

MEDICAL RESEARCH COUNCIL OF NIGERIA DECREE 1972**ARRANGEMENT OF SECTIONS***Section*

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Decree No. 1

[See section 21(2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body to be known as the Medical Research Council of Nigeria (in this Decree referred to as “the Council”) which shall have the functions assigned to it by this Decree and which shall be a Research Council for the purposes of the Nigerian Council for Science and Technology Decree 1970.

Establish-
ment of
Medical
Research
Council of
Nigeria.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

1970 No. 6.

2. The functions of the Council shall be—

(a) to advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the State Governments on national science policy and financial requirements for the implementation of such policy in respect of research and training in the medical sciences and the application of the results of such research and training to promote the national economy and welfare ;

Functions of
the Council.

(b) to ensure the implementation of national science policy laid down by the Nigerian Council for Science and Technology in respect of research and training in the medical sciences ;

(c) to survey and maintain an up-to-date record of all the existing facilities and personnel for research and training in the medical sciences throughout Nigeria and advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the State Governments on their adequacy and efficient utilization in the interest of the national economy and welfare ;

(d) to co-ordinate the research and training carried on by institutions mentioned in paragraphs (c) above and to allocate priorities to them in accordance with the policy laid down by the Nigerian Council for Science and Technology ;

(e) to advise the Nigerian Council for Science and Technology, and through it the Federal Military Government and the State Governments on such organisational changes, including the establishment of institutes, as are required to implement or further the efficiency of research in the medical sciences, and to bring under the aegis of the Council such institutes as may from time to time be agreed by the Federal Military Government or, as the case may be, the State Governments ;

(f) to advise the Nigerian Council for Science and Technology on a long and short term programme for medical research and the estimates of the budget required to implement the programme ;

(g) to review, annually, the progress made in medical research in which the Council is interested and to prepare and approve the programme and expenditure for the following year in respect of funds under its control ;

(h) to encourage general education in the medical sciences and to sponsor the training of post-graduate students for research work ;

(i) to publish or sponsor the publication of the results of research and training in the medical sciences particularly in relation to Nigerian problems and to popularise such results where their general recognition is, in the Council's opinion, of national importance ;

(j) to encourage and promote collaboration between those engaged in research in the medical sciences in Nigeria and those so engaged in other countries ;

(k) to carry out such other activities as may, in the opinion of the Council, further the advancement of research and training in the medical sciences.

Membership
of the
Council.

3.—(1) The Council shall, subject to subsection (3) below, consist of fifteen members as follows—

(a) a Chairman who must be a person of distinction in one or more of the medical sciences and who shall be appointed by the Federal Executive Council on the recommendation of the Commissioner ;

(b) four scientists from the basic medical sciences ;

(c) eight scientists from the clinical sciences selected from those engaged in those fields, which are, in the opinion of the Commissioner, of immediate significance to clinical medicine in Nigeria ; and

(d) two persons with extensive technical knowledge of and close association with the development of the medical sciences.

(2) All appointments under paragraphs (b) to (d) of subsection (1) above shall be made by the Commissioner.

(3) The Federal Executive Council may by order published in the Gazette increase or reduce the membership of the Council.

4.—(1) Subject to the provisions of this section, a person appointed as Chairman of the Council or as a member thereof shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years; thereafter he shall no longer be eligible for re-appointment:

Tenure of
office of
Chairman
and
members.

Provided that nothing in this subsection shall be construed as entitling any person who has held office as Chairman for a term and who is being re-appointed under this section to be appointed again as Chairman.

(2) The Federal Executive Council may at any time remove the Chairman from his office and if so removed the Chairman shall cease to be a member of the Council.

(3) The Chairman may resign his appointment by a letter addressed to the Secretary to the Federal Military Government and the resignation shall have effect from the date of the receipt of the letter by the Secretary to the Federal Military Government.

(4) A member other than the Chairman may resign his office by a letter addressed to the Commissioner and that member's resignation shall have effect as from the date of the receipt of the letter by the Commissioner.

