

NURSING AND MIDWIFERY (REGISTRATION, ETC.) ACT

ARRANGEMENT OF SECTIONS

Establishment of the Nursing and Midwifery Council of Nigeria

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NURSING AND MIDWIFERY (REGISTRATION, ETC.) ACT

An Act to establish the Nursing and Midwifery Council of Nigeria for the registration of nurses and midwives in Nigeria and State Nursing and Midwifery Committees and to provide for the discipline of nurses and midwives and other ancillary matters.

[1979 No. 89. 1992 No. 83.]

[28th September, 1979]

[Commencement.]

Establishment of the Nursing and Midwifery Council of Nigeria

1. Establishment of Nursing and Midwifery Council, etc.

(1) There is hereby established a body to be known as the Nursing and Midwifery Council of Nigeria (in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued by the name aforesaid.

(2) The Council shall be charged with the general duty of-

- (a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession of nursing and midwifery (in this Act referred to as "the profession") and reviewing those standards from time to time as circumstances may require;
- (b) securing in accordance with the provisions of this Act the establishment and maintenance of a register of persons entitled to practise the profession and the publication from time to time of the lists of those persons;
- (c) regulating and controlling the practice of the profession in all its ramifications;
- (d) maintaining, in accordance with this Act, of discipline within the profession; and
- (e) performing the other functions conferred upon the Council by this Act.

(3) Subject to subsection (4) of this section and to any direction of the Minister under this Act, the Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(4) The Council shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister and shall not have power to pay remunerations (including pensions), allowances or other expenses to any member or employee of the Council or to any other person except in accordance with scales approved after consultation with the Federal Civil Service Commission.

2. Membership of the Council

(1) The Council shall consist of the following members that is-

- (a) a chairman, who shall be appointed by the Minister;
- (b) the head of the Nursing Services in the Federal Ministry of Health;
[1979 No. 89.]
- (c) eight persons, four of whom shall be the heads of the Nursing Services in a State Ministry of Health and two heads of Nursing Services in any of the University Teaching Hospitals, and two nurses from the faculties of nursing in the universities representing each of the four health zones in rotation among the States comprised in each health zone for three years at a time;
[1988 No. 84.]
- (d) four persons who shall be tutors in appropriate nursing, public health, psychiatry and midwifery training institutions in Nigeria to serve on rotation among the health zones for three years at a time;
[1989 No. 18.]
- (e) two persons to represent the Nursing and Midwifery Association;
- (f) one person who is adviser on secondary education;
- (g) two persons to represent the public interest; and
- (h) two persons to represent the universities offering degree programmes in nursing on rotation, for three years;
- (i) one registered medical practitioner who shall be a qualified gynaecologist and obstetrician to serve for three years.

(2) The chairman shall hold office for a period of three years and shall be eligible for reappointment for one further period of three years and thereafter, he shall no longer be eligible for reappointment.

(3) All appointments under paragraphs (d) to (i) of subsection (1) of this section shall be made by the Minister.

(4) The supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters mentioned therein.

[First Schedule.]

3. Financial provisions and annual reports

(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

- (a) such monies as the Minister may, out of moneys provided by the Federal Government, pay to the Council by way of grant or by way of loan or otherwise howsoever; and
- (b) all other monies that may accrue to the Council under this Act.

(3) The Council shall prepare and submit to the Minister not later than 31 October of the year in which this Act comes into force (so however that for that year the Minister may, if he considers it necessary, extend the period) and in each subsequent year an estimate of its expenditure and income during the next succeeding financial year.

(4) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts, and shall cause the accounts to be audited as soon as may be after the end of each financial year to which the accounts relate by a firm of auditors appointed, as respects that year, from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

(5) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter a report on the activities of the Council during the last preceding financial year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors' report on the accounts.

4. Power of the Minister to give directions to the Council

The Minister may give to the Council 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 Council of its functions and it shall be the duty of the Council to comply with the directions.

5. Appointment of Secretary-General and other staff

(1) There shall be a Secretary-General of the Council to be appointed by the Council on such terms and conditions of service as may be stipulated in his letter of appointment or on such terms or conditions of service as may be determined from time to time by the Council.

[1988 No.2.]

(2) The Secretary-General shall be the chief executive of the Council and shall be responsible for the day-to-day running of the affairs of the Council.

(3) The Secretary-General shall keep the records and conduct the correspondence of the Council and perform such other functions as the Council may from time to time direct.

(4) The Council may appoint such other persons to be employees of the Council as the Council may determine.

(5) The Council shall have the power to advance, confirm, promote, transfer, discipline and terminate appointments of employees of the Council.

Registers and registration

6. Preparation and maintenance of the register

(1) The person appointed as Secretary-General under section 5 of this Act shall also be the registrar of the Council.

(2) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the Council under this section, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Act to be registered as nurses or midwives and who apply in the specified manner to be so registered.

(3) Subject to the following provisions of this section, the Council shall make rules with respect to the form and the keeping of the register and the making of entries therein, and in particular-

- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
- (b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) authorising a registered person to have any nursing or midwifery qualification registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;
- (d) specifying the fees to be paid to the Council in respect of the entry of names on the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and
- (e) specifying anything falling to be specified under the foregoing provisions of this section:

Provided that rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by the Minister and published in the *Federal Gazette*.

(5) It shall be the duty of the registrar-

- (a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
- (b) to make from time to time any necessary alterations to the registered particulars of registered persons; and
- (c) to remove from the register the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.

(6) If the registrar-

- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and

- (b) upon the expiration of that period sends in like manner to the person in question a second and similar letter and receives no reply to that letter within three months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the relevant part of the register; but the Council may for any reason which seems to it to be sufficient, direct the registrar to restore to the appropriate part of the register any particulars removed therefrom under this subsection.

7. Publication of the register and lists of corrections

(1) The registrar shall-

- (a) cause a list of persons whose names and qualifications are contained in the register to be printed, published and put on sale to members of the public not later than six months from the beginning of the year in which this subsection comes into force;
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of corrections made to the register since it was last printed; and
- (c) cause a print of each edition of the register and of each list of corrections to be deposited at all offices of the Council, and the Council shall cause the registrar to keep the register and lists so deposited to remain open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year shall, without prejudice to any other mode of proof, be admissible in any proceedings as evidence that any person specified in the document or the documents read together as being fully or provisionally registered is so registered and that any person not so specified is not so registered.

8. Registration of nurses

(1) Subject to any restriction upon registration otherwise imposed by this Act, the holder of-

- (a) any qualification of a general nature specified in Part A of the Second Schedule to this Act;
[Second Schedule.]
- (b) any qualification of a specialised nature specified in Part B of the Second Schedule to this Act,

shall be entitled to registration as a nurse in the appropriate part of the general register maintained pursuant to section 6 (2) of this Act.

(2) A registered nurse may apply for registration as a nurse tutor upon the ground that he has undergone requisite practical training in an institution where student nurses are trained and has completed a course for nurse tutors in an institution or university

recognised for that purpose by the Council; and if the Council is satisfied as to his qualifications, the Council may direct registration accordingly.

(3) In the application of this section, a certificate or other document produced as evidence shall be deemed to be a valid certificate or document unless the contrary is proved.

9. Registration of midwives

(1) An applicant for registration shall, unless otherwise precluded by this Act, be entitled to registration as a midwife if she satisfies the Council that she is of good character, and-

- (a) is the holder of a certificate under Part 8 of the Second Schedule to this Act; or
[Second Schedule.]
- (b) is exempted from examination as the holder of a qualification granted outside Nigeria and for the time being accepted by the Council:

Provided that if the Council so requires, the applicant shall satisfy the Council that she has had sufficient practical experience as a midwife.

(2) Any person aggrieved by a decision of the Council under this section may appeal to the High Court most convenient in terms of access to her, within one month after notice is given to her of the decision of the Council.

10. Special provisions as to midwives trained outside Nigeria

(1) Where any person has, outside Nigeria, completed a course of training as a midwife not acceptable to the Council, without further proof of competency, the Council may require that person to undergo additional training in a teaching hospital or institution or under any scheme of training in Nigeria approved for the purposes of section 6 of this Act; and upon completion of the prescribed further training to the satisfaction of the Council such person may apply for registration under this Act and be registered accordingly in the appropriate register.

(2) Every application for registration shall be accompanied by evidence of identity and payment of the prescribed fee.

11. Special provisions as to nurses trained outside Nigeria

(1) Any person to whom this section applies who satisfies the Council that he has undergone training pursuant to a scheme approved by the Council and that he is of good character, may apply for registration in the prescribed manner; and, on payment of the prescribed fee, shall be registered in that part of the general register which the Council may consider appropriate to the case.

(2) Any person to whom this section applies who satisfies the Council that he has undergone training which requires augmentation in Nigeria and has in any institution, all approved by the Council thereafter undergone further training and passed the examination (if any) prescribed, may apply for registration in the prescribed manner; and the provisions of subsection (1) of this section shall, with, the necessary changes, apply to an application under this subsection.

(3) Notwithstanding the foregoing provisions of this section, if the Council is satisfied that an applicant, being a person to whom this section applies, has not received

augmented training but would with further experience or upon subsequent examination qualify for registration on the general register, and the applicant has undertaken in writing to furnish the necessary evidence of experience or examination as the case may require, the Council may defer its decision until satisfactory evidence of the augmented training is produced to the Council.

(4) This section shall apply to persons who in any place outside Nigeria successfully complete training in general nursing or as the case may be, in any specialised field of nursing and the scheme of training undergone-

- (a) is one already approved by the Council; or
- (b) is one which the Council requires to be augmented by further training or examination, as the case may be, in Nigeria.

(5) No nurse or midwife shall be allowed to practice or to continue in practice in any year except if such nurse or midwife has paid the annual fee for that year as prescribed by the Council.

12. Power to co-operate on experimental nurses' and midwives' training schemes

(1) In the performance of its duties under this Act, the Council shall from time to time, seek to improve methods employed in the basic and post-basic education of nurses and midwives, and for that purpose the Council may co-operate with recognised bodies interested in the preparation of experimental schemes for the basic and post-basic education of nurses and midwives.

(2) Where the Council is of the opinion that a trial should, in the public interest, be made on a scheme of training and examinations to be undergone and passed by persons as a condition prior to registration under this Act (being training and examinations which differ from prescribed training and examinations but appear to the Council to be no less efficient), the Council may adopt the scheme for such period and in relation to such institutions as may be specified in the resolution; but any such resolution shall be subject to confirmation by the Minister.

(3) A scheme of training and examinations adopted by the Council under subsection (2) of this section shall provide that, for the period of its adoption, persons who, in an institution specified in the adopting resolution undergo the training specified therein to the satisfaction of the Council and thereafter pass the prescribed examinations shall, on due compliance with all other requirements of this Act, be entitled to registration according to the requirement of the case, anything to the contrary in this Act notwithstanding.

(4) A scheme of training and examinations under this section may contain such incidental and supplementary provisions (including provision for charging fees in respect of the undergoing of training and examination specified in the scheme) as the Council may consider necessary.

(5) Any scheme of training and examinations adopted under this section may in like manner as is provided for its adoption, be extended for such period as the Council may think fit.

13. State Nursing and Midwifery Committees

(1) For the purposes of this Act, there shall be constituted by the Commissioner charged with responsibility for health matters in each State of the Federation, a Nursing and Midwifery Committee which shall be under the general direction and control of the Council and, acting in collaboration with the Chief Nursing Officer in that State, may exercise within the State the powers and duties conferred upon it by this Act or as the Council may from time to time prescribe.

(2) Nothing in this section shall be construed so as to authorise the appointment to a State Nursing and Midwifery Committee of any person not registered under this Act, without the approval of the Minister.

14. Approval of training institutions

(1) The Council may on the recommendation of the State Nursing and Midwifery Committee approve hospitals and other similar institutions in Nigeria which are organised by the Government of the Federation or of a State or by voluntary agencies as training schools for nurses and midwives.

