

ENVIRONMENTAL HEALTH OFFICERS (REGISTRATION, ETC.) ACT, 2002

EXPLANATORY MEMORANDUM

This Act establishes a Council in respect of Environmental Health Officers and also makes incidental provisions for the control of the practice of the profession of Environmental Health.

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SCHEDULE

ENVIRONMENTAL HEALTH OFFICERS (REGISTRATION, ETC.) ACT 2002.

An act to provide for registration, practice, etc. of environmental health officers in Nigeria; and for matters connected therewith.

[COMMENCEMENT

(5TH January, 2003)]

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

PART 1 - ESTABLISHMENT OF THE COUNCIL

Establishment of the Environmental Health Officers Registration Council of Nigeria.

1. -(1) There is established a body to be known as the Environmental Health Officers Registration Council of Nigeria (in this Act referred to as "the Council") which shall be charged with the duty of-
 - (a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession of Environmental Health Officers and improving those standards from time to time as circumstances may permit;

- (b) securing in accordance with the provisions of this Act the establishment and maintenance of a register of persons registered under this Act as members of the profession and the publication from time to time of lists of those persons ;
- (c) conducting examinations in the profession and awarding certificates or diplomas to successful candidates as appropriate and for such purpose, and the Council shall prescribe fees to be paid in respect thereof, and
- (d) performing the other functions conferred on the council by this act.

Membership of the Council

2. -(1) The Council shall consist of-

- (a) a Chairman who shall be an Environmental Health Officer and has been so qualified for not less than ten years;
 - (b) one fellow Environmental Health Officer to represent the Environmental Health profession;
 - (c) four Environmental Health Officers to represent the States in rotation for two years at a time;
 - (d) one person to represent the Federal Ministry of Health Department of Public Health;
 - (e) two Environmental Health Officers to represent institutions involved in training members of the profession in rotation for two years at a time;
 - (f) one person to represent public interest; and
 - (g) one person from Department of Environmental Health to represent the Federal Ministry of Environment.
- (2) All the appointments referred to in sub-section (1) of this Section shall be made by the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister.

First Schedule.

- (3) The provisions of First Schedule to this Act shall have effect with respect to the qualification and term of office of members of the Council and the other matters therein mentioned.

Powers of the Council

3. -(1) subject to sub-section (2) of this Section and to any directions of the Minister under this Act, the Council shall have powers to do anything which in its opinion is calculated to facilitate the carrying on of its activities Under this Act.
- (2) The Council shall not have power to borrow or to dispose of any Property except with the prior consent of the Minister and shall not have power to pay remuneration (including pensions), allowances or expenses to any employee of the council or any other except in accordance with scales approved by the Minister.

PART II –FINANCIAL PROVISIONS

Fund of the Council.

4. -(1) The Council shall establish and maintain a fund for the purposes of this Act;
 - (2) There shall be paid into the fund of the Council-
 - (a) all fees and other moneys payable to the Council in pursuance of this Act; and
 - (b) such moneys as may be payable to the Council, whether in the course of the discharge of its functions or otherwise.
 - (3) These shall be paid out of the fund of the council-
 - (a) the remuneration and allowances of the Registrar and other employees of the Council;
 - (b) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the business of the Council as the Council may, with the approval of the Minister, determine; and
 - (c) any other expenses incurred by the Council in the discharge of its functions under this Act.
5. -(1) The Council shall prepare and submit to the Minister not later, than the 30th day of September of the year in which this Act comes into force (so however that the Minister may, if he considers it necessary extend the

period) and of each subsequent year, an estimate of its income and expenditure during the next succeeding financial year.

Accounts, audit and estimate

- (2) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each financial year to which the accounts relate by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

PART III – STAFF OF THE COUNCIL

Registrar and other employees of the Council.

6. -(1) The Council shall appoint a fit and proper person to be Registrar for the purpose of this Act.
- (2) The Registrar shall, in addition to his other functions under this Act, be the secretary to the Council and shall on the instructions of the chairman of the Council or any committee of the Council, convene and keep minutes of the proceedings at all meetings of the Council and committees hereof, as the case may be.
- (3) The Council may appoint such other persons to be employees of the Council as the Council may determine to assist the Registrar in the exercise of his functions under this Act.
- (4) The Council may, whenever the Registrar is absent or for any other reason is unable to discharge the functions of his office, appoint an acting Registrar to discharge his functions.
- (5) The Registrar and other employees of the Council shall hold office on such conditions as the Council may, with the approval of the Minister determine.