(5) The foregoing provisions of this section shall be without prejudice to the provisions of section 11 of the Interpretation Act 1964 relating to appointments.

1964 No. 1.

5. There shall be paid to every member of the Council, out of the moneys at the disposal of the Council, such travelling and subsistence allowances in respect of any periods spent on the business of the Council as the Commissioner may determine, but no other remuneration shall be paid to any member of the Council.

Travelling
and subsis-
tence
allowances.

6.—(1) The Federal Executive Council may, on the recommendation of the Commissioner, appoint a person to act in the place of the Chairman during a long absence or during the temporary incapacity from illness of the Chairman; and that person while so acting may exercise all the functions of the Chairman under this Decree.

Temporary
appoint-
ments.

(2) The Commissioner may appoint any person to be a temporary member during a long absence or during the temporary incapacity from illness of any member; and that person, while the appointment subsists, may exercise all the functions of a member under this Decree.

7. The following persons, that is to say—

(a) the Permanent Secretary, Federal Ministry of Health, or his representative,

(b) the Chief Medical Adviser to the Federal Military Government, or his representative.

(c) not more than two members of the Nigerian Council for Science and Technology nominated by that council,

Power of
certain
persons to
attend
meetings of
Council.

(d) the Director of any research institute that may be established by, or come under the aegis of, the Council in pursuance of section 2 (2) (e) of this Decree,

may be invited to attend any meeting of the Council and may take part in its deliberations but shall not be entitled to vote.

Proceedings of the Council.
1964 No. 1.

8.—(1) Subject to the provisions of section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

(2) The quorum of the Council shall be seven, and the quorum of any committee of the Council shall be determined by the Council.

(3) The validity of any proceedings of the Council or of any of its committees shall not be affected—

(a) by any vacancy in the membership of the Council or any such committee;

(b) by any defect in the appointment of any such member;

(c) by reason of the fact that any person not entitled to do so took part in the proceedings.

(4) Any member of the Council or any committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or any committee thereof shall forthwith declare his interest to the Council and shall not vote on any question relating to the contract or arrangement.

(5) The Council shall meet not less than twice in each year and on such other occasions as may be necessary.

(6) The secretary shall attend meetings of the Council but shall not be entitled to vote.

Committees of the Council.

9.—(1) The Council may from time to time appoint such standing, steering and ad hoc committees as the Council thinks fit to carry out, consider and report on any matter with which the Council is concerned.

(2) The Council shall appoint one of its members to be chairman of any committee appointed under this section.

(3) A committee appointed under this section may include persons who are not members of the Council; and if such members are appointed or co-opted on the committee, they may take part in the deliberations thereof but shall not be entitled to vote thereon.

Secretary and other officers of the Council.

10.—(1) The Council shall appoint a secretary to manage the affairs of the Council under its direction.

(2) The Council may appoint such other persons to be officers and servants of the Council as the Council may determine.

(3) The remuneration and tenure of office and conditions of service of the secretary and other officers and servants of the Council shall be determined by the Council with the approval of the Federal Commissioner for Establishments.

Application of Pensions Act to officers of the Council.

11.—(1) The Federal Commissioner for Establishments may by order published in the Gazette declare the office of the secretary of the Council or of any person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

(2) Where an office established under an Act or Decree repealed by this Decree was a pensionable office for the purposes of the Pensions Act and that office or a corresponding office is re-established under this Decree, the office shall, for the purposes of the Pensions Act continue to be a pensionable office to the same extent as if it had been so declared under subsection (1) above.

Cap. 147.

(3) Subject to subsections (4) and (5) below, the Pensions Act shall, in its application by virtue of the foregoing subsections to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federation.

1963 No. 20.

(4) For the purposes of the application of the provisions of the Pensions Act in accordance with foregoing subsections—

(a) paragraph (1) of section 7 of that Act (which confers on the Commissioner power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for the references to the Commissioner there were substituted references to the Council ; and

(b) the power under section 9 (1) of the Act to require an officer to retire at any time after attaining the age of forty-five shall be exercisable by the Council and not by any other authority.

(5) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

12.—(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Council may, with the approval of the Commissioner—

Offices and premises.