(2) Where a State Nursing and Midwifery Committee recommends approval pursuant to subsection (1) of this section, the approval by the Council shall, unless the Council otherwise directs, be conditional upon the attainment by the hospital or other similar institution of the standards prescribed by the Council for training under this Act.

(3) Recommendations under this section shall be submitted to the Council by the secretary of the State Nursing and Midwifery Committee.

15. Supervision of instruction and examinations leading to approved qualifications

(1) It shall be the duty of the Council to keep itself informed of the nature of the instruction given to at approved institutions to, and examinations taken by, persons attending approved courses of training and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under subsection (1) of this section to report to the Council on-

- (a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him;
- (b) the sufficiency of any examinations attended by him; and
- (c) any other matters relating to the institutions 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 holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council shall as soon as may be send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observations 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.

16. Supervisory authority

(1) The Chief Nursing Officer of the State concerned shall be the supervisory authority over nurses and midwives within the State concerned and it shall be the duty of a supervisory authority-

- (a) to work in co-operation with the State Nursing and Midwifery Committee (which is hereby required to keep its supervisory authority informed of its activities under this Act) and generally to exercise supervision as directed by the Council;
- (b) if any particular case so requires, to investigate charges of malpractice, negligence, misconduct or contravention of instructions given by the Council to the State Nursing or Midwifery Committee;
- (c) to report any matter to the Council and in any particular case, to recommend to the Council that the matter so reported be dealt with by the tribunal under this Act;
- (d) to inform the Council as soon as possible of the name of any nurse or midwife convicted of an offence.

(2) A supervisory authority shall not delegate any of the aforesaid duties to any person without the prior authority in writing of the Council.

Professional discipline

17. Establishment of the Disciplinary Tribunal, etc.

(1) There shall be established a body to be known as the Nurses and Midwives Disciplinary Tribunal (in this Act referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the supervisory authority established under section 16 of this Act and any other case of which the Tribunal has cognisance under the following provisions of this Act.

(2) The Tribunal shall consist of the chairman of the Council and seven other members of the Council to be appointed by the Council.

(3) The supervisory authority referred to in section 16 of this Act shall be the investigating authority charged with the duty of-

- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a nurse or midwife or should for any other reason be the subject of proceedings before the tribunal; and
- (b) deciding whether the case should be referred to the Tribunal.

(4) The provisions of the Third Schedule to this Act shall have effect with respect to the Tribunal.

[Third Schedule.]

18. Penalties for unprofessional conduct

(1) Where-

- (a) a person registered under this Act is convicted by any court in Nigeria or elsewhere having power to award imprisonment for an offence which in the opinion of the Tribunal is incompatible with the status of a nurse or midwife; or
- (b) a registered person is judged by the Tribunal to be guilty of infamous conduct in a professional respect; or
- (c) the Tribunal is satisfied that the name of any person has been fraudulently registered,

the Tribunal may, if it thinks fit, give a direction-

- (i) reprimanding that person; or
- (ii) ordering the registrar to strike his name off the relevant part of the register; or
- (iii) suspending him from practice by ordering him not to engage in practice as a nurse or midwife for such period not exceeding six months as may be specified in the direction,

and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.

(2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal; but-

- (a) no decision shall be deferred under this subsection for periods exceeding six months in the aggregate; and
- (b) no person shall be a member of the Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the tribunal when the decision was deferred.

(3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the direction, appeal against the direction to the High Court; and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of appeal before the High Court, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(5) A direction of the Tribunal under subsection (1) of this section shall take effect-

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time; or
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or

- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,

and not otherwise howsoever.

(6) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal 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 his last application) as may be specified in the direction.

19. A voidance of duty, etc.

(1) Any registered person who, being employed as a nurse or midwife in any capacity in a hospital, nursing home or institution of any nature whatsoever established to provide medical care for the sick-

- (a) without reasonable cause or excuse (the proof of which shall lie on him), leaves his place of employment; or
- (b) likewise without reasonable cause or excuse, with the burden of proof as in paragraph (a) of this section, persuades or attempts to persuade any nurse or midwife qualified as aforesaid to leave any such place of employment,

shall be reported to the Council and the Council shall inquire into any such report; and if the case reported is proved to its satisfaction, the Council may take such action by way of suspension of the offender from practice for a period not exceeding three months, or by way of reprimand, as the circumstances may require.

(2) An appeal by any person under this section affected by a suspension from practice shall lie to the appropriate High Court.

Miscellaneous and supplementary

20. Offences

(1) Any person not being a person duly registered under this Act who-

[1988 No.4.]

- (a) for or in expectation of reward practises or holds himself out to practise as such; or
- (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a nurse or midwife,

is guilty of an offence under this section.

(2) Any person who employs any unregistered person as a nurse or midwife is guilty of an offence under this section and liable on conviction to be punished as provided in this section.

(3) It shall be an offence under this section for any registered nurse or midwife to establish a private nursing or maternity home without complying with the provisions of this Act.

(4) If any person for the purpose of procuring the registration of any time, qualification or other matter-

- (a) makes a statement which is false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular,

he is guilty of an offence under this section.

(5) If the registrar or any other person employed by the Council wilfully makes any falsification in any matter relating to the register he is guilty of an offence under this section.

(6) A person guilty of an offence under this section shall be liable-

- (a) on conviction in a court lower than the High Court to a fine not exceeding ₦1,000 and where the offence is a continuing one, to a further fine not exceeding ₦ 50 for each day during which the offence continues;
- (b) on conviction in a High Court, to a fine not exceeding ₦ 2,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment and where the offence is a continuing one, to a further fine not exceeding ₦ 50 for each day during which the offence continues.

(7) Where an offence under this section which has been committed by a body corporate 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 any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished as provided under paragraph (b) of subsection (6) of this section.

21. Unauthorised training

It shall be an offence for any person without the approval of the Minister, given on the recommendation of the Council, to train or purport to train any person as a nurse or mid-wife or to provide any course of training or establish any school for such purpose or as one of its purposes; and any such person shall be liable-

- (a) on conviction otherwise than in a High Court, to a fine of N1,000 or to imprisonment for a term of six months, or to both such fine and imprisonment;
- (b) on conviction in a High Court, to a fine of N2,000 or to imprisonment for a term of two years or to both such fine and imprisonment.

22. Restricted effect of registration or use of name

Registration under this Act shall not confer the right to assume any name, title or designation suggesting or implying that the person registered is by law entitled to take charge of cases of abnormality or disease in or relating to any pregnancy requiring medical attention.

23. Nursing or midwifery duties, etc.

(1) A nurse or midwife registered under this Act shall be entitled to carry out nursing or midwifery care as provided for in the training curriculum prescribed and approved by the Council.

[1992 No. 83.]

(2) Any registered nurse or midwife shall be entitled to set up a private nursing or maternity home if-

- (a) he has spent at least five years (as in other professions) in a recognised health establishment as a registered nurse or midwife after registration with the Council;
- (b) he has complied with all the conditions laid down by the Ministry of Health of the State concerned for the establishment of such maternity home; and
- (c) he has demonstrated unequivocally that there is prompt access to a practising obstetrician and gynaecologist or an experienced medical practitioner at all times, who has legal responsibility for attending to any emergencies.

[1992 No. 83.]

24. Repeals, savings and transfer of assets, liabilities and staff, etc.

(1) The Midwives Act 1966 and the Nurses Act 1970 (in this section referred to as "the repealed enactments") are hereby repealed and the bodies established thereunder are hereby dissolved.

[1966 No. 78. 1970 No.2.]

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

- (a) any person whose name was immediately before the coming into force of this Act included in the register of nurses or midwives kept under the repealed enactments shall, without further application or payment of any other fee, be deemed to be registered under the appropriate provision of this Act;
- (b) any register kept in pursuance of the repealed enactments shall be deemed to be part of the register to be kept in pursuance of this Act;
- (c) any document referring to a provision of any of the repealed enactments shall be construed as a reference to the corresponding provision of this Act; and
- (d) where any offence, being an offence for the continuance of which a penalty was provided, has been committed under any of the repealed enactments, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the same manner as if the offence had been committed under the corresponding provisions of this Act.

(3) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the bodies established by the repealed enactments shall by virtue of this Act and without any further assurances, be vested in the Council.

(4) As from the commencement of this Act-

- (a) the rights, interests, obligations and liabilities of the bodies referred to in sub-section (3) of this section existing immediately before the commencement of

this Act under any contract or instrument or at law or in equity apart from any contract or instrument are hereby assigned to and vested in the Council without further assurance but for this Act; and

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

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against any of the bodies mentioned in the repealed enactments in respect of any right, interest, obligation or liability of the bodies aforesaid may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Council to the same extent that any such proceeding, cause of action or determination could have been continued, commenced or enforced by or against the bodies aforesaid if this Act had not been made.

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

25. Regulations

In addition to any other power to make regulations under this Act, the Minister may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

26. Interpretation

In this Act, unless the context otherwise requires-

"Committee" means a State Nursing and Midwifery Committee established by section 13 of this Act;

"Council" means the Nursing and Midwifery Council established by section 1 of this Act;

"functions" includes powers and duties;

"Minister" means the Minister charged with responsibility for matters relating to the profession of nursing and midwifery;

"nurse" or "midwife" means a person who is registered to practise the profession in accordance with the provisions of this Act;

"register" means the register maintained under section 6 of this Act in respect of those entitled to practise the profession of nursing or midwifery and **"registered"** shall be construed accordingly;

"supervisory authority" means the Chief Nursing Officer of a State;

"Tribunal" means the Nurses and Midwives Disciplinary Tribunal established by section 17 of this Act.

27. Short title

This Act may be cited as the Nursing and Midwifery (Registration, etc.) Act.

FIRST SCHEDULE

[Section 2 (4).]

Supplementary provisions relating to the Council

Tenure of office of members

1. (1) Appointments to the Council shall have effect subject to the provisions of this paragraph.
[1988 No. 54.)

(2) Persons who are-

- (a) appointed, shall continue to be members of the Council while they are employed in any of the public services of Nigeria, the universities or in the nursing service of the armed forces, as the case may be;
- (b) appointed on nomination by nursing and midwifery training institutes on rotation, shall hold office as members of the Council for a term of two years, so however that if the school of nursing associated with a nursing or midwifery training institution next entitled by rotation to nominate a representative agrees, the term of office may be extended for one further term of two years.

(3) A nominated person appointed pursuant to paragraphs (d),(f) or (h) of section 2 (1) of this Act may resign his membership by notice in writing to the Council, and any person whether or not so appointed who ceases to be a member of the Council shall, in a proper case, be eligible again to become a member of the Council for one further term.

(4) It shall not be necessary to fill any vacancy on the Council where the unexpired residue of the term of office of a member (other than by effluxion of time) does not exceed one year and the member has not been appointed on rotation.

(5) Notwithstanding that his term of office may not have expired, a nominated member may vacate his office if he gives notice in writing of his resignation addressed to the Council; and any such nominated member shall vacate his office if-

- (a) the Council is satisfied that by reason of mental or physical infirmity he is incapable of discharging the duties of his office; or
- (b) he absents himself for two consecutive ordinary meetings of the Council without the leave of the Council.

(6) A person who is a member by virtue of occupation of a particular office shall cease to be a member if he ceases to occupy the particular office outside the Council.

Proceedings of the Council, etc.

2. Subject to the provisions of this Act and of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

3. The quorum of the Council shall be fourteen of whom at least ten shall be representatives appointed under paragraph (c) of section 2 (1) of this Act; and the quorum of any committee of the Council shall be determined by the Council.

4. (1) The Council shall appoint one of its member to be the vice-chairman of the Council for such period as the Council may determine, so however that a vice-chairman who ceases to be a member shall cease to be vice-chairman.

(2) At any time while the office of chairman is vacant or the chairman is in the opinion of the Council permanently or temporarily unable to perform the functions of his office, the vice-chairman shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly.

5. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman and in any case not less than four times in any financial year; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Council to be held within 21 days from the date on which the notice is given.

(2) At any meeting of the Council, the chairman shall preside, and in his absence the vice-chairman shall preside, but if both are absent, the members present shall elect one of their number to preside at the meeting.

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

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

Committees

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

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council and not more than one half of those persons may be persons who are not members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his letter of appointment.

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

Miscellaneous

7. (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Council 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 Council by a person generally or specially authorised to act for that purpose by the Council.

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

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

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

SECOND SCHEDULE

[Sections 1 and 9 (1).]

Registrable qualifications

PART A

Persons holding registrable qualifications of a general nature

1. Persons holding the following general certificates in nursing shall be entitled to registration as nurses under this Act, that is-

- (a) valid certificates of competency in nursing issued by the Council under this Act;
- (b) valid certificates of competency in nursing issued by the head of the Medical Service in Nigeria, however designated, before 1 August 1947;
- (c) certificates of competency valid where issued and, in the opinion of the Council, conformable in training requirements to the standards prescribed by the Council under this Act; and
- (d) certificates of competency in nursing, valid where issued, and subject to additional experience or examination or both, the holders of which would be deemed by the Council to have reached the standards prescribed by it under this Act.

2. Persons who successfully complete training in nursing under an experimental scheme approved by the Council.

PART B

Persons holding registrable qualifications of a specialised nature

1. Persons holding the following specialised qualifications shall be entitled to registration as appropriate under this Act, that is-

- (a) valid certificates of competency in a specialised branch of both or either nursing and public health issued by the Council under this Act;

- (b) valid certificates of competency in a specialised branch of both or either of nursing and public health issued by the head of the Medical Services in Nigeria, however, designated before 1 August, 1947;
- (c) certificates of competency in a specialised branch of both or either nursing and public health, valid where issued, and in the opinion of the Council conformable in training requirements to the standards prescribed by the Council under this Act; and
- (d) certificates of competency in a specialised branch of both or either nursing and public health, valid where issued, and subject to additional experience or examination or both, the holders of which would be deemed by the Council to have reached the standards prescribed by it under this Act.

THIRD SCHEDULE

[Section 17 (4).]

Supplementary provisions relating to the Disciplinary Tribunal

The Tribunal

1. The quorum of the Tribunal shall be five.
2. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
 - (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 Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 18 of this Act, as to the costs of proceedings before the tribunal;
 - (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 adjudged that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publishing in the Federal *Gazette* notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off the register or that a person shall be suspended from practice.

3. For the purposes of any proceedings before the Tribunal any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the appropriate High Court as the case may require, writs of subpoena *ad testificandum* and *duces tecum*; but no person appearing before the Tribunal shall be compelled-

- (a) to make any statement before the Tribunal tending to incriminate himself; or
- (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

Assessors

4. (1) For the purpose of advising the tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the tribunal 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 seven 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 Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered;
- (b) that every such party or person as aforesaid shall be informed if in any case the tribunal does not accept the advice of the assessor on such a question as aforesaid.

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

Supplementary

5. A person ceasing to be a member of the Tribunal shall be eligible for reappointment as a member for one further term and thereafter he shall no longer be eligible for re-appointment.

6. The Tribunal may act notwithstanding any vacancy in its membership; and the proceedings shall not be invalidated by any irregularity in the appointment of a member, or by reason of the fact that any person who was not entitled to do so took part in its proceedings.

7. Any document authorised or required by virtue of this Act to be served on the Tribunal shall be served on the registrar.

8. A person shall not, by reason only of his appointment as a legal assessor to the Tribunal, be treated as holding an office of emolument under the Government of the Federation or of any State thereof.

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Nurses Regulations.
 2. Nurses (Disciplinary Tribunal and Assessors) Rules.
 3. Midwives Regulations.
 4. Midwives (Disciplinary Tribunal and Assessors) Rules.
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NURSES REGULATIONS

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REGULATION

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SCHEDULES

FIRST SCHEDULE

Forms

SECOND SCHEDULE

Fees

NURSES REGULATIONS

[L.N. 78 of 1970.]

under section 25

[5th November, 1970]

[Commencement.]

Training Hospitals

1. Application for recognition as a training hospital

(1) An application for recognition as an approved training hospital may be made in the Form A in the First Schedule to these Regulations to the State Nursing and Midwifery Committee.

(2) If an application under paragraph (1) of this regulation is received by the Council it shall direct an inspection to be made, unless the State Nursing and Midwifery Committee forwards with the application a recommendation for its approval; and subject thereto an application under this regulation shall not be considered by the Council without an inspection made on its behalf.

(3) Where the Council, after considering the inspection report on a training hospital, is of opinion that the hospital ought to be approved under these Regulations without further inspection, it may approve the application forthwith and in any other case it may impose conditions whereby approval shall have effect for a period not exceeding six months; and if within that period it is satisfied that its requirements have been met it shall thereupon confirm its approval.

(4) Inspections of a routine nature shall be carried out in all approved training schools at least once in every three years.

(5) The approval of the Council may in proper case (of which it shall be sole judge and from whose decision there shall be no appeal) at any time be withdrawn, and an action shall not lie at the suit of any person aggrieved by the withdrawal or as the case may be, the refusal of the Council to approve a training hospital under these Regulations.

2. Minimum requirements for approval

(1) To qualify for approval under these Regulations as a training hospital, a hospital shall have-

- (a) not less than 120 beds (other than maternity beds) divided into wards with adequate equipment to the satisfaction of the Council so as to provide experience in surgical nursing, medical nursing, care of sick children, gynaecological nursing, introduction to obstetrics, genito-urinary nursing, psychiatric nursing, aspects of community nursing and any other experience relating to the care of the sick as the Council may from time to time prescribe;
- (b) an operating theatre with adequate equipment for varied surgical experience;
- (c) an out-patient and casualty section;
- (d) provision for health and welfare of student nurses and for residential accommodation for student nurses during training.

(2) If a hospital ceases to have a school attached thereto or used therewith, the approval of the Council shall be withdrawn, and any person in apparent charge of the school who permits or allows it to be used as a school after withdrawal of approval shall be guilty of an offence, punishable on conviction by a fine of not less than N200.

(3) The Council shall prescribe facilities for every school, and subject thereto there shall be in every school-

- (a) an adequate number of classrooms for clinical instructions; and
- (b) a separate room for practical nursing, with demonstration and library facilities for teaching to the extent as directed by the Council.

3. Control, etc., of training

In addition to the requirements prescribed by regulation 2 of these Regulations-

- (a) every training hospital shall have a matron in charge, a ward sister in charge of each ward, a sufficient number of tutors to the satisfaction of the Council, and qualified specialists in the various fields of nursing care available as lecturers; and where a training hospital has more than 100 students, there shall be a principal in charge of the school in addition to any other tutors;

- (b) every training school shall, unless otherwise directed by the council, have at least one student to two beds, and each ward shall be supplied by one ward sister to twenty beds, four trained staff nurses to every twenty beds, and one or more of the trained nurses shall be on duty in a ward at all times.

4. Notification in *Gazette* of approval

The Council may from time to time publish a notice in the Federal *Gazette* of hospitals approved by it as training hospitals under these Regulations.

5. Information as to medical, etc., personnel available

Information required by the Council in its control of training hospitals shall be supplied on request made by the registrar and the failure to comply with its requirements as to names and other particulars of medical and nursing personnel available to the training hospital concerned shall be sufficient authority for the Council to withdraw its approval under these Regulations.

Training and examinations for nurses

6. Requirements for entry, etc.

- (1) Every applicant for training as a nurse shall-
 - (a) be medically and physically fit; and
 - (b) be of an age and educational standard approved by the Council,

and an application for entry in the index of a student nurse shall be in the Form B in the First Schedule to these Regulations and be accompanied by the documents specified in that form.

- (2) If the application is approved, the registrar shall inform the applicant in writing.

7. Progress examinations to be conducted

Every training hospital may conduct examinations as are necessary in its opinion from time to time to determine the progress of student nurses, and failure to satisfy the examiners may result in the dismissal of a student nurse from the training hospital; and if a student nurse is dismissed under this regulation the reasons for the dismissal shall be given in writing by the registrar and they shall be available for use in respect of any subsequent application for admission to any other training hospital.

8. Effect of excess leave

(1) Subject to the provisions of this regulation, if the leave period of a student nurse exceeds 28 days in anyone calendar year, the period in excess shall be made up before the training is to be considered as complete; and sick leave in excess of a total of 28 days throughout the training period shall likewise be made up by the student nurse.

(2) In the application of sub-paragraph (1) of this paragraph, "**leave**" includes an absence occasioned by reason of vacation leave.

- (3) Where in any calendar year-
 - (a) the total leave period exceeds 84 days; or

- (b) any continuous period of leave (other than vacation leave) is in excess of 42 days' duration, the leave shall constitute a break in training, and the time shall be made up by the student nurse before her training is to be regarded as complete.

(4) If the break in training is of eighteen months' duration or more, training already received shall not count; and the student nurse shall be treated as if her application for training had just been approved.

9. Requirement of training before examination

(1) A student nurse who completes the course of training and fails the final examination shall be required to produce evidence by certificate of having undergone further studies at an approved school within a period of not later than twelve months before the date when she again presents herself for that examination.

(2) Examinations shall be held at such times and places in Nigeria as the council may, from time to time, direct or require and they shall be conducted by a panel of examiners appointed by the council; and a candidate for examination shall be eligible to sit an examination if she completes the prescribed period of training on or before the end of the month during which she is to present herself for that examination.

10. Power of council to refuse admission of student nurse for examination

If the Council is satisfied that a student nurse has not completed the prescribed course of training or for any other reason her attendance at classes or general conduct is unsatisfactory, the Council may refuse to allow the student to present herself for examination as a nurse for such period as it thinks fit.

11. Examinations, etc., leading to registration

(1) The Council shall conduct examinations as often as it thinks fit; not less often in the case of general nursing than twice in each calendar year, and the subjects to qualify for registration as general nurses or for inclusion in the supplementary part of the register, as the case may be, shall be subjects prescribed in the syllabus as approved by the Council.

(2) Except with the permission of the Council, a student nurse who on three successive occasions fails an examination conducted by the Council, shall not further present herself for that examination.

(3) Application in the Forms in the First Schedule to these Regulations to sit for an examination shall in the case of-

- (a) student nurses be made in the Form C;
- (b) general nursing be made in the Form D;
- (c) subjects leading to inclusion in the supplementary part of the register be made in the Form E.

(4) Nurses trained outside Nigeria who claim to be entitled to register under the Act may apply for registration in the Form F in the First Schedule aforesaid.

(5) If a student nurse becomes entitled to registration as a nurse the registrar shall remove her name from the index of student nurses.

12. Control of examination of student nurses

(1) Where a training hospital is of opinion that a student nurse is for any reason insufficiently trained or ought otherwise to be debarred from presenting herself for examination as a nurse, the training hospital may report the case to the Council and the Council shall note its records and shall notify the student nurse of that fact.

(2) An appeal shall lie to the Council from a report by a training hospital under paragraph (1) of this regulation; but a student nurse shall not present herself for examination as a nurse if she is the subject of a report to the Council under this regulation, and the case has not been reviewed by the Council or, as the case may be, the training hospital.

13. Publication of certificates and other documents

(1) The registrar shall, in the month of January in each year, cause to be published in the Federal *Gazette* a list of the names, in alphabetical sequence, of all nurses appearing on the register of nurses, corrected to 31 December of the preceding year, and additions to the register shall likewise be so published from time to time.

(2) If the Council so directs, there shall be published at the same time a statement indicating, where applicable, that a certificate has been granted, cancelled, revoked, suspended or restored, as the case may be.

(3) Certificates granted by the Council shall be as in Form G or H in the First Schedule to these Regulations.

