

CHAPTER 155.

**WEST AFRICAN COUNCIL FOR MEDICAL RESEARCH
(SIERRA LEONE STATUS).**

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title and commencement.
2. Status and functions of the Council.
3. Modification in relation to Sierra Leone of certain provisions of the Nigerian Ordinance.
4. Membership of Council not a public office.

SCHEDULE.

**THE WEST AFRICAN COUNCIL FOR MEDICAL RESEARCH
ORDINANCE, 1954, OF NIGERIA.**

CHAPTER 155.

**WEST AFRICAN COUNCIL FOR MEDICAL RESEARCH
(SIERRA LEONE STATUS).**

An Ordinance to provide for the status and functions, within Sierra Leone, of the West African Council for Medical Research which was established in Nigeria by the West African Council for Medical Research Ordinance, 1954, of Nigeria, and for purposes connected therewith. 3 of 1955.

[7TH AUGUST, 1954.]

WHEREAS there was established in Nigeria by the West African Council for Medical Research Ordinance, 1954, (Nigerian Ordinance No. 18 of 1954) the provisions of which are set out in the Schedule to this Ordinance (hereinafter referred to as "the Nigerian Ordinance") the West African Council for Medical Research (hereinafter referred to as "the Council"):

AND WHEREAS the Council was so established for the purpose of arranging for the conduct and furtherance of medical research in the West African Territories and the provision of information and advice relating thereto:

AND WHEREAS the Council was established as a body corporate:

AND WHEREAS such persons, not exceeding three in number, as may be nominated by the Officer Administering the Government of Sierra Leone, are members of the Council:

AND WHEREAS it would be to the benefit of the health and well-being of the people of Sierra Leone were the Council to be given status and functions, including powers and duties, within Sierra Leone:

Short title
and com-
mencement.

1. This Ordinance may be cited as the West African Council for Medical Research (Sierra Leone Status) Ordinance, and shall be deemed to have come into force on the seventh day of August, 1954.

Status and
functions
of the
Council.

2. Subject to the provisions of section 3 of this Ordinance, the Council established by section 2 and incorporated in Nigeria by section 6 of the Nigerian Ordinance (which Council shall be known in Sierra Leone as the West African Council for Medical Research) shall also be, within Sierra Leone, a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name; and shall have within Sierra Leone the like functions (which expression shall include powers and duties) as it has within Nigeria under the provisions of the Nigerian Ordinance.

Modification
in relation to
Sierra Leone
of certain
provisions of
the Nigerian
Ordinance.

3. (1) The powers of the Council under section 19 of the Nigerian Ordinance shall apply in relation to the employment of servants in Sierra Leone as though they were employed in Nigeria.

(2) The provisions of section 15 of the Nigerian Ordinance shall apply in relation to activities of the Council in Sierra Leone, save that the accounts may be made up and audited in Nigeria.

(3) The provisions of section 17 of the Nigerian Ordinance shall not apply in relation to the functions of the Council in Sierra Leone.

(4) The provisions of section 21 of the Nigerian Ordinance shall apply in relation to the discipline of servants of the Council employed in Sierra Leone as though they were employed in Nigeria.

(5) The powers to dissolve the Council and all other powers conferred by section 22 of the Nigerian Ordinance shall, in so far as the Council have assets in Sierra Leone, devolve upon the Governor of Sierra Leone and shall be exercised by him subject to the approval of the Secretary of State.

4. The office of member of the Council shall not be a public office for all or any of the purposes of the Sierra Leone (Constitution) Order in Council, 1958.

Membership of Council not a public office.
P.N. 68 of 1958.

SCHEDULE.

An Ordinance to provide for the establishment of a Council for the conduct and furtherance of medical research in the West African territories and for purposes connected therewith. Title.

(BY NOTICE)* Date of commencement.

BE IT ENACTED by the Legislature of Nigeria, as follows— Enactment.

