

A Bill

For

**An Act to Establish the Traditional, Complementary and Alternative Medicine Council of Nigeria;
and for Related Matters (HB. 473)**

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

**PART I — ESTABLISHMENT OF THE TRADITIONAL, COMPLEMENTARY
AND ALTERNATIVE MEDICINE PRACTITIONERS COUNCIL OF NIGERIA, ETC**

1. (1) There is established a body to be known as the Traditional, Complementary and Alternative Medicine Council of Nigeria (in this Bill referred to as "The Council").

Establishment of
the Traditional,
Complementary
and Alternative
Medicine Council
of Nigeria

(2) The Council —

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name; and
- (c) may acquire, hold and dispose of property, whether movable or immovable.

2. (1) The Council shall consist of —

Membership of
the Council

(a) a Chairman, who shall be a university graduate registered with the Traditional, Complementary and Alternative Medicine Council of Nigeria and with a minimum of 15 years' experience in the practice of Traditional, Complementary and Alternative Medicine (in this Bill referred to as "the practice") in Nigeria;

(b) two persons from each geo-political zone, one shall be a traditional medicine practitioner and the other a complementary or alternative medicine practitioner, to represent each of the 6 geopolitical zones of Nigeria, and shall be registered practitioners with a minimum of 5 years' experience in the practice and nominated by a State Board of Traditional, Complementary and Alternative Medicine Practitioners;

(c) one representative of the Federal Capital Territory (in this Bill referred to as ("the FCT")) who shall be nominated by the FCT Traditional, Complementary and Alternative Medicine Practitioners Board and shall be a registered practitioner with a minimum of 5 years' experience in the practice in Nigeria;

(d) one representative with considerable experience in Traditional or Complementary and Alternative Medicine practice nominated from the Federal Ministry of Health;

(e) one legal practitioner of not less than 10 years post call experience representing public interest;

(f) one representative from —

(i) the Ministry charged with the responsibility for Science and Technology,

(ii) the Ministry charged with the responsibility for Education,

(iii) the Ministry charged with the responsibility for Agriculture,

(iv) the Ministry charged with the responsibility for Water Resources,

(v) the National Agency for Food and Drug Administration and Control,

(vi) the National Institute for Pharmaceutical Research and Development,

(vii) the State Traditional, Complementary and Alternative Medicine Practitioners Board with considerable experience in the practice to be selected from. each of the six geopolitical zones in Nigeria to serve in rotation for one term; and

(g) three representatives Complementary Training Institution.

(2) The Chairman and members of the Council shall be appointed by the President on the recommendation of the Minister.

First Schedule

(3) The supplementary provision set out in the First Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein.

3. The Chairman and members of the Council, other than ex-officio members, shall hold office for a term of 4 years on such terms and conditions as may be specified in their letters of appointment, and may be re-appointed for a further term of 4 years and no more.	Tenure of office of members of the Council
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4. (1) Notwithstanding the provisions of section 3 of this Bill, the Chairman or any member of the Council shall cease to hold office as a member, where he:	Removal, resignation or cessation of
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(a) resigns his appointment as a member of the Council;

(b) becomes of unsound mind;

membership of
the Council

(c) becomes bankrupt;

(d) is convicted of a felony or any other offence involving dishonesty or corruption;

(e) becomes incapable of carrying out the functions of his office whether arising from infirmity of mind or body);

(f) is certified by the President that it is not in the best interest of the Council or the public for such member to continue in office;

(g) has been found guilty by the Code of Conduct Tribunal for any serious misconduct in relation to his duties;

(h) in the case of a person who becomes a member by virtue of the office he occupies, ceases to hold such office; and

(i) in the case of a person who possess professional qualification, is disqualified or suspended from practicing his profession in any part of the world, by an order of a competent court.

(2) The Chairman or any member of the Council may, at any time, resign from office by a letter addressed to the President.

(3) Where the office of the Chairman or any member of the Council has become vacant, the authority by which he was appointed shall appoint another person in his place for the unexpired term of office in accordance with the provisions of this Bill.

5. (1) Members of the Council other than ex-officio, shall be paid remuneration or allowances in accordance with rates specified from time to time in extant Federal Government Circulars.

Emoluments and
allowances of
members of the
Council

(2) Members of the Council shall be paid travelling and other allowances in accordance with extant rules.

(3) The Chairman and members of the Council, other than ex-officio members shall not, while holding office, hold any office of emoluments in the public service of the Federation or of a State.

