

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL EAR CARE CENTRE AGO-IWOYE, OGUN STATE FOR THE PREVENTION, DIAGNOSIS AND TREATMENT OF EAR, NOSE AND THROAT (E.N.T.) DISEASES, COORDINATION OF RESEARCH IN EAR, NOSE AND THROAT CHALLENGES, TRAINING OF SPECIALISTS IN EAR, NOSE AND THROAT AND OTHER SUPPORTING FIELDS AND FOR RELATED MATTERS

Sponsored by Hon. Joseph Folorunsho Adegbesan

[] Commencement

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

- 1 **1.**-(1) There is hereby established a Centre to be known as the Establishment
- 2 National Ear Care Centre Ago-Iwoye, Ogun State (in this Bill referred to as of the National
- 3 "the Centre"). Ear Care Centre
- 4 (2) The Centre: Ago-Iwoye, Ogun
- 5 (a) shall be a body corporate with perpetual succession and a State
- 6 common seal;
- 7 (b) may sue and be sued in its corporate name; and
- 8 (c) may acquire, hold and dispose of property moveable or
- 9 immovable.
- 10 (3) The Centre shall be a hospital, specializing in Otolaryngology
- 11 at all levels.
- 12 **2.**-(1) The functions of the Centre shall be to provide hospital and Functions and
- 13 specialist services in connection with the diagnosis and treatment of Powers of the
- 14 diseases or defect of the ear, nose and throat (E.N.T.), supply of appliances Centre
- 15 and other supplementary otolaryngology services.
- 16 (2) The Centre shall have power to:
- 17 (a) provide diagnostic, curative, preventive and rehabilitative

- 1 otolaryngology service;
- 2 (b) provide ambulatory outreach and domiciliary ENT treatment,
- 3 employing the services of Otolaryngologist and other medical practitioners;
- 4 (c) provide and facilitate the training of Otolaryngologist and
- 5 topologist;
- 6 (d) provide and facilitate the training of ENT personnel and
- 7 dispensing nurses and technicians;
- 8 (e) provide and facilitate the training ENT related courses at
- 9 certificate and diploma levels;
- 10 (f) provide and facilitate other trainings including residency, post
- 11 basic training, etc;
- 12 (g) provide and facilitate research in all aspect of otolaryngology,
- 13 including ENT, clinical and experimental;
- 14 (h) facilitate the training of specialist in ENT and other supporting
- 15 fields; and
- 16 (i) develop new diagnostic and therapeutic ENT instruments and
- 17 appliances better situated for the practice of otolaryngology in Nigeria.
- 18 (3) For the purposes of the discharge of its functions under this bill,
- 19 the Centre may carry out such other activities as are necessary or expedient for
- 20 the full discharge of any of the functions of the Centre under this Act.
- 21 **3.**-(1) There is hereby established for the Centre a body to be known as
- 22 the National Ear Care Centre Management Board (in this Bill referred to as "the
- 23 Board") which, subject to the provisions of this Bill, shall be charged with the
- 24 general management and control of the Centre.
- 25 **4.**-(1) The Board shall consist of-
- 26 (a) a Chairman to be appointed by the President;
- 27 (b) the Medical Director;
- 28 (c) four persons to represent a broad variety of interest in Nigeria;
- 29 (d) two persons appointed by the consultant staff of the hospital from
- 30 their midst;

Establishment
of the National
Ear Care Centre
Management
Board

Membership
of the Board

1 (e) representative of the Federal Ministry of Health not below the
2 rank of Director;

3 (f) representative of the Federal Ministry of Education not below
4 the rank of Director;

5 (2) The President shall on the recommendation of the Minister for
6 Health appoint, apart from the ex-officio members, the Chairman and other
7 Members of the Board;

8 (3) The Chairman shall be a person of proven integrity, possess
9 cognate experience and outstanding ability in administration and
10 professional or technical education;

11 (4) The members specified in subsection (1) (b), (d), (e) and (f) of
12 this section are referred to as "ex-officio members".

13 **5.-(1)** Subject to the provisions of this section, a member of the
14 Board shall hold office for four years and shall be eligible for re-
15 appointment for a further period of four years and no more;

Tenure of office
of members

16 (2) Notwithstanding the provisions of subsection (1) of this
17 section, the President may at any time remove a member from the Board;

18 (3) Any member may, in writing under his hand addressed to the
19 Minister at any time, resign his appointment;

20 (4) The office of a member of the Board shall become vacant if-

21 (a) the period of his appointment has expired;

22 (b) he absents himself without leave of the Board from three
23 consecutive meetings of the Board and without reasonable excuse for so
24 doing;

25 (c) he is guilty of misconduct in his office as a member and a
26 resolution of the Board approves the termination of his membership;

27 (d) he dies, resigns or is removed from office.