14. Powers of supervisory authority

(1) A supervisory authority shall exercise general supervision over nurses in her control, and shall report cases to the State Nursing and Midwifery Committee which come to her notice involving serious misconduct, negligence, and infamous conduct (including contravention of instructions given by the Council); and if the State Nursing and Midwifery Committee is of opinion that the case ought to be reported, it shall notify the Council accordingly.

(2) Where a supervisory authority has notice that an illegal school or hospital for the training of student nurses is being operated in her area of authority, she shall report the case to the State Nursing and Midwifery Committee; and if that State Nursing and Midwifery Committee notifies the Council, the Council may thereafter take such action as it thinks fit.

District Nursing Committees

15. Membership of district nursing committees

(1) Every district nursing committee shall consist of-

- (a) the chairman who shall be the professional head of the Ministry of Health in the State concerned, and in his absence the person for the time being acting as the professional head of the Ministry of Health aforesaid shall act as chairman;

- (b) the professional head of the nursing service of the State concerned, such person being also the supervisory authority of the State concerned;
- (c) two medical officers engaged in teaching of nurses;
- (d) one matron;
- (e) one health sister;
- (f) one nurse tutor;
- (g) two nurses representing the mission hospitals;
- (h) one person representing the Ministry of Education of the State concerned;
- (i) two registered nurses nominated by the supervising authority of the area concerned; and
- (j) one person representing specialised branches of nursing where organised in the area.

(2) Appointments in respect of the offices specified in paragraph (1) of this regulation shall, except in the case of appointment of a person representing the Ministry of Education when the appointment shall be made by the Ministry, be made by the Commissioner for Health in the State concerned.

16. Powers, etc., of district nursing committees

(1) It shall be the duty of every district nursing committee to initiate and carry out research into local nursing needs with a view to determining ways by which nursing services and nursing education may be improved within its area of authority.

(2) Unless otherwise directed by the Council, a State Nursing and Midwifery Committee may within its area of authority-

- (a) organise from time to time in-service training and refresher courses for qualified nurses;
- (b) conduct enquiries on behalf of the Council, and from time to time make recommendations to and give advice to the Council in respect of matters coming to the State Nursing and Midwifery Committee's notice; and
- (c) perform other functions as the Council may, from time to time, direct or require.

17. District nursing committee procedure

(1) The Council may give directions as to the procedure to be followed at meetings of a State Nursing and Midwifery Committee, and subject thereto a State Nursing and Midwifery Committee may determine its own procedure.

(2) At any meeting of a State Nursing and Midwifery Committee the quorum shall be six, save in the case of a preliminary investigation, when the quorum shall be fixed by the Council.

(3) Decisions of State Nursing and Midwifery Committees on matters of policy shall be subject to confirmation by the Council; and until so confirmed they shall not have effect.

Removal and restoration of names from and to register

18. Report of conviction for malpractice, etc., to be given to Council

(1) Where a nurse is convicted of an offence involving malpractice, negligence or other misconduct, the court convicting shall report the fact of such conviction to the Council, and the Council, after review of the case, shall forward the report with its views thereon to the Tribunal for such disciplinary action as the case may require.

(2) Any other case involving malpractice, negligence or other misconduct and whether or not the case is one for prosecution or other action which comes to the notice of the Council, shall be reported by it to the Tribunal for such disciplinary action as the circumstances may require.

19. Presentation of case before Tribunal and effect of its decision

(1) Where the case of a nurse is to be considered by the Tribunal, the Council may, if it thinks fit, suspend the nurse from practice or duty as the case may be; but any such nurse shall be entitled to appear before the Tribunal and present her case in person or be represented at the hearing by a legal practitioner.

(2) The rules of evidence shall apply to any such hearing save that the Tribunal may act on unsworn testimony if it thinks fit; and subject thereto and for the avoidance of doubt the Council shall complete its case before the nurse concerned shall be required to adduce evidence in rebuttal, so however that if after notice the nurse fails to attend or is not represented at the hearing, the case may be heard and determined in her absence.

(3) The decision of the Tribunal shall be communicated to the Council by such means as it thinks fit; and the Council shall by notice in writing and by registered post notify the nurse concerned and the appropriate district committee of the decision, and thereafter notice of the decision shall be published in the Federal *Gazette*.

(4) If the decision of the Tribunal includes a recommendation that the name of the nurse should be removed from the register or the index, as the case may be, the Council shall direct the registrar accordingly.

(5) In this regulation, "nurse" includes "student nurse".

20. Requirements of application for restoration of name

(1) Application for restoration of the name of a nurse to the register shall be in writing in the Form I in the First of Schedule to these Regulations and the application shall be accompanied by the cancelled certificate of registration if not already surrendered.

(2) The application shall set out the grounds for restoration and it shall be supported by a statutory declaration by the applicant as to the facts of the case, in the Form J in the First Schedule aforesaid.

(3) Certificate as to character in the Form K in the First Schedule aforesaid by two responsible persons acceptable to the Council shall accompany the application for restoration to the register and cover a period of time not less than six months before action was taken to remove the name of the nurse up to the date of the certificate under this paragraph.

(4) Unless for any reason consideration is to be deferred, the Council shall deal with the application at its next meeting after receipt by the registrar of the application under this regulation; and its decision shall be communicated by the registrar to the applicant.

(5) Where the Council approves the application, the Council shall direct restoration of the name of the applicant to the register; and upon payment of the prescribed fee the registrar shall issue a new certificate of registration as directed by the Council.

(6) An extract of this regulation and copies of the prescribed forms for use in connection therewith shall be supplied by the registrar to intending applicants on personal request and free of charge.

(7) The provisions of this regulation shall extend and apply with all necessary changes to cases where a nurse is suspended from practice or duty, as the case may be.

Miscellaneous

21. Records of Council

(1) The Secretary-General and registrar, where the duties are combined, shall, in respect of the duties of each, perform such functions as the Council may, from time to time, direct or require.

(2) Records of nurses (including any index of student nurses) shall be kept by the registrar and shall be produced from time to time as required for the purposes of the Council or generally for making entries therein or taking extracts therefrom.

(3) A minute book shall be kept by the Secretary-General for use at meetings of the Council, in which proper entries shall be made of all business transacted at meetings.

22. Wearing of uniform

Every nurse and student nurse shall, while on duty, at all times wear the uniform prescribed for the appropriate division by the authority of the institution to which the nurse or student nurse, as the case may be, is attached or undergoing training.

23. Wearing of badges

Badges of approved design may be worn by nurses registered under the Act and may be obtained on application to the registrar and on payment of the prescribed fee.

24. Fees

The fees prescribed in the Second Schedule to these Regulations shall be the fees payable for examination and registration under the Act.

25. Short title and interpretation

(1) These Regulations may be cited as the Nurses Regulations.

(2) Except where the context otherwise requires, expressions used in these Regulations have the same meaning as in the Act and subject thereto-

"approved" means approved by the Council;

"the Act" means the Nursing and Midwifery (Registration, etc.) Act;

"basic nursing education" means a syllabus of education which the Council has prescribed as adequate for tuition in effective nursing practice and as forming the basis for more advanced nursing education;

"Council" or "the Council" means the Nursing and Midwifery Council of Nigeria established under section 1 of the Nursing and Midwifery (Registration, etc.) Act;

"functions" includes powers and duties;

"prescribed" means prescribed by the Council;

"register" means the general register of nurses prepared and maintained by the registrar pursuant to section 6 of the Act;

"school" means any place for instruction in basic nursing education attached to an approved training hospital;

"training hospital" means a hospital, having attached thereto or used therewith a school, which has, by reason of its location adequate staff and facilities for treatment of patients, and training of student nurses, been duly approved by the Council;

"tutor" in relation to nursing, means a person duly registered and qualified by training and experience to instruct student nurses in basic nursing education;

"ward" in relation to a training hospital, means a division which provides effective practice in nursing care and training.

SCHEDULES

FIRST SCHEDULE

Forms

FORM A

[Regulation 1.]

Application for recognition as an approved training hospital

*Through the State Nursing and Midwifery Committee

.....

To the Secretary-General.
Nursing and Midwifery Council of Nigeria.
Lagos.

I, the undersigned on behalf of the Board of Governors of

(here state the name of the hospital)

FORM A—*continued*

hereby apply for recognition and approval of the aforementioned institution as a training hospital for nurses in the following field(s)—

- *(a) General Nursing
- (b) Psychiatric Nursing
- (c) Community Nursing

DATED at this day of 20

.....
Signature of Principal

**Delete words not applicable.*

FORM B
[Regulation 6 (1).]

Application for entry of name in the index of student nurses

To the Secretary-General,
The Nursing and Midwifery Council of Nigeria,
Lagos.

I,
(Forename or Christian name and surname and if married, maiden name)

of
(full address and marital status, i.e., single, married, widow or widower)

hereby request the Nursing and Midwifery Council of Nigeria to enter my name in the Index of Student Nurses maintained by the Council, and in support of my application I forward herewith—

- *(a) A certified copy of my birth certificate or a statutory declaration of my birth by some person fully cognisant of the facts as evidence of the fact that I was born at in on the day of 20
- (b) A copy of a certificate of education endorsed by the appropriate education authority as evidence of my educational qualifications;
- (c) A testimonial from the principal of the school at which I was last educated;
- (d) Two recent passport-size photographs.

DATED at this day of 20

.....
Signature of Applicant

**Delete words not applicable.*

FORM C
[Regulation 11 (3) (a).]

Application to sit for an examination in the case of a student nurse

To the Secretary-General,
Nursing and Midwifery Council of Nigeria,
Lagos.

I,

(Forename or Christian name and surname and if married, maiden name)

being a student nurse in

(here state name of the hospital)

hereby apply for permission to sit for examination in general nursing *(or state the particular class)*

to be held at

on20 and I declare that I have attended all the lectures during my training up to date.

2. I enclose herewith the prescribed fee of

.....
Signature of Candidate

Date

Endorsement by direction of the Council.

*The applicant may sit/is refused permission to sit the examination on the ground that

.....
(here state the ground)

.....
Registrar

Date

"Delete words not applicable."

FORM D
[Regulation 11 (3) (b).]

Application to sit for the final examination leading to inclusion in the general part of the register

To the Secretary-General,
Nursing and Midwifery Council of Nigeria,
Lagos.

(This form is to be completed on behalf of the candidate by the Principal/Senior Tutor and Matron/Senior Nursing Superintendent)

FORM D---continued

I hereby certify that
 (Here state name of candidate)

Married or Female or
 Single Male

Maiden Name (if married)
 entered hospital as a Student Nurse
 on

*He/She will have completed the stipulated training on

*He/She is sitting for the attempt and
 during the period of training *he/she had
 day Sick-Leave and..... days Vacation Leave.
 During the whole period of training *his/her conduct has been satisfactory.

CLINICAL EXPERIENCE (in weeks)

General Medical nursing Introduction to Psychiatric Nursing
 General Surgical nursing Introduction to Obstetrics
 Care of Sick Children Operating theatre
 OPO/Casualty Others

*Delete words nOI applicable.

COURSE OF INSTRUCTION

<i>Subject</i>	<i>Number of lectures given</i>	<i>Number attended</i>	<i>Lecturer</i>
Human Biology.....	80		
Microbiology.....	15		
nutrition/Dietetics	50		
Pharmacology	20		
Elementary Psychology.....	10		
Sociology.....	80		
Public and Community Health.. ..	85		
Medical Nursing	100		
Surgical Nursing	100		
General Nursing	150		
Gynaecology and Introduction to Obstetrics ...	25		
Introduction to Psychiatry.....	10		
Paediatrics	60		

FORM D—continued

.....
*Signature of Matron/Senior Nursing
Superintendent*

.....
Signature of Candidate

.....
*Signature of Head of the Training
School*

NOTE.—This form is to be completed and sent with the prescribed fee.

FORM E
[Regulation 11 (3) (c).]

*Application to sit for examination in the case of subject leading to inclusion in the
supplementary part of the register*

To the Secretary-General,
Nursing and Midwifery Council of Nigeria,
Lagos.