6. The functions of the Council shall be to:

Functions of the
Council

(a) facilitate, coordinate and harness all efforts aimed at the development of the practice;

- (b) establish institutional framework and propose policies and guidelines for the practice;
- (c) liaise with relevant regulatory authorities at the State and Local Government levels for the implementation of national policies and guidelines relating to the practice;
- (d) encourage and promote the establishment of model services, Institution, clinics, schools, botanical gardens, herbaria, drug manufacturing units, etc. relating to the practice in the six geopolitical zones in Nigeria;
- (e) collect, publish, disseminate - and exchange information and develop a National Information System for the practice;
- (f) establish and maintain a register of persons and premises entitled to practice in Nigeria and publish annually, a list of persons and premises so registered;
- (g) prepare and review, from time to time a code of ethics for practitioners;
- (h) in collaboration with the relevant agencies or bodies, develop curricula of studies, and determine the standards of knowledge and skills for training in the practice;
- (i) in collaboration with relevant agencies or bodies, accredit institutions- - properly organized 'end equipped for conducting, training on the practice as may be approved by the Council; and
- (j) perform such other functions as may be required of the Council under this Bill.

7. The Council shall have the power to:

Powers of the Council

- (a) set standards for certifying persons seeking registration with the Council;
- (b) make regulations for the discipline of erring practitioners;
- (c) establish and periodically review and update the guidelines regulating the practice in Nigeria;
- (d) access all records of any institution or body to which this Bill applies;
- (e) enter into collaboration and cooperation agreements or arrangements with agencies and bodies with similar objectives within and outside Nigeria; and
- (f) consider for approval or otherwise any qualification in the practice obtained from a foreign institution or training school recognized by the government of

the country where the institution or school is located in line with the provisions of this Bill.

PART II — STAFF OF THE COUNCIL

8. (1) There shall be for the Council a Registrar who shall be appointed by the Council.

Appointment of the Registrar and other staff of the Council.

(2) The Registrar shall be:

(a) a university graduate who is a registered practitioner with 15 years' experience in the practice;

(b) the secretary to the Council and the Disciplinary Tribunal; and

(c) responsible for the execution of policies and the day-to-day running of affairs of the Council.

(3) The Registrar shall:

(a) issue notices of meetings of the Council;

(b) keep and secure the records of the Council;

(c) be responsible for taking and preparation of minutes of the meetings of the Council; and

(d) perform such other functions as may be determined, from time to time, by the Council.

(4) The Registrar shall hold office for a term of 4 years and may be re-appointed for a further term of 4 years and no more on such terms and conditions as may be specified in his letter of appointment.

(5) The Council shall subject to approval of the Honourable Minister appoint such other category of staff as it may deem necessary, from time to time, for the purpose of performing its functions under this Bill.

(6) The Council shall, with the approval of the Minister, determine the terms and conditions of service including remuneration, allowances, benefits, etc. of staff of the Council.

9. Service in the Council shall be approved service for the purpose of the Pensions Reform Act, and accordingly, staff of the Council shall be entitled to pension, and other retirement benefits as are prescribed in the Act.

Application of the Pensions Reform Act

PART III — FINANCIAL PROVISIONS

- 10.** (1) There is hereby established for the Council a Fund to be known as the Traditional, Complementary and Alternative Medicine Council Fund (in this Bill referred to as "the fund")
- (2) There shall be paid and credited to the fund:
- (a) such sums as may be appropriated, from time to time, to the Council from the Consolidated Revenue Fund of the Federal Government;
 - (b) money paid to the Council by way of grants, subsidies, donations, gifts, charges, fees, subscriptions and interests; and
 - (c) all other sums of money accruing to or vested in the Council in respect of any matter incidental to its powers or function under this Bill.
- 11.** The Council may, from time to time, apply the proceeds of the Fund established under section 10 of this Bill to:
- (a) the cost of administration of the Council;
 - (b) the payment of emoluments, allowances and benefits of members of the Council and for reimbursing members of the Council or of any committee setup by the Council and for such expenses as may be expressly authorized by the Council;
 - (c) the payment of salaries, fees, allowances, gratuities and pension, and other benefits payable to the staff of the Council, provided that no payment of any kind under this paragraph (except such as may be expressly authorized by the Council) shall be made to any person who is in receipt of emoluments from the Government of the Federation, of a State or Local Government;
 - (d) the development and maintenance of any property vested in or owned by the Council;
 - (e) maintaining general financial reserves subject to general or special directives that may be given in that behalf by the Minister in accordance with the provisions of this Bill; and
 - (f) any of its functions under this Bill.
- 12.** The Council may, with the approval of the Minister or in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft any monies required by the Council to meet its obligations and its functions under this Bill.

