

# CHAPTER K23 - KWARA STATE HOSPITALS AND OTHER HEALTH ESTABLISHMENT (REGISTRATION) LAW

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title.
2. Interpretation.
3. Registration.
4. Committee for the registration of health establishments.
5. Procedure for registration.
6. Annual registration and renewals.
7. Display of certificate.
8. Replacement of lost certificate.
9. Opening or closing of a health establishment.
10. Publication of all registration.
11. Power to cancel registration.
12. Right of appeal where registration is cancelled or refused.
13. Power to make regulations.
14. Inspection of health establishments.
15. Exemptions.
16. Offences and penalty.
17. Offences by body corporate.
18. Penalty for setting up illegal health establishment.
19. Fees.
20. Repeal of Law No. 14 of 1986.

### SCHEDULE I

### SCHEDULE II

---

**KWARA STATE HOSPITALS AND OTHER HEALTH ESTABLISHMENT  
(REGISTRATION) LAW**

A Law to provide for the registration of health establishments in the State.

[No. 6 of 1994, No. 4 of 2006.]

[Date of commencement: 1 *st* January, 1994]

**1. Short title**

This Law may be cited as the Kwara State Hospitals and other Health Establishment (Registration) Law, 1994.

**2. Interpretation**

In this Law, unless the context otherwise requires—

"**Committee**" means an Advisory Committee constituted by virtue of section 4 of this Law;

[No. 4 of 2006.]

"**Commissioner**" means the State Commissioner (charged with responsibility for health matters);

"**designated officer**" means any officer who may from time to time be charged by the Committee with the general responsibility for the discharge of any functions under the provisions of this Law);

"**Gazette**" means the State Official *Gazette*,

**"Governor"** means the Governor of Kwara State;

[No. 4 of 2006.]

**"Health Establishment"** includes private hospitals, maternity homes, nursing homes, convalescent homes or premises used or intended for the reception of persons requiring medical or surgical treatment and nursing care but not a place where drug is prepared or distributed;

**"Maternity Home"** means any premises used or intended to be used for the reception of pregnant women immediately before or after childbirth;

**"Military Administrator"** . . . . .

[No. 4 of 2006.]

**"Ministry"** means the State Ministry of Health;

**"Nursing Home"** means any premises used or intended to be used for the reception of and the provision of nursing care for persons suffering from any sickness, injury or infirmity and includes a maternity home;

**"persons"** includes bodies corporate, firms, trustees or any other association of individuals;

**"private hospitals"** means any hospital or nursing home not owned wholly or partially by the State Government or Local Government Authority;

**"Proprietor"** means any person who holds himself out as the owner of a health establishment or the lease or tenant in a leased premises or the person using the premises for the purpose of operating a health establishment or any person who is entitled to any profit, or similar benefits from the business of any such health establishment;

**"qualified nurse"** means a person registered as a nurse as part of the fulfilment of the registration requirement under the Nigerian Nursing and (Midwifery) (Registration), etc., Act; and

[No. 4 of 2006.]

**"State"** means Kwara State of Nigeria.

### **3. Registration**

(1) As from the commencement of this Law, no person shall establish, run, operate, manage or receive profits from any health establishment as contained in Schedule II to this Law in the State unless such health establishment is registered in accordance with the provisions of this Law.

[Schedule II.]

(2) Where before the commencement of this Law, any person has been operating, managing, or running a health establishment, he shall apply within six months to be registered but shall cease to carry on such business after the expiration of the said period except he registers such health establishment in accordance with the provisions of this Law.

(3) Notwithstanding the provisions of subsections (1) and (2) above, where any person immediately before the commencement of this Law was registered to operate a health establishment under the corresponding enactments by this Law, such a person shall in respect of the health establishment be deemed to have been registered under this Law.

[No. 4 of 2006.]

### **4. Committee for the registration of health establishments**

(1) The Commissioner shall constitute an Advisory Committee for the

registration of all hospitals and other health establishments (hereinafter referred to as the Committee).

[No. 4 of 2006.]

(2) The Committee shall consist of a chairman who shall be the Director of Medical Services or his deputy and the following other members or their representatives—

- (a) the Director of the Public Health Services;
- (b) the Director, Food, Drugs and Pharmaceutical Services;
- (c) the Director, Primary Health Care;
- (d) the Director, Nursing Services;
- (e) the Director, Planning, Research and Statistics;
- (f) a representative of the Nigerian Medical Association;
- (g) the head of the Medical and Health Institution, Inspectorate Division of the Ministry;
- (h) a public health officer in the Ministry; and
- (i) two persons representing public interest.

[No. 4 of 2006.]

