

*Extraordinary*



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# A BILL

## FOR

AN ACT TO ESTABLISH THE REGIONAL CENTRE FOR ORAL HEALTH  
RESEARCH AND TRAINING INITIATIVES AND FOR RELATED MATTERS

*Sponsored by Hon. Mohammed Tahir Monguno*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

1           PART I - ESTABLISHMENT OF THE REGIONAL CENTRE FOR ORAL  
2           HEALTH RESEARCH AND TRAINING INITIATIVES AND ITS  
3           MANAGEMENT BOARD ETC.

4           1.-(1) There is established a body to be known as the Regional  
5           Centre for Oral Health Research and Training Initiatives (in this Act referred  
6           to as "the Centre").

Establishment of  
the Regional  
Centre for Oral  
Health Research  
and Training  
Initiatives

7           (2) The Centre:

8           (a) shall be a body corporate with perpetual succession and a  
9           common seal:

10          (b) may sue and be sued in its Corporate name; and

11          (c) may acquire, hold and dispose property whether movable or  
12          immovable.

13          (3) The head office of the Centre shall be located at Jos, Plateau  
14          State.

15          2.-(1) There is established for the Centre, a governing body (in this  
16          Act referred to as "the Board") which shall have overall control of the  
17          Centre.

Establishment  
and membership  
of the Governing  
Board

18          (2) The Board shall consist of:

19          (a) A Chairman who shall be a person of integrity with a proven  
20          track record of research and management of research project in the Region;

21          (b) a representative each of:

	1	(i) the Federal Ministry of Health;
	2	(ii) the Federal Ministry of Science and Technology;
	3	(iii) the Ministry of Health Plateau State;
	4	(iv) the National Institute for Medical Research;
	5	(v) the Member Countries of African Region of World Health
	6	organization;
	7	(vi) the world Health Organization Regional Officer for Africa;
	8	(vii) the Nigeria Country Office of the World Health organization;
	9	and
	10	(c) the Director-General of the Centre.
	11	(3) The Chairman and other members of the Board shall be appointed
	12	by the President on the recommendation of the Minister.
	13	(4) The Minister shall consult the World Health organization
	14	Regional Office for African before recommending to the president for the
	15	appointment of the Chairman.
Schedule	16	(5) The supplementary provisions specified in the schedule to this Act
	17	shall have effect with respect to the proceedings of the Board and the other
	18	matters mentioned therein.
Tenure of office	19	<b>3.-</b> (a) The Chairman and Members of the Board shall each hold office
	20	for a term of 4 years and may be re-appointed for a further term of 4 years and
	21	no more; and
	22	(b) on such terms and conditions as may be specified in their letters of
	23	appointment.
Cessation of membership	24	<b>4.-</b> (1) Notwithstanding the provisions of Section 3 of this Act, a
	25	person shall cease to hold office as a member of the board if he-
	26	(a) resigns his appointment by a letter addressed to the President;
	27	(b) becomes of unsound mind or is incapable of carrying out his
	28	duties;
	29	(c) becomes bankrupt or makes a compromise with his creditors;
	30	(d) is convicted of a felony or any offence involving dishonesty;

1 (e) is guilty of a serious misconduct in relation to his duties;  
2 (f) is disqualified, in the case of person who is possessed of  
3 professional qualification or suspended from practicing his profession in  
4 any part of the world by an order of competent authority made in respect of  
5 that member; or

6 (g) is removed by the President on the recommendation of the  
7 Minister if, in his opinion, he considers that the services of the member are  
8 no longer required or that it is not in the interest of the public or the Board for  
9 the member to continue in office.

10 (2) Where a member of the Board ceases to hold office for before  
11 the expiration of the term for which he is appointed, another person  
12 representing, the same interest as that member shall be appointed to the  
13 Board for the unexpired term.

14 **5.** The Board shall have power to:

Powers of the  
Board

15 (a) formulate policies and approve action plans, strategies and  
16 procedures for the achievement of the objectives of the Centre specified in  
17 Section 7 of this Act;

18 (b) evaluate, from time to time, the impact of such policies,  
19 strategies and procedures on the objectives of the Centre under this Act.

20 (c) appoint, when necessary, technical committees comprised of  
21 persons with requisite technical competence from the private or public  
22 sector to advise the centre on such matters as may be determined from time  
23 to time; and

24 (d) do such other things as may, from time to time, be necessary to  
25 achieve the objectives of the centre.

26 **6.** The Chairman and members of the Board other than members  
27 referred to in paragraphs (v) - (vii) of section 2(2) shall be paid such  
28 remunerations, allowances and benefits as may be approved by the Federal  
29 Government, from time to time.

Remuneration,  
Allowances etc.  
of members

	1	PART II - OBJECTIVES AND FUNCTIONS OF THE CENTRE
Objectives of the Centre	2	<b>7.</b> The objectives of the Centre shall be to:
	3	(a) promote and strengthen collaborative research and training
	4	activities on oral health strategy among the member countries of the World
	5	Health Organization in the African Region;
	6	(b) develop strategic initiatives in oral health research and training;
	7	and
	8	(c) encompass oral health conditions with specific emphasis on
	9	priority issues concerning the management of oral manifestations of HIV
	10	infection and reduction of the incidence and prevalence of conditions such as
	11	caries, periodontal diseases, noma, oral cancer, cranio-facial anomalies,
	12	trauma and infections etc.
Functions of the Centre	13	<b>8.</b> The Centre shall:
	14	(a) stimulate and strengthen interest and collaborative efforts towards
	15	improving the oral health status of Nigerians, especially children and
	16	promoting such developments in the African region;
	17	(b) promote collaborative efforts towards improving the structure of
	18	oral health services an integral part of primary healthcare and other national
	19	health programmes to prevent oral diseases through health manpower and rural
	20	health development, primary health care and health research;
	21	(c) facilitate exchange of ideas, experience and information on oral
	22	health problems and programmes;
	23	(d) co-ordinate and implement research programmes on matters
	24	relating to oral health. including epidemiology, prevention, simple techniques,
	25	appropriate technology, programme evaluation and facilitate the
	26	implementation of the outcome of such research;
	27	(e) organize short-term training courses in oral health programme
	28	development, implementation and evaluation for public health officers and
	29	oral health professionals;
	30	(f) organize short-term training courses in primary oral health care for

1       trainers of primary health workers, school teachers and other appropriate  
2       community health workers;

3               (g) design and organize training courses for updating knowledge  
4       and skills of existing personnel in primary oral health care methods;

5               (h) develop and evaluate alternate system for the delivery of oral  
6       health care, including health services research, especially for children;

7               (i) develop field demonstration, testing and evaluation  
8       programmes in prevention of oral diseases and provide preventive care for  
9       children at high risk;

10              (j) promote exchange of information, idea and experiences through  
11       national and international conferences, seminars, workshops, training  
12       courses and publications;

13              (k) serve as an advisory centre, coordinating institution and centre  
14       of excellence for planning, monitoring and re-planning of the activities of  
15       the Federal Government and the World Health Organization relating to oral  
16       health and for the collaborative research projects in oral health and oral  
17       health related areas; and

18              (l) perform such other functions as may be required to achieve the  
19       objectives of the Centre under this Act or any oral health programmes as  
20       may be formulated by the Federal Government and World Health  
21       Organization from time to time, pursuant to this Act.

22              **9.** The Centre shall have power to:

Powers of the  
Centre

23              (a) support and organize oral health research and training activities  
24       in member countries of the World Health Organization in the African  
25       Region;

26              (b) organize and convene national, regional and international  
27       conferences and seminars in oral health and oral health related matters;

28              (c) appoint, promote and discipline staff of the Centre;

29              (d) enter into contractual agreement for the benefit of the Centre;  
30       and Power of the Centre; and

1 (e) do such other things as it may consider expedient and necessary for the  
2 effective carrying out of its functions under this Act.

3 **PART III - STAFF OF THE CENTRE**

Director-General 4 **10.-(1)** There shall be for the Centre a Director-General who shall be:  
5 (a) appointed by the President on the recommendation of the  
6 Minister;  
7 (b) the Chief Executive and accounting officer of the Centre; and  
8 (c) responsible to the Board for the policy direction and day-to-day  
9 administration of the Centre.

10 (2) The Director-General shall hold office:  
11 (a) for a term of 4 years in the first instance and may be re-appointed  
12 for another term of 4 years and no more; and  
13 (b) on such terms and conditions as may be contained in his letter of  
14 appointment.

Other staff of  
the Centre 15 **11.-(1)** The Board shall appoint for the Centre, such other number of  
16 staff as it may deem necessary and expedient from time to time for the proper  
17 and efficient performance of the functions of the Centre.

18 (2) The terms and conditions of the service (including remuneration,  
19 allowances, benefits and pensions) of officers and employees of the Centre  
20 shall be as determined by the Board.

21 (3) The Board shall have power to appoint either on transfer or on  
22 secondment from any public service of the Federation, such number of  
23 employees as may, in the opinion of the Board, be required to assist the Centre  
24 in the discharge of any of its functions under this Act, and shall have power to  
25 pay such persons so employed such remuneration (including allowances) as  
26 may be determined by the Board.

27 (4) Subject to the approval of the President, the Board may recruit  
28 technical experts or personnel from member countries of the World Health  
29 Organization in the African Region.



1                   **12.**-(1) The Board may, subject to the provisions of this Act, make     Staff Regulations  
2       staff regulations relating to the conditions of service of the employees of the  
3       Centre and without prejudice to the generality of the foregoing, such  
4       regulations may provide for:

5                   (a) the appointment, promotion and disciplinary control (including  
6       dismissal) of the employees of the Centre;

7                   (b) appeals by such officers and employees against dismissal or  
8       other disciplinary measures.

9                   (2) Any instrument relating to the conditions of service of the  
10      officers in the civil service of the Federation shall be applicable.

11                  (3) Staff regulations made under subsection (1) of this section.  
12      shall not have effect until approved by the Minister, and when so approved  
13      they need not be published in the Federal Gazette but the Centre shall bring  
14      them to the notice of all affected persons in such manner as it may, from time  
15      to time, determine.

16                  **13.**-(1) service in the Centre shall be subject to the provisions of the     Pension Cap 346  
17      Pensions Reform Act and accordingly, officers and employees of the Centre     LFN  
18      shall be entitled to pensions and other retirement benefits as are prescribed  
19      under the Pension Reform Act.

#### 20                                   PART VI - FINANCIAL PROVISIONS

21                  **14.**-(1) The Centre shall establish and maintain a fund from which     Fund for the  
22      shall be defrayed all expenditures incurred by the Centre.     Centre

23                  (2) There shall be paid and credited to the fund established  
24      pursuant to subsection (1) of this section:

25                  (a) the take-off grant from the Federal Government;

26                  (b) such moneys as may, from time to time, be granted to the Centre  
27      by the Federal Government and the World Health Organization or its  
28      Regional Office for Africa.

29                  (c) annual subvention from the Federal Government;

30                  (d) such counter-part funding as may be provided, from time to

- 1 time, by the Federal, State or Local Government;
- 2 (e) loans and grants-in-aid from national, bilateral and multilateral
- 3 agencies;
- 4 (f) rents, fees and other internally generated revenues from services
- 5 provided by the Centre; and
- 6 (g) all sums of money accruing to the Centre by way of grants, gifts,
- 7 testamentary dispositions and endowments and contributions from any sources
- 8 whatsoever.
- 9 (3) The fund shall be managed in accordance with the rules made by
- 10 the Board and without prejudice of the power to make rules under this
- 11 subsection, the rule shall in particular contain provisions:
- 12 (a) Specifying the manner in which the assets or the fund of the Centre
- 13 are to be held and regulating the making of payments into and out of the fund;
- 14 (b) requiring the keeping of proper accounts and records for the
- 15 purpose of the fund in such form as be specified in the rules;
- 16 (c) for securing that the accounts are audited periodically by an
- 17 auditor appointed from a list of auditors approved by the Auditor-General of
- 18 the federation; and
- 19 (d) requiring copies of the accounts and of the auditor's report on them
- 20 to be furnished to the Federal Ministry of Finance and the Federal Ministry of
- 21 Health.
- 22 **15.** The Centre shall, from time to time, apply the proceeds of the
- 23 funds established pursuant to section 13 of this Act to:
- 24 (a) the cost of administration of the Centre;
- 25 (b) the payment of the emoluments, allowances and benefits of
- 26 members of the Board and for reimbursing members of the Board or of any
- 27 committee set up by the Board for such expenses as may be expressly
- 28 authorized by the Board;
- 29 (c) the payment of salaries, fees or other remuneration or allowances,
- 30 gratuities and pensions, and other benefits payable to the members of the Board

Expenditure  
of Centre

1 and other employees of the Centre, as the case may be;

2 (d) the payment for all consultancies, contracts, including  
3 mobilization, variations, legal fees and cost of contract administration;

4 (e) the payment for all purchase; and

5 (f) undertaking such other activities as are connected with all or  
6 any of the functions of the Centre under this Act.

7 **16.**-(1) The Centre may accept any gift of land, money or other Power to accept  
gift  
8 property on such terms and conditions, as may be specified by the person or  
9 organization making the grant.

10 (2) The Centre shall not accept any gift if the conditions attached  
11 by the person or organization making the gift are inconsistent with the  
12 objectives or functions of the Centre under this Act.

13 **17.**-(1) The Centre shall, not later than 30th September in each Annual estimates  
14 year, submit through the Minister to the President an estimate of its  
15 expenditure and income for the next succeeding year.

16 (2) The Board shall cause to be kept proper accounts of the Centre  
17 in respect of each year and proper records in relation thereto and shall cause  
18 the accounts to be audited within six months after the end of each year by  
19 auditors appointed from the list and in accordance with the guidelines  
20 supplied by the Auditor-General for the Federation.

21 **18.** The Centre shall prepare and submit through the Minister to Annual Reports  
22 Annual Reports the President, not later than 30th June in each year, a report  
23 in such form as the President may direct on the activities of the Centre during  
24 the immediately proceeding year, and shall include in such report of the  
25 audited accounts of the Centre for that year and the auditor's report thereon.

26 **PART V - LEGAL PROCEEDINGS**

27 **19.**-(1) Subject to the provisions of this Act, the provisions of the Limitation of  
suits against the  
Centre  
28 Public Officers Protection Act shall apply in relation to any suit instituted  
29 against any member, officer or employee of the Centre.

30 (2) Notwithstanding anything contained in any other law, no suit

1 against a member of the Board, the Director-General or any other officer or  
2 employee of the Centre for any act done in pursuance or execution of this Act or  
3 any other law or enactment, or of any public duties or authority or in respect of  
4 any alleged neglect or default in the execution of this Act or any other law or  
5 enactment, duties or authority, shall lie or be instituted in any court unless it is  
6 commenced:

- 7 (a) within three months after the act, neglect or default complained of;  
8 (b) in the case of a continuation of damage or injury, within six  
9 months next after the ceasing thereof.

10 (3) No suit shall be commenced against a member of the Board, the  
11 Director-General or any other officer or employee of the Centre before the  
12 expiration of a period of one month after written notice of the intention to  
13 commence the suit shall have been served on the Centre by the intending  
14 Plaintiff or his agent.

15 (4) The notice referred to in subsection (3) of this section shall clearly  
16 and explicitly state:

- 17 (a) the cause of action;  
18 (b) the particulars of the claim;  
19 (c) the name and place of abode of the intending Plaintiff; and  
20 (d) the relief which he claims.

Service of  
Documents

21 **20.** A notice, summons or other document required or authorized to  
22 be served on the Centre under the provisions of this Act or any other law or  
23 enactment may be served by delivering it to the Director-General or by sending  
24 it by registered post addressed to the Director-General at the principal office of  
25 the Centre.

Restriction on  
execution against  
the property of  
the centre

26 **21.-(1)** In any action or suit against the Center, no execution or  
27 attachment of process in the nature thereof shall be issued against the Centre  
28 unless not less than three months' notice of the intention to execute or attach has  
29 been given to the Centre.

30 (2) Any sum of money which by the judgment of any court has been

1 awarded against the Centre shall, subject to any direction given by the court,  
2 where no notice of appeal against the judgment has been given, be paid from  
3 the fund of the Centre.

4 **22.** A member of the Board, the Director-General or any officer or Indemnity  
5 employee of the Centre shall be indemnified out of the assets of the Centre  
6 against any liability incurred by him in defending any proceeding, whether  
7 civil or criminal, if the proceedings is brought against him in capacity as a  
8 member, Director-General, Officer or other employee of the Centre.

9 PART VI - MISCELLANEOUS

10 **23.** The Minister may give to the Centre such directives of a Directive by the  
11 general nature or relating generally to matters of policy with regard to the Minister  
12 exercise of its functions as he may consider necessary and it shall be the duty  
13 of the Centre to comply with the directives or cause them to be complied  
14 with.

15 **24.** The Minister may, on the recommendation of the Board, make Power to make  
16 regulations generally for giving full effect to the provisions of this Act. Regulations

17 **25.** In this Act- Interpretation

18 "Board" means the governing Board of the Centre established under section  
19 2 of this Act;

20 "Centre" means the Regional Centre for Oral Health Research and Training  
21 Initiatives established under section 1 of this Act;

22 "Chairman" means the Chairman of the Board of the Centre;

23 "Director-General" means the Director-General of the Centre appointed  
24 pursuant to section 10 of this Act;

25 "Member" means a member of the Board of the Centre and includes the  
26 Chairman;

27 "Minister" means the Minister charged with the responsibility for matters  
28 relating to health;

29 "President" means the President of the Federal Republic of Nigeria.

Short title                    1                    **26.** This Bill may be cited as the Regional Centre for Oral Health  
2                    Research and Training Initiatives (Establishment, etc) Bill, 2019.

3                    SCHEDULE

4                    SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

5                    *Proceedings of the Board*

6                    1. Subject to this Act and Section 27 of the Interpretation Act (which  
7                    provides for decisions of the statutory body to be taken by a majority of its  
8                    members and for the person presiding at any meeting, when a vote is ordered, to  
9                    have a second or casting vote), the Board may make standing orders regulating  
10                    its proceedings or that of any of its committees.

11                    2. At every meeting of the Board, the Chairman shall preside and in  
12                    his absence the members present at the meeting shall appoint one of their  
13                    members to preside at the meeting.

14                    3. The quorum at a meeting of the Board shall consist of the Chairman  
15                    or, in an appropriate case, the person presiding at the meeting pursuant to  
16                    paragraph 2 of this Schedule, and three/four other members.

17                    4. The Board shall for the purpose of this Act, meet not less than two  
18                    times in each year and subject, thereto, the Board shall meet whenever it is  
19                    summoned by the Chairman, and if required to do so, by notice given to him by  
20                    not less than three/four other members, he shall summon a meeting of the  
21                    Board to be held within 28 days from the date on which the notice is given.