Establishment of
Traditional,
Complementary
and Alternative
Medicine Council
Fund

Expenditure of
the Council

Power to borrow

13. (1) The Council may accept gifts of land, money or other properties on such terms and conditions, if any, as may be specified by the person or organization making the gift. Power to accept gifts

(2) The Council shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives of the Council under this Bill.

14. (1) The Council shall submit to the Minister, not later than 31st of October each year, its programme of work and estimates of its income and expenditure for the following year. Annual estimate

(2) The Council shall cause to be kept proper accounts and records in respect of each financial year in relation to the accounts.

15. The Council shall, not later than 30th of September of each financial year, submit its accounts to auditors appointed from the list of qualified auditors in accordance with guidelines laid down by the Auditor-General of the Federation and the auditor's fees and expenses shall be paid from the Fund of the Council. Accounts and audit

16. The Council shall, prepare and submit to the Minister not later than the 30th day of September in each year, an annual report of its activities and such report shall include a copy of the audited accounts and the auditor's report of the Council. Annual report

PART IV — PROFESSIONAL DISCIPLINE

17. (1) There is established a Tribunal to be known as the Traditional, Complementary and Alternative Medicine Council Disciplinary Tribunal (in this Bill referred to as "the Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the investigating panel established in the State and the Federal Capital Territory and any other case of which the Disciplinary Tribunal has cognizance under the provisions of the Act. Establishment of the Traditional, Complementary and Alternative Medicine Disciplinary Tribunal

(2) The Disciplinary Tribunal shall consist of:

(a) the Chairman of the Council as Chairman of the Disciplinary Tribunal; and

(b) six other members appointed by the Council.

Third Schedule

(3) The supplementary provisions set out in the Third Schedule to this Bill shall have effect with respect to the proceedings of the Disciplinary Tribunal and the other matter mentioned therein.

18. (1) Where: Penalties for professional misconduct

(a) a person practicing under this Bill is adjudged by the Disciplinary Tribunal to be guilty of infamous conduct in any professional respect;

(b) a person practicing under this Bill is convicted by any court or tribunal in Nigeria or elsewhere having power to award Imprisonment of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the conduct required of a practitioner; or

(c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered, the Disciplinary Tribunal may, if it thinks fit make a recommendation to the Council to give a direction reprimanding that person or order the Registrar of the Council to strike his name off the relevant part of the register.

(2) The Disciplinary 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 Disciplinary Tribunal; but:

(a) no decision shall be deferred under this subsection for a period exceeding two years in the aggregate; and

(b) no person shall be a member of the Disciplinary Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Disciplinary Tribunal where the decision was deferred.

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

(4) When the Disciplinary Tribunal gives direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.

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

(6) A direction of Disciplinary 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 such an appeal, or on the expiration of that time;

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution; or

(c) where such an appeal is brought and is dismissed.

(7) A person whose name is struck off the register in pursuance of a direction of the Disciplinary Tribunal under this section shall not be entitled to be registered again, except in pursuance of a direction in that behalf given by the Disciplinary Tribunal on the application of that person.

(8) A direction under this section for the striking off of a person's name from the register may prohibit an application under subsection (7) of this section by that person until the expiration of such period from the date of the direction (and where he has duly such an application from the date of his last application) and may be specified in the direction.

**PART V — ESTABLISHMENT OF STATE AND FEDERAL CAPITAL TERRITORY
TRADITIONAL, COMPLEMENTARY AND ALTERNATIVE MEDICINE BOARD,
DISCIPLINARY TRIBUNAL, INVESTIGATING PANEL, AND LOCAL
GOVERNMENT TRADITIONAL MEDICINE COMMITTEE**

19. (1) The establishment, composition and functions of the state Traditional, Complementary and Alternative Medicine Practitioners Board, Investigating Panel and Local Government Traditional Medicine Committee in each state of the Federation shall be in accordance with laws enacted by state Houses of Assembly of each State.