*(This form is to be completed on behalf of the candidate by the Principal/Senior Tutor and
Matron/Senior Nursing Superintendent)*

I hereby certify that
(here state name of candidate)

Married or Single Female or Male

Maiden Name *(if married)*

entered hospital

on and has completed the

stipulated training as indicated hereunder.

*He/She is sitting for the attempt and

during the period of training *he/she had

days Sick-Leave and days Vacation Leave.

During the whole time of training *his/her conduct has been satisfactory.

CLINICAL EXPERIENCE *(in weeks)*

.....
.....
.....
.....

**Delete words not applicable.*

FORM F—*continued*

born on the day of 20 at
in and a national of hereby
(*here state name of the country*)

apply to the Nursing Council of Nigeria to enter my name in the Register of Nurses and in support thereof—

1. I forward—

*(a) Certificate of qualification in
(*insert name of country*)

together with two recent certificates of character from persons having personal knowledge of me for at least three years;

*(b) Certificate of training from

*(c) A certified true copy of my certificate of training from

*(d) Certificate(s) of character from principal(s) of institution(s) where I received training.

*2. I am unable to forward evidence of training but it may be obtained on application to

3. I passed the qualifying examination on day of
..... 20 and my registration number is

And I declare that the foregoing particulars are true and complete to the best of my knowledge and belief.

DATED at this day of 20

.....
Signature of Applicant

.....
Signature of Witness

.....
Occupation of Witness

* *Delete according to circumstances.*

FORM G
[Regulation 13 (3).]

Certificate of registration

No

We the undersigned hereby certify on behalf of the Nursing Council of Nigeria that
(*Here insert name of person entitled*)

of was

FORM I
[Regulation 20 (1).]

Application for restoration of name to the register of nurses

To the Registrar,
Nursing and Midwifery Council of Nigeria,
Lagos.

I, formerly registered as
a Nurse in Nigeria and holding Certificate of Registration No.
(which certificate *is forwarded along with this application/has previously been surrendered by
me) hereby humbly apply for my name to be restored to the Register of Nurses and state as fol-
lows:

(a) That I qualified as a Nurse on the day of 20

(b) That immediately before the removal of my name from the register I was employed as a
..... in
(Here state the name of the institution)

(c) That on day of 20
I was accused of by
(Here state the accuser)

(d) That an inquiry was conducted following which the Nursing Council of Nigeria directed the
removal of my name from the Register of Nurses.

(e) That this application is being made for the following reason(s)
.....
.....
(Here state grounds for the application)

AND I urge the Nursing and Midwifery Council of Nigeria to give sympathetic consideration to
my application and order the restoration of my name to the Register of Nurses.

.....
Signature of Applicant
Date

* Delete words not applicable.

FORM J
[Regulation 20 (2).]

*Statutory declaration in support of application for restoration of names
to nurses register*

I, the undersigned
of
declare that the following are the facts of my case, and the grounds on which I seek the restoration
of my name to the Nurses Register—

FORM J—*continued*

1. On the day of 20
my name was duly entered in the Register of Nurses by virtue of the following qualification
2. At an enquiry held on the day of 20
the Nursing and Midwifery Council of Nigeria directed my name to be removed from the Nurses
Register and my certificate be cancelled.
3. The offence(s)* for which the Nursing Council directed the removal of my name and the can-
cellation of my certificate was/were*
4. Since the removal of my name from the Register I have been residing at
and my occupation has been
5. It is my intention if my name is restored to the Register to practise as a Nurse at
6. The grounds of my application are

Signed
Declared at on the
..... day of 20
Before me
.....
Commissioner of Oaths

* *Delete words not applicable.*

FORM K
[Regulation 20 (3).]

*Certificate in support of application for restoration of name to
the nurses register*

I,
of
certify as follows:

1. That I have been acquainted with

(here state name of applicant)

since*

FORM K—continued

2. That the said
is the person whose name formerly stood in the Nurses Register with the following address and qualification:

(a) Address

(b) Qualification

3. That I have read that part of Form J relating to the applicant's grounds for her application and the statements therein contained are to the best of my knowledge, information and belief, true.

.....
Signature

.....
Position

.....
Date

** This must include the period of not less than six months before action was taken for the removal of the applicant's name from the register and the period since the removal up to the date of this certificate.*

SECOND SCHEDULE

[Regulation 24.]

Fees

FINAL EXAMINATION:	₦ k
Nigerian Registered Nurse	6.0
For inclusion into each part of the Supplementary Register	6.0
Re-entry for any part of the examination	6.0
Re-entry for whole examination	6.0
REGISTRATION:	
For entry in each part of the Register	10.0
Restoration of name to the Register	10.0

NURSES (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES

ARRANGEMENT OF RULES

RULE

1. Parties and appearances.
2. Reference of case to Tribunal.
3. Fixing of hearing day and service of notice, etc., thereof by Secretary-General.
4. Hearing in absence of parties.
5. Witnesses and evidence.
6. Amendment of charges.
7. Proceedings to be in public.
8. Adjournment of hearing.
9. False evidence.
10. Finding and costs.
11. Publication of Tribunal's findings.
12. Records of proceedings.
13. Dispensing with certain provisions.
14. Power to retain exhibits pending appeal.
15. Appointment and duties of assessors.
16. Interpretation.
17. Short title.

SCHEDULE

NURSES (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES

under paragraph 2 of the Third Schedule

[17th July, 1972]

[Commencement.]

Proceedings before the Tribunal

1. Parties and appearance

- (1) The parties to the proceedings before the Tribunal shall be-
- (a) the supervisory authority;
 - (b) the nurse whose conduct is the subject-matter of the proceedings; and
 - (c) any other person required by the Tribunal to be joined or joined by leave of the Tribunal.

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner, so however that the Tribunal may, if of opinion that it is necessary in the interest of justice so to do, order a party to the proceedings to appear in person but without prejudice to that person's right to counsel.

2. Reference of case to Tribunal

(1) Before referring a case to the Tribunal, the chairman of the Council shall direct the supervisory authority to prepare a report of the case and formulate any appropriate charge or charges and forward them to the Secretary-General together with all the documents considered by the supervisory authority.

(2) The Secretary-General shall refer the report and charges to the chairman of the Council who shall convene a meeting of the Tribunal.

3. Fixing of hearing day and service of notice, etc., thereof by Secretary-General

(1) On the directions of the chairman, the Secretary-General shall fix a day for the hearing of the case and forthwith thereafter shall, in the form in the Schedule to these Rules, serve notice thereof on each party to the proceedings.

(2) The Secretary-General shall serve on each party, other than the supervisory authority, copies of the report and all the charges prepared by the supervisory authority and all documents considered by the supervisory authority.

(3) It shall be sufficient compliance with this rule if any process required to be served is handed personally to the party concerned or is sent by registered post to the last known place of residence or abode of the party.

4. Hearing in absence of parties

(1) Subject to paragraph (2) of this rule, the Tribunal may hear and determine a case in the absence of any party.

(2) Any party to the proceedings before a Tribunal who fails to appear or be represented, or who has previously appeared before that Tribunal but subsequently fails to appear or be represented, may apply within thirty days after the date when the pronouncement of the findings and directions of the Tribunal were given, for a re-hearing on the ground of want of notice or for other good and sufficient reason; and the Tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

5. Witnesses and evidence

The Tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charges referred to it by the Council; and in the application of this rule, the provisions of the Evidence Act shall apply to any such proceedings.

[Cap. E14.]

6. Amendment of charges

If in the course of the proceedings it appears to the Tribunal that the charges referred to it by the Council require to be amended in any respect, the Tribunal may permit such amendment as it thinks fit.

7. Proceedings to be in public

The proceedings of the Tribunal shall be held, and its findings and directions shall be pronounced, in public.

8. Adjournment of hearing

The Tribunal may, of its own motion, or upon application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal may think fit.

9. False evidence

If any person wilfully gives false evidence on oath before the Tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

10. Findings and costs

If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proved, the Tribunal-

- (a) shall record a finding that the nurse concerned is not guilty of such conduct in respect of the matters to which the charge relates;
- (b) may, without any misconduct proved against the nurse concerned, nevertheless order any party (except the supervisory authority) to pay the costs of the proceedings if, having regard to that person's conduct and to all the circumstances of the case, the Tribunal thinks fit so to order.

11. Publication of Tribunal's findings

Subject to section 18 (5) of the Act (which relates to appeals), any direction given by the Tribunal shall be published in the Federal *Gazette* as soon as may be after the direction takes effect.

12. Records of proceedings

(1) Shorthand notes of proceedings may be taken by a person appointed by the Tribunal and any party who appears at the proceedings shall be entitled to inspect the transcript thereof.

(2) The Secretary-General shall supply to any party entitled to be heard upon an appeal against the direction of the Tribunal and to the Nursing and Midwifery Council of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the Secretary-General.

(3) If no shorthand notes are taken, the chairman shall take note of the proceedings and, accordingly, the provisions of this rule as to inspection and taking of copies shall apply to such notes.

13. Dispensing with certain provisions

The Tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Tribunal to be just to do so; and the Tribunal may in any appropriate case extend the time to do anything under these Rules.

14. Power to retain exhibits pending appeal

The Tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the Secretary-General until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of.

15. Appointment and duties of assessor

(1) An assessor, when nominated in accordance with paragraph 4 (1) of the Third Schedule to the Act, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect of a particular sitting of the Tribunal.

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the Secretary-General not later than three clear days before the date appointed for the meeting; and he shall there advise the Tribunal on questions of law arising in proceedings before it.

(3) Except where the Tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with the Act shall be tendered in the presence of every party or of his counsel.

(4) If the advice by the assessor to the Tribunal is given otherwise than in the presence of all parties, or as the case may be, of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice and the reaction thereto of the Tribunal.

(5) Fees to be paid to the assessor shall be such as may be determined by the Council from time to time with the consent of the assessor.

16. Interpretation

In these Rules, unless the context otherwise requires-

"chairman" means the chairman of the Nurses and Midwives Disciplinary Tribunal;

"party" or **"the party"** means any of the parties mentioned in rule 1(1) of these rules;

"Secretary-General" means a person appointed to act as the registrar under section 5 of the Act.

17. Short title

These Rules may be cited as the Nurses (Disciplinary Tribunal and Assessors) Rules.

SCHEDULE
[Rule 3 (1).]

*Notice of hearing by the Nurses and Midwives Disciplinary Tribunal
In the Matter of the Nursing and Midwifery (Registration, etc.) Act
and*

In the Matter of , a Nurse

TAKE NOTICE that the report and charges prepared by the supervisory authority in the above matter are fixed for hearing by the Nurses and Midwives Disciplinary Tribunal at

.....

on the day of 20

COPIES of-

- (a) the report;
- (b) the charges;
- (c) and
.....

are annexed hereto.

DATED at thisday of 20

.....
Secretary of the Tribunal

MIDWIVES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Interpretation.

Certificates entitling registration after training and examination

3. Power of Council to grant certificates.
4. Qualifications of candidates for training.
5. Register of midwives in training.
6. Conditions of grant of certificates authorising registration for the Federation of Nigeria.

REGULATION

7. Pupils to keep records.
8. Provisions as to entry for examination.
9. Standard required at examination.
10. Grant of certificate and registration.
11. Failure to enter for or pass examination.
12. Break in training.
13. Candidate convicted of crime or misconduct to be refused entry to examination.

Restoration to register of name removed

14. Application for restoration of name to register.
15. Documents to accompany application.
16. Council to consider application.
17. Decision of Council to restore name to register.
18. Copy of Regulations to be supplied to applicant.
19. Power of Council to restore name on recommendation of supervisory authority.

Regulating, supervising and restricting within due limits the practice of midwives

20. Notification to the State Nursing and Midwifery Committee.
21. Midwife to interview patient.
22. Condition of midwife.
23. Disinfection.
24. Appliances which midwife shall possess.
25. Hands to be disinfected.
26. Instruments, etc., to be disinfected.