(a) purchase or take on lease any land, and

(b) build, equip and maintain offices and premises.

(2) The Council may sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

13.—(1) The Council may, with the approval of the Commissioner, accept gifts of land, money or other property, upon such trusts and conditions, if any, as may be specified by the person making the gift.

Power to accept gifts.

(2) The Council shall not accept any gift if the conditions attached by the person making the gift to the acceptance thereof are inconsistent with the functions of the Council.

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

Financial provisions.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) above—

(a) such moneys as may be supplied to the Council by the Federal Military Government or the government of a State ;

(b) all moneys as may be raised for the purposes of the Council by way of gift, loan, grants in aid, testamentary disposition or otherwise ;

(c) all interests received in respect of moneys invested by the Council ; and

(d) all other assets from time to time accruing to the Council.

(3) The fund shall be managed in accordance with rules made by the Federal Executive Council ; and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions—

(a) specifying the manner in which the assets of the fund are to be held and regulating the making of payments into and out of the fund ;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules ;

(c) for securing that the accounts are audited periodically by an auditor appointed from a panel approved by the Federal Executive Council ; and

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Federal Ministry of Finance and the Federal Ministry of Health.

Report on
the activities
of the
Council.

15. The Council shall as soon as possible after the end of each year submit to the Federal Executive Council and to the Nigerian Council for Science and Technology a report on the activities of the Council and any research institute under its administration during the last preceding year.

Compulsory
acquisition
of land.

16.—(1) For the purposes of the Public Lands Acquisition Act the purposes of the Council shall be public purposes of the Federation within the meaning of that Act.

Cap. 167.

(2) The Chief Federal Lands Officer may, by an instrument under his hand and seal, vest in the Council any property acquired pursuant to subsection (1) above ; and the Council shall pay into the Consolidated Revenue Fund of the Federation a sum equal to the aggregate amount of any expenses (including compensation) incurred on behalf of the Federal Military Government by virtue of that subsection in respect of any property vested in the Council by such an instrument.

Regulations.

17. The Council may make regulations generally for its purposes under this Decree ; and without prejudice to the generality of the foregoing, regulations may provide for—

(a) the functions and responsibilities of the secretary, and

(b) the disciplinary control of all officers and servants of the Council.

Transfer of
certain
assets to the
Council.
1966 No. 72.

18. All assets of the West African Council for Medical Research contained in the transfer schedule prepared and certified in the manner specified in section 10 of the Nigerian Council for Medical Research Decree 1966 (and which would have vested in the Nigerian Council for Medical Research established by that Decree if that Decree had been brought into operation) shall on the commencement of this Decree vest in the Council without any further assurance apart from this section but subject to the requirements of any enactment or law in the case of any interest in land where title is not to pass or be recognised as altered, as the case may be, without registration thereunder.

Interpreta-
tion.

19. In this Decree, unless the context otherwise requires,—

“the Chairman” means the chairman of the Council ;

“the Commissioner” means the Federal Commissioner for Health ;

“the Council” means the Medical Research Council of Nigeria ;

“medical sciences” includes pharmacy ;

“the secretary” means the secretary appointed under section 10 of this Decree.

20. The West African Council for Medical Research Act is hereby repealed, and the West African Council for Medical Research, as it exists in Nigeria, shall cease to exist accordingly.

Repeal of
Cap. 215.

21.—(1) This Decree may be cited as the Medical Research Council of Nigeria Decree 1972 and shall apply throughout Nigeria.

Citation,
application
and repeal.

(2) This Decree shall come into operation on a date to be appointed by the Commissioner by notice published in the Gazette.

(3) The Nigerian Council for Medical Research Decree 1966 is hereby repealed.

1 966 No. 72

MADE at Lagos this 5th day of February 1972.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is
intended to explain its purpose)*

The Decree establishes the Medical Research Council of Nigeria as a body corporate with the general duty of advising on, promoting, supervising and co-ordinating research in the medical sciences. The Council is to be one of the major Research Councils under the general surveillance of the Nigerian Council for Science and Technology.