Establishment of state traditional, complementary and alternative medicine practitioners board, investigating panel, and local government traditional medicine committee

(2) The Local Government Traditional Medicine Committee shall be established to ensure development of Traditional Medicine in each of the Local Governments of the Federation under the supervision, monitoring and control of the State Traditional Medicine Board.

20. (1) There is established for the Federal Capital Territory a body to be known as the Federal Capital Territory Traditional, Complementary and Alternative Medicine Practitioners Board (in this Bill referred to as "the Board").

Establishment of the Federal Capital Territory Traditional, Complementary and Alternative Medicine Practitioners Board

(2) The Board established under subsection (1) of this section:

(a) shall be a body 'corporate with perpetual succession and a common seal; and

(b) may sue and be sued in its corporate name.

21. (1) The Board shall consist of:

The composition of the Board

(a) a Chairman who shall be a graduate with a minimum of 15 years' experience in the practice;

(b) one representative from the Department of Health of the Ministry of the Federal Capital Territory with considerable experience in the practice;

(c) six practitioner's residents in the Federal Capital Territory, each of whom shall be selected from the six Area Councils of the Federal Capital Territory; and

(d) one legal practitioner of not less than 5 years post call experience representing public interest.

(2) The Chairman and members of the Board shall be appointed by the Minister on the recommendation of the Director of Health Services.

Second Schedule

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

22. (1) The Chairman and members of the Board, other than ex-officio members shall each hold office for a term of 4 years and may be re-appointed for a further term of 4 years and no more, on such terms and conditions as may be specified in their letters of appointment. Tenure, removal and resignation from office

(2) Notwithstanding the provisions of subsection (1) of this section, the Chairman or any member of the Board may, at any time, be removed from office by the Minister, on the recommendation of the Director of Health Services for:

(a) inability to discharge the functions of his office (whether arising from infirmity of mind or body, or any other cause); or

(b) corrupt practices; or

(c) any act of misconduct.

(3) A member of the Board may, at any time, resign his office by a letter addressed to the Minister, or if the Minister is satisfied that it is not in the interest of the Board or in the interest of the public for the person appointed to continue in office, the Minister may, on the recommendation of the Director of Health Services notify the person in writing to that effect.

23. The Chairman and members of the Board, other than ex-officio, members, shall be paid remuneration or allowances in accordance with rates specified from time to time in extant Federal Government Circulars. Emoluments and allowances

24. The Board shall: Functions of the Board

(a) implement the policies and guidelines on the practice in the Federal Capital Territory;

(b) in accordance with the guidelines of the Council, establish and develop hospitals, health centres and clinics, botanical gardens, herbaria, drug

manufacturing units and other institutions and services for the practice in the Federal Capital Territory;

(c) compile and maintain a list of all practitioners and premises registered by the Council who are resident in the Federal Capital Territory;

(d) liaise with the Council on matters relating to the practice in the Federal Capital Territory; and

(e) perform such other functions as are necessary for carrying out its objectives under the Act.

25. The Board shall have power to:

Powers of the Board

(a) act in accordance with the guidelines of the Council, regulate the activities of practitioners in the Federal Capital Territory;

(b) investigate alleged cases of misconduct of erring practitioners in the Federal Capital Territory;

(c) appoint promote and discipline its staff; and

(d) do anything which in its opinion will ensure the achievement of the objectives of this Bill.

26. (1) There shall be for the Board an Administrative Secretary who —

Administrative Secretary of the Board

(a) be appointed by the Board and shall. be a University graduate with considerable experience in the practice;

(b) be a registered practitioner for at least 10 years;

(c) be the Chief Executive of the Board;

(d) be responsible for the execution of policy and the day to day running of the affairs of the Board;

(e) be the head of the Secretariat of the Board;

(f) issue notices of meetings of the Board; and

(g) perform such other functions as maybe determined, from time to time, by the Board.

(2) The Administrative Secretary shall hold office for a term of 4 years and may be re-appointed for a further term of 4 years and no more, on such terms and conditions as may be specified in his letter of appointment.

(3) The Board- shall appoint any category of staff as it may deem necessary from time to time, for the purpose of performing the functions of 'the Board under this Bill.

27. (1) Service in the Board shall be approved service for the purpose of the Contributory Pensions Act and accordingly, staff of the Board shall be entitled to pension, and other retirement benefits in respect of that office.

Application of the Pensions Reform Act to the Board and staff of the Board

(2) Without prejudice to the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension and other retirement benefits in respect of that office.