1. This Ordinance may be cited as the West African Council for Medical Research Ordinance, 1954, and shall come into operation on a date* to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
“the Council” means the West African Council for Medical Research established by section 3 of this Ordinance; “the West African Territories” means the Gambia, the Gold Coast, Nigeria and Sierra Leone.

PART I.—ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL.

3. For the purpose of arranging for the conduct and furtherance of medical research in the West African Territories and the provision of information and advice relating thereto, there is hereby established a Council, to be called the West African Council for Medical Research. Establishment of the Council.

4. (1) The Council shall consist of the following members— Constitution of the Council.
(a) the Chairman, to be nominated by the Secretary of State after consultation with the Governments of the West African Territories;

(b) three members to be nominated by the Governor, one of whom shall be a representative of the Council of the University College, Ibadan;

(c) three members to be nominated by the Officer Administering the Government of the Gold Coast;

* 7th August, 1954, under Government Notice No. 1375 of 1954 (of Nigeria).

(d) such members, not exceeding three in number, as may be nominated by the Officer Administering the Government of Sierra Leone;

(e) such members, not exceeding two in number, as may be nominated by the Officer Administering the Government of the Gambia;

(f) two members to be nominated by the Secretary of State;

(g) the Secretary to the Council.

(2) A member nominated under the provisions of paragraphs (a) to (f) inclusive of sub-section (1) of this section shall retain his membership of the Council during the pleasure of the person who nominated him as a member of the Council.

(3) Members may be nominated either personally or by virtue of their office.

(4) If any member of the Council who has been nominated as such by virtue of his office is for any good cause unable to attend a meeting of the Council, such member may, by notice in writing to the Chairman, nominate a person to attend such meeting in his place, and every such person shall have all the powers conferred by this Ordinance on such member and may exercise such powers until such member notifies the Chairman that he proposes to resume his attendance at meetings of the Council or until the term of office of such member shall have terminated, whichever shall occur first.

(5) If any member of the Council who has been nominated by name as such is for any good cause temporarily incapacitated from performing his functions as a member or from attending a meeting of the Council, a person may be nominated temporarily in the place of such member in the same manner as and in accordance with the same procedure under which such incapacitated member was nominated, and every such person shall have all the powers of such member and may exercise such powers until such member informs the Chairman in writing that he is again able to perform his functions as a member or until the term of office of such member shall have sooner determined.

(6) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof, or by any defect in the appointment of a member thereof, or by reason that some person who was not entitled to do so took part therein.

5. The Secretary to the Council shall be such person as the Secretary of State after consultation with the Governments of the West African Territories shall appoint.

Appointment
of Secretary.

6. (1) The Council shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

Incorporation
and seal of
Council.

(2) The common seal of the Council shall not be used or affixed to any document save in pursuance of a resolution in that behalf passed at a duly constituted meeting of the Council and recorded in the minutes of such meeting.

PART II.—POWERS, DUTIES AND PROCEDURE OF COUNCIL.

7. Subject to any directions, specific or general, of the Secretary of State, the Council may—

Powers of
Council

(a) enter into contracts and do all things necessary for or incidental to the purposes of this Ordinance;

(b) acquire and hold moveable or immoveable property and, subject also to the provisions of section 18, alienate, mortgage, charge, demise or otherwise deal with such property;

(c) borrow at interest, on the security of any corporate land or funds of the Council, such moneys as the Council may from time to time think necessary or expedient for carrying into effect the provisions of this Ordinance;

(d) from time to time invest the funds of the Council in such manner and to such extent as the Council may think necessary or expedient;

(e) appoint and fix the salaries and terms of appointment of and dismiss servants of the Council:

Provided that no person shall be appointed to an office declared to be a pensionable office under the provisions of sub-section (1) of section 20 of this Ordinance on terms which are inconsistent with the provisions of section 20 of this Ordinance;

(f) delegate to the Secretary all or any part of the powers conferred upon the Council by that portion of paragraph (e) of this section which relates to the appointment of servants of the Council:

Provided that nothing in this paragraph shall authorise the delegation to the Secretary of the power to appoint any person as a servant of the Council to a post of which the annual

salary exceeds three hundred pounds or, if the appointment contains provision for increase in salary, which provides for maximum annual salary exceeding three hundred pounds.