22                    5. Where the Board desires to obtain the advice of any person on a  
23                    particular matter, the Board may co-opt him to the Board for such period as it  
24                    deems fit, but a person who is a member by virtue of this sub-paragraph shall  
25                    not be entitled to vote at any meeting of the Board and shall not count towards a  
26                    quorum.

27                    *Committees*

28                    6.-(1) Subject to its standing orders, the Board may appoint such  
29                    number of standing and ad hoc-committees as it deems fit to consider and  
30                    report on any matter with which the Centre is concerned.

1 (2)A committee appointed under this paragraph shall:

2 (a) consist of such number of persons (not necessarily members of  
3 the Board as may be determined by the Board), and a person, other than a  
4 member of the Board, shall hold office on the committee in accordance with  
5 the terms of his appointment; and

6 (b) be presided over by a member of the Board.

7 (3) The quorum of any committee set up by the Board shall be as  
8 may be determined by the Board.

9 (4)A decision of a committee of the Board shall be of no effect until  
10 the Board confirms it.

11 *Miscellaneous*

12 7. The fixing of the seal of the Centre shall be authenticated by the  
13 signature of the Chairman, the Director-General or any other person  
14 generally or specifically authorized by the Board to act for that purpose.

15 8. Any contract or instrument which; if made or executed by a  
16 person not being a body corporate, would not be required to be under seal  
17 may be made or executed on behalf of the Centre by the Director-General or  
18 by any other person generally or specifically authorized by the Board to act  
19 for that purpose.

20 9. Any document purporting to be a contract, instrument or other  
21 document duly signed or sealed on behalf of the Centre shall be received in  
22 evidence and shall, unless the contrary is proved, be presumed without  
23 further proof to have been so signed or sealed.

24 10. The validity of any proceedings of the Board or of any of its  
25 committees shall not be affected by:

26 (a) any vacancy in the membership of the Board, or committee, or

27 (b) any defect in the appointment of a member of the Board or  
28 committee; or

29 (c) reason that any person not entitled to do so took part in the  
30 proceedings of the Board or committee.

- 1                    11. Any member of the Board or committee who has a personal  
2 interest in any contract or arrangement entered into or proposed to be  
3 considered by the Board or committee shall;  
4                    (a) disclose his interest to the Board or committee; and  
5                    (b) not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

The Bill seeks to establish the Regional Centre for Oral Health Research and Training Initiatives which shall be responsible, among other things, for the purpose of advising, implementing, training and co-coordinating research on matters related to oral health and to facilitate the implementation and co-ordination of collaborative research and training in consultation with the World Health Organization and other national and international allied agencies.



# A BILL

## FOR

ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE CERTIFIED COUNCIL OF ALLIED DENTAL HEALTH PROFESSIONALS COUNCIL TO PROVIDE FOR THE CONTROL OF ITS MEMBERSHIP AND TO PROMOTE AND FOSTER THE PRACTICE OF DENTAL HEALTH AND DENTAL SURGERY TECHNICIANS IN THE FEDERATION AND FOR RELATED MATTERS

*Sponsored by Hon. Mohammed Tahir Monguno*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART 1 - ESTABLISHMENT, FUNCTION, MEMBERSHIP, ETC OF THE  
2 CERTIFIED COUNCIL OF ALLIED DENTAL HEALTH  
3 PROFESSIONALS COUNCIL

4 1.-(1) There shall be established a body to be known as the  
5 Certified Council of Allied Dental Health Professionals Council (in this Act  
6 as "the Council").

Establishment  
of the Certified  
Council of Allied  
Dental Health  
Professionals  
Council

7 (2) The Council:

8 (a) shall be a body corporate with perpetual succession;

9 (b) shall have a common seal which shall be kept in such custody as  
10 the Council may, from time to time, authorize; and

11 (c) may sue or be sued in its corporate name.

12 2. The function of the Council shall be to:

Functions of the  
Council

13 (a) determine what standard of knowledge and skill are to be  
14 acquired and attained by persons seeking to become registered member of  
15 the Council and reviewing those standards from time to time as  
16 circumstances may require;

17 (b) secure, in term of this Act, the establishment and maintenance  
18 of a register of members;

1 (c) encourage, increase, disseminate and promote the education and  
2 training of members admitted thereof, and the exchange of information and  
3 ideas in respect of all questions appertaining thereto;

4 (d) conduct examination in the relevant professions awarding  
5 certificates to successful candidates as appropriate; and for such thing as may  
6 be proper and necessary to maintain and advance the status and interests of the  
7 members;

8 (e) Participate in the formulation of policies guiding the practice and  
9 welfare and keep abreast with new development in management and dental  
10 health professionals care delivering;

11 (f) Shall participate in curriculum development for trainee dental  
12 health;

13 (g) Shall constantly evaluate the practice of dental health professional  
14 and initiates creative innovations for a smoother and more effective running of  
15 dental clinic/hospitals with improvement for patient care.

Establishment  
and Composition  
of the Council

16 **3.-(1)** There shall be for the Council, a governing body to be known as  
17 the Board" which shall have responsibility for the administration and general  
18 management of the Council.

19 (2) The Council established pursuant to subsection (1) of this section  
20 shall consist of the following members, that is:

21 (a) A chairman who shall be a member of the professions and has been  
22 so qualified for not less than 15 years;

23 (b) One representative of each of the nomenclatures that is Dental  
24 health profession;

25 (c) The Registrar;

26 (d) Three persons to represent from elected disciplines to represent  
27 the state on rotation for two years at a time;

28 (e) Four persons to represent institutions of higher education in  
29 Nigeria offering courses in the training of members for two years at a time;

30 (f) One non medical person to represent public interest;

1 (g) One person not below the rank of a director to represent the  
2 Federal Ministry of Health;

3 (h) One person to represent the faculties of dentistry on rotation for  
4 two years in rotation;

5 (i) One person to represent the association of registered dental  
6 nurses of Nigeria.

7 (3) The provisions of the first schedule to this Act shall have effect  
8 with respect to the supplementary provisions of the Council and the  
9 qualifications and tenure of the office of members of the Council and the  
10 matters therein mentioned.

11 4.-(1) The Council may, with the general consent of its members or  
12 in accordance with the general guidelines or authority given by the  
13 government of the federation, borrow, on behalf of the Council, by way of  
14 loan or overdraft from any monies required by the Council to meet the  
15 obligations of the Council in order to perform its function under this act, so  
16 however that such consent or authority shall be required where the sum or  
17 aggregate of the sums involved at any institute in any particular year.

Power to borrow  
money

18 (2) The Council may, subject to the provision of this Act and  
19 conditions of trust in respect of funds held or any property owned by the  
20 Council, invest any but not all of its funds with the same consent by general  
21 authority.

22 5.-(1) The chairman of the Council shall cause to be prepared not  
23 later than six months before the end of the year, estimates of recurrent and  
24 capital expenditure (if any) and income of the Council during the next  
25 succeeding financial year which shall be presented to the annual general  
26 meeting of the Council by the Council for approval.

Annual Estimate  
Account and Audit

27 (2) The Council shall keep proper account and record in relation  
28 thereto, and shall prepare in respect of each financial year, a statement of  
29 account in such form as the chairman or the Council shall direct.

30 (3) The Council shall as soon as necessary after the end of a

1 financial year, cause the account of the Council to be audited by qualified  
2 auditors appointed from the list of auditors and in accordance with the  
3 guidelines laid down by the Auditor General for the Federation.

4 (4) The auditors appointed pursuant to subsection (3) of this section  
5 shall on completion audit the account of the institute and the Council for each  
6 financial year, prepared and submit to the Council two reports, that is:

7 (a) a general report setting out the observation and recommendations  
8 of the said auditors on the financial affairs of the Council and the Board for that  
9 year, and on any important matters which the auditors may consider necessary  
10 to bring to the notice of the Board; and

11 (b) a detailed report containing the observation and recommendations  
12 of the auditors on all aspect of the operations of the Council and the Board.

13 PART III - THE REGISTRAR

Appointment  
and duties of  
the Registrar, etc.

14 6.-(1) The Council shall appoint a fit and proper person to the  
15 Registrar of the Council.

16 (2) The Registrar appointed in terms of subsection (1) of this section  
17 shall be head of the administration of the Council and Secretary to the Board.

18 (3) Subject to the following provisions of this subsection, the Council  
19 may make rules with respect to the form and keeping of the Register and  
20 making of entries therein and in particular:

21 (a) the making of applications for enrolment or registration, as the  
22 case may be;

23 (b) providing for notification to the Registrar, by the person to whom  
24 any registered particulars related of any change in those particulars;

25 (c) authorizing a registered person to have any qualification, which is  
26 in relation to the relevant discipline of the profession, administration, either an  
27 approved qualification or an accepted qualification for the purposes of this Act,  
28 registered in relation to his name in addition to, as he may elect, in substitution  
29 for other qualifications so registered;

30 (d) specifying from time to time the fee including subscription to be

1       paid to the Council in respect of the entry of names on the Register  
2       authorizing the Registrar to refuse to enter a name on the Register until the  
3       fee specified for the entry has been paid; and

4               (e) specifying anything failing to be specified under this section,  
5       but rules made for the purposes of paragraph (d) of this subsection shall not  
6       come into force until they are confirmed at a special meeting of the institute,  
7       as the case may be.

8               (4) The register shall:

9               (a) correct, in accordance with the Board's directives, any entry in  
10       the Register which the council direct him to correct as being in the Board's  
11       opinion an entry which was incorrectly made;

12              (b) remove from the Register the name of any Registers person  
13       who has dies;

14              (c) record the names of the members of the Council who are in  
15       default in the payment of annual subscriptions, dues or other charges for  
16       more than twelve months, and take such action in relation thereto (including  
17       removal of the names of the defaulters from the Register) as the Board  
18       meeting determine or direct; and

19              (d) make from time to time any necessary alterations in the  
20       registered particulars of registered persons:

21              (5) If the Registrar:

22              (a) sends by post to any registered person a letter addressed to him  
23       at his address on the Register enquiring whether the registered particular  
24       relating to him are correct and receives no reply to the letter within the period  
25       of six months from the date of posting; and

26              (b) upon the expiration of the period specified in paragraph (a) of  
27       this subscription, send in like manner to the person in question a second  
28       similar letter and received no reply the letter within three month from the  
29       date of posting it, then the registrar, may remove the particulars relating to  
30       the person in question from the Register, and the Council may direct the

Publication of  
Registers and  
list of Correction

1 Registrar to restore to the appropriate part of the Register any particulars  
2 removed there from under this subsection.

3 7.-(1) The Registrar shall be:

4 (a) cause the Register to be printed, published and put on sale to  
5 members of the public not later than two years from the commencement of this  
6 ACT;

7 (b) thereafter in each year to cause to be printed, published and put on  
8 sale as aforesaid, a corrected edition of the Register since it was last printed;  
9 and

10 (c) cause a print of each edition of the Registers and of each list of  
11 correction to be deposited at the principal offices of the institutes, and the  
12 Council shall keep the register and the list so deposited available at all  
13 reasonable time for inspection by members of the Council.

14 (2) A document purporting to be print of an edition of the Register  
15 published under and pursuant to this section by authority of the Registrar, or  
16 document purporting to be prints of an edition so printed shall (without  
17 prejudice to any other mode of proof) be admissible in any proceeding as  
18 evidence that any person specified in the document, or the document read  
19 together, as being registered was so registered at the date of the edition or of the  
20 list of corrections, as the case may be, and that any person not so specified was  
21 not so registered.

22 (3) Where in accordance with subsection (2) of this section, a person  
23 is, in any proceeding, shown to have been, or not to have been, registered at a  
24 particular date, he shall, unless the contrary is proved, be taken for the purposes  
25 of those proceedings as having at all material time thereafter continued to be or  
26 not to be, so registered.

Registration

27 8.-(1) Subject to all the rules made by the Council pursuant to section  
28 10 (5) of this Act a person shall be entitled to be enrolled as registered if:

29 (a) He passes the qualifying examination for membership conducted

1 by the Council under this Act and completes the practical training  
2 prescribed; or

3 (b) He holds as qualification granted outside Nigeria and for the  
4 time being accepted by the Council and, if the Council so requires, satisfies  
5 the Board that he had sufficient practical experience as a dental health  
6 professional.

7 (2) Subject to section 16 of this Act and to rules made pursuant to  
8 section 10 (5) of this Act a person shall be entitled to be registered as a dental  
9 Surgeon if he satisfies the Council that immediately before the appointed day  
10 he had not less than five years experience as an inspector or internal auditor  
11 and/or the affairs of a company as defined under the provisions of the  
12 Companies and Allied Matters Act.

13 *Cap. C20 LFN*

14 (3) An applicant for registration shall, in addition to evidence of  
15 qualification, satisfy the Council:

16 (a) that he is of good character;

17 (b) that he has attained the age of twenty one years; and

18 (c) he has not been convicted of a criminal offence involving fraud  
19 or dishonesty in Nigeria or elsewhere.

20 (4) The Council may in its discretion provisionally accept a  
21 qualification presented in respect of an application for registration under  
22 this section, or direct that the application be renewed within such period as  
23 may be specified in the direction.

24 (5) Any entry directed to be made in the Register in terms of  
25 subsection (4) of this section shall indicate that the Registration is  
26 provisional, and no entry made in consequence thereof shall be converted to  
27 construed as, full registration without explicit consent of the council made in  
28 writing in that behalf.

29 (6) The Council shall from time to time publish in the Federal

Approval of  
Qualifications, etc.

1 Government Gazette particulars of qualification for the time being accepted as  
2 aforesaid.

3 **9.-(1)** The Board may approve for the purpose of this Act:

4 (a) any course of training at any approved institution for members;

5 (b) any qualification which, as a result of an examination taken in  
6 conjunction with a course of training approved by the Board under this section,  
7 is granted to candidates reaching a standard at the examination indicating in the  
8 opinion of the members of the Council that the candidates have sufficient  
9 knowledge and skill to practice as dental Health professional.

10 (2) The Board may, if it thinks it fit withdraw any approval given  
11 under this section in respect of any course, qualification or institution, but  
12 before withdrawing such an approval, the council shall:

13 (a) give notice that it proposes to do so to persons in Nigeria appearing  
14 to the Board to be persons in whom the course is conducted or the qualification  
15 is granted or the institution is controlled, as the case may be;

16 (b) afford each such an opportunity of making representations to the  
17 Council with regard to the proposal; and

18 (c) take into consideration any representation made as respects the  
19 proposal in pursuance of paragraph (b) in this section.

20 (3) Where the approval of the Board under this section for a course,  
21 qualification or institution is withdrawn, the course, qualification or institution  
22 shall not prejudice the registration or eligibility for registration of any person  
23 who by virtue of the approval was registered for registration immediately  
24 before the approval was withdrawn.

25 (4) The giving or withdrawal of an approval under this section shall  
26 have effect from such date, either before or after the execution of the  
27 instrument signifying the giving or withdrawal of the approval as the board  
28 may specify in that instrument, and the Council shall:

29 (a) publish as soon as possible a copy of every such instrument in the  
30 Federal Government Gazette; and



1 (b) not later than seven days before its publication, send a copy of  
2 the instrument to the Minister.

3 **10.-(1)** It shall be the duty of the members of the Board of the  
4 Council to keep them informed of the nature of:

Supervision of  
the instructions,  
etc leading to  
approval of  
qualifications

5 (a) the instructions given at approved institutions to persons  
6 attending approving training; and

7 (b) the examinations as a result of which approved qualifications  
8 are granted, and for the purposes performing that duty the Board of the  
9 Council may appoint, either from among its own members or otherwise,  
10 person to visit approved institutions, or to attend such examination.

11 (2) It shall be the duty of the visitor appointed in terms of the  
12 foregoing subsection of this section to report to the Council on:

13 (a) the sufficiency of the instructions given to persons attending  
14 approved courses of training at institutions visited by him;

15 (b) the conduct and adequacy of the examination observed by him;  
16 and

17 (c) any other matters relating to the instruction or examinations on  
18 which the Council may either generally or in particular case, request him to  
19 report, but no visitor shall interfere with the giving of any instruction or the  
20 conduct of any examination.

21 (3) On receiving a report made in pursuance of this section, the  
22 Council may, if it thinks fit, and shall if so required by the institution, send a  
23 copy of the report to the person appearing before the Council to be in charge  
24 of the institution or which the Disciplinary Tribunal has cognizance under  
25 the following provisions of this Act responsible for the examination to  
26 which the report relates requesting that person to make an observation on the  
27 report to the Council within such period as may be specified in the request  
28 not being less than one month beginning with the date of the request.

	1	PART IV - PROFESSIONAL DISCIPLINE
Establishment, composition, etc of the Disciplinary Tribunal and of Investigating Panel	2	<b>11.</b> -(1) There shall be a tribunal to be known as the Certified Council
	3	of Allied Dental Health Professionals Council Disciplinary Tribunal (in this
	4	Act referred to as lithe Disciplinary Tribunal") which shall be charged with the
	5	duty of considering and determining any case referred to it by the investigating
	6	panel established pursuant to subsection (3) of this section and any other case
	7	of Panel, which the Disciplinary Tribunal has cognizance under the following
	8	provisions of this Act.
	9	(2) The Disciplinary Tribunal shall consist of the Chairman of the
	10	Board and six other members of the council.
	11	(3) There shall be a body to be known as the Certified Council of
	12	Allied Dental Health Professionals Council Investigating Panel (in this Act,
	13	referred to as lithe Investigating Panel") which shall be charged with the duty
	14	of:
	15	(a) conducting a preliminary investigation into any case where it is
	16	alleged that a member has misbehaved in his capacity as a Dental Health
	17	professoining should for any other reason be the subject of proceedings before
	18	the Disciplinary Tribunal; and
	19	(b) deciding whether the case should be referred to the Disciplinary
	20	Tribunal.
	21	(4) The Investigating Panel shall be appointed by the Board and shall
	22	consist of four members of the Board and one who is not a member of the
	23	Council.
Second Schedule	24	(5) The provisions of the Second Schedule to this Act shall, so far as
	25	applicable to the Disciplinary Tribunal and Investigating Panel respectively,
	26	have effect with respect to the bodies.
	27	(6)The Council may make rules not inconsistent with this Act as in
	28	acts which constitute professional misconduct.
Penalties for unprofessional conduct	29	<b>12.</b> -(1) Where:
	30	(a) a member is judged by the Disciplinary Tribunal to Allied Dental

1 Health Professionals Council be guilty of infamous conduct in any  
2 professional respect to;

3 (b) a member is convicted, by any court or tribunal in Nigeria or  
4 elsewhere having power to imprisonment of an offence or (whether or not  
5 punishment with imprisonment) which in the opinion of the Disciplinary  
6 Tribunal is incompatible with the status of Allied Dental Health  
7 Professionals Council; or

8 (c) the Disciplinary Tribunal is satisfied that the name of any  
9 person has been fraudulently registered. The Disciplinary Tribunal may, if it  
10 thinks fit, give a direction reprimanding that person or ordering the Registrar  
11 to strike his name off the relevant part of the Register.