Duties to patient

27. Duties, etc., of midwife in charge of a case of labour.
28. Washing, etc., of patient.
29. Internal examinations.
30. Examination of placenta, etc., before disposal.
31. Removal of soiled linen.
32. Responsibility of midwife for cleanliness, etc., of mother.
33. Normal labour.
34. Records of pregnancy, labour and puerperium.
35. Taking of patient's temperature.

Duties to child

36. Application of resuscitation to child apparently born dead.
37. Child in danger of death.
38. Registration of birth.

Circumstances in which medical help must be sent for

39. When medical assistance is to be obtained.
40. Application of regulation 39.

REGULATION

41. Register of cases to be available for inspection.
42. Use of forms.
43. Notice of intention to practise and of change of address, etc.
44. Refresher courses.

General

45. Administration of drug to be noted in register of cases.
46. Loss of certificate.
47. Form of appointment of supervisory authority.

SCHEDULE

Appendix of Forms to be used under the Regulations

MIDWIVES REGULATIONS

[L.N. 135 of 1967.]

under section 25

[1st January, 1968]

[Commencement.]

1. Short title

These Regulations may be cited as the Midwives Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"**Act**" means the Nursing and Midwifery (Registration, etc.) Act;

"**approved**" means approved by the Council;

"**Council**" or "**the Council**" means the Nursing and Midwifery Council of Nigeria established under section 1 of the Nursing and Midwifery (Registration, etc.) Act;

"**functions**" includes powers and duties;

"**supervisory authority**" means a supervisory authority appointed under section 16 of the Act.

Certificates entitling registration after training and examination

3. Power of Council to grant certificates

The Council may grant a certificate authorising the registration of the holder thereof as a midwife in respect of the Federation of Nigeria.

4. Qualifications of candidates for training

No person shall be accepted as a candidate for training unless he holds educational qualifications which are satisfactory to the Council.

5. Register of midwives in training

(1) The Secretary-General of the Council shall keep in her possession a register of midwives in training.

(2) The application for registration in the said register shall be as in Form 1 of the Schedule to these Regulations.

6. Conditions of grant of certificates authorising registration for the Federation of Nigeria

(1) No person shall be admitted to the examination for the certificate granted by the Council authorising registration in respect of the Federation of Nigeria unless she produces-

- (a) a certificate of character as in Form 2 of the Schedule to these Regulations; and
- (b) a certificate as in Form 2 of the Schedule to these Regulations; indicating *inter alia* that she has undergone a course of training in one or more approved training schools in midwifery for the period specified by the Council for her particular category and comprising instruction in the theory and practice according to the approved syllabus.

(2) In the event of the absence, for whatever cause, of any pupil from the course of training referred to in sub-paragraph (b) of paragraph (1) of this regulation, for a period exceeding thirty days in one year, the period of such absence shall be made up in full by the pupil concerned and the facts of the case seconded in the certificate mentioned in the said sub-paragraph (b).

7. Pupils to keep records

(1) Every pupil undergoing a course of training in one or more approved training schools shall keep careful and detailed records in such form as the Council may from time to time prescribe of all the work done and training received during the course.

(2) The records kept by a pupil under this regulation shall include full notes on mother and child.

(3) All such records shall be signed by a teacher or other authority as the Council may require.

8. Provisions as to entry for examination

(1) The notice of entry for an examination shall be submitted to the Secretary-General of the Council by the superintendent of the training school to which the candidate for examination is or has been attached.

(2) The notice of entry shall be received by the Secretary-General of the Council not later than eight weeks before the date fixed for the examination and shall be accompanied by the certificates required by these Regulations and an entrance fee of four naira or of such other amounts as the Council may direct.

(3) Until the said certificates and fee have been received by the Secretary-General and accepted by the Council the entry for the examination shall not be deemed to be complete.

(4) Every candidate appearing for the examination shall produce to the invigilator an entrance card, a passport photograph taken in the pupil midwife's uniform endorsed by the tutor and attached to the case book.

(5) The entrance fee of four naira shall be payable in respect of every re-entry for the examination, but should a candidate be prevented from sitting for the examination after payment of the entrance fee, the Council may, in its discretion, allow the candidate to sit at the next examination without payment of any additional entrance fee.

9. Standard required at examination

The standard to be attained in any examination for any certificate of the Council shall be in accordance with the decisions in that behalf of the Council.

10. Grant of certificate and registration

(1) A candidate who attains the required standard in the examination shall on application to the Council and, on payment of a fee of four naira forty kobo receive a certificate as in Form 4 of the Schedule to these Regulations (or to the like effect) of having passed the examination and of entitlement to practise as a midwife in accordance with the terms of the certificate.

(2) A candidate who receives a certificate under paragraph (1) of this regulation of having passed the examination and of entitlement to practise as a midwife may make an application as in Form 5 of the Schedule to these Regulations for registration in the register of midwives and shall, on payment of a fee of four naira forty kobo, be registered in the said register in respect of the Federation of Nigeria.

(3) The certificate of registration issued by the Council under paragraph (2) or (5) of this regulation shall be as in Form 6 of the Schedule to these Regulations.

(4) Except as provided in paragraph (5) of this regulation, the application of a person applying for registration as a midwife under section 9 (1) (a) and (b) of the Act shall be as in Form 5 of the Schedule to these Regulations.

(5) The application of a person for registration as a midwife who claims to have been qualified outside Nigeria but is not registered under section 9 (1) (a) and (b) of the Act shall be as in Form 7 of the Schedule to these Regulations and shall be accompanied by the documents specified in the application.

11. Failure to enter for or pass examination

(1) A pupil midwife who fails to enter for an examination within a period of one year from the date on which she completed her midwifery training, may be called upon to

undergo such further training as the Council may decide before presenting herself for examination.

(2) A pupil midwife who has failed one examination of the Council and has not succeeded in passing the examination immediately following that at which she has failed, may be called upon to undergo such further training as the Council may decide before again presenting herself for examination.

12. Break in training

(1) The absence of a pupil midwife from training for whatever cause for a period exceeding three months in a year shall be regarded as a break in training.

(2) In the case of a pupil midwife who has completed a full year of her training before having a break in training she shall be expected to complete a second period of training of one year only.

(3) In the case of a pupil midwife who had not completed one year of training before having a break in training, she shall be required to start the course afresh.

13. Candidate convicted of crime or misconduct to be refused entry to examination

Should it come to the knowledge of the Council that a candidate for entry to any of the Council's examinations has been-

- (a) convicted of a felony or misdemeanour; or
- (b) guilty of conduct which, had she been a registered midwife, would in the opinion of the Council have rendered her liable to disciplinary action under these Regulations,

the council may, after giving the candidate the opportunity of stating her case and making such other reasonable investigations as may be necessary, refuse to admit her to the examination.

Restoration to register of name removed

14. Application for restoration of name to register

(1) An application for restoration to the register of a name removed therefrom under these Regulations shall be made in writing to the Secretary-General by the applicant, stating the grounds on which the application is made.

(2) In the cases where the cancelled certificate has not been returned to the Council, it shall be sent in with the application, or a statutory declaration made of its previous loss or destruction.

15. Documents to accompany application

(1) The application shall be accompanied by a statutory declaration made by the applicant, setting forth the facts of the case and stating that she is the person originally registered.

(2) The declaration shall be as in Form 8 of the Schedule to these Regulations.

(3) The statements in the application and declaration shall also be supported by the certificates of at least two responsible persons, acceptable to the Council, who were or are well acquainted with the applicant before and since the removal of her name from the register.

(4) The said certificates shall each of them testify to the applicant's identity and present good character and they shall be as in Form 9 of the Schedule of these Regulations.

16. Council to consider application

(1) The application, duly supported by the declaration and certificates required by regulation 15 of these Regulations, shall, subject as provided in paragraph (2) of this regulation, be considered by the Council at the next meeting thereof held after receipt of the application and the said declaration and certificates.

(2) The Council may adjourn the consideration of the application to a future date, or require further evidence or explanation from the applicant.

17. Decision of Council to restore name to register

If, after consideration of the application, the Council decides that the name of the applicant shall be restored to the register, the Council shall direct the Secretary-General to restore the name to the register and to issue a new certificate of registration to her on payment of a fee of four naira forty kobo.

18. Copy of Regulations to be supplied to applicant

A copy of these Regulations relating to the restoration to the register of names removed therefrom and of the relevant forms in the Schedule to these Regulations shall be supplied by the Secretary-General to intending applicants on demand.

19. Power of Council to restore name on recommendation of supervisory authority

In addition to its power under the foregoing provisions of these Regulations to restore to the register the name of any midwife removed therefrom, the Council may at any time, on the recommendation of the supervisory authority, restore such name to the register and on payment of a fee of four naira forty kobo issue a fresh certificate of registration to the midwife whose name is so restored.

Regulating, supervising and restricting within due limits the practice of midwives

Regulations for midwives concerning their person, instruments, their duties to parent and child and their obligations with regard to disinfection, medical assistance, and notification.

20. Notification to the State Nursing and Midwifery Committee

A woman whose name is on the midwives register, is acting as a midwife, and is subject to these Regulations, shall notify the State Nursing and Midwifery Committee of her intention to practise as a midwife under the Act.

21. Midwife to interview patient

(1) When engaged to deliver a patient the midwife shall interview her patient at the earliest opportunity to inquire as to the course of present and previous pregnancies, confinements and puerperium, both as regards mother and child, and to advise as to personal and general arrangements for the confinement, and with the consent of the patient, visit the house where the patient is staying.

(2) The midwife shall record in the register of cases the condition of the patient at each pre-natal visit to the house where the patient is staying.

22. Condition of midwife

(1) The midwife shall be scrupulously clean in every way, including her person, clothing, appliances and house; and she must keep her nails cut short and preserve the skin of her hands as far as possible from cracks and abrasions.

(2) When attending to her patient the midwife shall wear a clean dress of washable material that can be boiled, such as linen or cotton, and over it a clean washable apron or overall; and the sleeves of the dress shall be short and shall end above the elbow.

23. Disinfection

If a practising midwife, or a midwife acting as a maternity nurse, has been in contact with a person, whether or not a patient, suffering from any condition which is or may reasonably be suspected to be infectious, she shall without delay notify the local supervisory authority or authorities of the fact using for the purpose a form as in Form 10 of the Schedule to these Regulations and before going to any maternity patient she shall, unless the supervisory authority relieves her of the obligation, carry out or allow to be carried out to the satisfaction of the local supervisory authority such measures of disinfection as that authority may prescribe.

24. Appliances which midwife shall possess

A midwife shall always have in her possession and take with her when called to a confinement, a metal case or bag or basket kept for professional purposes only, and furnished with a removable lining which can be disinfected, containing-

Waterproof apron	Ergot preparation
Mackintosh	Nail brush
Wooden nail stick	Nail brush container
Soap	Blunt scissors
Soap dish	Sharp scissors
Sterile eye swabs	Antiseptic lotion
Cotton wool swabs (sterile)	Antiseptic eye lotion
1 dressing bowl (medium)	Sterile cord ligatures
1 dressing bowl (small)	Cord powder
	Sterile cord dressing
2 kidney dishes	Protargol 10%
2 artery forceps	

2 catheters	Dettol
Medicine glass	Hibitane
Clinical thermometer	Anti-malarial drugs
Lotion thermometer	Bromide mixture or
Pulsometer or watch	chloral mixture
with second hand	Authorised anti-
Sphygmomanometer	spasmodic
Masks	Drugs and analgesics
Apparatus for giving enema	Brandy 2 oz.
Enema soap	

25. Hands to be disinfected

Before touching the generative organs or their neighbourhood, the midwife shall on each occasion disinfect her hands and forearms.

26. Instruments, etc., to be disinfected

All instruments and other appliances shall be washed and disinfected, preferably by boiling, before being brought into contact with the patient's generative organs.

Duties to patient

27. Duties, etc., of midwife in charge of a case of labour

(1) A midwife in charge of a case of labour shall comply with the provisions of this regulation.