7. 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.

PART IV REGISTER AND REGISTRATION

Register.

8. -(1) The Registrar shall prepare and maintain, in accordance with rules made by the Council under this section, a register of the names, addresses, approved qualifications and 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 members of the profession and who apply in the specified manner to be so registered.
 - (2) Subject to the provisions of this section, the Council shall make rules with respect to the form of keeping of the register and the making of entries therein, and in particular-
 - (a) regulating the making of application 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) authorizing a registered person to have any qualification which is, in relation to his profession, whether an approved qualification or an accepted qualification under section 10 (2) of this Act, 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 authorizing the Registrar to refuse to enter a name on the register until any fees specified for entry has been paid;
 - (e) specifying anything falling to be specified under the foregoing provisions of this section, but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they have been confirmed by the Minister.
 - (3) The Registrar shall-
 - (a) correct, in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;

- (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) remove from the register the name of any registered person who has died or has become insane or for any other reason has ceased to be member of the profession.
- (4) If the Registrar-
- (a) sends by post to any registered person a registered letter addressed to him at his address on the register inquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three 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 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 register but the Council may direct the Registrar to restore to the register any particulars removed therefrom under this subsection.

Publication of register and lists of corrections, Registration

9. -(1) The Registrar shall-

- (a) cause the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Act comes into force;
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to each 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 the principal office of the Council, and it shall be the duty of the Council to keep each register and list so deposited 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 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 registered is so registered and that any person not so specified is not so registered.

Registrar.

10. -(1) Subject to section 27 of this Act and to rules made under section 8 (2) hereof, a person shall be entitled to be registered under this Act and being so registered, to receive a registration certificate if-
- (a) he has attended a course of training approved by the Council under section 12 of this Act;
 - (b) the course was conducted at an institution so approved, or partly at one of such institution and partly at another;
 - (c) he holds one or more qualifications prescribed in Schedule 3 to this Act for the purpose of registration on the register and has complied with the other requirements prescribed under section 8 (2) of this Act;
 - (d) he has undergone an internship for one year;
 - (e) he is of good character; and
 - (f) he thereafter pays any prescribed fees.
- (2) Subject to subsection (1) of this section, a person shall also be entitled to be registered under this Act and being so registered, to receive a registration certificate if he satisfies the Council-
- (a) that he holds a qualification granted outside Nigeria for the time being accepted by the Council for the purpose of this subsection as respects the profession;
 - (b) that in the country in which the qualification was granted he was under no legal disability in the practice of the profession;
 - (c) that he is of good character; and
 - (d) he thereafter pays any prescribed fees;
- (3) Subject to subsection (1) of this section, a registered person shall be required to pay an annual prescribed retention fee to retain his registration with the Council and any failure to pay the retention fee shall result in temporary withdrawal of the certificate to practice.
- (4) The Council shall from time to time, publish in the Gazette particulars of the qualification for the time being accepted as aforesaid.

- (5) The qualifications specified in Third Schedule to this Act are those accepted for the time being by the Council as the minimum qualification for the purpose of registration on the register established under section 8 of this Act.
- (6) Subject as aforesaid, a person shall be entitled to be temporarily registered under this Act in the cases specified in section 11 of this Act.

Temporary registration

11. -(1) Where a person satisfies the Council that-

- (a) he has been selected for employment for a specified period in a capacity in which a registered person under this Act would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of servicing for that period in the employment in question;
- (b) he holds or has passed examinations necessary for obtaining some qualifications granted outside Nigeria which is for the time being accepted by the Council for the purpose of this section as respects the capacity in which, if employed, he is to serve; and
- (c) he has paid any fees prescribed for registration, the Council may if it thinks fit, give a direction that he shall be temporarily registered.

(2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease-

- (a) on the termination of the period of employment specified to the Council under that subsection; or
- (b) on the termination of the said employment before the end of the period, whichever first occurs, but nothing in this subsection shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specified period whose commencement coincides with the termination of another such period.

(3) A person who is temporarily registered shall in relation to the employment mentioned under subsection (1) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully

registered but in respect of other matters he shall be treated as not so registered.