12 (2) The Disciplinary Tribunal may, if it thinks fit, defer its decision  
13 as in subsection (1) of this section until a subsequent meeting of the  
14 Disciplinary Tribunal but:

15 (a) no decision shall be deferred under this subsection for periods  
16 exceeding two years on the aggregate; and

17 (b) no person shall be a member of the Disciplinary Tribunal for  
18 purposes of reaching a decision which has been deferred or further deferred,  
19 unless it was present as a member of the Disciplinary Tribunal when the  
20 decision was deferred.

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

25 (4) when the Disciplinary Tribunal gives a direction under  
26 subsection (1) of this section, the Disciplinary Tribunal may appeal as  
27 respondent to the appeal, and for the purpose of enabling directions to be  
28 given as to the costs of the appeal and of the proceedings before the court of  
29 Appeal, the Disciplinary Tribunal, shall be deemed to be a party whether or  
30 not it appears at the hearing of the appeal.

1 (5) A decision of the Disciplinary Tribunal under subsection (1) of this  
2 section, shall take effect where:

3 (a) no appeal brought under this section is brought against the  
4 direction within the time limited for the appeal on the expiration of that time;

5 (b) an appeal is brought and is withdrawn or struck out for want of  
6 prosecution on the withdrawal or striking out of the appeal;

7 (c) an appeal is brought and not withdrawn or struck out as aforesaid if  
8 and when the appeal is dismissed and shall not take effect except in accordance  
9 with the foregoing provisions of this subsection;

10 (6) A person whose name is struck off the Register in pursuance of a  
11 direction of the Disciplinary Tribunal under this section shall not be entitled to  
12 be enrolled or registered again except in pursuance of a direction under this  
13 section for the removal of a person's name from the Register may prohibit an  
14 application under this subsection by that person until the expiration of such  
15 period from the date of direction (and where he has duly made such an  
16 application, from the date of his last application) as may be specified in the  
17 direction.

18 PART V - MISCELLANEOUS AND SUPPLEMENTARY

Rules as to  
Professional  
Practicing fees

19 13.-(1) the Board may make rules for:

20 (a) the training of members in methods and practice; and

21 (b) the supervision and regulation of the engagement, training and  
22 transfer of such persons.

23 (2) The Board may also make rules:

24 (a) prescribing the amount and the due date for payment of the annual  
25 subscription, and for such purpose different amount may be prescribed by the  
26 rules according to whether the person is enrolled as a fellow, associate member,  
27 graduate member, licentiate member or student;

28 (b) prescribing the form and manner to practice to be issued annually  
29 or, if the Board thinks it fit, by endorsement on any existing licence; and

30 (c) restricting the right to practice in default of payment of the amount

1 of annual subscription where the default continues for longer than such  
2 period as may be prescribed by the rules.

3 (3) Rules when made under this section shall, if the Chairman of  
4 the Council so directs, be published in the Federal Government Gazette.

5 14.-(1) if any person, for the purpose of procuring the registration Offences  
6 of any name, qualification or other matter:

7 (a) makes a statement which he believes is false in a material  
8 particular, or

9 (b) recklessly makes a statement which is false in a material  
10 particular, he shall be guilty of an offence.

11 (2) If, on or after the relevant date, any person not a member of the  
12 Council practices or holds himself out to practice for or in expectation of  
13 reward or takes or uses any name, title, addition or description shall be guilty  
14 of an offence, provided that, in the case of a person falling within section 14  
15 of this Act:

16 (a) this subsection shall not apply in respect of anything done by  
17 him during the period of three months mentioned in that section; and

18 (b) if within that period he duly applies for membership of the  
19 Council, then, unless within that period he is notified that his application has  
20 not been approved, this subsection shall not apply in respect of anything  
21 done by him between the end of that period and the date on which he is  
22 enrolled or registered or is notified as . aforesaid.

23 (3) if the registrar or any other person employed by or on behalf of  
24 the Council willfully makes any falsification in any matter relating to the  
25 register, he shall be guilty of an offence.

26 (4) A person guilty of an offence under this section shall be liable:

27 (a) on summary conviction, to a fine of an amount not exceeding  
28 50,000 Naira;

29 (b) on conviction on indictment, to a fine of an amount not  
30 exceeding 100,000 Naira or to imprisonment for a term not exceeding two

1 years or to both such fine and imprisonment.

2 (5) Where an offence under this section is which has been committed  
3 by a body corporate or any person purporting to an act in any such capacity, he  
4 as well as the body corporate shall be deemed to be guilty of that offence and  
5 shall be liable to be prosecuted and punished accordingly.

Regulations  
and Rules

6 **15.-(1)** Any regulations made under this Act shall be published in the  
7 Federal Government Gazette as soon as may be after they are made and a copy  
8 of any such regulations shall be sent to the Ministry not later than seven days  
9 before they are so published.

10 (2) Rules made for the purposes of this Act shall be subject to  
11 confirmation by the Council at its next general meeting or at any specified  
12 meeting of the Council convened for that purpose, and if then annulled shall  
13 cease to have effect on the day after the date of annulment, but without  
14 prejudice to anything done in pursuance or intended pursuance of any such  
15 rules.

Interpretation

16 **16.** In this act, unless the context otherwise requires, the following  
17 words and expressions have the meanings respectively assigned to them, that  
18 is:

19 "Council" means the certified Council of Allied Dental Health Professionals  
20 Council established under section (1) of this Act;

21 "Board" means the Board established as the governing body of the Council  
22 under section (3) of this Act;

23 "Disciplinary Tribunal" means the Certification Council of Allied Dental  
24 Health Professionals Council Disciplinary Tribunal under section 12(1) of this  
25 Act;

26 "fees" includes annual subscription;

27 "investigation panel" means the Certified Council of Allied Dental Health  
28 Professionals Council investigating panel established under section 12 (3) of  
29 this Act;

30 "Ministry" means the Ministry charged with the responsibility for matters

1 relating to health;  
2 "President and Vice president" means respectively the office under those  
3 names in the institute; and  
4 "Register" means the register maintained in pursuance of section 8 of this  
5 Act.

6 17. This Bill may be cited as the Certified Council of Allied Dental Citation  
7 Health Professionals Council Bill, 2019.

8 SCHEDULES

9 FIRST SCHEDULE

10 Section 5 (3)

11 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

12 *Qualifications and tenure of members*

13 1.-(1) Subject to the provisions of this paragraph, a member of the  
14 Council shall hold office for a period of two years beginning from the date of  
15 his appointment or election.

16 (2) Any member of the Council who ceases to be a member thereof  
17 shall, if he is also a member of the Board, cease to hold office on the Board.

18 (3) Any elected member may by notice in writing under his hand  
19 addressed to the Chairman resign his office, and any appointed member  
20 may, likewise resign his appointment.

21 (4) A person who retires from, or otherwise ceases to be an elected  
22 member of the Board shall be eligible again to become a member of the  
23 Board, and any appointed member may be reappointed.

24 (5) Members of the Council shall at a meeting next before the  
25 annual general meeting of the Board arrange for five members of the  
26 Council appointed or elected, and longest in office to retire at that annual  
27 general meeting:

28 Provided that if any of the members listed therein is the Chairman  
29 of the Board, he shall remain a member of the Council.

30 (6) Elections to the Board shall be held in such manner as may be

1 prescribed by rules made by the Council, and until so prescribed they shall be  
2 decided a secret balloting process.

3 (7) If for any reason there is a vacation of office by a member and  
4 (a) such a member was appointed by the Minister or anybody  
5 corporate, the Minister or any such body corporate shall appoint another fit  
6 person to occupy the office in which the vacancy occurs; or

7 (b) such member was elected, the board may, if the period between the  
8 unexpired portion of the tenure of office and the next general meeting of the  
9 Council appears to warrant the prompt filling of the vacancy, co-opt some fit  
10 persons for such period as aforesaid.

11 *Powers of Board*

12 1. The Board shall have powers to do anything which in its opinion is  
13 calculated to facilitate the carrying on the activities of the council.

14 *Proceedings of the Board*

15 2.-(1) subject to the provisions of this Act, the Board may, in the name  
16 of the Council make standing orders regulating the proceedings of the  
17 Council or the Board, and in the exercise of its powers under this Act, may set  
18 up committees in the general interest of the Council, and make standing orders  
19 therefore.

20 (2) Standing orders shall provide for decision to be taken by a  
21 majority of the members, and, in the event of equality of votes, for the  
22 Chairman, or as the case may be, to have a second or casting vote.

23 (3) Standing orders made for a committee shall provide that the  
24 committee report back to the Council on any matter not within its competence  
25 to be decided upon.

26 (4) The quorum of the Board shall be nine, and the quorum of a  
27 committee of the Council shall be as fixed by the Board.

28 *Meeting of the Council*

29 5.-(1) The Board shall convene the annual general meeting of the  
30 Council on a day as the Board may from time to time appoint in any particular



1 year, so however that if the meeting is not held within one year after the  
2 previous annual general meeting, not more than fifteen months shall elapse  
3 between the respective dates of the two meetings.

4 (2) A special meeting of the Council may be convened by the Board  
5 at any time, and if not less than thirty members of the Council require it by  
6 notice in writing addresses to the Registrar of the Council setting out the  
7 objects of the proposed meeting, the Chairman of the Board shall convene a  
8 special meeting of the Council.

9 (3) The quorum of any general meeting of the Council shall be  
10 fifteen members and that of any special meeting shall be twenty five  
11 members.

12 *Meeting of the Board*

13 6.-(1) Subject to the provisions of any standing orders of the  
14 Council, the Board shall meet whenever it is summoned by the Chairman,  
15 and if the Chairman is required to do so by notice in writing given to him by  
16 not less than seven other members, he shall summon a meeting of the Board  
17 to be held within seven days from the day from which the notice is given.

18 (2) At any meeting of the Council, the Chairman or in his absence  
19 the Deputy Chairman shall preside but if both are absent the members at the  
20 meeting shall appoint one of their numbers to preside at the meeting.

21 (3) Where the Board desires to obtain advice of any person on a  
22 particular matter, the Board may co-opt him as a member for such period as  
23 the Board thinks fit, but a person who is a member by virtue of the provisions  
24 of this subparagraph shall not be entitled to vote at any meeting of the Board  
25 and shall not count towards a quorum.

26 (4) Notwithstanding anything in the foregoing provisions of this  
27 paragraph, the first meeting of the Board shall be summoned by the Minister,  
28 who may give such directions as he thinks fit as to the procedure which shall  
29 be followed at the meeting.

1 *Committees*

2 7.-(1) The Board may appoint one or more committees to carry out on  
3 behalf of the Council or the Board, such functions as the Board may determine.

4 (2) A committee appointed under this paragraph shall consist of the  
5 number of persons determined by the Board, and a person other than a member  
6 of the Board shall hold office on the committee in accordance with the terms of  
7 the instrument by which he is appointed.

8 (3) Any recommendation of a committee of the Council shall be of no  
9 effect until it is approved by the Board.

10 *Miscellaneous Provisions*

11 8.-(1) The fixing of the seal of the Council shall be authenticated by  
12 the signature of the Chairman or of any other member of the Board authorized  
13 generally by the Council to act for that purpose.

14 (2) Any contract or instrument which, if made or executed by a person  
15 not being a body corporate would not be required to be under seal, may be made  
16 or executed on behalf of the Council or Board as the case may require, by any  
17 person generally or specially authorized to act for that purpose by the Board.

18 (3) Any document purporting to be a document duly executed under  
19 the seal of the Council shall be received in evidence and shall unless the  
20 contrary is proved be deemed to be so executed.

21 9. The validity of any proceedings of the Council or Board or of a  
22 committee of the Council shall not be affected by any vacancy in membership,  
23 or of any defect in the appointment of a member of the Council or Board or of a  
24 person to serve on the committee, or by reason that a person not entitled to do so  
25 took part in the proceedings.

26 10. A person shall not by reason only of his membership of the  
27 Council be required to disclose any interest relating solely to audit the accounts  
28 of the Council.

## SECOND SCHEDULE

*Section 12 (5)*

## SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

## TRIBUNAL AND INVESTIGATING PANEL

*The Tribunal*

1. The quorum of the Tribunal shall be three of whom at least two shall be professional practitioners.

2.-(1) The chief Justice of Nigeria shall make rules as the selection of members of the Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide:

(a) for securing that notice of proceedings shall be given at such time and at such manner as may be specified by the rules to the person who is the subject of the proceeding.

(b) for determining who in addition to the 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 Tribunal;

(d) for enabling any party to the proceedings to be presented by a legal practitioner;

(e) subject to the provisions of section 16 (5) of this Act, as to the costs of proceedings before the Tribunal;

(f) for requiring, in a case where it is alleged that the person who is subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges 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 matters to which the allegation related; and

(g) for publishing in the media, notice(s) of any direction of the Tribunal, which has taken effect providing that a person's name shall be

1 struck off a Register.

2 3. For the purposes of any proceedings before the Tribunal; any  
3 member of the Tribunal may administer oaths and any party to the proceedings  
4 may sue through the Supreme Court writs of subpoena ad testificandum and  
5 ducesdecum, but no person appearing before the Tribunal shall be compelled:

6 (a) to make any statement before the Tribunal tending to incriminate  
7 himself;

8 (b) to produce any statement under such a writ which he could not be  
9 compelled to produce before it, there shall in all such proceedings be an  
10 assessor to the Tribunal who shall be appointed by the Council on the  
11 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of  
12 not less than seven years standing.

13 (2) The chief Justice of Nigeria shall make rules as to the functions of  
14 assessors appointed under this paragraph, and in particular such rules contain  
15 provisions for securing:

16 (a) that where an assessor advises the Tribunal on any question of law  
17 as to evidence, procedure or any matters specified in the rules, he shall do so in  
18 the presence of every party or person presenting a party to the proceedings who  
19 appears thereat or, if the advice is tendered while the tribunal is deliberating in  
20 private.

21 (b) that every such party or person as aforesaid shall be informed if in  
22 any case the tribunal does not accept the advice of the assessor on such a  
23 question as aforesaid.

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

28 *The Panel*

29 5. The quorum of the panel shall be two.

30 6.-(1) The panel may, at any sitting of the panel attended by all

1 members of the panel, make standing orders with respect to the panel.

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

4 *Miscellaneous*

5 7.-(1) A person ceasing to be a member of the Tribunal or the panel  
6 shall be eligible for reappointment as a member of that body

7 (2) A person may, if otherwise, eligible, be a member of both the  
8 Tribunal and the panel, but no person who acted as a member of the panel  
9 with respect to any case shall act as a member of the tribunal with respect to  
10 that case.

11 8. The Tribunal or the panel may act notwithstanding any vacancy  
12 in its membership, and the proceedings of either body shall not be  
13 invalidated by any irregularity in the appointment of a member of that, or  
14 (subject to paragraph 7 (2) of this schedule) by reason of the fact that any  
15 person who was not entitled to do so took part in the proceedings of that  
16 body.

17 9. Any document authorized or required by virtue of this Act to be  
18 served on the Tribunal or the panel shall be served on the Registrar  
19 appointed in pursuance of section 10 of this Act.

20 10. Any expenses of the Tribunal or the panel shall be defrayed by  
21 the Council.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Certified Council of Allied Dental Health Professionals Council to provide for the control of its membership and to promote and foster the practice of Dental health and Dental Surgery Technicians in the Federation.



NIGERIA EXPORT PROCESSING ZONES AUTHORITY ACT  
(REPEAL AND RE-ENACTMENT) BILL, 2019

ARRANGEMENT OF SECTIONS

*Section:*

1. Establishment of the Nigeria Industrial Development and Special Economic Zones Authority
2. Functions of the Authority
3. Powers of the Authority
4. Zones designation
5. Membership of the Governing Board
6. Appointment of Managing Director, Company Secretary and other employees
7. Registration/licencing of zone enterprise
8. Approved activities
9. Vesting of property in the Authority
10. Exemption from taxes
11. Goods and services made in the Zone
12. Import of goods into the Zone
13. Persons not to enter a Zone
14. Prohibition of retail trade
15. Special provisions relating to articles imported from the Customs Territory
16. Prohibition of storage of ammunitions and dangerous explosives
17. Export of goods from Zones
18. Incentives and related matters
19. Enterprise to submit returns
20. Work permits
21. Condition of service
22. Fund of the Authority
23. Annual estimates, account, etc.

- 24. Enactment applicable in customs territory not to apply
- 25. Powers of the Minister
- 26. Omission or non-compliance
- 27. Establishment of Alternative Dispute Resolution Centre
- 28. Inspection
- 29. Repeal
- 30. Interpretation
- 31. Short title
- Schedules



# A BILL

## FOR

AN ACT TO REPEAL THE NIGERIA EXPORT PROCESSING ZONES AUTHORITY ACT, CAP N107 LAWS OF THE FEDERATION OF NIGERIA, 2004; AND TO ENACT THE NIGERIA INDUSTRIAL DEVELOPMENT AND SPECIAL ECONOMIC ZONES AUTHORITY; AND FOR RELATED MATTERS

*Sponsored by Hon. Benjamin Okezie Kalu*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- |   |   |
|---|---|
| <p>1                1.-(1) There is hereby established a body to be known as the</p> <p>2                Nigeria Industrial Development and Special Economic Zones Authority in</p> <p>3                this Bill referred to as "the Authority".</p>   | <p>Establishment of<br/>the Nigeria<br/>Industrial<br/>Development and<br/>Special Economic<br/>Zones Authority</p> |
| <p>4                (2) The Authority shall be body corporate with perpetual</p> <p>5                succession and a common seal; and may sue and be sued in its corporate</p> <p>6                name and shall be capable of acquiring, holding, or disposing of any</p> <p>7                property moveable or immoveable for the purpose of carrying out its</p> <p>8                functions.</p> |   |
| <p>9                2.-(1) In addition to any other functions conferred on the Authority</p> <p>10              by this Bill, the Authority shall be responsible for the following:</p>   | <p>Functions of the<br/>Authority</p>   |
| <p>11              (a) the articulation, formulation and implementation of policies for</p> <p>12              industrial development in Nigeria;</p>   |   |
| <p>13              (b) the promotion, licencing and regulation of industrial enclaves</p> <p>14              without Special Economic Zones status in Nigeria;</p>  |   |
| <p>15              (c) the promotion, registration, licencing and regulation of</p> <p>16              industrial enclaves with Special Economic Zone status in Nigeria;</p>  |   |
| <p>17              (d) the establishment, management and regulation of Zones in</p> <p>18              Nigeria;</p>   |   |

- 1 (e) the approval of development plans for industrial enclaves in
- 2 Nigeria;
- 3 (f) the establishment of administrative desks for relevant Government
- 4 Agencies in the industrial enclaves as may be necessary from time to time;
- 5 (g) the establishment of an Alternative Dispute Resolution Centre in
- 6 the Authority;
- 7 (h) the adaptation of investment promotion strategies for industrial
- 8 development and the setting up of investment promotion offices abroad;
- 9 (i) the implementation of incentives, waivers, tariffs, exemptions as
- 10 may be made from time to time pursuant to the provisions of this Bill;
- 11 (j) the posting/deployment of staff of the Authority as Administrators
- 12 to the industrial enclaves for the purposes of regulatory compliance; and
- 13 (k) to undertake such other activities as are necessary or expedient for
- 14 giving full effect to the provisions of this Bill.