(2) The midwife shall not leave the patient without giving an address at which she can be reached without delay.

(3) After the commencement of the second stage of labour, the midwife shall stay with the patient until the expulsion of the placenta and membranes and for as long a time as may be necessary.

(4) In a case where the labour is abnormal, or there is threatened danger, the midwife shall send for a doctor or have a doctor sent for and she shall await the arrival of the doctor and faithfully carry out his instructions.

(5) If for any reason when a doctor is sent for, the services of a registered medical practitioner are not available, the midwife shall, if the case be one of emergency, remain with the patient and do her best for her until the emergency is over.

(6) Having complied with the provisions of paragraph (4) (as to the summoning of medical assistance) of this regulation, the midwife shall not incur any legal liability by remaining on duty and doing the best she can for her patient if the services of a registered medical practitioner are not available.

(7) A midwife shall not, except in a case of grave emergency, undertake operative work or give treatment which is outside her province as a midwife.

(8) Where a midwife, in a case of grave emergency, undertakes such work or gives such treatment she shall forthwith inform the local supervisory authority.

(9) The question whether, in any particular instance, such work or treatment was justified shall be judged on the facts and circumstances of the case.

28. Washing, etc., of patient

(1) The midwife shall wash the genital parts of the patient's body with soap and water and then swab them with an antiseptic lotion on the following occasions-

- (a) before making all internal examinations;
- (b) after the termination of labour;
- (c) before passing a catheter; and
- (d) after bowel action.

(2) The swabbing with antiseptic lotion shall be repeated before each further examination and before a douche is given, and for this purpose the midwife shall use material which has been boiled or otherwise disinfected before use.

29. Internal examinations

Internal examination during labour shall be restricted to the absolute minimum.

30. Examination of placenta, etc., before disposal

The midwife in charge shall in all cases of labour examine the placenta and membranes before the disposal thereof and shall satisfy herself that they are completely removed.

31. Removal of soiled linen

The midwife shall remove soiled linen, blood, faeces, urine, placenta and membranes from the neighbourhood of the patient and from the puerperium room as soon as possible after the labour and in every case before she leaves the patient.

32. Responsibility of midwife for cleanliness, etc., of mother

(1) The midwife shall personally supervise or advise on the cleanliness, comfort and proper dieting of the mother and child during the puerperium, and shall, within the lying-in period record the temperature, pulse, respiration, swabbing, home visits after labour twice daily for three days and then daily for two days.

(2) If, after ceasing to attend a case, the midwife subsequently attends a mother or child suffering from illness connected with the confinement, all directions contained in these Regulations (in so far as they are appropriate to the case) shall apply.

33. Normal labour

In these Regulations, a case of normal labour means a labour in which none of the conditions exists which are specified in regulation 39 of these Regulations as conditions in which medical help shall be sent for.

34. Records of pregnancy, labour and puerperium

(1) A practising midwife shall keep records of her observations and treatments of her patient during pregnancy, labour and puerperium, using for such purposes either a form prescribed by the Council or of an approved institution.

(2) A midwife shall not destroy or arrange for the destruction of official records made while she is acting as a practicing midwife or a maternity nurse and required to be kept by these Regulations.

(3) Where the midwife finds it impossible or inconvenient to preserve such records as aforesaid, she shall transfer them to the local supervisory authority.

35. Taking of patient's temperature

The temperature of the patient shall be taken by the mouth whenever possible.

Duties to child

36. Application of resuscitation to child apparently born dead

In the case of a child born apparently dead, the midwife shall carry out the methods of resuscitation which have been taught her.

37. Child in danger of death

On the birth of a child which is in danger of death, the midwife shall inform one of the parents of the child's condition and any abnormality reported to the parent shall be recorded in the register of cases.

38. Registration of birth

The midwife shall ensure that a child delivered by her is duly registered in the register of births kept by the local government.

Circumstances in which medical help must be sent for

39. When medical assistance is to be obtained

(1) In all cases of illness of the patient or child, or of any abnormality occurring during pregnancy, labour or puerperium, a midwife shall forthwith obtain the assistance of a registered medical practitioner if such is available.

(2) The notice requesting medical aid shall be as in Form II of the Schedule to these Regulations .:

40. Application of regulation 39

The direction contained in regulation 39 to these Regulations shall be particularly obeyed in the following cases-

Pregnancy

(1) In the case of a pregnant woman, when there is any abnormality or complication, such as-

- (a) deformity or stunted growth;

- (b) loss of blood;
- (c) low haemoglobin percentage anaemia;
- (d) abortion or threatened abortion;
- (e) excessive sickness;
- (f) albuminuria;
- (g) hypertension;
- (h) puffiness of hands or face;
- (i) fits or convulsions;
- (j) dangerous varicose veins;
- (k) purulent discharge;
- (l) sores of the genitals;
- (m) previous bad obstetrics history;
- (n) general ill health.

Labour

(2) In the case of a woman in labour at or near term, when there is any abnormality or complication, such as-

- (a) fits or convulsions;
- (b) a purulent discharge;
- (c) sores of the genitals;
- (d) a malpresentation;
- (e) presentation other than uncomplicated head or breech;
- (f) where no presentation can be made out;
- (g) where there is excessive bleeding;
- (h) where there is abnormal delay in the first, second or third stages of labour in cases of rupture of the perineal body, or of other injuries of the soft parts, maternal and foetal distress.

Puerperium

(3) In the case of a recently delivered woman, when there is any abnormality or complication which will include the following conditions-

- (a) fits or convulsions, urinary complications;
- (b) abdominal swelling and tenderness;
- (c) offensive lochia, if persistent;
- (d) rigor, with raised temperature;
- (e) rise of temperature to 100.4 degrees Fahrenheit for 48 hours or its recurring within that period;
- (f) unusual swelling of the breasts with local tenderness or pain;

- (g) secondary post-partum haemorrhage;
- (h) thrombosis;
- (i) white leg.

The child

(4) In the case of the child, when there is any abnormality or complications, such as-

- (a) injuries received during birth;
- (b) any malformation or deformity crippling the child;
- (c) dangerous feebleness in a premature or full-term child;
- (d) inflammation of, or discharge from the eyes, however slight;
- (e) serious skin eruptions, especially those marked by the formation of watery blisters;
- (f) inflammation about, or haemorrhage from the navel;
- (g) twitching and convulsions;
- (h) abdominal distension;
- (i) anaemia;
- (j) vomiting;
- (k) jaundice;
- (l) gastro-enteritis.

41. Register of cases to be available for inspection

A midwife shall at all times give every reasonable facility for a proper inspection of her register of cases, her bag of appliances and her residence by the local supervisory authority, and shall submit to and facilitate any investigation in her mode of practice.

42. Use of forms

Every midwife shall in her practice as such use the relevant Forms set out in the Schedule to these Regulations and such other forms as may from time to time be required by the Council.

43. Notice of intention to practise and of change of address, etc.

(1) The notice given by a midwife under section 9 of, the Act of her intention to practise, or to transfer her place of practice, shall be made in writing to the appropriate State Nursing and Midwifery Committee as in Form 12 of the Schedule to these Regulations duly completed in duplicate, and signed by her.

(2) The State Nursing and Midwifery Committee shall in a proper case, issue a permit to practise.

(3) A like notice of intention to practise in a particular area shall be given by the midwife in the month of January in every year during which she continues to practise in that area.

(4) When a midwife has not practised for five years prior to her notice of intention to practise, she shall produce a certificate from a training institute recognised by the Council stating that she has attended a course of instruction therein for a minimum period of three months.

44. Refresher courses

(1) Midwives working in rural areas and maternity homes shall have refresher courses every three years in an approved training institution.

(2) All other practising midwives shall have refresher courses once in five years in an approved midwifery training school.

General

45. Administration of drug to be noted in register of cases

A midwife shall note in her register of cases each occasion on which she is under the necessity of administering or applying in any way any drug other than a simple aperient, the name and dose of the drug, and the time and reason for its administration or application.

46. Loss of certificate

(1) In the event of the loss of any certificate issued by the Council to a midwife she shall report the loss of the certificate to the Council who shall publish a notification of the loss in the Federal *Gazette*.

(2) If the certificate is not found within three months after the loss thereof the Council shall cancel the certificate.

(3) The Council may, in its absolute discretion, issue a new certificate in lieu of a cancelled certificate on payment of a fee of two naira

47. Form of appointment of supervisory authority

The appointment of a supervisory authority under or section 16 of the Act shall be as in Form 13 of the Schedule to these Regulations.

SCHEDULE

FORM 1

[Regulation 5 (1).]

Appendix of Forms to be used under the Regulations

*Application for registration of midwives-in-training
to the Nursing and Midwifery Council of Nigeria*

I,

(Full Christian Names and Surnames)

FORM 1-continued

of

(Full Postal Address)

..... (Single, married, widow or widower)

having been born at

on the day of 19

hereby request the Nursing and Midwifery Council of Nigeria to enter my name in the Register of Midwives-in-Training maintained by the Council.

I forward herewith-

1. A certified copy of my birth certificate or a statutory declaration of my birth by some person fully cognisant of the facts.

2. A copy of my certificate of education, duly endorsed by the Ministry of Education.

3. A certificate of character from the principal of the school where I received my education.

4. Two certificates of character from persons with personal knowledge of me for at least four years.

5. Certificate of admittance for training as a midwife from the principal of an approved Institution.

.....

Signature of Applicant

This form may be amended according to the facts; and, accompanied by two recent passport photographs, it shall be returned within six weeks of admission into Training School to the Secretary-General, Nursing and Midwifery Council of Nigeria, Lagos.

FORM 2

[Regulation 6 (1) (a).]

Certificate of character

I hereby certify that I have been personally acquainted with

..... of

(name)

for a period of years and

that she is trustworthy, sober and otherwise of good character.

DATED this day of 20.....

Name

Address

Position

Signature

FORM 3
[Regulation 6 (1) (b).]

Certificate of having attended a course of lectures

I hereby certify that
who has had the following training in Midwifery approved by the Council and extending over a
period of at
that she has attended to my satisfaction a course of practical demonstrations and lectures as ap-
proved by the Council given by at
..... that she has to my satisfaction attended and
watched the progress of no fewer than
labours, making the necessary examination during the course of labour and personally delivered
each patient, that she has nursed lying-in women and their babies.

DATED this day of 20

Name

Address

Professional Qualification

Signature of Candidate

N.B.-Submit details either a, b, or c below as applicable.

- (a) N.R.N.-1 year training-30 deliveries.
- (b) Pupil Midwife direct entry of-2 years training-50 deliveries.
- (c) S.R.N.-1 year training-30 deliveries.

FORM 4
[Regulation 10 (1).]

Certificate of entitlement as midwife

No Grade
.....

Nursing and Midwifery Council of Nigeria

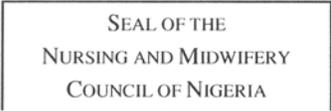
We the undersigned hereby certify on behalf of the Nursing and Midwifery Council of Nigeria
that

(here insert name of person entitled)

of in the State
having passed the examination prescribed by the Nursing and Midwifery Council of Nigeria, is
entitled to practise as a Midwife when duly registered hereafter under the provisions of the Nursing
and Midwifery (Registration, etc.) Act, and Regulations made hereunder.

DATED at this day of 20

FORM 4—continued



.....

Chairman

.....

Secretary-General of the Nursing and Midwifery Council of Nigeria

FORM 5
[Regulation 10 (2).]

Application for registration as midwife

1. I,

(Full Names in Block Letters and if married indicate maiden name)

of

.....

(Full address and marital status, i.e. single, married or widowed)

having been born at on the

day of 19

and being a citizen/National of

hereby request the Nursing and Midwifery Council of Nigeria to enter my name on the Roll.

2. I, (a) For Midwives trained in Nigeria

I was trained at

passed the Qualifying Examination

date

place

(b) For Midwives trained outside Nigeria

I was trained at

and am entered on the Register of the

I enclose herewith a photostat copy of my certificate.