(3) The supplementary provisions contained in Schedule 1 to this Law shall have effect with regard to the proceedings and other matters mentioned therein.

[Schedule I.]

**5. Procedure for registration**

(1) Every proprietor of a health establishment shall apply for registration in writing to the Commissioner together with the prescribed fee stating among others in his application—

- (a) the name, place of business or the proposed name and place of business of the health establishment;
- (b) the name and address of the proprietor where this is an individual and in other cases, of each director, partner, trustee or other principal officer of the body or firm (whether corporate or incorporate);
- (c) the nature of the medical, surgical or other health facility being offered at the health establishment;
- (d) whether the health establishment had commenced business before the commencement of this Law, the date of commencement of such business; and
- (e) such other particulars as may be prescribed.

(2) On the receipt of an application under this Law the commissioner shall cause such enquiries to be made by the committee as to what may assist him in coming to a just decision in each case.

(3) The committee shall on the receipt of an application from the commissioner's office, register the applicant in respect of the health establishment named in the application and issue him with a certificate, after due approval by the commissioner, and the payment of the prescribed fees.

(4) An application for registration may be refused, if from the enquiries made by the committee, the committee, is of the opinion and satisfied that—

- (a) any person employed or to be employed in a health establishment is not a fit person whether by reason of age or otherwise, to carry on or to be employed in such a health establishment as is described in the application;
- (b) by the nature of or the construction of the building, state of repair, accommodation, staffing or equipment, it is improper or undesirable that such be used as a health establishment; or
- (c) in the case of a hospital that—
  - (i) the hospital is not or will not be under the charge of a person registered as a medical practitioner in Nigeria; or
  - (ii) the registered medical practitioner who has or will have superintendence of the health establishment is in charge of more than three such establishment in an urban area or more than five in a rural area or that he resides at a place more than fifty kilometres from the hospital; or
  - (iii) the number of staff, beds and the in-patients facilities in the hospital is not enough and;
  - (vi) by reason of location it is undesirable that such health establishment be registered.

- (d) in the case of a nursing home, that the home is not or will not be under the charge of a person who is either a registered medical practitioner or a qualified nurse and that there is not or there will not be a good proportion of qualified nurses among the persons employed in the care of the patients in such a home; or
- (e) in the case of a maternity home, that the person who has or will be in charge of it and who will care for the patients in the home is not a qualified nurse or a certified midwife or that any person employed to attend to any woman in childbirth in the home is not either a—
  - (i) a registered medical practitioner;
  - (ii) a certified midwife;
  - (iii) a qualified nurse; or
  - (iv) a pupil midwife.

## **6. Annual registration and renewals**

All registration under this Law shall be for twelve calendar months and shall be renewable annually after paying such fees as may be prescribed from time to time by the Commissioner.

## **7. Display of certificate**

Every person to whom a certificate of registration is issued under this Law shall have the same affixed to a wall in a conspicuous place in the health



establishment where he operates.

[No. 4 of 2006.]

## **8. Replacement of lost certificate**

Any holder of a certificate issued under this Law and which certificate is lost or destroyed may on the payment of the prescribed fee obtain a duplicate copy from the Committee.

## **9. Opening or closing of a health establishment**

The proprietor of every health establishment shall inform the committee and the committee shall take such decisions as it thinks appropriate in the circumstance if there is—

- (a) any proposal to open a new or close an old branch of such health establishment; or
- (b) any proposed agreement or any arrangement for the sale or disposal of its business in the health establishment or by the amalgamation of same or otherwise; or
- (c) any proposal for any re-organisation.

## **10. Publication of all registration**

(1) A designated officer in the Ministry shall cause every certificate of registration under this Law to be published in the *Gazette*.

(2) The Committee shall ensure that there is a register of all registered health establishments in the State as provided under this Law, and—

- (a) cause such register to be printed, published and put on sale to the members of the public;
- (b) make the printed editions available at all reasonable times for inspection by the members of public.

(3) Any document purporting to be a printed edition of a register published under this Law shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that a health establishment named therein is certified fully or conditionally as specified therein.

#### **11. Power to cancel registration**

The Committee may on the direction of the Commissioner cancel at any time the registration of a person in respect of a health establishment if—

- (i) there is any ground which would have entitled it to refuse an application for registration is uncovered; or
- (ii) that the proprietor of a health establishment has been convicted of an offence under the provisions of this Law; or
- (iii) that he has been convicted of an offence against the provisions of any by-law or regulations made thereunder.