Powers of the  
Authority

- 15 **3.** In addition to any other powers conferred on the Authority under
- 16 this Bill, the Authority shall have powers to -
- 17 (a) register/incorporate enterprises for the purpose of carrying on
- 18 Approved Activities within the Zones;
- 19 (b) implement the objectives of the Nigeria Industrial Revolution
- 20 Plan ("NIPR") as relates to industrial development in Nigeria;
- 21 (c) to develop and implement policies for industrial development in
- 22 Nigeria;
- 23 (d) to coordinate the activities of relevant Government Agencies in
- 24 the industrial enclaves;
- 25 (e) enter into any form of agreements, contracts, partnerships or other
- 26 arrangements with any person, company or firm, national or international
- 27 organization or body which in the opinion of the Authority may facilitate the
- 28 discharge of its functions under this Bill;
- 29 (t) establish and operate Zones registry in the Authority to render
- 30 registration and incorporation services to Zones operators as well as

- 1 registration of charges, debentures and other similar securities;
- 2 (g) establish and operate land management and control registry in
- 3 the Authority;
- 4 (h) develop and administer building codes and standards within the
- 5 Zones;
- 6 (i) facilitate, register and regulate banking and financial services
- 7 within the Zones in conjunction with the Central Bank of Nigeria;
- 8 (j) develop and administer incentives and tariffs necessary for
- 9 Zones and other industrial enclaves;
- 10 (k) grant concession exclusive of any other Government Agency,
- 11 to any person, company, organization or body to develop any facility or
- 12 infrastructure in any Zone in agreement with the Zone Management under
- 13 any contractual arrangement as may be specified by the Authority in a
- 14 regulation made in that behalf;
- 15 (l) establish a Dispute Resolution Center in the Authority with
- 16 jurisdiction over any civil disputes arising from the operation of this Bill,
- 17 contractual agreements, labour issues and any other matters as may be
- 18 vested in the center by a subsidiary regulation made in that behalf;
- 19 (m) from time to time review, recommend and gazette rules and
- 20 regulations guiding the operations in the Zones;
- 21 (n) issue Certificate of Origin for goods produced, packages or
- 22 processed in whatever form in the Zones;
- 23 (o) from time to time issue certificates of valuation of assets or
- 24 investments to investors with effect from the date of establishing the Zone
- 25 which shall serve as instrument of ownership of assets or investment in the
- 26 Zone;
- 27 (p) the Authority shall have powers to seek the approval of Mr.
- 28 President to grant new or special incentives for any industrial enclaves as
- 29 may be necessary from time to time;
- 30 (q) exercise any of its powers by itself or by an instrument in

1 writing delegating the exercise of any of such powers to any person or body as  
2 it deems fit;

3 (r) regulate to the exclusion of any person, agency or body except as  
4 provided under this Bill all Zones established under the Nigeria Export  
5 Processing Zones Authority Act, Cap N107, Laws of the Federation of Nigeria,  
6 2004 and as may be amended and no provisions of any Act, law of regulations  
7 relating to taking over of any zone established under this Bill shall have effect  
8 whatsoever; and

9 (s) exercise such other powers as are necessary or expedient for  
10 giving effect to the provision of this Bill.

Zones designation

11 4.-(1) The President may, from time to time by Order, upon the  
12 recommendation of the Authority established under this Bill designate any area  
13 as it deems fit to be a Special Economic Zone (in this Bill referred to as  
14 "Zone").

15 (2) The Zone established pursuant to subsection (1) of this section,  
16 may be operated and managed by public or private entities or by a  
17 public/private partnership with the approval of the Authority.

18 (3) Every Order made pursuant to subsection (1) of this section, shall  
19 specify the limits of the area designated and ascribe a name to it.

20 (4) The Authority may, from time to time, by Order made under the  
21 hands of the Managing Director, amend, vary or add to the limits of a Zone or  
22 change the name of a Zone.

23 (5) The Authority shall be the only body with powers to regulate  
24 Zones established/designated under this Bill, register and licence Zones  
25 Operators in the Zones so established/designated.

26 (6) The Zones operators referred to in sub-section 5 of this section  
27 shall include:

28 (a) Zone Promoters;

29 (b) Zone Developers;

30 (c) Zone Managers;

1 (d) Zone Independent contractors; and

2 (e) Zone Service Providers.

3 (7) Operations within a Zone shall commence on the date of  
4 issuance of the Operating Licence.

5 5.-(1) There shall be for the Authority, a Governing Board which  
6 shall consist of a Chairman to be appointed by the President on the  
7 recommendation of the Minister and the following other members, as  
8 follows:

Membership of  
the Governing  
Board

9 (a) a representative each from the following Federal Ministries, not  
10 lower than the rank of a director, that is:

11 (i) Federal Ministry of Industry, Trade and Investments, and

12 (ii) Federal Ministry of Justice;

13 (b) the Comptroller-General of Nigeria Customs Services or his  
14 representative not below the grade of Assistant Comptroller-General;

15 (c) the Comptroller-General of Nigeria Immigration Service or his  
16 representative not below the grade of Assistant Comptroller-General;

17 (d) the Managing Director of the Nigerian Ports Authority or his  
18 representative not below the grade of a Deputy Director;

19 (e) a representative from each of the following bodies:

20 (i) the Nigerian Association of Chambers of Commerce,  
21 Industries, Mines and Agriculture;

22 (ii) the Manufacturers Association of Nigeria;

23 (f) two persons to be appointed by the Minister from the private  
24 sector who shall be persons possessing practical experience in Special  
25 Economic Zones operations, industry, commerce, finance, export  
26 promotion and other related fields;

27 (g) a representative of the Central Bank of Nigeria not below the  
28 grade of Director;

29 (h) two persons to be appointed by the Minister who must have  
30 retired from the employment of the Authority and not below the rank of

1 Assistant Director; and

2 (i) the Managing Director of the Authority.

3 (2) A member of the Board other than an ex-officio member shall  
4 subject to the provisions of this Bill, hold office for a period of two years from  
5 the date of his appointment as a member and shall be eligible for re-  
6 appointment for one further period of two years and thereafter he shall be no  
7 longer be eligible for re-appointment.

8 (3) Notwithstanding subsection (2) of this section, the President may  
9 on the recommendation of the Minister require any member to vacate his office  
10 if continued membership will not be in the interest of the Authority.

11 (4) Any member of the Board other than ex-officio members may by  
12 notice in writing to the Board resign his appointment.

13 (5) The supplementary provisions contained in the First Schedule to  
14 this Bill shall have effect with respect to the tenure of office of the members  
15 and the proceedings of the Board and other matters relating to the Board.

Appointment of  
Managing Director,  
Company Secretary  
and other  
employees

16 6.-(1) There shall be for the Authority, a Managing Director who shall  
17 be the Chief Executive and shall be appointed by the President on the  
18 recommendation of the Minister.

19 (2) The Managing Director shall upon his appointment hold office for  
20 a term of 4 years and shall be eligible for re-appointment for one further term of  
21 4 years and shall no longer be eligible for re-appointment thereafter.

22 (3) The Managing Director shall be responsible for:

23 (a) the preparation of plans, annual programmes and budget;

24 (b) the recommendation of bye-laws applicable in each industrial  
25 enclave;

26 (c) the development of strategies for the promotion of the industrial  
27 enclaves inside and outside the country;

28 (d) the implementation of the approved plans, programmes and  
29 budgets; and

30 (e) the day-to-day administration of the Authority.

1 (4) Without prejudice to the generality of subsection (1) of this  
2 section, the Authority shall have the power to:

3 (a) appoint a Company Secretary/Legal Adviser who shall be  
4 qualified to practice as a legal practitioner in Nigeria and has been so  
5 qualified for not less than 10 years;

6 (b) pay the employees such remunerations and allowances as it  
7 may, from time to time, determine;

8 (c) pay the employees such pensions and gratuities as are  
9 applicable to persons of equivalent grades in the public service of the  
10 Federation.

11 7.-(1) Every person or entity intending to operate as an Enterprise  
12 in a Zone shall cause itself first to be registered with the Authority and be  
13 issued a certificate of registration.

Registration/  
licensing of zone  
enterprise

14 (2) A registered Enterprise shall be a body corporate with perpetual  
15 succession and a common seal; it may sue and be sued in its own name; and  
16 shall be capable of acquiring, holding or disposing of any property  
17 moveable or immoveable for the purposes of carrying out its functions.

18 (3) An Enterprise shall be a company limited by shares and shall  
19 have equal legal status with companies registered under the Companies and  
20 Allied Matters Act, Cap C20, Laws of the Federation of Nigeria, 2004 ill the  
21 Customs Territory.

22 (4) Any Enterprise which proposes to undertake an Approved  
23 Activity within a Zone shall submit such documents and information in  
24 support of its application, as the Authority may require from time to time and  
25 the Authority may grant approval of such registration subject to such terms  
26 and conditions as it deems fit.

27 (5) Upon registration, the Enterprise may be issued an Operating  
28 Licence by the respective Zone Management.

29 (6) Any Enterprise operating within a Zone shall notify the  
30 Authority within 14 days of any purchase, assignment or transfer of shares

	1	in the entity, except where the entity's shares are freely transferable on any
	2	international Stock Exchange.
Approved activities	3	<b>8.-(1)</b> Activities specified in the Third Schedule to this Bill shall be
	4	the Approved Activities for the purposes of this Bill.
	5	(2) The Authority may, from time to time, prescribe the Activities
	6	which may be carried out under this Bill, and for this purpose may by Order,
	7	amend the Third Schedule to this Bill.
Vesting of property in the Authority	8	<b>9.-(1)</b> The President or Governor of a State respectively may, by
	9	Order, transfer to the Authority, any property belonging to the Federal or State
	10	Governments respectively which appears to be necessary or expedient to the
	11	Authority in carrying out its functions under this Bill and such property shall
	12	vest in the Authority by virtue of the Order and without further assurance.
	13	(2) Notwithstanding the provision of sub-section 1 of this section, any
	14	land in any part of Nigeria upon its designation by the President as a zone shall
	15	vest in the Authority and the Authority shall hold same in trust for the good
	16	control and management of the Zone in accordance with the procedure
	17	specified in a regulation made pursuant to this Bill.
Exemption from taxes	18	<b>10.</b> An Enterprise operating within a Zone shall be exempted from all
	19	Federal, State and Local Government taxes, levies, rates, contributions and/or
	20	funds.
Goods and services made in the Zone	21	<b>11.-(1)</b> Where an Enterprise operating within a Zone supplies goods
	22	and services to customers within the Customs Territory, that Enterprise shall be
	23	entitled to receive payments for such goods and services in foreign currency (or
	24	its naira equivalent) and for the purposes of such payment, the normal rules and
	25	regulations applicable to importation of goods and services into Nigeria shall
	26	apply.
	27	(2) Where a person within the Customs Territory supplies goods and
	28	services to an Enterprise established within a Zone, the person shall be entitled
	29	to receive payment for such goods or services in foreign currency (or its naira
	30	equivalent) and the rules and regulations applicable to export from Nigeria



1 shall be applicable.

2           **12.**-(1) The Authority and any Enterprise subject to the Authority's Import of goods  
3 approval, shall be entitled to import into a Zone, free of customs duty, any into the Zone  
4 capital goods, consumer goods, raw materials, components, or articles  
5 intended to be used for the purposes of and in connection with an approved  
6 activity, including any article for the construction, alteration,  
7 reconstruction, extension or repair of premises in a Zone or for equipping  
8 such premises.

9           (2) For the purposes of this section, articles for equipping premises  
10 shall be deemed to include equipment for offices and other ancillary  
11 facilities necessary for the proper administration of the premises and for the  
12 health, safety, hygiene, and welfare of the premises and of persons  
13 employed therein.

14           (3) All goods brought into a Zone shall be consigned:

15           (a) to the Authority or to an Enterprise and the goods may, with the  
16 approval of the Authority, be transferred from one Enterprise to another or  
17 from the Authority to an Enterprise or from an Enterprise to the Authority; or

18           (b) without prejudice to the provisions of subsection (2) of this  
19 section, to a bank located in the Zone Billing on behalf of any party to a  
20 transaction involving the Authority or an Enterprise.

21           (4) The Authority may take such steps as it deems necessary to  
22 preserve goods within a Zone, whether by moving the goods from one place  
23 to another or by storing the goods and where any expenses are incurred by  
24 the Authority in so doing, the owner or consignee of the goods shall  
25 reimburse the Authority for the expenses.

26           (5) Subject to the provisions of this Bill and any regulations made  
27 thereunder, goods brought into a Zone pursuant to this section may-

28           (a) unless otherwise directed by the Authority, be stored, sold,  
29 exhibited, broken up, packed, graded, cleaned, marked, re-marked, loaded,  
30 unloaded, reloaded, divided, mixed, separated or otherwise manipulated; or

1            (b) be worked, processed or reprocessed or otherwise manipulated or  
2     manufactured; or

3            (c) be exported in whole or part, to the Customs Territory upon  
4     payment or applicable duty and exported to other countries without restrictions  
5     and payment of Customs duty; or

6            (d) be consumed if the goods are meant for consumption in the Zone,  
7     unless otherwise directed by the Authority; or

8            (e) subject to the provisions of subsection (7) of this section, be  
9     removed from a Zone or sent into the Customs Territory, whether as originally  
10    packed or otherwise; or

11           (f) subject to any enactment pertaining thereto, be destroyed.

12           (6) Where any goods which are dutiable on entry into the Customs  
13    Territory are sent from a Zone into the Customs Territory, the goods shall be  
14    subject to the provisions of the Customs, Excise Tariff, etc. (Consolidation) Act  
15    and any regulations consolidating, amending or replacing the Customs, Excise  
16    Tariff, etc. (Consolidation) Act, and if the goods are intended to be disposed of  
17    in the Customs Territory, shall not be removed from the Zone unless:

18           (a) the consent of the Authority has been obtained; and

19           (b) the relevant customs authorities are satisfied that all import  
20    restrictions relevant thereto have been complied with and all duties payable in  
21    connection with the importation thereof into the Customs Territory have been  
22    paid.

23           (7) Samples of goods being taken into the Customs Territory from a  
24    Zone shall be subject to the provisions of subsection (6) of this section, except  
25    in cases where the relevant customs authority is satisfied that such goods are of  
26    no commercial value.

27           (8) Where goods are brought from the Customs Territory into a Zone  
28    for the purposes of an approved activity, the goods shall be deemed to be  
29    exported from the Customs Territory.

30           (9) The Destination Inspection Scheme shall not apply to imports of

1 goods into the Zones for use by enterprises in the Zone.

2 (10) Goods manufactured or produced in the Zone shall be  
3 imported into the customs territory on payment of the appropriate duty  
4 irrespective of whether the goods are prohibited or not. However, prohibited  
5 goods that have been assembled or packaged without meeting the 35% value  
6 addition requirement shall not be allowed into the customs territory.

7 (11) The amount of import duty on goods manufactured, processed  
8 or assembled in the Zones and exported to the customs territory, shall be the  
9 rate of duty applicable to the raw materials in the state in which they are  
10 originally introduced into the zones.

11 (12) Where raw materials for production of any good sold into the  
12 customs territory is sourced from the customs territory, such raw material  
13 shall attract zero duty.

14 (13) Any goods made in the zones shall be labeled Made in Nigeria  
15 (Special Economic Zones) Goods.

16 (14) Any special product imported into the Zone on which value  
17 had been added without changing the essential attract of the product after  
18 processing in the zone and intended for the custom territory, shall be granted  
19 an import duty tariff rebate of 75%.

20 13.-(1) No person shall enter and remain in or reside in a zone  
21 without the prior permission of the Authority.

Persons not to  
enter a Zone

22 (2) Subject to the provisions of subsection (1) of this section, any  
23 person entering into a zone with intention to carry on any legitimate business  
24 activity, though not captured in the list of approved activities in this Bill may  
25 be allowed by the grant of a permit issued by the Authority upon the payment  
26 of a fee prescribed for that category of activity by the Authority in the Zone's  
27 regulation or a circular made in that behalf.

28 (3) Any person who contravenes the provisions of subsection (1) of  
29 this section shall be liable to a minimum fine of \$500 each day of  
30 contravention.

	1	(4) Any other entry protocols, if necessary, into any of the zones shall
	2	be determined by the Authority in consultation with the Zone Management.
Prohibition of retail trade	3	<b>14.</b> -(1) No retail trade shall be carried on within a Zone without the
	4	prior approval of the Authority, such approval shall be subject to such terms
	5	and conditions as may be imposed from time to time by the Authority.
	6	(2) Any person who contravenes the provisions of subsection (1) of
	7	this section or a term or a condition imposed pursuant to that subsection, if
	8	found guilty, shall have its licence revoked by the Authority.
Special provisions relating to articles imported from the Customs Territory	9	<b>15.</b> An enterprise which imports into a zone an article with a benefit
	10	in respect of customs duty under the provisions of this Bill shall-
	11	(a) keep such records of the articles so imported in such forms and
	12	containing such particulars as may be required by the Authority;
	13	(b) cause the articles to be marked with such mark and in such manner
	14	as may be required by the Authority;
	15	(c) permit the Authority or a person authorized by the Authority at all
	16	reasonable times:
	17	(i) to inspect the records relating to those articles,
	18	(ii) to have access to any factory, warehouse, assembly plant or other
	19	premises under the control of the enterprise for the purpose of examining the
	20	article which the Authority believes to be therein and of satisfying itself of the
	21	accuracy of the particulars in relation to the article contained in such records.
	22	(2) Any enterprise which contravenes the provisions of subsection (1)
	23	of this section shall be guilty of an offence and liable to a minimum fine of
	24	\$5000.
Prohibition of storage of ammunitions and dangerous explosives	25	<b>16.</b> -(1) Notwithstanding any other provision of this Bill, the
	26	following goods shall not be imported, taken into or stored in a zone:
	27	(a) firearms and ammunitions, other than by members of the Nigeria
	28	Police Force or the Armed Forces. of the Federation or by security agencies
	29	duly licenced by the relevant government agency and employed to work in a
	30	zone in the course of their duties;

1 (b) dangerous explosives, without prior approval of the Authority;  
2 (c) petrol, inflammable materials, hazardous cargoes or oil fuels,  
3 other than in such quantities and on such terms and conditions as may be  
4 prescribed by the Authority;

5 (d) goods which the Authority by order has imposed specific or  
6 absolute prohibition on their importation into a Zone.