Appointment of Committees and persons to advise the Council.

8. (1) The Council shall appoint from among the members thereof a Standing Scientific Committee of which the duties shall be as follows—

(i) to submit to the Council annually—

(a) advice as to the programme of research to be conducted under the auspices of the Council;

(b) a report on the progress of research conducted under the auspices of the Council;

(ii) to carry out such other duties as may from time to time be determined by the Council.

(2) The Council may from time to time appoint such other committees, hereinafter referred to as "Committees of the Council," as the Council shall think fit, and the Council shall specify the duties and powers of any such Committee appointed under the provisions of this sub-section. Any such Committee may, if the Council thinks fit, include persons appointed from outside the Council.

(3) Every question which comes before the Standing Scientific Committee appointed in accordance with the provisions of sub-section (1) of this section or before any Committee of the Council shall be decided by a majority of the votes of the members present thereat, and, in so far as the procedure of meetings of the Standing Scientific Committee or any Committee of the Council is not prescribed by this Ordinance or by the Council, the standing Scientific Committee or any Committee of the Council may regulate its own procedure.

(4) The Council may at any time appoint and terminate the appointment of any person to advise the Council on any aspect of medical research, but no such person shall be, or be deemed to be, a member of the Council:

Provided that nothing in this sub-section shall preclude a person so appointed from being nominated under the provisions of sub-section (4) or sub-section (5) of section 4, or from exercising the powers conferred by those provisions on the person so nominated.

(5) The Council may at any time terminate the appointment of any person appointed from outside the Council to be a member

of a Committee of the Council under the provisions of sub-section (2) of this section.

9. It shall be the duty of the Council—

Duties of Council.

(a) (i) to arrange for the preparation annually of a general programme of research to be conducted under the auspices of the Council and to approve such programme;

(ii) before approving any such programme to consider any modifications which may be requested by the Governor and the Officers Administering the Governments of the Gambia, the Gold Coast and Sierra Leone and to include in such programme any of such modifications as the Council may think fit;

(b) to determine and approve annually the expenditure necessary to carry out the approved programme;

(c) to arrange for the preparation of annual reports on the progress of work conducted under the auspices of the Council and the expenditure and liabilities incurred, to make such observations thereon as the Council may think fit, and to arrange for the transmission of such reports and observations to the Secretary of State, the Governor and the Officers Administering the Governments of the Gambia, the Gold Coast and Sierra Leone;

(d) to provide information and advice on the practical application of the results obtained by medical research;

(e) to ensure the co-ordination of medical research work in the West African Territories and to promote collaboration in relation to medical research with other countries and territories.

10. (1) The Council shall ordinarily meet for the despatch of business at such times and places as the Council may from time to time appoint, and at least one meeting shall be held in each year.

Meetings of the Council.

(2) The Chairman may, and on the request in writing of three members of the Council the Secretary to the Council shall, call a special meeting of the Council at such time and place as he may appoint.

(3) At every meeting of the Council the Chairman, if present, shall preside, but in his absence the Council shall appoint one of the members present to preside.

(4) Every question which comes before the Council at any meeting shall be decided by a majority of the votes of the members present.

(5) Six members shall form a quorum at any meeting.

(6) The person presiding at any meeting shall have a vote and, in the case of any equality of votes, a second or casting vote.

(7) The Council shall ensure that prior notification of their intention to meet, together with particulars of items for discussion at every such meeting shall be forwarded, within such time as the Governor may specify, to the Secretary of State, to the Governor, and to the Officers Administering the Governments of the Gambia, the Gold Coast and Sierra Leone.

Minutes of
the Council.

11. Minutes of the proceedings of every meeting of the Council shall be regularly entered in a book to be kept for that purpose, and minutes of proceedings shall, after approval, be signed at the next ensuing meeting by the member presiding thereat.