28. (1) There is hereby established for the Board a body to be known as the Federal Capital Territory Traditional, Complementary and Alternative Medical Practitioners Investigating Panel (in this Bill referred to as "the Investigating Panel") which shall be charged with the duty of:

Establishment and Composition of the Federal Capital Territory Traditional, Complementary and Alternative Medicine Practitioners Investigating Panel

(a) conducting preliminary investigation into any case where it is alleged that a practitioner has misbehaved or committed an act of misconduct or breached any of the ethics or code of practice or should for any other reason be subject of proceedings before the Disciplinary Tribunal; and

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

(2) Subject to the provisions of subsection (1) of this section, the Investigating Panel shall, upon conclusion of its investigation and if it is of the opinion that the matter shall be the subject of proceedings before the Disciplinary Tribunal, refer the matter to the Disciplinary Tribunal.

(3) The members of the Investigating Panel established under subsection (1) of this section shall be appointed by the Board and shall consist of:

(a) the Chairman of the Board who shall also be the Chairman of the Investigating Panel; and

(b) three other members of the Board of which one shall be a legal practitioner of not less than 10 years post call experience to represent public interest.

Fourth Schedule

(4) The provisions of the Fourth Schedule to this Bill shall, in so far as they are applicable to the Investigating Panel, have effect with respect to it.

PART VI — FINANCIAL PROVISIONS OF THE BOARD

29. (1) The Board shall maintain a fund from where it shall defray the expenses incurred by the Board. Fund of the Board

(2) There shall be paid and credited to the fund:

(a) such sums as may be appropriated, from time to time, to the Board by the Federal Government;

(b) monies paid to the Board by way of grants, subsidies, donations, gifts, charges, fees, subscriptions and interest; and

(c) all other sums of money accruing to or vested in the Board in respect of any matter incidental to its powers or functions under this Bill.

(2) The Board shall apply the proceeds of the fund established under subsection (1) of this section to:

(a) the cost of administration of the Board;

(b) the payment of emoluments, allowances and benefits -of members of the Board, for reimbursing members of the Board or any committee set up by the Board and for such expenses as may be expressly authorized by the Board;

(c) the payment of salaries, fees, remuneration, allowances, pensions and other benefits payable to the Board, and no payment of any kind under this paragraph (except such as may be expressly authorized by the Board) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State or the Federal Capital Territory;

(d) for the development and maintenance of any property vested in or owned by the Board.

30. (1) The Board may, with the approval of the Minister or in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft, such sums as may be required by the Board to meet its obligations and its functions under this Bill. Power to borrow

(2) Notwithstanding subsection (1) of this section the Board shall not borrow in foreign currency, without the prior approval of the President.

31. (1) The Board may accept gifts of land, money or other properties on such terms and conditions, if any, as may be specified by the person or organization making the gift. Power to accept gifts

(2) The Board shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives of the board under this Bill.

32. (1) The Board shall prepare and submit to the Director of Health Services an annual report of its activities not later than 30th day of September of each year and such report shall include a copy of the audited accounts of the Board for that year and the auditors' report on the accounts. Annual report of the Board.

(2) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

PART VII — GENERAL PROVISIONS OF THE BOARD

33. (1) The Minister may give to the Board or the Administrative Secretary such directives of a general nature or relating generally to matters of policy with regard to the exercise of their functions or with respect to the maintenance of public safety and order. Directions by the Minister to the Board

(2) The Minister may, in accordance with the Council's guideline and on the advice of the Board, make regulations generally for the purposes of Part V of this Bill, in particular prescribe:

(a) for the performance of any duty imposed and effective exercise of any power conferred upon the Board by or under the provisions of this Bill; and

(b) standards and guidelines for maintenance, management, administration, and operation of Traditional Complementary and Alternative Medicine clinics, health centers, and hospitals or any facility of any description owned or operated by the Board or any private individual or corporate body in the Federal Capital Territory engaged in the practice.

34. In this Part the following terms shall mean: Interpretation

"Administrative Secretary" means the Administrative Secretary of the Board appointed under section 26 of this Bill;

"Board" means 'the Federal Capital' Territory- Traditional, Complementary and Alternative Medicine Board;

"Chairman" means the Chairman of the Federal Capital Territory Traditional, Complementary and Alternative Medicine Practitioners Board;

"Corporate body" means anybody incorporated under the provisions of any law;

"Department" means the Department. in the Ministry of Federal Capital Territory with responsibility for health matters;

"Director" means the Director of Health Services in the Ministry of Federal Capital Territory;

“Member” means a member of the Board and includes the Chairman;

“Minister” means the Minister charged with the responsibility for the Federal Capital Territory;

"Investigating Panel" means the Investigating Panel of Capital Territory Traditional, Complementary and Alternative Medicine Board.