#### **12. Right of appeal where registration is cancelled or refused**

(1) Every notice of cancellation or refusal of registration made by the Committee under this Law shall be in writing and forwarded to the proprietor stating—

- (a) the reasons for making such an order; and

- (*b*) giving the proprietor of the health establishment fourteen days within which he should show cause in person or by representation why on the stated reasons the order of the Committee should not be made.

(2) If the Committee, after hearing the person or the representation of the proprietor is still not satisfied it shall make an order to that effect and shall send a copy to the applicant or the person registered.

(3) A person aggrieved by any order made by the Committee under this Law may appeal to the Commissioner whose decision on it shall be final.

### **13. Power to make regulations**

The Committee may, with the approval of the Commissioner make regulations generally for the effective performance of its functions under this Law and in particular, make provisions for—

- (*a*) the facilities and services to be provided in any health establishment;
- (*b*) the number of persons of any description, who may be received into the health establishment;
- (*c*) the records to be kept of the patients received into a health establishment, of any number of miscarriages or birth in a maternity home; or
- (*d*) the form of notices to be given when any death occurs in the health establishment; and

- (e) any other particulars as may be prescribed by the Committee with due approval from time to time.

[No. 4 of 2006.]

#### **14. Inspection of health establishments**

The committee or any authorised officer shall have a right of access to any premises or records at all reasonable time as may be necessary for the purpose of ensuring compliance with the provisions of this Law provided that nothing in this Law shall be construed as to allow any such officer to inspect any medical record relating to a patient in a health establishment.

#### **15. Exemptions**

The Commissioner may in his discretion in any particular case modify, vary or grant to any person or health establishment any exemption from the operation of the provisions of this Law but not as to the provision to register such health establishment.

#### **16. Offences and penalty**

(1) Any person who neglects or refuses to furnish returns as required under this Law shall be guilty of an offence and liable on conviction to a fine of two thousand five hundred naira or to three months imprisonment or to both.

(2) Any person who, for the purpose of registration or furnishing of returns on a health establishment presents any instruments or makes any statement which is false in a material particular shall be guilty of an offence and liable on conviction to a fine of five thousand naira or to six months imprisonment.

(3) Any person who obstructs, interferes with, assaults or resists any

authorised officer in the execution of his duties under this Law, or who aids, induces or abets any other person to obstruct, interfere with, assault or resist any such officer shall be guilty of an offence and liable on conviction to a fine of two thousand naira or to three months imprisonment or the both.

[No. 4 of 2006.]

## **17. Offences by body corporate**

Where an offence under this Law is committed by a body corporate, firm or other association of individuals—

- (a) every director, manager, Secretary or other similar officer of the body corporate;
- (b)
  - (i) every partner or officer of the firm;
  - (ii) every trustee of the body concerned;
  - (iii) every person concerned or charged with the management of the affairs of the health establishment; or
  - (iv) any person who purports to act in any such capacity as aforesaid,

shall severally be guilty of that offence and liable to be punished for that offence in like manner as if he had himself committed the said offence.

## **18. Penalty for betting up illegal health establishment**

Any person who establishes runs, manages or operates any health establishment otherwise than in compliance with the provisions of this Law

shall be guilty of an offence and liable on conviction to a fine of ten thousand naira or to six months imprisonment or to both.

## **19. Fees**

(1) There shall be paid annually for the registration or renewal of health establishments, such fees as may be prescribed from time to time by the commissioner.

(2) Fees prescribed pursuant to the provisions of subsection (1) of this section may be published in a *Gazette* for public notice.

## **20. Repeal of Law No. 14 of 1986**

The Hospital and other Health Establishments (Registration) Law No. 14 of 1986 is hereby repealed.

---

### **SCHEDULE I**

[Section 4.]

#### *Tenure of office*

1. Any appointment of a member of the Committee (other than a public officer appointed by office) shall be for a period of two years beginning from the date of such appointment, but shall not be eligible for more than two consecutive terms.

2. Any member (other than the public officers) may resign his appointment in writing under his hand forwarded to the Commissioner and

such resignation shall take effect on the acceptance of same by the Commissioner.

3. Members who are public officers shall cease to be members upon ceasing to hold the office which entitles them to such appointment as a member of the Committee.

4. Any member of the Committee may be removed from office by the Commissioner on the recommendation of the Committee for reasons of—

- (a) the member's inability to function in his office or;
- (b) due to infirmity of mind or body; or
- (c) any other cause including a member having obvious interest in the affairs of the Committee or due to a member's misbehaviour.

[No. 4 of 2006.]

5. (a) The Chairman of the Committee shall preside at meetings of the Committee and if he is absent the members shall appoint someone amongst them to preside at that meeting;

[No. 4 of 2006.]