28 (5) Soon after the office of a member of the Board becomes vacant,
29 the authority by whom he was appointed shall appoint another person in his
30 place in accordance with the provisions of this Act.

1 (6) Members of the Board, other than ex-officio members, shall be
2 paid, out of the moneys at the disposal of the Board, such remunerations and
3 allowances as the Minister may, with the approval of the President, determine.

Proceedings of
the Board

4 6. The provisions contained in the Schedule to this Act shall have
5 effect with respect to the proceedings of the Board and the other matters
6 contained therein.

Powers of the
Board

7 7.-(1) The Board shall be the governing body of the Centre and shall
8 be charged with the general control and superintendence of the policy, finances
9 and property of the Centre including its public relations.

10 (2) Without prejudice to the generality of the foregoing, it shall be the
11 duty of the Board to construct, equip and operate:

12 (a) the Centre which is to provide comprehensive services, teaching
13 and clinical research in Otolaryngology;

14 (b) such training schools and similar institutions as the Board
15 considers necessary for providing the Centre at all times with adequate and
16 sufficient qualified staff, including Otolaryngologist, ENT Technicians,
17 Nurses and members of other allied professions and calling relevant to the
18 practice of otolaryngology;

19 (c) such clinics, units, out-patient departments, laboratories,
20 research or experimental stations and other like institutions, as the Board
21 considers necessary for the efficient running of the Centre.

22 (d) accept gifts, legacies and donations that are consistent with the
23 objects of the Centre;

24 (e) enter into contracts;

25 (f) acquire and hold movable and immovable property;

26 (g) with the approval in writing of the Minister-

27 (i) subject to the Land Use Act, sell, mortgage, transfer or otherwise
28 deal with immovable property;

29 (ii) sell, mortgage, transfer or otherwise deal with movable property;

30 (h) with the approval of the Minister, borrow at interest on the security

1 of land or movable property of the Centre such moneys as the Board may,
2 from time to time, require for the purposes of this Act;

3 (i) with the approval of the Minister, invest the funds of the Centre
4 as it thinks fit;

5 (3) The Board shall ensure that the standards of treatment and care
6 for patients provided at the Centre are in tandem with global best practices.

7 (4) The Board shall have power to do anything which, in its
8 opinion, may advance the objects of the Centre.

9 **8.**-(1) In furtherance of the objects of the Centre, the Board or any
10 person authorised by the Board may, upon giving such notice as is specified
11 in subsection (2) of this section, use any land to do such things as are
12 necessary or incidental to the promotion of the objectives of the Centre.

Power to use
land

13 (2) In the exercise of its powers under subsection (1) of this section,
14 the Board or the Medical Director on behalf of the Board, as the case may be,
15 shall give notice to the occupier of any land of the Board's intention to use
16 the said land for a specific period.

17 (3) The Board shall pay reasonable compensation for any damage
18 attributable to the exercise of its powers under subsection (1) of this section.

19 **9.** The Board may appoint Committees from among its members
20 to-

Delegation of
power

21 (a) inquire into and report to the Board on matters affecting the
22 Centre;

23 (b) deal with matters of an urgent or local nature where directed or
24 approved by the Board, subject to such conditions as the Board may, in
25 writing, specify;

26 (c) appoint staff for the Centre and exercise disciplinary control
27 over such staff.

28 **10.**-(1) The Board may, from time to time, co-opt any person or
29 persons not exceeding two in number to assist the Board in carrying out the
30 objects of the Centre under this Act.

Power to co-opt
members

1 (2) Any person co-opted under subsection (1) of this section may take
2 part in the deliberations of the Board but shall not be deemed a member of the
3 Board for the purpose of voting at a meeting or forming a quorum.

Appointment etc.,
of the Medical
Director

4 11.-(1) There shall be a Medical Director for the Centre who shall be
5 appointed and/or removed from office by the President, on the
6 recommendation of the Minister.

7 (2) A person shall not be qualified to be appointed as a Medical
8 Director, unless he is the holder of a degree in pharmacy or pharmacology or
9 any other suitably related field with at least ten years' research and
10 administrative experience in a reputable establishment.

11 (3) The Board shall not exercise any disciplinary control over the
12 Medical Director, without the approval of the Minister.

13 (4) Subject to the provisions of this Act and the control of the Board
14 over matters affecting the finance of the Centre, the Medical Director shall be
15 the Chief Executive of the Centre and shall be charged with the general
16 responsibility of the management and administration of the affairs of the
17 Centre and in particular shall-

18 (a) direct and regulate the programme of work at the Centre;

19 (b) promote research within and outside of the Centre;

20 (c) keep safe custody of all the records of the Centre;

21 (d) prepare and present to the Board annual and other reports on the
22 progress of work at the Centre and on the expenditure or liabilities incurred by
23 the Centre;

24 (e) be responsible for the day-to-day running and management of the
25 Centre; and

26 (f) exercise such powers and perform such duties as may, from time to
27 time, be required of him by the Board.