7 (2) Any person who contravenes the provisions of subsection (1) of  
8 this section shall be guilty of an offence and liable on conviction to a jail  
9 term not less than 4 years or a fine of \$500,000 or both.

10 **17.** Export of goods from a zone to the customs territory shall, Export of goods  
from Zones  
11 except as otherwise prescribed by or pursuant to this Bill, be subject to the  
12 same customs and licencing requirements as applicable to goods imported  
13 from other countries.

14 **18.-(1)** All enterprises shall be entitled to the general incentives Incentives and  
related matters  
15 provided under this Bill, while new or special incentives shall be as  
16 approved for any industrial enclave as may be recommended and approved  
17 by Mr. President.

18 (2) General incentives for the enterprises shall include the  
19 following:

20 (a) legislative provisions pertaining to taxes, levies, duties,  
21 contributions and/or funds shall not apply within the zones;

22 (b) access to foreign exchange and other incentives relating to  
23 banking operations shall be as contained in the Guidelines for Banking  
24 Operations in the Special Economic Zones in Nigeria;

25 (c) repatriation of investments in the zones at any time with capital  
26 appreciation of investment;

27 (d) remittance of profits and dividends earned by investors in the  
28 zones;

29 (e) no import or export licences shall be required;

30 (f) duty free on importation of capital goods, consumer goods,

1 machinery, equipment, furniture and raw materials;  
2 (g) the rate of duty applicable to the raw materials in the state in which  
3 they are originally introduced into the zone shall be the amount of import duty  
4 on goods manufactured, processed or assembled in the zones and exported into  
5 the customs territory;  
6 (h) up to 100% ownership of business in the zones is allowed;  
7 (i) foreign managers and qualified personnel may be employed by  
8 companies operating in the zones;  
9 (j) enterprises operating in the zones are allowed to export into the  
10 Nigeria customs territory up to 100% of their products;  
11 (k) no expatriate quota shall apply in the zones; and  
12 (l) special vehicle licence plates for ease of identification and  
13 movement.

Enterprise to  
submit returns

14 **19.** An enterprise shall submit to the Authority at such intervals as  
15 may be prescribed, such statistical data and such information and returns as  
16 regards the sales and purchases and other operations of the enterprise as the  
17 Authority or Zone Management may require or as may be prescribed, from  
18 time to time.

Work permits

19 **20.** Where a person who is a non-Nigerian citizen is employed by the  
20 Authority or by an enterprise established in a zone, upon application by the  
21 enterprise for a licence to establish itself within a zone or at any time thereafter,  
22 the enterprise shall apply on behalf of the non-Nigerian citizen, directed to the  
23 Authority for the purpose of immigration and employment permits, in such a  
24 manner as may be prescribed by the Authority.

Condition of  
service

25 **21.-(1)** The Authority shall make regulations relating generally to the  
26 staff conditions of service of the employees of the Authority and without  
27 prejudice to the generality of the foregoing:

28 (a) the Authority shall have both the powers and duty to make the staff  
29 conditions of service and its provisions shall have binding effect regarding the  
30 terms and conditions of service between the Authority and her employees;

1 (b) without prejudice to the generality of the provisions of this  
2 section, such regulation shall provide for:

3 (i) the appointment, welfare, promotion and disciplinary control of  
4 all employees of the Authority,

5 (ii) right of appeal for employees against any disciplinary action of  
6 the Authority and such appeal shall be in accordance with the provisions of  
7 the staff condition of service and the Pensions Reform Act, 2004 or as may  
8 be amended,

9 (iii) appeal by such employees against any disciplinary action of  
10 the Authority and until such regulations are made, the regulations relating to  
11 the conditions of service of the officers in the public service of the federation  
12 and the provisions of the Pensions Reform Act, 2004 shall be applicable  
13 with such modifications as may be necessary to the staff of the Authority.

14 (2) Any enterprise operating in a zone shall be responsible for the  
15 provisions of its staff condition of service in line with international best  
16 practices and laws guiding labour relations in Nigeria and such staff  
17 conditions of service shall be subject to approval of the Authority.

18 (3) The Authority shall reserve the rights and powers to issue  
19 regulations and guidelines on the benchmarks for staff conditions of service  
20 of the enterprises.

21 **22.**-(1) The Authority shall establish and maintain a fund which Fund of the  
22 shall consist of: Authority

23 (a) all monies received from the Federal Government:

24 (b) proceeds from all activities, services and operations of the  
25 Authority;

26 (c) grants, gifts and donations made to the Authority; and

27 (d) such other sum as may accrue, from time to time, to the  
28 Authority.

29 (2) 75% of the internally generated revenue (IGR) of the Authority  
30 shall be applied towards the activities stated in subsection (3) of this section

1 while the balance of 25% will be paid to the Federal Government.

2 (3) The Authority shall, from time to time, apply the proceeds of the  
3 fund established pursuant to subsection (1) of this section to:

4 (a) the cost of administration of the Authority;

5 (b) the payment of salaries, fees or other remuneration or allowances,  
6 pensions and gratuities payable to the officers and employees of the Authority;

7 (c) reimburse members of the Board or of any committee set up by the  
8 Board for such expenses as may be expressly authorized by the Authority in  
9 accordance with the rates approved by the Federal Government;

10 (d) the maintenance of any property vested in the Authority; and

11 (e) for investment, maintenance of zones, marketing, promotion,  
12 training, research and similar activities.

Annual estimates,  
account, etc.

13 **23.**-(1) The Authority shall, not later than 31st October in each year,  
14 submit to the Minister an estimate of its expenditure and income (including  
15 payments into the funds of the Authority) during the next succeeding year.

16 (2) The Authority shall keep proper accounts in respect of each year  
17 (and proper records in relation thereto) and shall cause its accounts to be  
18 audited within 6 months after the end of each year by auditors appointed from  
19 the list and in accordance with the guidelines supplied by the Office of the  
20 Auditor-General of the Federation.

Enactment  
applicable in  
customs territory  
not to apply

21 **24.**-(1) The provisions of any enactment, law, regulation, or rule  
22 though applicable in the customs territory relating to tax, duties, levies, rates,  
23 contributions funds, etc. shall not apply in the zone established under this Bill.

24 (2) Notwithstanding anything to the contrary contained in any other  
25 enactment or law, the provisions of the following Acts or any regulations  
26 consolidating, amending or replacing such Act shall not by any means  
27 whatsoever apply in any of the zones:

28 (a) Federal Inland Revenue Service (Establishment, etc.) Act, 2007;

29 (b) Industrial Training Fund Act, 2011;

30 (c) Nigerian Oil and Gas Industry Content Development Act, 2010;



1 (d) Oil and Gas Export Free Zones Act, 1996;

2 (e) any other enactment that may impede the successful  
3 implementation of the provisions of this Bill.

4 (3) The provisions of Guidelines for Banking Operations in the  
5 Special Economic Zones shall be the applicable rules guiding foreign  
6 exchange and currency earnings and uses in the Zones.

7 **25.** In addition to any other powers granted the Minister under this Powers of the  
8 Bill, the Minister shall have powers to: Minister

9 (a) upon the recommendation of the Authority, make subsidiary  
10 legislations for the smooth running and operations of the zones either by  
11 Order, circular or any other appropriate means and such subsidiary  
12 legislations shall have equal force of law with the provisions of this Bill;

13 (b) upon a request made by the Authority, by Order or circular vary  
14 or modify the application of any enactment noticed by the Authority to have  
15 adverse effect on the operations of this Bill or restrict/interfere with the  
16 smooth running and operation of any zone.

17 **26.** Every act of omission or neglect to comply with and every act Omission or  
18 done or attempted to be done contrary to the provisions of this Bill or non-compliance  
19 regulations made thereunder shall be an offence and in respect of and such  
20 offence for which no penalty is expressly provided, the offender shall be  
21 guilty of an offence and liable to a fine of \$500 for every day during which  
22 the omission or neglect continues, and every director/manager or other  
23 similar officers of the enterprise who knowingly and willfully authorizes or  
24 permits the omission or neglect shall be liable to a like penalty.

25 **27.-(1)** An Alternative Dispute Resolution Centre (in this Bill Establishment of  
26 referred to as "the Center") is hereby. Alternative Dispute  
Resolution Centre

27 (2) The Center shall have jurisdiction over all civil disputes arising  
28 from the operations of this Bill, subsidiary legislations made thereto, orders,  
29 circulars or any other instrument made pursuant to the provisions of this  
30 Bill; contractual agreements between parties, labour relations, trade and

1 investment and any other matters as may be referred to it by any other matters  
2 as may be referred to it by any other enactment or regulation.

3 (3) The Centre shall be located at the headquarters of the Authority  
4 and/or any other location as the Authority may decide from time to time.

5 (4) The rules and regulations regarding the powers, jurisdiction, mode  
6 of operation, etc. of the Center shall be as contained in the Alternative Dispute  
7 Resolution Centre Rules made in that behalf by the Authority.

Inspection

8 **28.**-(1) Where any person in the course of his duties is authorized by  
9 any enactment, law or regulations to take samples of any good or product in a  
10 zone, such person shall request for that particular sample formally and when  
11 collected, the person shall sign for the samples do collected.

12 (2) Where any person is authorized by an Act, law or regulation to  
13 conduct a check or an inspection on a warehouse or any other facility in a zone,  
14 such person shall first notify the Authority/Zone Management of his intention  
15 to carry out such a check or inspection and no such check or inspection shall be  
16 carried out without the presence of an official of the Authority/Zone  
17 Management.

18 (3) There shall be no prior notification required by or made to-any  
19 other agency or government for the purpose of carrying out an approved  
20 activity for which an enterprise is duly registered and licenced under this Bill.

21 (4) Notwithstanding anything to the contrary contained in any other  
22 law, no action shall be instituted against the Authority in respect of any act,  
23 neglect, or default done or omitted to be done by any officer, servant or agent of  
24 the Authority in his capacity as an officer, servant or agent of the Authority with  
25 regard to the provisions of this Bill or regulations made pursuant to this Bill  
26 unless it is commenced within 3 months next after the act or negligence  
27 complained of, or in the case of a continuing damage or injury, within 3 months  
28 next after the ceasing thereof.

29 (5) No suit shall be commenced against the Authority before the  
30 expiration of a period of one month of intention to commence the suit shall

1 have been addressed and served on the Managing Director by the intending  
2 plaintiff or his authorized agent and the notice shall clearly and explicitly  
3 state:

- 4 (a) the cause of action;  
5 (b) the particulars of the claim;  
6 (c) the name and place of abode of the intending plaintiff; and  
7 (d) the relief(s) claimed.

8 **29.-(1)** The Governing Board of the Nigerian Export Processing Repeal  
9 Zones Authority established by the Nigeria Export Processing Zones  
10 Authority Act, Cap N107, Laws of the Federation of Nigeria, 2004 is hereby  
11 dissolved and the said enactment is hereby repealed.

12 (2) The transitional and savings provisions in the Second Schedule  
13 to this Bill shall have effect in relation to the employees, assets and liabilities  
14 of the Board dissolved under this section and the other matters mentioned  
15 therein notwithstanding anything to the contrary in this Bill or any other  
16 enactment.

17 (3) Notwithstanding subsection (1) of this section, any Order  
18 made, registration effected, licence or permit issued, notice or information  
19 given, return made or other things done under the repealed enactment which,  
20 immediately before the commencement of this Bill was in force or effect  
21 shall continue in force and have the effect as if made, effected, issued, given  
22 or done under the corresponding provision of this Bill.

23 **30.** In this Bill, unless the context otherwise requires: Interpretation

24 "approved activities" means activities specified in the Third Schedule to this  
25 Bill;

26 "Authority" means the Nigerian Industrial Development and Special  
27 Economic Zones Authority established by section 1 of this Bill;

28 "Board" means the Governing Board constituted pursuant to the provisions  
29 of this Bill;

30 "civil disputes" means all kinds of disputes arising from the operation of this

1     Bill, commercial transactions, contractual agreements, trade disputes and any  
2     other kind of disputes between/among zones operators or any other person  
3     subjecting itself to the jurisdiction of the Centre save a matter with criminal  
4     elements;

5     "customs territory" means any place in Nigeria other than a designated Special  
6     Economic Zone where the regular laws of Nigerian operate;

7     "enterprise" means any entity registered by the Authority to carry on an  
8     approved activity in a zone;

9     "Government Agencies" mean the relevant agencies of government, other than  
10    the Authority, established under this Bill, law or bye-law to carry out specified  
11    government businesses or services and within a zone established under this Bill  
12    for the purposes of ease of doing business in such a zone;

13    "industrial enclave" means any area of land established for industrial purposes  
14    with or without special economic zones status;

15    "internally generated revenue (IGR)" means revenue generated by the  
16    Authority;

17    "legitimate business activity" includes independent contractors engaged by an  
18    enterprise, service providers, professional entities, guests lodging in an hotel or  
19    guest house located in a zone, patient attending medical treatment in an  
20    hospital located in a zone, pupils or students attending s school located in a  
21    zone, staff or such entities, etc.;

22    "Managing Director" means the Managing Director appointed pursuant to the  
23    provisions of this Bill;

24    "Member" means a member of the Governing Board including the Chairman;

25    "Minister" means the Minister supervising the activities of the Authority;

26    "operating licence" means a licence granted by the Authority to an operator  
27    registered to operate in any Zone as a developer, manager or enterprise;

28    "person" means a natural or corporate person;

29    "public zone" means any designated zone regulated and managed by the  
30    Authority on behalf of the Federal Government;

1 "President" means the President, Commander-in-Chief of the Armed Forces  
2 of the Federal Republic of Nigeria;  
3 "special economic zone" means any area of land so designated by the  
4 President upon the recommendation of the Authority, under this Bill, with  
5 rights to tax incentives, tariffs and regulations different from what is  
6 applicable in the customs territory. These shall include but are not limited to  
7 "Export Processing factories".

8 **31.** This Bill may be cited as the Nigeria Export Processing Zones Short title  
9 Authority Act (Repeal and Re-Enactment) Bill, 2019.

10 FIRST SCHEDULE

11 SUPPLEMENTARY PROVISIONS RELATING TO THE AUTHORITY

12 *Proceedings of the Board*

13 1.-(1) Subject to the provisions of this Bill and to section 2 of the  
14 Interpretation Act, the Board may make standing orders regulating the  
15 proceedings of the Authority or of any committee thereof.

16 (2) The quorum of the Board shall be eight and the quorum of any  
17 committee of the Board shall be as may be determined by the Board from  
18 time to time.

19 2.-(1) The Board shall meet not less than four times in each year  
20 and, subject thereto, the Board shall meet whenever it is summoned by the  
21 Chairman, and if the Chairman is required to do so by notice given to him by  
22 not less than three other members, he shall summon a meeting of the Board  
23 to be held within fourteen days from the date on which notice is given.

24 (2) At any meeting of the Board, the Chairman shall preside, but if  
25 he is absent, the members present at the meeting shall appoint one of their  
26 number to preside at that meeting.

27 (3) Where the Board desires to obtain the advice of any person on a  
28 particular matter, the Board may co-opt him as a member for such period as  
29 it thinks fit:

30 Provided that a person who is a member by virtue of this sub-

1 paragraph shall not be entitled to vote at any meeting of the Board and shall not  
2 count towards the quorum.

3 *Committees*

4 3.-(1) The Board may appoint one or more committees to carry out on  
5 behalf of the Board such of its functions as the Authority may determine.

6 (2) A committee appointed under this paragraph shall consist of such  
7 number of persons (not necessarily members of the Board) as may be  
8 determined by the Board; and a person other than a member of the Board shall  
9 hold office on the committee in accordance with the terms of his appointment.

10 *Miscellaneous*

11 4.-(1) The fixing of the seal of the Authority shall be authenticated by  
12 the signature of the Chairman and of any other member authorized generally or  
13 specially by the Board for that purpose.

14 (2) Any contract or instrument which, if made or executed by a person  
15 not being a body corporate, would not be required to be under seal may be made  
16 or executed on behalf of the Board by the Chairman and the Managing Director  
17 or any person authorized generally or specially by the Authority for that  
18 purpose.

19 5.-(1) Members of the Board shall be paid out of moneys at the  
20 disposal of the Board such remunerations, fees or allowances in accordance  
21 with such scale as may be approved, from time to time, by the Minister.

22 (2) The validity of any proceedings of the Board or of a committee  
23 thereof shall not be adversely affected by any vacancy in the membership of the  
24 Board or of any committee or by the defect in the appointment of any member  
25 of the Board or committee or by reason that a person not entitled to do so took  
26 part in the proceedings.

27 6.-(1) A member of the Board who is:

28 (a) directly or indirectly interested in any company or enterprise the  
29 affairs of which are being deliberated upon by the Authority; or

30 (b) is interested in any contract made or proposed to be made by the

1 Authority, shall as soon as possible after the relevant facts have come to his  
2 knowledge disclose the nature of his interest at a meeting of the Board.

3 (2) A disclosure under sub-paragraph (1) of this paragraph, shall be  
4 recorded in the minutes of the meeting of the Board and the member shall:

5 (a) not take part after such disclosure in any deliberation or  
6 decision of the Board with regard to the subject matter in respect of which  
7 his interest is thus disclosed; and

8 (b) be excluded for the purpose of constituting a quorum if the  
9 Board for any such deliberation or decision.

10 7. From the commencement of this Bill, only legal practitioners,  
11 accountants and other similar professionals shall be allowed to conduct  
12 transactions with the Authority/Zone Management/Enterprises on behalf of  
13 the their respective clients.

#### 14 SECOND SCHEDULE

##### 15 VESTING OF ASSETS AND LIABILITIES IN THE AUTHORITY

16 1. By virtue of this Bill, there shall be vested in the Authority  
17 established under this Bill (in this Schedule referred to as "the Authority"),  
18 all assets, funds, resources and other moveable or immoveable property  
19 which immediately before the commencement of this Bill were vested in the  
20 Authority established under the repealed enactment (in this Schedule  
21 referred to as "the former Authority").