- (4) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for purposes of subsection (2) of this section.
- (5) The Registrar, as directed from time to time by the Council, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

PART V-TRAINING

Approval of course.

12. -(1) Subject to subsection (2) of this section, the Council may approve for the purposes of section 10 of this Act.
 - (a) any course of training which is intended for persons seeking to become members of the profession under this Act which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession;
 - (b) any institution either in Nigeria or elsewhere, which the Council considers is properly organized and equipped for conducting the whole or any part of the course of training approved by the Council under this section; or
 - (c) Any qualification which, as a result of examination taken in conjunction with the course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practice the profession.
- (2) The Council shall, from time to time, publish in the Gazette a list of qualifications relating to the profession approved by it for the purposes of subsection (1) of this section.
- (3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval the Council shall-

- (a) give notice that it proposed to do so to persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
 - (c) Take into consideration any representations made in respects of the proposal in pursuance of paragraph (b) of this subsection.
- (4) with respects to any period during which the approval of the Council under this section for a course, institution or qualification is withdrawal, the course, institution or qualification shall not be treated as approved shall not prejudice the registration or eligibility for registration or any person who by virtue of the approval was registered or was eligible for registration immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument, and the Council shall-
- (a) as soon as may be publish a copy of every instrument in the Gazette; and
 - (b) Not later than seven days before its publication send a copy of the instrument to the Minister.

Supervisions of institution and examinations leading to approved qualifications

13. -(1) The Council shall keep itself informed of the nature of-

- (a) the instruction given at approved institutions to persons attending approved courses of training;
- (b) the examinations as a result of which approved qualifications are granted, and for the purpose of performing that duty, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or attend such examinations

(2) A person appointed under this section shall report to the Council on-

- (a) the adequacy of the instruction given to persons attending approved courses of training at institutions visited by him;

- (b) the adequacy of the examination attended by him; and
 - (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no such person shall be interfered 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 the Council to which the report relates requesting that person to make representations within such time as may be specified in the request, not being more than one month beginning with the date of the request.

Power of the Council to consider matters relating to training.

14. -(1) The Council may, if it thinks fit, consider and report to the Minister upon all matters relating to the professional and technical training and other qualifications required for admission to the profession under this Act and the conditions of practice after registration.
- (2) The Minister may require the Council to advise him on any matter referred to in subsection (1) of this section.

PART VI -PRIVILEGES OF REGISTERED PERSONS AND OFFENCES BY UNREGISTERED PERSONS, ETC.

Validation of certificate.

15. A certificate required by any written law from any class of persons for whom a register is maintained under this Act shall not be valid unless the person signing it is registered in accordance with this Act.

Appointment not to be held by unregistered person.

16. -(1) Subject to the provisions of this Act, no person, not being registered in accordance with this Act shall be entitled to hold any appointment in the public service of the Federation or of a State or in any public or private establishment, body or institution, if holding of such appointment involves the performance by him in Nigeria of any act pertaining to the profession for gain.

- (2) Nothing in this section or in any other provisions of this Part of this Act shall prevent a person from holding any appointment referred to in subsection (1) of this section while he is undergoing training for the purpose of becoming qualified for registration under this Act the supervision of persons who are registered in accordance with this Act.

Prohibition of falsely professing to be a registered person

17. Any person who not being in accordance with this Act, holds himself out to be so registered or uses any name, title, description or symbol calculated to lead any person to infer that he is so registered, shall be guilty of an offence and liable on conviction for a first offence to a fine of not less than Three thousand Naira or to imprisonment for a term of six months or to both such fine and imprisonment, and on conviction for a second or any subsequent offence to imprisonment for a term of not less than one year or more than three years.

Recovery of fees

18. No remuneration shall be recoverable by legal proceedings in respect of any act pertaining to the profession of a registered person when performed by a person who is prohibited from performing such act for gain.

Offences

19. -(1) If any person for the purpose of procuring the registration of any name, qualification or other matter-
- (a) makes a statement which he believes to be false in material particular ; or
 - (b) Recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.
- (2) If the Registrar or any other person employed by the Council willfully makes any falsification in any matter relating to any register maintained under this Act, he shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable on conviction in a High Court, to a fine not exceeding Five thousand Naira or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

- (4) Where an offence under this Part of this Act which has been committed by a body corporate is proved to have been committed with the 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 accordingly.