28 (5) The Medical Director shall hold office for a period of four years in
29 the first instance and shall be eligible for reappointment for a further term of
30 four years and no more.

1 **12.**-(1) There shall be appointed as Deputy Medical Director on the
2 recommendation of the Medical Director, an Otolaryngologist, ENT
3 Specialist or any other professional in a related from the serving members of
4 staff of the Centre, not below the rank of Principal Research Fellow.

Appointment of
Deputy Medical
Director and the
Secretary

5 (2) The Deputy Medical Director shall act in the place of the
6 Medical Director when the office of the Medical Director is vacant or the
7 Medical Director is for any reason (including absence from the precincts of
8 the Centre) unable to perform his functions as the medical Director.

9 (3) There shall be for the Centre an Administrative Secretary who
10 shall be appointed by the Board on the recommendation of the Medical
11 Director, to perform such duties as may be assigned to him by the Board.

12 **13.**-(1) Subject to section 11 and 12 of this Bill, the Board may
13 appoint such other staff for the Centre as it may determine and pay to its staff
14 such remuneration and allowances as are payable to persons on equivalent
15 grades in the civil service of the Federation.

Appointment of
other staff

16 (2) The power of the Board under subsection (1) of this section
17 shall include the power to-

18 (a) promote and control the staff of the Centre as the Board may
19 deem fit or expedient;

20 (b) dismiss, terminate, consider the resignation or withdrawal of
21 appointment and exercise disciplinary control over the staff of the Centre,
22 other than the director.

23 (3) The Board may delegate to the Medical Director, generally or
24 specifically, the power to appoint such categories of staff of the Centre as the
25 Board may, from time to time, specify.

26 **14.**-(1) Service in the Centre shall be approved service as provided
27 by the Pensions Act.

Pensions

28 (2) Officers and other employees in the Centre shall be entitled to
29 pensions, gratuities and other retirement benefits as are prescribed in the
30 Pensions Act, so however that nothing in this Act shall prevent the

1 appointment of a person to any office on terms which preclude the grant of a
2 pension, gratuity or other retirement benefit in respect of that office.

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

Fund of the
Board

8 **15.**-(1) The Board shall establish and maintain a fund from which
9 shall be defrayed, with the approval of the Minister, all expenditure incurred by
10 the Centre.

11 (2) There shall be paid and credited to the Fund of the Centre such
12 sums as may from time to time, be granted to the Centre by the Federal
13 Government of Nigeria.

Accounts and
Audit

14 **16.**-(1) The Board shall keep proper accounts in respect of each year
15 and proper records in relation to those accounts and shall cause to be prepared
16 in each year-

17 (a) a statement showing the income and expenditure of the Centre for
18 the immediately preceding year; and

19 (b) a statement of the assets and liabilities of the Centre as at the last
20 day of the immediately preceding year.

21 (2) The Board shall cause every statement prepared under this section
22 to be audited within six months after the end of the year to which the statement
23 relates by auditors appointed from the list and in accordance with the
24 guidelines supplied by the Auditor-General for the Federation.

Annual estimates

25 **17.** The Board shall cause to be prepared not later than 1st June in each
26 year an estimate of the expenditure necessary to carry out the programme
27 approved by the Board for the next succeeding year and shall, not later than
28 30th September in each year, submit to the Minister the estimate of expenditure
29 and that of its income during the next succeeding year.

1	18.	(1) The Board shall prepare and submit to the Minister once	Annual report
2		every year a report, in such form as the Minister may direct, on the activities	
3		of the Centre during the immediately preceding year, and shall include in the	
4		report a copy of the audited accounts of the Centre for that year and the	
5		auditor's report thereon.	
6		(2) The Minister shall cause a copy of each report made to him	
7		under this section to be submitted to the President.	
8		19. The Minister may give to the Board directives of a general	Power of the
9		nature with regard to the carrying out of the objects of the Centre under this	Minister to give
10		Act and it shall be the duty of the Board to comply with such directives.	directives to the
11		20.	Board
12		(1) The Board may, with the approval of the Minister, make	Regulations
13		regulations for prescribing fees to be charged for services rendered by the	
14		Centre and generally for carrying into effect the provisions of this Act and	
15		the due administration of the Centre.	
16		(2) Any regulations made under subsection (1) of this section shall	
17		be published in the Gazette.	
18		21. In this Bill, unless the context otherwise requires-	Interpretation
19		"Board" means the National Ear Care Centre Ago-Iwoye, Ogun State	
20		Management Board established by section 3 of this Act;	
21		"Centre" means the National Ear Care Centre Ago-Iwoye, Ogun State	
22		established by section 1 of this Act;	
23		"Chairman" means the Chairman of the Board;	
24		"Medical Director" means the Medical Director of the Centre appointed	
25		under section 11 of this Act;	
26		"Member" means a Member of the Board and includes the Chairman;	
27		"Minister" means the Minister charged with responsibility for matters	
28		relating to Health;	
29		"Powers" include duties and functions.	
30		22. This Bill may be cited as the National Ear Care Centre Ago-	Short title
		Iwoye, Ogun State (Establishment) Bill, 2023.	