(b) at a meeting of the Committee—

- (i) six members including the Chairman shall form a quorum;
- (ii) all questions shall be decided by a majority of those present and voting; and

(iii) in the case of equality of votes, the presiding Chairman shall have a second or casting vote.

6. The Committee may make standing orders to regulate its proceedings or of any subcommittee thereof and may function notwithstanding any vacancy in its membership or the absence of any member.

7. The Committee may appoint such subcommittee as it thinks fit to consider any matter referred to it by the Committee but the decision of any such subcommittee shall be of no effect until it is approved by the Committee.

8. The Committee may co-opt any person for such periods as it thinks fit to advise it on any particular matter but such co-opted member shall not be entitled to vote at any meeting of the Committee and shall not count towards the formation of a quorum.

9. Any document purporting to be an instrument or other document duly signed on behalf of the Committee shall be received in evidence and unless the contrary is proved, be presumed without further proof to have been so signed.

Health Establishments—

10. Any member of the Committee who has a personal interest in any matter referred to the Committee for consideration shall disclose such interest and shall not vote on any question relating to that matter.

---

## SCHEDULE

[Section 3.]



## Health Establishments

- (a) Private hospitals;
  - (b) Maternity homes;
  - (c) Nursing Homes;
  - (d) Health Centres;
  - (e) Convalescent Homes;
  - (f) Clinics or premises providing out-patients care under the control of a Medical practitioner;
  - (g) Laboratory or X-ray diagnostic Centers;
  - (h) Eye clinics;
  - (i) Physiotherapy centers;
  - (j) Dental centers;
  - (k) Optical/Optometric Centers
-

## CHAPTER K23

### KWARA STATE HOSPITALS AND OTHER HEALTH ESTABLISHMENT (REGISTRATION) LAW

#### SUBSIDIARY LEGISLATION

---

#### *List of Subsidiary Legislation*

1. Kwara State Hospitals and other Health Establishments Registration and Annual Renewal Fees Notice.
- 

### KWARA STATE HOSPITALS AND OTHER HEALTH ESTABLISHMENTS (REGISTRATION) LAW

#### ARRANGEMENT OF SECTIONS

#### SECTION

1. Short title.
2. Fees.

#### FIRST SCHEDULE

## SECOND SCHEDULE

---

### KWARA STATE HOSPITALS AND OTHER HEALTH ESTABLISHMENTS REGISTRATION AND ANNUAL RENEWAL FEES NOTICE

In exercise of the powers conferred upon me by section 19 of the Kwara State Hospitals and other Health Establishments (Registration) Law, 1994 and of all other powers enabling me in that behalf. I Rahmat Aduke Kuranga, Commissioner for Health for Kwara State of Nigeria hereby give the following notice—

[KWS LN No. 10 of 1994.]

[Date of commencement: *1<sup>st</sup> January*, 1994]

#### 1. Short title

This Notice may be cited as the Kwara State Hospitals and other Health Establishments Registration and Annual renewal fees Notice, 1994.

#### 2. Fees

- (a) The fees payable for registration of health establishments in the State are as set out in First Schedule to this Notice;

[First Schedule.]

- (b) The fees payable for annual renewal of registration of health establishments in the State are as set out in second schedule to this notice.

[Second Schedule.]

---

## FIRST SCHEDULE

### *Registration Fees*

**₦ K**

(1) Private Hospital .....	7,500.00
(2) Eye Centre .....	7,500.00
(3) Nursing Home .....	7,500.00
(4) Dispensary .....	3,500.00
(5) Clinic and Maternity .....	3,500.00
(6) Medical Laboratory .....	3,500.00
(7) Diagnostic Centre .....	3,500.00
(8) Physiotherapy/Rehabilitation Centre .....	3,500.00
(9) X-Ray Diagnostic Centre .....	3,500.00
(10) Dental Centre .....	3,500.00
(11) Optical Centre .....	3,500.00
(12) Clinic (Out Patients Only) .....	3,500.00

## SECOND SCHEDULE

### *Annual Renewal Fees*

~~N~~ K

(1) Private Hospital .....	5,000.00
(2) Eye Centre .....	3,000.00
(3) Nursing Home .....	3,000.00
(4) Dispensary .....	1,000.00
(5) Clinic and Maternity .....	2,500.00
(6) Medical Laboratory .....	1,500.00
(7) Diagnostic Centre .....	1,500.00
(8) Physiotherapy/Rehabilitation Centre .....	1,500.00
(9) X-Ray Diagnostic Centre .....	1,500.00
(10) Dental Centre .....	1,500.00
(11) Optical Centre .....	1,500.00
(12) Clinic (Out Patients Only) .....	1,500.00