PART VIII — MISCELLANEOUS

35. (1) Where any person who is not registered practitioner: Offences

(a) practices or holds himself out as a registered Traditional, Complementary and Alternative Medical Practitioner; or

(b) uses the title of Traditional, Complementary and Alternative Medical Practitioner, commits an offence.

(2) Where any person for the purpose of procuring the registration of any name, qualification or other matter:

(a) makes a statement which he knows to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular, commits an offence.

(3) If the Registrar or any person employed by the council willfully makes any falsification in any matter relating to the register, he commits an offence.

(4) A person Who is guilty of an offence under this section shall be liable —

(a) on summary conviction, to a fine of ₦50,000;

(b) on conviction or indictment, to a fine of ₦100,000 or imprisonment for a term not exceeding 5 years or to both fine and imprisonment.

(5) Where an offence under this section which has been committed by a body corporate is proven to have been committed with the consent or connivance to be attributable to any neglect on the part of any director, manager, or other similar officer of the body corporate,

or any person 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 prosecuted and punished accordingly.

36. The traditional knowledge and innovations of the practitioners shall be protected by Intellectual Property Rights (IPR) to encourage sharing of knowledge and development of practice. Intellectual property rights

37. The Minister may give to the Council or the Registrar such duties of a general nature or relating generally to matters of policy with regard to the exercise of his functions or with respect to the governance and securing of public safety and order. General directions by the Minister

38. (1) The Minister may, on advice of the Council, make regulations formally for the purposes of this Bill. Power to make regulations

(2) Any regulations made under this Bill, shall be published in the Gazette as soon as may be after they are made.

39. In this Bill, except the context otherwise requires: Interpretation

"Chairman" means the Chairman of the Traditional, Complementary and Alternative Medicine Council of Nigeria;

"Complementary Medicine" includes Alternative Medicine which are used interchangeably with traditional medicine and it refers to a broad set of health care practices that are not integral to the dominant health care system;

"Council" means the Traditional, Complementary and Alternative Medicine Council of Nigeria;

"Disciplinary Tribunal" means the disciplinary tribunal established under section 17 of this Bill;

"Minister" means the Minister charged with the responsibility for Health matters;

"Registrar" means the Registrar of the Council appointed under section 8 of this Bill; and

"Traditional Medicine" is the total combination of knowledge and practices used in diagnosing, preventing or eliminating physical, mental or social diseases and which may rely exclusively on past experience and observation handed down from generation to generation, verbally or in writing.

40. This Bill may be cited as the Traditional, Complementary and Alternative Medicine Council of Nigeria (Establishment) Bill, 2024. Short title

SCHEDULES

FIRST SCHEDULE

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL PROCEEDINGS OF THE COUNCIL

1. (1) Subject to the provisions of this Bill, the Council may make standing orders regulating its proceedings or any of its committees thereof.

(2) Questions for determination shall be decided by a majority, of the members present and voting thereon and, in the event of an equality of votes; the Chairman shall have a second or casting vote.

(3) Standing orders made for a committee shall, provide for the committee to report back to the Council on any matter referred to it by the Council.

(4) The quorum of the Council shall be 20 and the quorum of a committee of the Council shall be fixed by the Council.

Meeting of the Council

2. (1) The Council shall for the purposes of this Bill, meet four times in each year and subject, thereto, the Council shall meet whenever it is summoned by the Chairman if required to do so, by notice given to him by not less than five other members, the Chairman shall summon a meeting of the Council to be held not less than 7 days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman shall preside or, in his absence, the members present at the meeting shall appoint 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 to the Council for such period as it thinks fit; but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

Committees

3. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, some of its functions under this Bill as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and any person appointed into a committee, other than a member of the Council, shall hold office on the committee in accordance with the terms of his appointment.

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

Miscellaneous

4. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Registrar or of any other person authorized generally or specifically to act for that purpose by the Council.

(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 the Registrar or any person generally or specially authorized by the Council to act for the purpose.

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

(4) The validity of any proceeding of the Council or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Council or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Council or committee.