22 2. Subject to the provision of paragraph 1 of this Schedule:

23 (a) the rights, interests, obligations and liabilities of the former  
24 Authority existing immediately before the commencement of this Bill under  
25 any contract or instrument, shall by virtue of this Bill be deemed to have  
26 been assigned to and vested in the Authority;

27 (b) any such contract or instrument as is mentioned in sub-  
28 paragraph (a) of this paragraph, shall be of the same force and effect against  
29 or in favour of the Authority as shall be enforceable as fully and effectively  
30 as if instead of the former Authority the Authority had been named therein or

1 had been a party thereto; and

2 (c) the Authority shall be subject to all the obligations and liabilities to  
3 which the former Authority was subject immediately before the  
4 commencement of this Bill and all persons shall, as from the commencement of  
5 this Bill have the same rights, powers and remedies against the Authority as  
6 they had against the former Authority immediately before the day.

7 10. Power generation, distribution and related services.

8 11. Hospitality, tourism, medicals, education, legal practice,  
9 consultancy services and other similar social services.

10 12. Dispute resolution services.

11 13. Activities relating to integrated zones.

12 14. Other activities deemed appropriate by the Authority.

13 **FOURTH SCHEDULE**

14 **DUTY FREE ARTICLES**

15 1. Building materials

16 2. Tools

17 3. Plant

18 4. Machinery

19 5. Pipes

20 6. Pumps

21 7. Conveyor belts

22 8. Other appliances and materials necessary for construction,  
23 alteration and repair of premises.

24 9. Capital and consumer goods, raw materials components of all  
25 articles intended to be used for the purpose of and in connection with the  
26 reconstruction, extension or repairs of premises in a Zone or for equipping such  
27 premises and any other items approved by the Authority.



## EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nigeria Export Processing Zones Authority Act, Cap N107, Laws of the Federation of Nigeria, 2004. It also seeks to establish the Nigeria Industrial Development and Special Economic Zones Authority to manage, control and coordinate all activities with the zones; and to empower the President to designate any area of the country as a Special Economic Zone.



A BILL

FOR

An Act to Amend the National Crop Varieties and Livestock Breeds (Registration Etc) Act Cap N27 Laws of the Federation of Nigeria, 2004 and for Related Matter

*Sponsored by Hon. Abonta Uzoma Nkem*

[ ] Commencement

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

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1.

(Registration Etc) Act Cap N27 Laws of the Federation of Nigeria, 2004(in

this Bill referred to as "The Principal Act) is amended as set out in this Bill.

2. Section 8 of the Principal Act is amended by substituting

"N200" with N100, 000" and N5,000 with N 500,000.

3. This Bill may cited as the National Crop Varieties and Livestock

Breeds (Registration Etc) Act (Amendment) Bill, 2019.
- Amendment of

the Principal Act

Amendment of

Section 8 of the

Principal Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Crop Varieties and Livestock Breeds (Registration Etc) Act Cap N27 Laws of the Federation of Nigeria, 2004 to review penalties upward.



FOR

*Sponsored by Hon. Uzoma Nkem Abonta*

[ ] Commencement

## PART I - ESTABLISHMENT, MEMBERSHIP ETC

5 (2) The Agency Shall:

(b) Have power to own, hold, acquire and dispose of its interest in property whether movable or immovable.

11                   **2.-(1)** The Agency shall have a twenty-one (21) member                   Composition of  
12   Governing Board, which shall consist of:                   the Board

14 (b) Vice Chairman;

17 (i) Two from Faith Based Networks Le a Muslim & a Christian;

20 (iii) One from National Youth Network on HIV/AIDS

- 1 (NYNETHA), FCT Chapter;
- 2 (iv) One from National Council of Women Society (NCWS) FCT
- 3 Chapter;
- 4 (v) One from Civil Society on HIV/AIDS in Nigeria (CiSHAN), FCT
- 5 Chapter;
- 6 (vi) One from FCT Council of Chiefs;
- 7 (d) One representative each from the FCT Administration of not less
- 8 than Directorate Cadre from the following:
- 9 (i) Health and Human Services Secretariat;
- 10 (ii) Agriculture and Rural Development Secretariat;
- 11 (iii) Education Secretariat;
- 12 (iv) Social Development Secretariat;
- 13 (v) Information Unit;
- 14 (vi) Legal Services Secretariat;
- 15 (e) The Programme Manager of the Agency shall be a
- 16 Member/Secretary of the Board.
- 17 (2) The FCT Minister shall be the Chairman of the Board and shall
- 18 appoint all other members of the Board.
- 19 (3) The Secretary Health and Human Services Secretariat shall be the
- 20 Vice Chairman.
- 21 (4) At least one third of members of the Board shall be women.
- 22 (5) The Board members shall serve a tenure of two (2) years and may
- 23 be eligible for re-appointment for a further term of two (2) years only.
- 24 (6) Notwithstanding the provisions of subsection (2.05) of this
- 25 section, a member of the Board may at any time be removed from office by the
- 26 Hon. Minister for inability to discharge the functions of his office, whether
- 27 arising from infirmity of mind or body or any other just cause.
- 28 (7) Members of the Board shall be paid such allowances or benefits as
- 29 the Minister may from time to time approve.

## 1 PART II - FUNCTIONS AND POWERS

2 3.-(1) The functions of the Agency shall include the following: Functions

3 (a) Designing and implementing FCT Action Plan for the  
4 prevention and control of HIV/AIDS;5 (b) Designing and Prosecuting an intense Multi-sectoral approach  
6 to HIV/AIDS prevention and control;7 (c) Providing support to the planning, implementation and  
8 management of H IV/AIDS to line Secretariats, NGOs, CBOs, CSOs and  
9 Area Councils;10 (d) Providing necessary support to other stakeholders in their  
11 efforts to prevent and control HIV/AIDS;12 (e) Coordinating an FCT Sentinel Surveillance on the incidence  
13 and prevalence of HIV/AIDS and promote Operational Research on  
14 intervention strategies;15 (f) Promoting multi-disciplinary collaboration and networking  
16 among all stakeholders including The Civil Society Organisation against  
17 HIV/AIDS;18 (g) Building capacity of all stakeholders involved in the control  
19 and prevention of HIV/AIDS at all levels;

20 (h) Implementing all decisions of the board

21 (i) Production of quarterly reports on HIV/AIDS prevention and  
22 control activities to the Board, partners and all stakeholders.23 (2) In addition to the functions of the Agency as provided in  
24 subsection I of this section, the Agency shall have powers to:25 (a) Demand and obtain relevant information, data and report on  
26 matters relating to the prevention and control of the human immune-  
27 deficiency virus/acquired immune deficiency syndrome from all  
28 stakeholders;29 (b) liaise with relevant establishments within and outside Nigeria  
30 in pursuance of the functions of the Agency;

	1	(c) carry out resource mobilization and other activities as are
	2	necessary or expedient for the performance of its functions under this law; and
	3	make quarterly reports to the Board
Power of the Agency	4	4.-(1) The Agency shall have the power to:
	5	(a) Do all things which by this Act or any other enactment or
	6	administrative directives are required or permitted to be done by the Agency;
	7	(b) Monitor any matter that may affect the functions of the Agency;
	8	(2) Subject to any limitation imposed by law, the Agency may
	9	delegate any of its powers to any member or official of the Agency and
	10	authorize any such member or official to perform any of its functions.
Power to borrow	11	5. Subject to the approval of the Minister of the FCT, the Agency may
	12	from time to time, borrow by way of overdraft or otherwise, such sums as it
	13	may require for the effective discharge of its functions under this Act.
Power to accept gifts	14	6.-(1) The Agency may accept any gift, grant or donation of land,
	15	money or other property from any person upon such terms and conditions
	16	(acceptable to the Agency), if any, as may be specified by the person making
	17	the gift or donation.
	18	(2) The Agency shall not accept any gift or donation if the conditions
	19	attached thereto by the person making the gift or donation are inconsistent with
	20	the functions of the Agency.
Power to obtain information	21	7.-(1) For the purpose of carrying out the functions conferred on the
	22	Agency under this Act, the Programme Manager, or any employee of the
	23	Agency duly authorized in that behalf:
	24	(a) shall have a right of access to all relevant HIV/AIDS status data
	25	from any institution/facility within the FCT; and
	26	(b) demand and obtain relevant information, data and report on
	27	matters relating to the prevention and control of HIV /AIDS from all
	28	stakeholders;
	29	(c) it shall be the duty of any person required to furnish information
	30	pursuant to subsection (1) of this section to comply with the notice within the



1 period specified in the notice or where no period is specified, within a  
2 reasonable period.

3 PART III - SECRETARIAT AND STAFF OF THE AGENCY SECRETARIAT

4 8.-(1) The Agency shall be headed by a Programme Manager who The Secretariat  
5 shall be the Chief Executive of the following Divisions: Programme  
Manager

6 (a) Research, Monitoring and Evaluation;

7 (b) Programming;

8 (c) Administration and Finance;

9 (2) The Agency shall also have the following units under the  
10 Divisions:

11 (i) Preventive and Health Promotion;

12 (ii) Care and Support;

13 (iii) Planning, Research and Statistics;

14 (iv) Monitoring and Evaluation;

15 (v) Communication Mobilisation;

16 (vi) Administration and Finance;

17 (vii) Procurement;

18 (viii) Legal;

19 (ix) Such other units as may be determined by the Board and  
20 approved by the Minister for the proper functioning/performance of the  
21 Agency

22 9.-(1) The Board shall with the approval of the Minister appoint a Appointment of  
23 Programme Manager for the Agency who shall have the following the Programme  
24 minimum qualifications: Manager

25 (a) not less than 5 years relevant field experience;

26 (b) First degree in social sciences, Humanities and Medicine.

27 (2) The Programme Manager shall be:

28 (a) The Chief Executive of the Agency;

29 (b) responsible for the day-to-day administration of the Agency;

30 (c) Subject to the supervision of the Board and be answerable to it;

1 (d) The Secretary of the Board; and

2 (e) The Programme Manager shall hold office in the first instance for  
3 a period of four (4) years and may be re-appointed for a further period of four  
4 (4) years and no more, on such terms and conditions as may be  
5 specified in his letter of appointment.

6 (3) The Programme Manager shall hold office on such terms as to  
7 emoluments and otherwise as may be specified in his letter of appointment.

Agency

8 **10.**-(1) The terms and conditions of service including remuneration,  
9 allowances and benefits of officers and employees of the Agency shall be  
10 determined by the Board.

11 (2) Notwithstanding subsection (1) of this section, the Agency may  
12 appoint a person to any office on the terms, which preclude the grant of a  
13 pension, gratuities or retirement benefits.

14 (3) The Agency shall have powers to exercise disciplinary control  
15 over its staff as it may deem necessary for the discharge of its functions under  
16 this Law and in accordance with the Public Services Rules.

Service in the  
Agency is  
pensionable

17 **11.** Service in the Agency shall be approved service for the purpose of  
18 the Pension Act, and accordingly officers and other persons employed in the  
19 Agency shall be entitled to pension, gratuities and other retirement benefits as  
20 are prescribed thereunder. For the purpose of the application of the Pension  
21 Reform Act, any powers exercisable there under by the Minister of Finance or  
22 other regulations thereof, is hereby vested and shall be exercisable by the  
23 Board and not any other person or authority.

#### 24 PART IV - FINANCIAL PROVISIONS

Funds of the  
Agency

25 **12.**-(1) The Agency shall establish and maintain a fund: "The fund"  
26 which shall consist of:

27 (a) the initial take-off grant from the FCT Administration;

28 (b) such as may be provided by the FCT Administration by way of  
29 annual subvention or otherwise;

30 (c) fees and other charges received by the Agency pursuant to this Act;

1 (d) subject to section II of this Act, all other sums accruing to the  
 2 Agency by way of grants, gifts, testamentary dispositions, endowments  
 3 bequests and donations made to the Agency;

4 (e) Income from any investment or other property acquired by or  
 5 vested in the Agency; and

6 (f) such other sum as may accrue from time to time to the Agency

7 (2) The fund shall be managed in accordance with rules prescribed  
 8 by the Public Financial Regulations.

9 **13.**-(1) The Agency shall, not later than 30th June, in each year, Accounts and  
 10 submit to the Minister an estimate of its expenditure and income (including Audit  
 11 estimates of expected payments into the Fund) during the next succeeding  
 12 year.

13 (2) The Agency shall keep proper accounts in a form which  
 14 conforms to the acceptable accounting standards, and proper records in  
 15 relation thereto and the accounts shall be audited as provided in subsection  
 16 (3) of this section.

17 **13.** The accounts of the Agency shall be audited at the end of each Annual Estimates,  
 18 calendar year by auditors appointed by the FCT Administration from the list Accounts and  
 19 and in accordance with the Financial Guidelines and the fees of the auditors Audit  
 20 and the expenses for the audit generally shall be paid from the fund.

21 **14.** The Agency shall, not later than the first quarter of the Annual reports  
 22 preceding year, submit to the Minister, a report on the activities of the  
 23 Agency and its administration during the immediate preceding year and  
 24 shall include in the report, the audited accounts of the Agency and the  
 25 auditor's report thereon.

#### 26 PART V - REGULATIONS AND SUPPLEMENTARY PROVISIONS

27 **15.** The Minister may make regulations for the effective operation Regulations  
 28 of this Act and the due administration thereof.

29 **16.**-(1) The Agency shall have a Common Seal soon after its Common Seal  
 30 establishment.

	1	(2) The Common Seal of the Agency shall be authenticated by the
	2	Secretary of the Board or by any other person authorized by the Agency to act
	3	in that behalf.
Pre-action Notice	4	<b>17.</b> -(1) No suit shall be commenced against the Agency, Board,
	5	Programme Manager, staff and other employees of the Agency before the
	6	expiration of a period of one month after written notice of intention to
	7	commence the suit shall have been served upon the Agency by the intending
	8	Plaintiff or his agent and the notice shall clearly and explicitly state:
	9	(a) the cause of action;
	10	(b) the particulars of the claim; and
	11	(c) the relief which he claims
	12	(2) The notice referred to in subsection (1) of this section and any
	13	summons, notice or other documents required or authorized to be served upon
	14	the agency to the Programme Manager.
Legal Representations	15	<b>18.</b> -(1) In any suit by or against the Agency, the Agency shall be
	16	represented by the Legal Secretariat of the FCTA or any other legal practitioner
	17	appointed by the Board in that respect.
	18	(2) In this section, "suit" includes any legal action commenced or
	19	instituted by or against the agency.
	20	(3) Arbitration.
Indemnity for employees of the Agency	21	<b>19.</b> Every member, agent or staff of the Agency shall be indemnified
	22	out of the assets of the Agency against any liability incurred by him in
	23	defending any proceedings, whether civil or criminal, in which judgment is
	24	given in his favour or in which he is acquitted if any such proceedings is
	25	brought against him in his capacity as such member, agent or staff as aforesaid.
Interpretation	26	<b>20.</b> In this Act unless the context otherwise requires:
	27	"CBOs" means community based organizations;
	28	"CSOs" means Civil Society organizations;
	29	"FCT" means the Federal Capital Territory;
	30	"Member of the Board" means a member of the Board appointed by the

- 1 Minister, and includes the Chairman of the Board;  
2 "Prescribe" means prescribed by regulations;  
3 "Programme Manager" means the Programme Manager and Chief  
4 accounting Officer of the Agency;  
5 "Secretary of the Board" means the Programme Manager.

6 **21.** This Bill may be cited as the Federal Capital Territory Citation  
7 HIV/AIDS Control Agency Bill, 2019

0 EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Capital Territory HIV/AIDS Control Agency (FACA) to exercise the functions and powers, and pursue the objectives assigned to it by this Bill



CHARTERED INSTITUTE OF EXPORT AND COMMODITY BROKERS OF  
NIGERIA (ESTABLISHMENT) BILL, 2019

ARRANGEMENT OF SECTIONS

*Section:*

1. Establishment of Chartered Institute of Export and Commodity Brokers of Nigeria
2. Functions of the Institute
3. Membership of the Institute
4. Council of the Institute
5. Term of office
6. Powers of the Council
7. Council meetings
8. Financial provisions
9. Appointment of Registrar and preparation of register
10. Publication of register and list of corrections
11. Registration of members
12. Membership by examination.
13. Membership by admission or election
14. Certificate of registration
15. Corporate membership
16. Supervision of instructions and examinations leading to approved qualifications
17. Instruction for approved qualification
18. Disciplinary procedure
19. Penalties for unprofessional conduct
20. Persons not members of Incorporated Institute
21. Professional practice.
22. Rules as to practice
23. Provision of the library facilities
24. Offences
25. Rules and regulations
26. Transfer to the Institute of certain assets and liabilities.
27. Interpretation
28. Citation





## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF EXPORT AND  
COMMODITY BROKERS OF NIGERIA TO REGULATE THE PRACTICE,  
PROFESSIONAL CONDUCT AND PROMOTE THE HIGHEST STANDARD OF  
COMPETENCE AMONG THE MEMBERS OF THE PROFESSION; AND FOR  
RELATED MATTERS

*Sponsored by Hon. Uzoma Nkem-Abonta*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1	1.-(1) There is established the Chartered Institute of Export and	Establishment of Chartered Institute of Export and Commodity Brokers of Nigeria
2	Commodity Brokers of Nigeria (in this Act referred to as "the Institute").	
3	(2) The Institute:	
4	(a) shall be a body Corporate with perpetual succession and a	
5	common seal;	
6	(b) may sue and be sued in its corporate name; and	
7	© may hold, acquire and dispose of any property, movable or	Cap. L5, LFN, 2004
8	immovable, subject to the Land Use Act.	
9	2.-(1) The Institute shall perform such functions and achieve such	Functions of the Institute
10	objectives as may be conferred upon it by this Act, and shall:	
11	(a) research and locate all exportable products from agriculture,	
12	minerals resources and manufactured goods that are available in Nigeria for	
13	export;	
14	(b) partner relevant agencies and companies in creating an	
15	interchange point between the commodity producers, Nigerian distributors	
16	and export merchants for the storage of their products and to quicken	
17	product inspection for export;	
18	© liaise with Federal, State, private sector, Local Governments and	

1 relevant agencies in Nigeria on how to make all export processing zones in  
2 Nigeria to be functional, viable and to see that more of such are established for  
3 the promotion and exportation of made in Nigeria goods;

4 (d) establish professional standard in training, commodity grading,  
5 packaging, pricing, quality control, commodity and brokerage services to  
6 benefit Nigerians who wish to go into practical export and earn income from  
7 commodity wealth in Nigeria in collaboration with appropriate agencies and  
8 associations;

9 (e) define and follow-up the execution of the processes of refining the  
10 crude products or commodity in a civilised manner to meet international  
11 standard in the world market;

12 (f) determine the standards of knowledge and skill to be attained by  
13 persons seeking to become registered members of the profession and  
14 reviewing those standards, from time to time, as circumstance may demand;

15 (g) secure in accordance with the provisions of the Act, the  
16 establishment and maintenance of register of members of the profession and  
17 the publication, from time to time, of lists of those members;

18 (h) regulate the practice, discipline, professional conduct and  
19 promote the highest standard of competence among members of the  
20 profession;

21 (i) certify all export practitioners and license all commodity brokers  
22 operating in Nigeria who qualified as Associates, Members and Fellows to  
23 practise as members of the profession in relationship with the appropriate  
24 association;

25 (j) promote the highest standard of competence, practice and conduct  
26 among the members of the profession;

27 (k) make provisions for educating, training, conduct of examinations,  
28 award of qualifications to deserving and qualified members of the profession  
29 wishing to become commodity brokers, shipping agents, export merchants,

1 products packaging consultants and practising managers on international  
2 trade in Nigeria;

3 (l) advance public education as to commerce and industry,  
4 particularly the need for raw materials import, finished goods export,  
5 commodity research and grading, and educate those who are or may  
6 become involved or interested in export and commodity trade as a  
7 profession (in this Act referred to as "the Profession");

8 (m) associate with Government programmes meant for the  
9 development and promotion of export and commodity trade in Nigeria and  
10 associate with foreign and local institutions having similar objectives on  
11 export and commodity trading for the purpose of attaining excellence in  
12 international trade as a business in Nigeria;

13 (n) examine, research and analyse problems connected with export  
14 and commodity trade in Nigeria and to publish the results of such work  
15 together with recommendation and advice, make the same available to all  
16 persons, firms or companies engaged in export and commodity trade,  
17 whether or not they are members of the Institute;

18 (o) arrange conferences, seminars, symposia and meeting for the  
19 discussion of export and commodity trade profession by means of periodical  
20 issues of a journal of the Institute and to organise post-qualification courses  
21 for its members;

22 (p) perform, through the Council, all functions established under  
23 this Act; and

24 (q) do such things as may advance and promote the export and  
25 commodity trade business in both the public and private sectors of the  
26 economy.