Burden of Proof

20. In any criminal proceedings against any person upon a charge of having performed proof an act which constitutes an offence if performed by an unregistered person, the person charged shall be deemed to be unregistered unless he proves the contrary.

PART VII –DISCIPLINE

Establishment of the Disciplinary Committee and the Investigating Panel Proceedings of the Disciplinary Committee.

21. - (1) There shall be establish a disciplinary committee to be known as the Environmental Health Officers Disciplinary Committee (hereafter in this Act referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case referred to it by the Investigating panel established under subsection (3) of this section.
- (2) The Disciplinary Committee shall consist of the Chairman of the Council and four other members of the Council to include members holding office by virtue of paragraphs (b), (c) and (d) of subsection (1) of section 2 of this Act.
- (3) There shall be established a body to be known as Environmental Health Officers Investigating Panel (hereafter in the Act referred to as "the Investigating Panel") which shall be charged with the duty of-
- (a) conducting preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as such, or should for any other reason be the subject of proceedings before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.

- (4) The Investigating Panel shall be appointed by the Council and shall consist of five members of the Council one of whom shall be named as the chairman, but a person who is a member of the Disciplinary Committee shall not also be a member of the Investigating Panel.
- (5) The supplementary provisions contained in the Second Schedule to this Act have effect with respect to the matters relating to Disciplinary Committee and the Investigating Panel respectively.

Penalties for unprofessional conduct.

22. - (1) At any meeting of the Disciplinary Committee three members shall form a quorum.
- (2) The chairman shall preside at any meeting of the Disciplinary Committee.
 - (3) Any question proposed for decision by the disciplinary committee shall be determined by the majority of the members present and voting at a meeting of the Disciplinary Committee at which a quorum is present.
 - (4) At all meetings of the Disciplinary Committee each member present shall have one vote on any question proposed for decision by the Disciplinary Committee and in the event of any equality of votes, the Chairman shall have, in addition to a deliberative vote, a casting vote.

Penalties for unprofessional conduct.

23. - (1) Where-

- (a) a person registered under this Act is convicted by any court or tribunal in Nigeria or elsewhere having power to award punishment for an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of such professional; or
- (b) a registered person is judged by the Disciplinary Committee to be guilty of infamous conduct in a professional respect; or

- (c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered;

the Disciplinary Committee may give any of directions mentioned in subsection (2) of this section.

- (2) The Disciplinary Committee may give a direction under subsection (1) of this section-

- (a) ordering the Registrar to strike the person's name off the relevant part of the register;

- (b) suspending that person from practice for such period as may be specified in the direction;

- (c) reprimanding him;

- (d) ordering him to pay to the Council any costs of and incidental to the proceedings incurred by the Council; or

- (e) cautioning him and postponing for a period not exceeding one year any further action against him on one or more conditions as to his conduct during the period, and any such direction may, where appropriate, include provisions requiring the refund of moneys paid or the handing over of documents or any other thing as the case may required.

- (3) In any inquiry under this section, any findings of fact which is shown to have been made in-

- (a) any criminal proceedings in a court in Nigeria; or

- (b) any civil proceedings in a court in Nigeria, shall be conclusive evidence of the fact found.

- (4) If, after due inquiry, the Disciplinary Committee is satisfied that during the period of any postponement under paragraph (e) of subsection (2) of this section a person has not complied with the conditions imposed thereunder, the Disciplinary Committee may, if it thinks fit, impose any one or more of the penalties mentioned in paragraph (a), (b), (c), or (d) of that subsection.

- (5) A certificate under the hand of the Chairman that any costs have been ordered to be paid by a person under this section shall be conclusive evidence thereof.

Restoration of the registration.

24. - (1) Where the name of a person has been struck off from the register in pursuance of a direction given under section 23 of this Act, the Disciplinary Committee may, if it thinks fit, at any time direct the restoration of this name to the register.
- (2) An application for the restoration of a name to a register under subsection (1) of this section shall not be made to the Disciplinary Committee before the expiration of such period from the date of the striking off (and where he has made such an application, from the date of his last application) as may be specified in the direction.
- (3) There shall be payable to the Council by any person on the restoration of his name to a register in pursuance of a direction given under this section the like fees as would be payable by that person on first becoming registered on that register.