My Registration Number is

3. Address to which certificate should be posted

.....

FORM 5 -continued

I hereby declare that the above particulars are in every respect complete and true.

.....
Signature of Applicant

.....
Signature of Witness

.....
Rank of Witness

.....
Date

NOTE.-In case of a Midwife trained in Nigeria, witness to signature shall be either the Matron or the Principal Tutor of the School she was trained at.

FORM 6
[Regulation 10(3).]

Certificate of Registration as Midwife

We hereby certify on behalf of the Nursing and Midwifery Council of Nigeria that

.....

(here insert name in full of person admitted)

has been duly registered under number as a
midwife and that her name was entered in the Register of Midwives on the
..... day of :20

.....
*Chairman of the Nursing and
Midwifery Council of Nigeria*

FORM 7
[Regulation 10 (5).]

*Application for registration as a midwife
(for use by persons qualified outside Nigeria)*

I,
(Full Christian name and Surname and if married, maiden name)

born on the day of 20

FORM 7 -continued

atin and a
national of
(here name the country)

hereby apply to the Nursing and Midwifery Council of Nigeria to enter my name in the Register of
Midwives, and in support thereof-

1. I forward-

*(a) certificate of qualification in
(insert name of country)

together with two recent certificates of character from persons having personal knowledge
of me for at least three years,

*(b) certificate of training (and a true copy of it) from
.....

*(c) a certified true copy of my certificate of training from
.....

(d) certificate of character from principal(s) of institution(s) where I received training.

2. I am unable to forward evidence of training but it may be obtained on application to
.....

3. I passed the qualifying examination in the month of 20
and my registration number is

4. I enclose the prescribed fee of N4.20k.

And I declare that the foregoing particulars are true and complete to the best of my knowledge
and belief.

DATED at thisday of 20

.....
Signature of Applicant

.....
Signature of Witness

.....
Occupation of Witness

.....
Address of Witness

* Delete according to circumstances.

FORM 8
[Regulation 15 (2).]

*Statutory declaration by applicant for restoration of name
to Midwives Register*

(1) I, the undersigned
of
declare that the following are facts of my case, and the grounds on which I seek the restoration of
my name to the Midwives Register.

(2) On the day of 20
my name was duly enrolled by virtue of the following qualification

(3) At an enquiry held on the day of 20
the Nursing and Midwifery Council of Nigeria directed my name to be removed from the Mid-
wives Register and my certificate to be cancelled.

(4) The offence for which the Nursing and Midwifery Council of Nigeria directed the removal
of my name and the cancellation of my certificate was

(5) Since the removal of my name from the Register I have been residing at
and my occupation has been

(6) It is my intention if my name is restored to the Register to practise as Midwife at
.....

(7) The grounds of my application are
Signed

Declared at on the

Before me

.....
A Commissioner of Oaths

FORM 9
[Regulation 15 (4).]

*Certificate in support of application for restoration of name to
the Midwives Register*

I,
.....
of ~
certify as follows:

(1) I am

(2) I have been and am well acquainted with the said

.....
..... both before and since her name was removed
from the Midwives Register.

Time of sending
message

FORM 12—*continued*

FORM 13
[Regulation 47.]

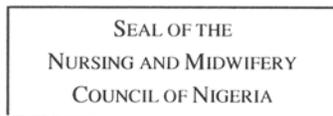
Appointment of supervisory authority

.....
(*name of person appointed*)

of
address

is the supervisory authority for State
appointed by the Nursing and Midwifery Council under and for the purposes of section 6 of the
Nursing and Midwifery (Registration, etc.) Act.

DATED at this day of 20



.....
*Secretary-General of the Nursing and
Midwifery Council of Nigeria*

MIDWIVES (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES

ARRANGEMENT OF RULES

Proceedings before the Nurses and Midwives Disciplinary Tribunal

RULE

1. Parties and appearance.
2. Notice of hearing of complainant to be given.
3. Absence of party to proceedings.
4. Hearing of witnesses, etc.
5. Amendments of complaints.
6. Proceedings to be in public unless otherwise required.
7. Adjournment.
8. False evidence.
9. Findings and costs.
10. Publications of tribunal's finding, etc.
11. Record of proceedings.
12. Miscellaneous powers of tribunal.
13. Power to retain exhibits pending appeal.

Assessors

RULE

14. Appointment and duties of assessor.
15. Interpretation.
16. Short title.

SCHEDULE

Notice of hearing by the Midwives Tribunal

MIDWIVES (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES

[L.N. 4 of 1969.]

under paragraph 2 of the Third Schedule

[6th February, 1969]

[Commencement.]

Proceedings before the Nurses and Midwives Disciplinary Tribunal

1. Parties and appearance

(1) Parties to proceedings before the nurses and midwives disciplinary tribunal (in these Rules hereafter referred to as "the tribunal") shall be-

[L.N. 4 of 1969.]

- (a) the complainant;
- (b) the respondent;
- (c) any other person required by the tribunal to be joined, or joined by leave of the tribunal.

(2) Subject to the next succeeding paragraph, parties to the proceedings may enter an appearance in person, or by their respective legal practitioners acting as counsel.

(3) The tribunal may require the attendance of the complainant or respondent in person if of opinion that it is necessary in the interests of justice.

2. Notice of hearing of complainant to be given

(1) Where a complaint is referred by the Council to the tribunal, the Secretary-General of the Council after consultation with the chairman of the tribunal shall appoint a time and place for the hearing; and forthwith thereafter the secretary to the tribunal shall in the form in the Schedule hereto give notice to all interested parties (including members of the tribunal and the assessor) as directed or required by the chairman.

[Schedule.]

(2) If directions are for any reason not so given, it shall be sufficient compliance with this rule if the notice is-

- (a) handed to the party concerned or affected personally; or
- (b) sent by registered post to the last-known place of residence of the party.

3. Absence of party to proceedings

(1) Subject to the next succeeding paragraph, the tribunal may hear and determine a case in the absence of any party.

(2) Any party to proceedings before a tribunal who fails to appear or be represented may apply within one month after the date when the pronouncement of the findings and directions of the tribunal were given, for a rehearing on the ground of want of notice or other good and sufficient reason; and the tribunal, if satisfied, may grant the application upon such terms as to costs or otherwise as it thinks fit.

4. Hearing of witnesses, etc.

The tribunal may in the course of its proceedings hear witnesses and receive documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct in the complaint referred to it by the Council; and in the application of this rule, the provisions of the Evidence Act shall apply to any such proceedings.

[Cap. EI4.]

5. Amendments of complaints

If in the course of the proceedings, it appears to the tribunal that the complaint before it requires to be amended in any respect, the tribunal may, on such terms as it thinks fit, allow the amendment to be made and the complaint as so amended shall thereupon be dealt with accordingly.

6. Proceedings to be in public unless otherwise required

Proceedings of the tribunal shall be held, and its findings and directions shall be delivered, in public, so however that if the Attorney-General of the Federation advises the tribunal in writing that the proceedings or any part thereof ought in the interest of public morality to be heard in private, or the assessor acting with the tribunal advises to the like effect, the proceedings or so much thereof as the tribunal may think necessary, shall be so heard.

7. Adjournment

The tribunal may, of its own motion, or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the tribunal may think fit.

8. False evidence

If any person wilfully gives false evidence on oath before the tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the tribunal may refer the matter to the Attorney-General of the Federation for necessary action.

9. Findings and costs

After the hearing, the tribunal-

- (a) shall record a finding of "not guilty" if it adjudges that the charge of professional misconduct against the midwife has not been proved;
- (b) without finding any misconduct proved against a midwife, may order any party to pay the costs of proceedings if, having regard to her conduct and to all the circumstances of the case, the tribunal shall think fit so to order.

10. Publications of tribunal's finding, etc.

Subject to the provisions of section 18 (4) of the Act (which relates *inter alia* to appeals) any finding or direction given by the tribunal shall be published in the Federal *Gazette* as soon as may be after the direction takes effect.

11. Record of proceedings

(1) Notes of proceedings may be taken in shorthand by any person appointed by the tribunal and any party appearing at the proceedings shall be entitled to inspect the transcript thereof when made.

(2) The registrar shall supply to any person entitled to be heard upon an appeal against any finding or direction of the tribunal, and to the Council, but to no other person, a copy of the transcript of such notes on payment of such charges as may be fixed by the registrar.

(3) If for any reason provision is not made for the taking of notes in shorthand, the chairman of the tribunal shall take notes of the proceedings; and the provisions of this rule as to inspection and taking of copies shall apply to any such notes made by the chairman.

12. Miscellaneous powers of tribunal

The tribunal may dispense with any requirements of these Rules as to notices, affidavits, documents, service or time for doing or omitting anything, in any case where it appears to the tribunal to be just or expedient so to do; and the tribunal in any particular case may extend the time for doing anything under the Rules.

13. Power to retain exhibits pending appeal

Books and other exhibits whatsoever produced or used at the hearing shall, unless the tribunal otherwise directs, be retained by the registrar until the expiry of the time of filing an appeal against a finding or direction of the tribunal or, if notice of any such appeal is given, until the hearing or other disposal of the appeal. .

Assessors

14. Appointment and duties of assessor

(1) An assessor, when nominated in accordance with paragraph 4 (1) of the Third Schedule to the Act, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is

not a general one, it shall have effect only in respect of a particular meeting of the tribunal.

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the tribunal as and when requested to do so by notice in writing given to him by the registrar not later than three clear days before the date appointed for the meeting; and he shall advise the tribunal on questions of law.

(3) The tribunal shall be the sole judge of facts offered in evidence, so however that in respect of mixed questions of fact and law, questions of law shall be for the assessor to advise on, in relation to evidence and procedure, and matters specified by these Rules; and the tribunal shall confer with the assessor on the advisability of hearing proceedings in private, unless already so advised in writing by the Attorney-General of the Federation.

(4) If advice is tendered by an assessor to the tribunal otherwise than in the presence of all parties entering an appearance or as may be of their counsel, the assessor shall as soon as may be thereafter, inform all parties to the proceedings entering an appearance, as to the nature of the advice given and the reaction thereto of the tribunal.

(5) Fees to be paid to an assessor shall be such as may be agreed from time to time by the Council with the consent of the assessor, and they shall be included in the expenses of the tribunal.

15. Interpretation

(1) The Interpretation Act shall apply for the interpretation of these Rules as it applies for the interpretation of the enactment under which these Rules are made; and accordingly provisions relevant to the constitution and powers of a tribunal, and expressions where they appear or are used herein, have the like effect and meaning as they have where they appear or are used in the Nursing and Midwifery (Registration, etc.) Act, and these Rules shall have effect not inconsistent therewith.

[Cap. 123.]

(2) Where used in these Rules, unless the context otherwise requires-

"complainant" means a supervisory authority, and includes any other person alleging before the Council professional misconduct against a midwife, and cognate expressions shall have the like construction;

"Council" or "the Council" means the Nursing and Midwifery Council of Nigeria established under section 1 of the Nursing and Midwifery (Registration, etc.) Act;

"respondent" means the person required to answer to any charge of professional misconduct.

16. Short title

These Rules may be cited as the Midwives (Disciplinary Tribunal and Assessors) Rules.

SCHEDULE
[Rule 2 (1).]

Notice of hearing by the Midwives Tribunal

IN THE MATTER of the Nursing and Midwifery (Registration, etc.) Act

AND

IN THE MATTER of a charge of unprofessional conduct against A.B of, etc., a registered midwife.

TAKE NOTICE that the Midwives Disciplinary Tribunal sitting at
on 20 will commence its
hearing of charge(s) to be there preferred against A.B. aforesaid of unprofessional conduct as a
midwife and that the said tribunal will thereafter present its findings.

This notice is given to you as

(here state whether a party or a member, etc.)

and a copy of the charge(s) to be preferred is annexed.

DATED at this day of 20

.....
*Registrar of the Midwives
Disciplinary Tribunal*