27 **3.-(1)** Subject to the provisions of this Act, persons admitted into  
28 membership of the Institute:

Membership of  
the Institute

29 (a) shall be registered as Fellows, Members, Associates,  
30 Graduates, Licentiate, Students or Corporate Members;

1 (b) are entitled to practise the business of export and commodity trade  
2 profession and the list of such persons shall be published, from time to time;  
3 and

4 (c) are authorised to use the initials FECB, MECB, AMECB after  
5 their names.

6 (2) Practising Fellow or Members with years of experience shall be  
7 elected as Chartered Members of the Institute and, authorised to use the initial  
8 CMECB after their names.

9 (3) Honourary Members elected as Fellows or Members and  
10 Licentiates, as a result of their contributions to export and commodity trade  
11 profession, are authorised to use the initials FECB (Hon) MECB (Hon) LECB  
12 (Hon) after their names.

Council of the  
Institute

13 **4.-(1)** There shall be a Council for the Institute which shall be the  
14 governing body charged with the responsibility for the administration and  
15 general management of the Institute.

16 (2) The Council shall consist of:

17 (a) President;

18 (b) Deputy President;

19 (c) National Treasurer;

20 (d) five persons nominated from the Institute;

21 (e) four Chairmen representing export services and commodity trade  
22 groups elected by each group before the annual general meeting;

23 (f) past Presidents and Registrars of the Institute;

24 (g) one person to represent the Federal Ministry of Industry, Trade and  
25 Investment;

26 (h) two persons who shall be members of the Institute to represent  
27 Institutions of higher learning in Nigeria offering courses leading to an  
28 approved qualification, in rotation among the institutions and the two shall not  
29 come from the same institution; and

30 (i) the current Registrar of the Institute who shall be the Secretary of

1 the Council and take minutes at the Council meetings.

2 (3) The President and Deputy President shall be elected at the first  
3 Council meeting by Council members and later at the annual general  
4 meeting every four years.

5 (4) The President, Deputy President and National Treasurer shall  
6 be elected by members at the annual general meeting;

7 **5.** The Council members shall hold office for a term of four years Term of office  
8 and no member shall serve more than two terms.

9 **6.** The Council shall have power at any time, to co-opt: Powers of the  
10 Council

11 (a) any member to fill any casual vacancy among members of the  
12 Council but the person so co-opted is entitled to serve only the unexpired  
13 period of the term of office of that member; and

14 (b) suitable persons to any of its Committee.

15 **7.-(1)** The President shall be the Chairman at the meetings of the Council meetings  
16 Institute, but in the event of death, incapacity or inability for any reason of  
17 the President, the Deputy President shall act as Chairman for the unexpired  
18 period of the term of office as Chairman and reference in this Act to the  
19 President shall be construed accordingly.

20 (2) The President and the Deputy President shall respectively be  
21 the Chairman and Vice- Chairman of the Council under this Act, and if the  
22 President or the Deputy President ceases to be a member of the Institute, he  
23 shall cease to hold any of the offices designated under this section.

24 (3) The provisions of the First Schedule to this Act shall have effect First Schedule  
25 with respect to the qualifications, tenure of office of members of the Council  
26 and other matters mentioned in that Schedule.

27 **8.-(1)** The Council shall establish and maintain a Fund for the Financial provisions  
28 purpose of this Act which shall be realised from the fees payable to the  
29 Institute.

30 (2) The management and control of the Fund shall be under the  
Council.

- 1 (3) There shall be paid into the Fund:
- 2 (a) all the fees and other money payable to the Council under this Act;
- 3 and
- 4 (b) such money as may be payable to the Council, whether in the
- 5 course of the performance of its functions or not.
- 6 (4) There shall be paid out of the Fund:
- 7 (a) the remunerations of the Registrar and management staff;
- 8 (b) such reasonable traveling and subsistence allowances of members
- 9 of the Council in respect of the time spent on the business of the Council as the
- 10 Council may approve; and
- 11 (c) any other expenses approved by the Council in the performance of
- 12 its functions under this Act.
- 13 (5) The Council may invest money in the Fund in any security created
- 14 or issued by or on behalf of the Federal Government or in any other security in
- 15 Nigeria approved by the Council.
- 16 (6) The Council may borrow funds for the purpose of the Institute and
- 17 any interest payable on such funds borrowed shall be paid out of the Fund.
- 18 (7) The Council shall keep proper account and other records and shall
- 19 cause to be prepared, not later than 30th December each year, an audit report
- 20 and such accounts shall be audited by a firm of auditors approved by the
- 21 Council and when audited, the accounts shall be submitted to the members of
- 22 the Council as approved by them at the meeting of the Institute.
- 23 **9.-(1)** The Council shall appoint a competent person to be the
- 24 Registrar for the purpose of this Act and such other persons and firm as the
- 25 Council may deem necessary to assist the Registrar in the performance of his
- 26 functions under this Act.
- 27 (2) The Registrar shall be the Chief Executive Officer of the Institute
- 28 who shall, in addition, perform the functions of:
- 29 (a) enforcing the observance of the constitution, rules and regulations
- 30 of the Institute;

Appointment of  
Registrar and  
preparation of  
register

1 (b) controlling the income, capital, funds and property of the  
2 Institute and endorse all accounts for payment;

3 (c) controlling the staff and officers of the Institute to ensure  
4 discipline and the accomplishment of the objects of the Institute;

5 (d) performing such other functions as, by usage and custom,  
6 pertain to his office and as the Council may, from time to time, direct; and

7 (e) keeping necessary statistical records of all Nigeria export and  
8 commodity in conjunction with the appropriate agencies.

9 (3) The Registrar shall:

10 (a) prepare and maintain, in accordance with rules made by the  
11 Council, a register of the names, addresses, approved qualifications and  
12 such other qualifications of who are entitled, in accordance with the  
13 provisions of this Act to be registered as members of the Institute and who, in  
14 the manner prescribed by such rules, apply to be so registered;

15 (b) correct, in accordance with the Council's directions, any entry  
16 in the register which the Council directs him to correct as being, in the  
17 Council's opinion, an entry which is incorrectly made;

18 (c) make, from time to time, any necessary alteration to the  
19 registered particulars of registered persons;

20 (d) remove from the register the name of any registered person who  
21 has died; and

22 (e) record the names of members of the Institute who are in default  
23 for more than three years in the payment of annual subscriptions, and take  
24 action in relation to such default including removal of the name of defaulters  
25 from the register, as the Council may direct or require.

26 (4) Subject to the provisions of this section, the Council shall make  
27 rules with respect to the form, keeping of the register and the making of  
28 entries into the register, as the Council may approve.

29 (5) The Council shall:

30 (a) regulate the making of application for or registration as the case

1 may be and providing for the evidence to be produced in support of such  
2 application;

3 (b) provide for the notification of the Registrar by the person to whom  
4 any registered particulars relates to any change in those particulars;

5 (c) authorise a registered person to have any qualification, which is in  
6 relation to the relevant division of the profession, whether an approved  
7 qualification or accepted qualification for the purposes of this Act registered in  
8 relation to the name in addition to or as he may elect in substitution for any  
9 other qualification so registered;

10 (d) specify the fees, including any annual subscription, to be paid to  
11 the Institute in respect of the entry of name into the register, and authorise the  
12 Registrar to refuse to enter a name on the register until a fee specified for the  
13 entry has been paid; and

14 (e) specify anything not specified under this section, but rules made  
15 for the purposes of paragraph (d) of this subsection shall not come into force  
16 until they are confirmed at a meeting of the Institute.

17 (6) Where the Registrar:

18 (a) sends by post to any registered person a registered letter addressed  
19 to the person at the person's address on the register, enquiring whether the  
20 registered particulars relating to the person are correct and receives no reply to  
21 the letter within six months from the date of posting the letter, and

22 (b) upon the expiration of the period, sends in like manner to the  
23 person in question a similar letter and receives no reply to that letter within  
24 three months from the date of posting the letter,  
25 the Registrar shall remove the particulars relating to the person in question  
26 from the register, though the Council may direct the Registrar to restore to the  
27 appropriate part of the register any particular removed from it under this  
28 subsection.

Publication of  
register and list  
of corrections

29 **10.-(1)** The Registrar shall cause:

30 (a) the register to be printed, published and put on sale to members of



1 the public not later than two years from the commencement of this Act;

2 (b) the register to be printed, published and put on sale, every year  
3 after two years under paragraph (a) of this subsection, a corrected edition of  
4 the register since it was last printed;

5 (c) each edition of the register and list of corrections to be  
6 deposited at the principal office of the Institute; and

7 (d) the register and list so deposited to be made available to  
8 members of the public at all reasonable times for inspection.

9 (2) A document purporting to be a print of an edition of the register  
10 published under this section by the authority of the Registrar or documents  
11 purporting to be prints of an edition of a register so published and the list of  
12 corrections so published, shall, without prejudice to any other mode of  
13 proof, be admissible in any proceeding as evidence that a person specified in  
14 the documents, or the documents read together, as being registered was so  
15 registered at the date of the edition or of the list of corrections, as the case  
16 may be, and that any person not so specified was not so registered.

17 (3) Where, in accordance with subsection (2) of this section, a  
18 person is in any proceeding shown to have been or not to have been  
19 registered at a particular date, unless the contrary is proved, the person shall  
20 be taken for the purpose of those proceedings as having at all material times  
21 thereafter continued to be or not to be so registered.

22 **11.-(1)** A person is eligible to be registered as a member of the Registration of  
23 Institute after satisfying the Council that: members

24 (a) before the Commencement of this Act, the person:

25 (i) holds a qualification from other professional bodies considered  
26 by the Council as relevant and equivalent to that of the Chartered Institute of  
27 Export and Commodity Brokers of Nigeria, or

28 (ii) is a graduate of the Institute's programme or a graduate of  
29 export, shipping and petroleum management or international trade  
30 management from a recognised higher Institution;

1 (b) the person has passed the foundation level for the qualifying  
2 examination of the Institute;

3 (c) the person holds five credits in West African School Examination  
4 Certificate or General Certificate of Education or Senior School Certificate  
5 Examinations or National Examination Council and National Business and  
6 Technical Examination Board in English, Mathematics, Economics,  
7 Geography, Business Management, Commerce, Accounting and other related  
8 subjects;

9 (d) the candidate shall be in practice of export and commodity trade  
10 for a minimum period of 30 years;

11 (e) the person is a citizen of Nigeria and was, immediately before the  
12 commencement of this Act, holding a managerial post or chief executive of an  
13 export or commodity trade firm; or

14 (f) the person holds such certificate as may be recognised by the  
15 Council.

16 (2) An application for registration under this Act shall, in addition to  
17 evidence of qualification, satisfy the Council that the applicant:

18 (a) is of good character;

19 (b) has attained the age of 21 years; and

20 (c) has not been convicted in Nigeria or elsewhere of an offence  
21 involving fraud or dishonesty.

22 (3) The Council may, in its discretion, provisionally accept a  
23 qualification produced in respect of an application for registration under this  
24 section or that the application be renewed within such period as may be  
25 specified in this section.

26 (4) Any entry directed to be made in this register under subsection (3)  
27 of this section shall be converted to full registration without the consent of the  
28 Council signified in writing in that behalf.

29 (5) The Council shall, from time to time, publish in the Federal  
30 Government Gazette particulars of qualifications for the time being accepted.

(6) The Council shall make regulations generally for its purposes  
under this Act and the regulations made may provide for:

(a) the persons or category of persons who may enter for  
examinations held or conducted by this Institute; and

5 (b) the conduct of entrants during such examinations.

6               **12.**-(1) The Council shall register a person as a Fellow or Member      Membership by  
7               of the Institute if the person has:    examination

8 (a) satisfies the requirements of section 11 of this Act;

9 (b) published an acceptable thesis or dissertation on appropriate  
10 subjects; or

11 (c) been a Member for at least five years and has contributed to the  
12 growth of the Institute and export and commodity trade.

(2) Persons admitted to Fellows Membership grade are entitled to use the title, "FECB" after their names.

15 (3) The Council shall register a person as a Member of the Institute  
16 if the person:

17 (a) satisfies the requirements of section 11 of this Act;

(b) is engaged in any work relating to or connected with international or commodity trade for 15 years; and

20 (c) been an Associate Member for at least five years.

(4) Persons admitted to Membership grade are entitled to use the title, "MECB" after their names.

(5) Subject to the provisions of this Act, the Council shall register a person as an Associate Member of the Institute if the person has passed the professional examinations prescribed by the Institute or claimed exemptions for having similar qualifications.

(6) Persons admitted to Associate Membership grade are entitled to use the title, "AMECB", after their names.

(7) Graduate Members shall be registered by the Council on completion of the final diploma programme in export practice and

1 management or advanced diploma in international trade, shipping and foreign  
2 exchange administration, and would become Associate Members after at least  
3 two years practice in related field and shall use designatory title, "GECB", after  
4 their names.

Membership by  
admission election

5 **13.-(1)** Persons not registered under section 11 of this Act are entitled  
6 to be registered as Fellow members of the Institute if the person satisfies the  
7 Council that, for the period of at least 25 years immediately proceeding the date  
8 of application in that behalf, he has been engaged in business relating to export,  
9 import, shipping petroleum and commodity trade activities and has attained  
10 top management level in the industry or contributed meaningfully to the  
11 economic and industrial growth of the nation.

12 (2) Persons admitted to Fellow Membership (Honourary) grade are  
13 entitled to use the title, "FECB (Hon.)", after their names.

14 (3) The Council shall register a person as a Full Member of the  
15 Institute if the person:

16 (a) satisfies the Council that he has alternative equivalent  
17 qualifications together with adequate managerial experience; and

18 (b) is 40 years of age at the time of application and has put in at least 15  
19 years in the practice of import or export business or any business of  
20 international character.

21 (4) Persons admitted to Full Membership grade are entitled to use the  
22 title, "MECB (Hon)", after their names.

23 (5) The Council shall register a person as a Licentiate Member of the  
24 Institute if the person is a senior citizen of Nigeria who could not read or write  
25 or fairly educated but could be honoured for their contributions to export and  
26 commodity trade in Nigeria, the person is entitled to use the title, "LECB  
27 (Hon)", after his names.

28 (6) A person who is not less than 21 years and satisfies subsection 11  
29 (1)(c) of this Act shall be registered as a Student Member of the Institute.

- 1                   **14.** A registered member is entitled to receive from the Council a      Certificate of  
2                   certificate of registration for membership to the grade with which he was      registration  
3                   registered
- 4                   **15.**-(1) The Council shall confer Corporate Membership of the      Corporate  
5                   Institute on any company, firm or corporation which it considers fit for the      membership  
6                   honour.
- 7                   (2) A corporate member of the Institute shall be a company  
8                   registered with the Corporate Affairs Commission and has at least two  
9                   professional members of the Institute as directors or management staff,  
10                  heading export or commodity trade departments.
- 11                  (3) There is established a four trade groups to be known as:  
12                  (a) Export Services Trade Group;  
13                  (b) Agro-Allied Trade Group;  
14                  (c) Natural Mineral Resources Trade Group; and  
15                  (d) Manufactured Goods Trade Group.
- 16                  (4) The professional syndicates shall come from each trade group  
17                  representing each product identified and approved for export or its services.
- 18                  (5) Each group and professional syndicates shall have their own  
19                  committee executives comprising the chairman, secretary and treasurer for  
20                  the committee management.
- 21                  (6) The professional syndicates shall be responsible to the trade  
22                  group, and the trade group to the Council.
- 23                  **16.**-(1) The Council may approve any institution for the purpose of      Supervision of  
24                  this Act and approve:      instructions and  
25                  (a) any course of training at any approved institution which is      examination  
26                  intended for persons seeking to become or are already members of the      leading to approved  
27                  export and commodity trade profession and which in the opinion of the      qualifications  
28                  Council, is designed to confer on persons official knowledge and skills for  
29                  admission into the Institute; and  
30                  (b) any qualification which, as a result of an examination taken in

1 conjunction with a course of training approved by the Council under this  
2 section, is granted to candidates reaching a standard which, in the opinion of  
3 the Council, the candidates have sufficient knowledge and skill for the practice  
4 of the profession.

5 (2) The Council may, if it deems fit, withdraw any approval given  
6 under this section in respect of any course, qualification or institution but,  
7 before withdrawing such an approval, the Council shall:

8 (a) give notice that it proposes to do so to persons in Nigeria appearing  
9 to the Council to be persons by whom the course is conducted or the  
10 qualification is granted or the institution is controlled, as the case may be;

11 (b) afford such person an opportunity of making to the Council  
12 representation with regard to the proposal; and

13 (c) take into consideration any representation made in respect of this  
14 proposal under paragraph (b) of this subsection.

15 (3) A course, qualification or institution shall not be treated as  
16 approved during any period the approval is withdrawn under this subsection.

17 (4) Notwithstanding the provision of subsection (3) of this section,  
18 the withdrawal of an approval under subsection (2) of this section shall not  
19 prejudice the registration or eligibility for registration, of any person who, by  
20 virtue of the approval was registered or was eligible for registration either  
21 unconditionally or subject to his obtaining a certificate of experience  
22 immediately before the approval was withdrawn.