**THE REVISED EDITION (LAWS OF THE FEDERATION)
(AMENDMENT) DECREE 1972**



Decree No. 2

Commence-
ment.

[8th February 1972]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Amendment
of 1971
No. 52.

1. For subsection (1) of section 1 of the Revised Edition Laws of the Federation Decree 1971 there shall be substituted the following new subsection—

“(1) Subject to this Decree, there is hereby established a Law Revision Committee (hereinafter referred to as “the Committee”) which shall consist of—

(a) the Attorney-General of the Federation and Commissioner for Justice (as Chairman) and the following officers of the Federal Ministry of Justice, that is to say,

- (i) the Solicitor-General of the Federation,
- (ii) the First Parliamentary Counsel,
- (iii) a Deputy Solicitor-General, and
- (iv) the Librarian, who shall be Secretary ; and

(b) six other members, who shall be appointed by the Head of the Federal Military Government, of whom—

- (i) two shall be representatives from the States,
- (ii) two shall be representatives from the Universities in Nigeria, and
- (iii) two shall be legal practitioners nominated by the Nigerian Bar Association from among members of the Association.”

Citation and
extent.

2. This Decree may be cited as the Revised Edition (Laws of the Federation) (Amendment) Decree 1972 and shall apply throughout the Federation.

MADE at Lagos this 8th day of February 1972.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

**PROFESSIONAL BODIES (SPECIAL PROVISIONS)
DECREE 1972**



Decree No. 3

[7th February 1972]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) If the Head of the Federal Military Government after consultation with the Federal Executive Council is satisfied that it is desirable in the public interest so to do he may notwithstanding anything to the contrary in any enactment by order published in the Federal Gazette permit the practice in Nigeria of any of the professions specified in the Schedule hereunder by persons other than citizens of Nigeria.

Provisions
for
facilities
to practise
certain
professions
in Nigeria
by non-
Nigerians.
Schedule.

(2) Without prejudice to the generality of the foregoing subsection (1), the Head of the Federal Military Government may by the said order (after such consultation) and with a view to facilitating the practice of such profession in Nigeria—

(a) direct that any enactment or the exercise of any power thereunder, which—

(i) prohibits or restricts the practice of the profession, or

(ii) enables any person or authority to regulate the membership of the profession, in a manner that may permit or is likely to permit such prohibition or restriction,

shall no longer have effect ;

(b) exempt any person or the profession from the application of any enactment generally or waive the application of the enactment therefor ;

(c) suspend for such period as he may in his discretion specify the operation that any enactment has apart from this Decree in respect of the profession ; and

(d) make such other provisions as may be necessary for the purposes of subsection (1) above.

(3) Any order to be made pursuant to the foregoing provisions may be made subject to any conditions which the Head of the Federal Military Government may in his discretion impose.

(4) Any enactment to which any of the foregoing provisions relate shall, unless it is hereafter otherwise expressly provided, be construed subject to this Decree.

(5) In this Decree—

(a) "enactment" includes law or any subsidiary instrument made thereunder; and

(b) "person" means any individual or class of individuals duly qualified to practise any of the professions set out under the Schedule to this Decree.

2. This Decree may be cited as the Professional Bodies (Special Provisions) Decree 1972 and shall apply throughout the Federation.

Citation
and
extent.

SCHEDULE

Section 1

LIST OF PROFESSIONS

1. Professions concerned with the following, that is—

(a) Law,

(b) Medicine,

(c) Dentistry,

(d) Midwifery and Nursing,

(e) Engineering,

(f) Surveys,

(g) Architecture,

(h) Accountancy, and

(i) any other technological or scientific discipline;

2. Other professions which the Head of the Federal Military Government may by order specify.

MADE at Lagos this 7th day of February 1972.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree, but is intended to explain its purpose)

This Decree amends the provisions of existing enactments so as to vest in the Government power to permit the practice in Nigeria of any of the professions set out in the Schedule to the Decree by persons other than citizens of Nigeria. It also provides that the Head of the Federal Military Government may lay down the conditions under which such persons may set up the practice of such professions.