1 SCHEDULE

2 [Pursuant to Section 6.]

3 *Proceedings of the Board, etc.*

4 1. Subject to this Act and section 27 of the Interpretation Act, the
5 Board may make standing orders to regulate the proceedings of the Board or
6 any committee thereof.

7 2.-(1) The Board shall meet not less than two times in every year for
8 the exercise of its functions under this Act and at such times and places as the
9 Chairman may, from time to time, appoint.

10 (2) The Chairman shall, if required to do so by notice in writing by not
11 less than five other members, call a special meeting of the Board to be held
12 within 28 days from the date on which the notice is given.

13 (3) Any notice given under sub-paragraph (2) of this paragraph shall
14 state the matters to be discussed at the special meeting and any matter not so
15 stated shall not be discussed at the meeting.

16 (4) At every meeting of the Board, the Chairman shall preside and in
17 his absence the members present shall appoint one of their number to preside at
18 that meeting.

19 3. The quorum of the Board shall be four and the quorum of any
20 committee of the Board shall be determined by the Board.

21 4. Minutes of every meeting of the Board shall be regularly entered in
22 a book to be kept for the purpose and shall, after approval by members, be
23 signed by the Chairman at the next ensuing meeting.

24 5. The Board may act notwithstanding any vacancy in its membership
25 or any defect in the appointment of a member or the fact that any person not
26 entitled to do so took part in the proceedings.

27 6.-(1) The seal of the Board shall not be used or affixed to any
28 document, except in pursuance of a resolution duly passed at a properly
29 constituted meeting of the Board.

30 (2) The fixing of the seal of the Board shall be authenticated by the

1 signature of the Chairman or the Medical Director or of some other member
2 authorised generally or specifically to act for that purpose by the
3 Board.

4 (3) Any contract or instrument which, if made or executed by a person not
5 being a body corporate, would not be required to be under seal, may be made
6 or executed on behalf of the Board by any person generally or specially
7 authorised to act for that purpose by the Board.

8 (4) Any document purporting to be a document duly executed
9 under the seal of the Board shall be received in evidence and shall, unless the
10 contrary is proved, be presumed to be so executed.

11 7. Members of the Board who are not public officers shall be paid
12 out of the money at the disposal of the Board such travelling and other
13 allowances in accordance with such scales as may be approved, from time to
14 time, by the Minister.

15 8. Any member of the Board or a committee thereof who has a
16 personal interest in any contract or arrangement entered into or proposed to
17 be considered by the Board or a committee thereof shall forthwith disclose
18 his interest to the Board or committee and shall not vote on any question
19 relating to such contract or arrangement.

20 *Committee*

21 9.-(1) The Board may appoint one or more committees to carry out
22 on behalf of the Board such functions as the Board may determine.

23 (2) A Committee appointed under this paragraph shall consist of
24 such number of persons (not necessarily all members of the Board) as may
25 be determined by the Board; and a person, other than a member of the Board,
26 shall hold office on the committee in accordance with the terms of his
27 appointment.

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

1 *Miscellaneous*

2 10.-(1) The fixing of the seal of the Board shall be authenticated by the
3 signature of the Chairman and of any other member authorized generally or
4 specially by the Council to act for that purpose.

5 (2) Any contract or instrument which, if made by a person not being a
6 body corporate, would not be required to be under seal, may be made or
7 executed on behalf of the Institute by the Rector or any person generally or
8 specially authorized to act for that purpose by the Board.

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

12 (4) Members of the Board who are not public officers shall be paid off
13 of moneys at the disposal of the Board such enumeration; fee or allowances in
14 accordance with such scale as may be approved, from time to time, by the
15 President.

16 (5) The validity of any proceedings of the Board or a Committee
17 thereof shall not be adversely affected by a vacancy in the membership of the
18 Board or a Committee or by reason that a person not entitled to do so took part
19 in the proceedings.

20 (6) Any member of the Board any person holding office in a
21 Committee of the Board who has a personal interest in any contract or
22 arrangement entered into or proposed to be considered by the Board or a
23 Committee thereof shall forthwith disclose his interest to the Board or the
24 Committee and shall not vote on any question relating to the contract or
25 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Ear Care Ago-Iwoye, Ogun State for the prevention, diagnosis and treatment of ear, nose and throat (E.N.T.) diseases, coordination of research in ear, nose and throat challenges, training of specialist in ear, nose and throat and in other related fields and for related matters.