Striking off entries from the register on grounds of fraud or error.

25. - (1) If it is proved to the satisfaction of the Disciplinary Committee that any entry made in a register has been fraudulently or incorrectly made, the Disciplinary Committee may direct that the entry shall be struck off from the register.
- (2) A person may be registered in pursuance of any provisions of this Act notwithstanding that his name had been struck off in pursuance of a direction given under subsection (1) of this section, but if it was so struck off on the ground of fraud he shall not be registered except an application in that behalf is made to the Disciplinary Committee and on any such application the Disciplinary Committee may, if it thinks fit, direct that he shall not be registered or shall not be registered until the expiration of such period as may be specified in the direction.
- (3) Any reference in this Act to the striking off from or the restoration to a register of the name of a person shall be construed as including a reference to the striking off from or the restoration to the register of any other registrable particulars relating to that person.

Appeal to Federal High Court.

26. - (1) Where the Disciplinary Committee-

- (a) makes a finding and imposes a penalty on a registered person under section 23 of this Act; or
- (b) rejects an application for restoration of a name to a register under section 24 (2) of this Act; or
- (c) directs the striking off of an entry from a register under section 24 (2) of this Act, the Registrar shall give the person to whom the proceedings relate notice in writing thereof and such person may, within twenty-eight days, from the date of service on him of the notice, appeal to the Federal High Court.

(2) On any appeal under this section the Council shall be the respondent.

(3) No direction for the striking off of the name of a registered person from a register section 23 or 25 (1) of this Act shall take effect until the expiration of the time for appealing or if an appeal is brought, until such time as the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) The Federal High Court may, on an appeal under this section-

- (a) confirm, vary or set aside any finding of fact, penalty imposed or direction given by the Disciplinary Committee;
- (b) confirm the rejection of the Disciplinary Committee of the application for restoration or direct the restoration of the name to the register;
- (c) remit the matter to the Disciplinary Committee for further consideration; or
- (d) make such other order as to costs or otherwise as may to it seem just; but no proceedings before the disciplinary committee shall be set aside by the reason only of informality in those proceedings which did not embarrass or prejudice the appellant.

PART VIII –SUPPLEMENTARY

Regulations, etc.

27. Any power to make regulations, rules or orders conferred under this Act shall include-
- (a) The power to make provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and
 - (b) The power to make different provisions for different circumstances.

Interpretation.

28. In this Act-

"accepted qualification" means a degree, diploma or other certificate specified in Third Schedule of this act;

"Council" means Environmental Health Officers Registration council of Nigeria established under section 1 of this Act;

"Member" means a member of the Council and includes the Chairman;

"Minister" means minister responsible for matters related to environment and environmental health;

"Profession" means the profession of Environmental Health;

"Register" means a register maintained under this Act; and

"Registered" shall be construed accordingly;

"Registrar" means the Registrar appointed under section 7 of this Act

"registration certificate" means a registration certificate issued under section 10 of this Act;

"Student" means a person receiving basic training in the profession covered by this Act in an approved training school.

Citation

29. This Act may be cited as the Environmental Health Officers (Registration etc) Act, 2002.

SCHEDULES

First Schedule - Section 2(3)

Qualification and Tenure of Office of Members.

1. -(1) A person other than a person appointed under section 2 (1) (d), (f), and (g) of this Act shall not be a member of the Council unless he is a citizen of Nigeria and is fully registered (or in the case of the first members of the Council is eligible for registration) as a member of the profession.

- (2) Where a member of the Council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or body of person by whom he was appointed or elected shall as soon possible or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provisions of this subparagraph shall not apply where a person holding office as a member of the Council ceases to hold office at a time when the residue of this term does not exceed one year.

Tenure of Council member

2. - (1) Subject to the provisions of this paragraph, a member of the Council other than a public officer 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 only.

- (2) A member of the Council other than a public officer may resign his appointment by a letter addressed to the Minister and the resignation shall take effect from the date to the receipt of the letter by the Minister.

- (3) The Minister may appoint any person who is a registered member of the profession to be a temporary member during a long absence or incapacity from illness of any member, and that person, may, while the appointment subsists, exercise the functions of a member under this Act.