(5) A member who is directly or indirectly interested in any matter being deliberated upon or considered by the Councilor is interested in a contract made or, proposed to be made by the Council shall, as soon as possible after relevant facts have come to his knowledge, disclose the nature of his interest in writing or at a meeting of the Council.

(6) A disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of meetings of the Council considering the matter or contract in respect of which the interest was disclosed and the members shall not participate in the meeting.

SECOND SCHEDULE

Section 21 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1. (1) The Board shall for the purposes of Part of this Bill, meet four times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman if required to do so, by notice given to him by not less than five other members, the Chairman shall summon a meeting of the Board to be held not less than 7 days from the date on which the notice is given.

(2) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it 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 Board and shall not count towards a quorum.

2. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions under this Bill as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment.

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

Miscellaneous

3. (1) Fixing of the seal of the Board shall be authenticated by the signature of the Administrative -Secretary or any other person authorized generally or specifically to act for that purpose by the Board or the Administrative Secretary.

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

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

4. The validity of any proceeding of the Board or of a Committee shall not be adversely affected by any vacancy in the membership of a committee or the Board or by reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

5. A member who is directly or indirectly interested in any matter being deliberated upon or considered by the Board or is interested in any contract made or proposed to be made by the Board shall as soon as possible after relevant facts have come to his knowledge, disclose the nature of his Interest in writing or at a meeting of the Board.

6. A disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of meetings of the Board considering the matter or contract in respect of which the interest was disclosed and the member shall not participate in the meeting.

THIRD SCHEDULE

Section 17 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL

The quorum of the Disciplinary Tribunal shall be five members

1. The Attorney General of the Federation shall make rules as to the selection of members of the Disciplinary Tribunal for the purpose of any proceeding, the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.

2. The rules shall not be limited to, but in particular provide for —

- (a) notice of proceedings to 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) determining who, in addition to the initial party to the proceedings, shall be a party to the proceeding;
- (c) securing that any party to the proceeding shall, if he so requires, be entitled to be heard by the Disciplinary Tribunal;
- (d) representation by a legal practitioner of a party to the proceedings; and
- (e) as to the cost of proceedings before the Disciplinary Tribunal.

3. For the purpose of any proceedings before it, the Disciplinary Tribunal may administer oaths on any party to the proceedings and may issue out of the registry of the Disciplinary Tribunal writs of subpoena ad testificandum and duces tecum but no person appearing before the Disciplinary Tribunal shall be compelled to —

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

4. Any person ceasing to be a member of the Disciplinary Tribunal shall be eligible for reappointment as a member of that body.

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

6. Any document authorized or required by virtue of this Bill to be served on the Disciplinary Tribunal shall be served on the Registrar.

7. Any expenses of the Disciplinary Tribunal shall be defrayed by the Council.

8. (1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council on the nomination by the Attorney General of the Federation and shall be a legal practitioner of not less than seven years standing.

(2) The Attorney General of the Federation 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 Disciplinary Tribunal on, any, question of law as to evidence, procedure or any other matters specified by rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear thereat or; if the advice tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered; and

(b) that every such party or person as afore said shall be, informed if in any case the Disciplinary 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.

9. A person shall not by reason of his appointment as an assessor to the Disciplinary Tribunal, be treated as holding an office in the public service of the Federation.

FOURTH SCHEDULE

Section 32(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE INVESTIGATION PANEL

1. The quorum of the Investigating Panel shall be three, all of whom shall be Traditional, Complementary and Alternative Medicine practitioners:

2. (1) The Investigating Panel may, at any of its meetings attended by all the members of the Panel, make standing orders with respect to the business of the Panel.

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

3. A person ceasing to be a member of the Investigating Panel shall be eligible for re-appointment as a member of that body.

4. The Investigating Panel may act notwithstanding any vacancy in its membership. and the proceedings of the panel shall not be invalidated by any irregularity in the appointment of any member of that body or by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

5. Any document authorized or required by virtue of this Bill to be served on the Investigating Panel shall be served on the Administrative Secretary.

EXPLANATORY MEMORANDUM

This Bill seeks establish the Traditional, Complementary and Alternative Medicine Council of Nigeria.

PASSED BY THE HOUSE OF REPRESENTATIVES ON WEDNESDAY, 20TH
MARCH, 2024

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Speaker
House of Representatives

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Clerk
House of Representatives