Standing
Orders.

12. (1) The Council may from time to time make, amend or revoke Standing Orders not inconsistent with the provisions of this Ordinance, to ensure due notice being given to members of the meetings of the Council and to regulate the proceedings of the Council or the Standing Scientific Committee appointed in accordance with the provisions of sub-section (1) of section 8 of this Ordinance or of any Committee of the Council.

(2) The Standing Orders for the time being in force shall be followed and observed and shall be binding upon the Council, the Standing Scientific Committee and any Committee of the Council.

PART III.—FINANCE.

Funds of
the Council.

13. (1) The funds of the Council shall include—

- (a) all moneys raised for the general purposes of the Council;
- (b) all moneys accruing to the Council either by way of grants-in-aid, endowment, donation, or otherwise;
- (c) all charges, dues or amounts recovered by the Council;
- (d) all interest on moneys invested by the Council.

(2) The funds of the Council shall, subject to any direction, general or specific, by the Secretary of State, be applied by the Council to the accomplishment of the purposes of this Ordinance.

(3) Subject to any such direction as aforesaid the Council may from time to time out of its funds reimburse to any member of the Council reasonable expenses incurred by him in the execution of his duties under this Ordinance.

14. All sums of money received on account of the Council may be paid into such bank or banks as may be approved by the Council for the credit of the Council's general current or deposit account. Payment into bank.

15. (1) The Council shall cause to be prepared not later than the 30th day of June in each year or as soon as may be thereafter and in any case not later than the 28th day of September— Accounts and audit.

(a) a statement showing in detail the items of income and expenditure for the year ending on the 31st day of March immediately preceding; and

(b) a statement of the assets and liabilities of the Council as they stood on the 31st day of March immediately preceding.

(2) Such statements shall be audited and published in such manner as the Council, subject to any direction which may from time to time be given by the Secretary of State, may direct.

PART IV.—MISCELLANEOUS.

16. Upon the commencement of this Ordinance there shall vest in the Council by virtue of this Ordinance and without further assurance the interests in land specified in the Schedule together with all improvements and hereditaments so specified. Vesting of land in the Council.

17. (1) When there is any hindrance to acquisition by the Council of any land or building required for carrying into effect any of the provisions of this Ordinance, the Governor, upon the application of the Council and after such enquiry as he may think fit, may declare that the land or building is required for the service of the Council; and he may direct that action be taken under the provisions of the Public Lands Acquisition Ordinance or the Land and Native Rights Ordinance for acquiring the land or building for the Government of Nigeria or (as the case may require) for revoking any rights thereto, and for determining the compensation to be paid to the parties interested; and upon the making of such declaration the land to which it relates shall be deemed to be land required for a public purpose within the meaning of the Public Lands Acquisition Ordinance or the Land and Native Rights Ordinance, as the case may be. Acquisition of land for the Council.
Cap. 185.
Cap. 105.

(2) When the land or building has been acquired or the rights thereto have been revoked as aforesaid, the Governor may vest such land or building in the Council by means of a certificate under the hand and seal of the Adviser on Lands to the effect that the land or building has been made over to the Council, or (as the case may require) may grant the Council a right of occupancy in respect thereof.

(3) The compensation, if any, for such acquisition or revocation, as the case may be, shall in the first instance be paid by the Government of Nigeria, but the Council shall refund to the Government any compensation so paid and all incidental expenses incurred by the Government.

Restriction
on
alienation,
etc. of land.

18. The Council shall not, without the approval in writing of the Governor, alienate, mortgage, charge or demise any immovable property which has been vested in the Council under any of the provisions of this Ordinance or in respect of which a right of occupancy has been granted to the Council.

Widows'
and Orphans'
pensions.

Cap. 231

19. (1) The Council at any time, with the approval of the Governor, may require any servant of the Council, being a person who if he were in the service of the Government of Nigeria would be deemed to be a "European Officer" within the meaning of the Widows' and Orphans' Pensions Ordinance, to contribute to the scheme established by such Ordinance.