- (4) The provisions of this section shall be without prejudice to the provisions of Section 11 of the Interpretation Act, Cap.192 LFN, which relates to appointments.

Proceedings of the Council

3. Subject to the provisions of this Act and of Section 26 of the Interpretation Act, Cap. 192 LFN, the Council may make standing orders regulating the proceedings of the Council or of any Committee thereof or elect a temporary Vice-Chairman in the absence of the Chairman for the conduct of affairs of the Council.

Quorum

4. The quorum of the Council shall be seven and the quorum of any Committee of the council shall be as determined by the Council.

Deputizing for the Chairman

5. At any time while the office of the Chairman is vacant or the Chairman is in the opinion of the Council temporarily or permanently unable to perform the functions of this office, the Vice-Chairman shall perform those functions and references in this Schedule to the Chairman shall be construed accordingly.

6. -(1) Subject to the provisions of any applicable standing orders, the Council shall meet whenever summoned by the Chairman 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 twenty-one days from the date on which the notice is given.

- (2) At any meeting of the Council, the Chairman or in his absence, the Vice-Chairman shall preside but if both are absent, the members present at the meeting shall appoint one of their member to preside at that meeting.

- (3) Where the Council wishes 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 to the contrary the first meeting of the council shall be summoned by the Minister who may give such directions as to the procedure to be followed at that meeting as he may deem fit.

7. - (1) The Council may appoint one or more committee 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 elect the number of persons determine by the Council and not more than one-third of those persons may be persons who are not members of the Council.
- (3) A person other than a member of the Council shall hold office on a committee in accordance with the terms of the instrument by which he is appointed.
- (4) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.
8. - (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 any person generally or specially authorized by the Council for that purpose.

SECOND SCHEDULE - Section 21 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY COMMITTEE AND THE INVESTIGATING PANEL:

The Disciplinary Committee

1. - (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 Disciplinary Committee.
- (2) The rules shall in particular provide-

- (a) for securing that notice of 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 party to the Disciplinary Committee;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
- (e) subject to the provisions of Section 23 (d) of this act, as to the costs of proceedings before the Disciplinary Committee;
- (f) for requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee judges 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 matter to which the allegation relates; and
- (g) for publishing in the Gazette the notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register.

The Investigating Panel

The assessor

2. -(1) For the purpose of advising the Disciplinary Committee on question of law arising in proceedings before it, there shall in such proceedings be an assessor to the Disciplinary Committee who shall be appointed by the Council on the recommendation of the Attorney-General of the federation and shall be a legal practitioner of not less than seven years standing.

The Attorney-General of the Federation shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing-

- (a) that where an assessor advises the Disciplinary Committee 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 there at or, if the advice is tendered while the Disciplinary Committee 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 party or person shall be informed if in any case, the Disciplinary Committee does not accept the advice of the assessor on such a question.

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

3. -(1) The quorum of the Investigation Panel shall be three.

- (2) The Investigating Panel may, at any of its meeting attended by not less than five members make standing orders with respect to the Investigating Panel.

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

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

5. The Disciplinary Committee or Investigating Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to Section 21 (4) of this Act) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

6. The Disciplinary Committee and the Investigating Panel may each sit in two or more places.

7. Any document authorised or required by virtue of this Act to be served on the Disciplinary Committee or the Investigating Panel shall be served on the registrar.

8. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Council.

THIRD SCHEDULE - Section 10 (5)

ACCEPTED MINIMUM QUALIFICATION FOR THE PURPOSE OF REGISTRATION ON THE REGISTER ESTABLISHED UNDER THIS ACT

- (a) Royal Society of Health Diploma for Environmental Health Officers in West Africa or West African Health Examinations Board Diploma for Environmental Health Officers; or
- (b) B.Sc. Environmental Health Science plus West African Health Examinations Board Diploma for Environmental Health Officers or Royal Society of Health Diploma for Environmental Health Officers in West Africa; or
- (c) HND Environmental Health Science plus West African Health Examination Board Diploma for Environmental Health Officers or Royal Society of Health Diploma for Environmental Health Officers; or
- (d) Master of Public Health (MPH) plus West Africa Health Examination Board Diploma for Environmental Health Officers or Royal Society of Health Diploma for Environmental Health Officers in West Africa.