(2) Where the Council requires any person to contribute in accordance with sub-section (1) of this section, the provisions of the Widows' and Orphans' Pensions Ordinance shall apply to such person in the same manner and to the same extent as if such person were in the service of the Government of Nigeria, and every such person so contributing shall be deemed a "European Officer" within the meaning of such Ordinance.

Pensionable
offices.

No. 29 of
1951.

20. (1) It shall be lawful for the Governor by order to declare that any office under the Council shall be a pensionable office for the purposes of the Pensions Ordinance, 1951.

(2) The provisions of the Pensions Ordinance, 1951 shall, subject to the provisions of sub-section (3) and sub-section (4) of this section, apply or continue to apply to employees of the Council confirmed in offices declared to be pensionable under sub-section (1) of this section in the same manner and to the same extent as the said provisions would apply to such employees if they were serving in a civil capacity in a pensionable office in Nigeria under the Government of Nigeria.

(3) For the purpose of this section the Pensions Ordinance, 1951, shall have effect as if in paragraph (1) of section 7 and sub-section (1) of section 9 of that Ordinance the word "Council" were substituted for the word "Governor" wherever such word appears therein.

(4) Nothing in the provisions of sub-section (2) of this section shall prevent the appointment of a person to a pensionable office on terms which preclude the grant of a pension under the Pensions Ordinance, 1951, to such person in respect of his service in that office.

(5) For the purposes of this section the Secretary to the Council shall be deemed to be an employee of the Council and his office to be an office under the Council, and the foregoing provisions of this section shall apply in relation to the said Secretary accordingly, save that the provisions of sub-section (6) shall have effect in lieu of the provisions of sub-section (3), and the reference in sub-section (2) to sub-section (3) shall be deemed to be a reference to sub-section (6).

(6) In relation to the Secretary to the Council the Pensions Ordinance, 1951, shall, for the purposes of this section, have effect as if—

(a) in paragraph (1) of section 7 of that Ordinance the words "Secretary of State" were substituted for the word "Governor," in both places where the word occurs therein; and

(b) in sub-section (1) of section 9 of that Ordinance the words "Secretary of State after consultation with the Governments of the West African Territories" were substituted for the words "Governor," in both places where that word occurs therein, and the proviso to the sub-section were omitted.

21. (1) Every servant of the Council who is in receipt of an annual salary of not less than three hundred pounds or, if his appointment contains provisions for increases in salary, who may receive a maximum annual salary thereunder exceeding three hundred pounds shall be subject to the authority of the Council: Discipline.

Provided that no such person shall be dismissed without the approval of the Secretary of State who may, before expressing approval or otherwise, institute such inquiries as shall to him seem fit.

(2) Every servant of the Council who is in receipt of an annual salary of less than three hundred pounds, or, if his

appointment contains provisions for increases in salary, who is on terms of maximum annual salary thereunder not exceeding three hundred pounds or is paid a salary other than an annual salary, shall be subject to the authority of the Secretary and for the purpose of discipline, including dismissal, to such directions as the Secretary may either generally or specifically issue:

Provided that no servant holding a pensionable office shall be dismissed without the approval of the Council.

Powers to
dissolve
Council.

22. The Governor, upon the direction of the Secretary of State, may by Order declare that the Council shall be dissolved and cease to exist as from a date to be specified in the Order, and thereupon any balance of the funds of the Council, and all other property of the Council, remaining at such date shall be disposed of and applied as may be directed by the Secretary of State.

Membership
of the
Council
not an office
of emolu-
ment under
the Crown.

23. The office of member of the Council shall not be an office of emolument under the Crown for any purposes of the Nigeria (Constitution) Order in Council, 1951.

SCHEDULE.

The interests of the Crown in all those parcels of land, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto, the boundaries of which are shown verged RED on Plans Nos. L.314—and OSHD. 10 signed by the Governor and deposited in the Lands Registry at Lagos.