23 (5) The giving or withdrawal of an approval under this section shall  
24 have effect from the date either before or after the execution of the instrument  
25 signifying the giving or withdrawal of the approval as the Council may specify  
26 in the instrument and the Council shall:

27 (a) publish a copy of every such instrument in the Federal  
28 Government Gazette; and

29 (b) not later than seven days before its publication, send a copy of the  
30 instrument to the Minister.

1                   **17.-(1)** The Council shall keep itself informed of the nature of:                   Instruction for  
2                   (a) the instructions given at approved institutions to persons                   approved  
3                   attending course of training; and                   qualification

3 attending course of training: and

4 (b) the examinations as a result of which approved qualification are  
5 granted.

(2) For the purposes of performing that function, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or to observe such examinations.

9 (3) The persons appointed under this section shall report to the  
10 Council:

(a) the adequacy of the instructions given to persons attending approved course of training at institutions visited;

13 (b) the adequacy of the examination attended by the person; and

(c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request the person to report and the person shall not interfere with the giving of any instruction or the holding of any examination.

(4) On receiving a report made under this section, the Council may, if it deems fit, and shall, if so required by the institution, 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 which the report relates requesting that person to make an observation on the report to the Council within such time as may be specified in the request, not being less than a month beginning with the date of the report.

(5) The Minister of Education shall, from time to time, supervise and, if necessary, issue directives to the Council to ensure compliance with higher educational standard.

28 **18.-(1)** There is established the Chartered Institute of Export and Establishment of  
29 Commodity Brokers of Nigeria Disciplinary Tribunal (in this Act referred to Disciplinary  
30 as "the Tribunal") charged with the responsibility of considering and Investigating  
Panel

	1	determining any case referred to it by the Investigating Panel established under
	2	this section and any other case of which the Disciplinary Tribunal has
	3	cognisance under the provisions of this Act.
	4	(2) The Tribunal shall consist of the Chairman of the Council and
	5	eight other members of the Council appointed by the Council.
Establishment pf Investigating Panel	6	<b>19.</b> -(1) There is established the Chartered Institute of Export and
	7	Commodity Brokers of Nigeria Investigating Panel (in this Act referred to as
	8	"the Investigating Panel") charged with the responsibility of:
	9	(a) conducting preliminary investigation into any case where it is
	10	alleged that a person registered has misbehaved in that persons capacity as
	11	member or shall, for any other reason, be the subject of proceedings before the
	12	Tribunal; and
	13	(b) deciding whether the case may be referred to the Tribunal.
	14	(2) The Panel shall be set up by the Council and shall consist of three
	15	members, two of whom shall not be members of the Council.
Second Schedule	16	(3) The provisions of paragraphs 2 and 5 of the Second Schedule to
	17	this Act shall apply to the Disciplinary Tribunal and Investigating Panel
	18	respectively.
	19	(4) The Council may make rules not inconsistent with this Act as to
	20	acts which constitute professional misconduct.
Penalties for unprofessional conduct	21	<b>20.</b> -(1) Where:
	22	(a) a person registered under this Act is adjudged by the Tribunal to be
	23	guilty of infamous misconduct in any professional respect,
	24	(b) a person is convicted by a competent court or tribunal in Nigeria or
	25	elsewhere, which is, in the opinion of the Tribunal, incompatible with the status
	26	of a member of the profession, or
	27	(c) the Disciplinary Tribunal is satisfied that the name of any person
	28	has been fraudulently registered,
	29	the Disciplinary Tribunal may, if it deems fit, give a direction reprimanding
	30	that person or ordering the Registrar to strike his name off from the register.



1                   (2) The Disciplinary Tribunal may, if it deems fit, defer its decision  
2                   as to the giving of a direction under subsection (1) of this section until a  
3                   subsequent meeting of the Disciplinary Tribunal and:

4                   (a) a decision shall not be deferred under this subsection for a  
5                   period exceeding 2 years in the aggregate; and

6                   (b) a person shall not be a member of the Disciplinary Tribunal for  
7                   the purpose of reaching a decision which has been deferred or further  
8                   deferred, unless the person was present as a member of the Disciplinary  
9                   Tribunal when the decision was deferred.

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

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

17                  (5) A person to whom a direction relates may, at any time within 28  
18                  days from the date of service on him of notice of the direction, appeal against  
19                  the direction to the Court of Appeal and the Disciplinary Tribunal:

20                  (a) may appear as respondent to the appeal and for the purpose of  
21                  enabling a direction given as to the costs of the appeal and of proceedings  
22                  before the Court of Appeal; and

23                  (b) shall be deemed to be a party to it whether or not it appears at the  
24                  hearing of the appeal.

25                  (6) A direction of the Disciplinary Tribunal under subsection (1) of  
26                  this section shall take effect where:

27                  (a) no appeal under this section is brought against the direction  
28                  within the time limited for the appeal on the expiration of that time,

29                  (b) an appeal is brought and is withdrawn or struck out for want of  
30                  prosecution, and

1 (c) an appeal is brought and is dismissed,  
2 but shall not take effect except in accordance with the provisions of this  
3 subsection.

4 (7) A person whose name is struck off the register under a direction of  
5 the Disciplinary Tribunal under this section is not entitled to be registered again  
6 except in pursuance of a direction in that behalf and a direction under this  
7 section for the striking off of a person's name from the register may prohibit an  
8 application under this subsection by the person until the expiration of such  
9 period from the date of the direction and where he has duly made such an  
10 application from the date of his last application as may be specified in the  
11 direction.

Person not  
members of  
Incorporated  
Institute  
Cap. C20, LFN,  
2004

12 **21.** Any person who is not a member of the Incorporated Institute,  
13 incorporated under Companies and Allied Matters Act Part C (in this Act  
14 referred to as "the Incorporated Institute") who may have been qualified to  
15 apply for and obtain membership of the Incorporated Institute, may, within six  
16 months, beginning from the commencement of this Act, apply for membership  
17 of the Institute in such manner as may be prescribed by rules made by the  
18 Council and, if approved, the person shall be registered according to his  
19 qualification.

Professional  
practice

20 **22.**-(1) Subject to subsection (2) of this section, a person is deemed to  
21 practice as a member of the profession if the person, in consideration of  
22 remuneration received or to be received and whether individually or in  
23 partnership with any other person:

24 (a) engages in the practice of export and commodity trade or holds out  
25 to the public as a member of the Institute;

26 (b) renders professional services or any other service which may, by  
27 regulations made by the Council with the approval of the Minister, be designed  
28 as service constituting export and commodity brokers practice; or

29 (c) describe himself as a Chartered Commodity Broker (CCB) of the  
30 Institute.

1 (2) Nothing in this section shall be construed to apply to persons  
2 who, while in the employment of any Government or engaged in commerce  
3 and industry, perform the functions of export and commodity brokers.

4 **23.-(1)** The Council may make rules:

Rules as to  
practice

5 (a) for the training of suitable persons in export and commodity  
6 trade;

7 (b) for the supervision and regulation of the management, training  
8 and transfer of such persons;

9 (c) prescribing the amount and the date for repayment of the annual  
10 subscription;

11 (d) prescribing the form of licence to practise to be issued annually  
12 or if thought fit, by endorsement on an existing licence; and

13 (e) restricting the right to practise in default of payment of the  
14 amount of the annual subscription where the default continues for longer  
15 than such period as may be prescribed by the rules.

16 (2) Rules when made under this section shall, if the Chairman of  
17 the Council so directs, be published in the Federal Government Gazette.

18 **24.** The Institute shall:

Provision of  
library facilities

19 (a) provide and maintain a library comprising books and  
20 publications for the advancement of knowledge on import, export, shipping,  
21 foreign trade, commodity trade, world trade and cognate subjects as  
22 applicable to all or any of the professional services provided by export and  
23 commodity brokers engaged in public practice, industry and commerce or  
24 the civil service and such other books and publications as the Council may  
25 deem necessary for the purpose of export and commodity trade  
26 advancement; and

27 (b) encourage research into export and commodity trade to the  
28 extent that the Council may consider it necessary to give award to the best  
29 researchers.

30 **25.-(1)** Any person who, for the purpose of procuring the

Offences

1 registration of any name, qualification, or other names:

2 (a) makes a statement, which he believes to be false, or

3 (b) recklessly makes a statement, which is false,

4 commits an offence.

5 (2) Where after the relevant date, any person who is not a member of  
6 the Institute practises or holds self out to practise for or in expectation of reward  
7 or takes or uses any name, title, addition or description implying that such a  
8 person is a member of the Institute, the person commits an offence, provided  
9 that person falls under section 13 of this Act.

10 (3) The Registrar or any other person employed by or on behalf of the  
11 Institute willfully makes any falsification in any matter relating to the register,  
12 the persons commits an offence.

13 (4) A person who commits an offence under this section is liable:

14 (a) on summary conviction to a fine not exceeding N20,000; and

15 (b) on conviction on indictment, to a fine not exceeding N100,000 or  
16 to imprisonment for a term not exceeding two years or both.

17 (5) Where an offence under this section which has been committed by  
18 a body corporate is proved to have been committed with the consent or  
19 connivance of a director, manager, secretary or other similar officer of the body  
20 corporate or any person purporting to act in such capacity, such person, as well  
21 as the body corporate, are deemed to be liable to be prosecuted and punished  
22 accordingly.

Rules and  
Regulations

23 **26.**-(1) Regulations made under this Act shall be published in the  
24 Federal Government Gazette after they are made and a copy of such  
25 regulations shall be forwarded to the Minister, not later than seven days before  
26 they are published.

27 (2) Rules made for the purposes of this Act shall be subject to  
28 confirmation by the Institute at its meeting convened for this purpose, but if  
29 annulled, shall cease to have effect on the day after the date of annulment, but  
30 without prejudice to anything already done in pursuance or intended pursuance

1 of such rules.

2 **27.-(1)** On the commencement of this Act:

Transfer to  
Institute of certain  
assets and  
liabilities

3 (a) all assets and liabilities held or incurred immediately before  
4 that day by or on behalf of the Incorporated Institute shall, by virtue of this  
5 Act, vest in the Institute and be held by it for the purpose of the Institute;

6 (b) the Incorporated Institute shall cease to exist; and

7 (c) subject to subsection (2) of the section, any act or thing done by  
8 the Incorporated Institute shall be deemed to have been done by the Institute.

9 (2) The provisions of the Third Schedule to this Act shall have  
10 effect with respect to matters arising from the transfer by this section to the  
11 Institute of the property of the Incorporated Institute and with respect to the  
12 other matters mentioned in the Schedule.

Third Schedule

13 **28.** In this Act:

Interpretation

14 "appointed day" means the day appointed under section 26 (2) of this Act;

15 "Chartered Practitioner" means a Corporate Member of the Institute  
16 licensed to practise export and commodity trade in Nigeria by the Institute;

17 "Council" means the Council established as the governing body of the  
18 Institute under section 4 (1) of this Act;

19 "Disciplinary Tribunal" means the Chartered Institute of Export and  
20 Commodity Brokers of Nigeria Disciplinary Tribunal established under  
21 section 18 (1) of this Act;

22 "export consultant" means a person holding himself out to advise on import  
23 and export in Nigeria;

24 "export manager" means a qualified person to practise export business in  
25 Nigeria;

26 "fees" means all payments including subscriptions;

27 "Incorporated Institute" means the Institute of Export of Nigeria  
28 Incorporated under the Companies and Allied Matters Act Part C. Cap. C20,  
29 Laws of the Federation of Nigeria, 2004;

30 "Institute" means the Chartered Institute of Export and Commodity Brokers

1 of Nigeria established under section 1 (1) of the Act;  
 2 "Investigating Panel" means the Chartered Institute of Export and Commodity  
 3 Brokers of Nigeria Investigating Panel established under section 18 (3) of this  
 4 Act;  
 5 "Members of the Institute" means registered members of the Institute;  
 6 "Minister" means the Minister of the Government of the Federation charged  
 7 with the responsibility for export promotion and commodity development.  
 8 "profession" means the practitioners practising the export and commodity  
 9 trade in Nigeria as business;  
 10 "register" means the book maintained under section 19 (3) (a) of this Act;  
 11 "Registrar" means the office holder under this name in the Institute;  
 12 "President and Deputy President" means respectively the office holders under  
 13 these names in the Institute;

Citation

14 **29.** This Bill may be cited as the Chartered Institute of Export and  
 15 Commodity Brokers of Nigeria (Establishment) Act, 2019.

16 **SCHEDULES**

17 *Section 7 (3)*

18 **FIRST SCHEDULE**

19 **SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL**

20 *Qualifications and Tenure of Office of Members of the Council*

21 1.-(1) Subject to the provisions of this paragraph, a member of the  
 22 Council shall hold office for a period of four years beginning with the date of  
 23 the member's appointment or election.

24 (2) A member of the Institute who ceases to be a member shall also, if  
 25 he is a member of the Council, cease to hold office of the Council.

26 (3) A nominated member of the Council may, by notice in writing  
 27 signed by such a member and addressed to the President, resign from office and  
 28 any appointed member may, with the consent of the Minister in the same  
 29 manner, resign from office.

30 (4) A person who retires from or otherwise ceases to be a nominated

1 member of the Council is eligible again to become a member of the Council  
2 and any appointed member may be re-appointed.

3 (5) Nominations to the Council shall be held in such manner as may  
4 be prescribed by rules made by the Council.

5 (6) Retirement of elected Council members shall be prescribed by  
6 the rules made by the Council.

7 (7) The past Presidents and Registrars of the Institute shall cease to  
8 be members of the Council on attaining the age of 75 years.

9 (8) If, for any reason, a member of the Council vacates office and:

10 (a) such member was appointed by the Minister or any other body,  
11 the Minister or that body may appoint another person to fill that vacancy; or

12 (b) where a member was nominated by the Institute, the Council  
13 may, if the time between the unexpired portion of the term of office and the  
14 next general meeting of the Institute appears to accept the filling of the  
15 vacancy, co-opt another person for such time.

16 (9) Election to the Council shall be held in such manner as may be  
17 prescribed by the rules made by the Council and, until so prescribed, they  
18 shall be decided by a show of hands.

19 (10) The six persons, nominated by the Institute shall be one each  
20 from the six geo-political zones of Nigeria.

21 *Power and Proceedings of the Council*

22 2.-(1) The Council shall have power to do anything which, in its  
23 opinion, is calculated to facilitate the objects of the Institute.

24 (2) Subject to the provisions to this Act, the Council may, in the  
25 name of the Institute, make standing order regulating the proceedings of the  
26 Institute or Council and, in the exercise of its powers under this Act, may set  
27 up Committees in the general interest of the Institute and make standing  
28 orders for them under this Act.

29 (3) Standing orders shall provide for decisions taken by a majority  
30 of the members and, in the event of equality of votes, the President or the

1 Chairman shall have a second or casting vote.

2 (4) Standing orders made for a Committee shall provide that the  
3 Committee is to report back to the Council on any matter not within its  
4 competence to decide.

5 (5) The quorum of the Council shall be 15, and the quorum of a  
6 Committee of the Council shall be fixed by the Council.

7 *Meetings of the Institute*

8 3.-(1) The Council shall convene the anniversary meeting of the  
9 Institute on the 29th day of May every year or on such other day as the Council  
10 may appoint, and if the meeting is not held two years after the previous  
11 meetings, the Council shall look into the reason why the meeting could not hold  
12 and resolve it.

13 (2) A special meeting of the Institute may be convened by the Council  
14 at any time and if at least 25 members of the Institute so require by notice in  
15 writing addressed by the Registrar who is the Secretary of the Council setting  
16 out the objective of the proposed meeting, and the Chairman of the Council  
17 shall preside over a special meeting of the Institute.

18 (3) The quorum of any meeting of the Institute shall be 15 and that of  
19 any general meeting of the Institute shall be 45 members.

20 *Meetings of the Council*

21 4.-(1) Subject to the provisions of any standing order of the Council,  
22 the Council shall meet whenever it is required to do so by notice in writing  
23 given to the Secretary by at least five other members, the Secretary shall  
24 summon a meeting of the Council to be held within seven days from the date on  
25 which the notice is given.

26 (2) At any meeting of the Council, the President or, in his absence, the  
27 Deputy President shall preside, but if both are absent, the members present at  
28 the meeting shall appoint one of them to preside over the meeting.

29 (3) Where the Council desires to obtain the advice of any person on a  
30 particular matter, the Council may co-opt him as a member for such period as



1 the Council deems fit, but a person who is a member by virtue of this sub-  
2 paragraph is not entitled to vote at any meeting of the Council and shall not  
3 be counted towards a quorum.

4 (4) Notwithstanding anything in this paragraph, the first meeting of  
5 the Council shall be convened after consultation with the Minister who may  
6 give such directions, as he thinks fit with regard to the procedure to be  
7 followed at the meeting.

#### 8 *Committee*

9 5.-(1) The Council may set up one or more Committees to carry  
10 out, on behalf of the Institute or Council, such functions as the Council may  
11 determine.

12 (2) A Committee set up under this paragraph shall consist of the  
13 number of persons determined by the Council of whom not more than one-  
14 third may be persons who are not members of the Council.

15 (3) A person other than a member of the Council shall hold office  
16 on the Committee in accordance with the terms of the letter by which he was  
17 appointed.

18 (4) A decision of a Committee of the Council shall have no effect  
19 until it is confirmed by the Council.

#### 20 *Miscellaneous*

21 6.-(1) The fixing of the seal of the Institute shall be authenticated  
22 by the signature of the President or another member of the Council  
23 authorised generally or specially by the Institute to act for that purpose.

24 (2) Any contract or instrument which if made or executed by a  
25 person not being a body corporate will not be required to be under seal, may  
26 be executed on behalf of the Institute or Council, as the case may require, by  
27 any person generally or specially authorised to act for that purpose by the  
28 Council.

29 (3) Any document purporting to be a document duly executed  
30 under the seal of the Institute shall be received in evidence and shall, unless

1 the contrary is proved, be deemed to be executed.

2 (4) The validity of any proceeding of the Institute, Council or  
3 Committee of the Council shall not be adversely affected by -

4 (a) any vacancy in membership;

5 (b) any defect in the appointment of a member of the Institute or  
6 Council or of a person to serve on the Committee; or

7 (c) reason that a person not entitled to do so took part in the  
8 proceedings.

9 (5) A member of the Institute, Council or any person who holds office  
10 on a Committee of the Council who has personal interest in any contract or  
11 arrangement entered into or proposed to be considered by the Council on  
12 behalf of the Institute, the Council or a Committee, shall disclose his interest to  
13 the President or Council, as the case may be, and shall not vote on any question  
14 relating to the contract or arrangement.

15 (6) A person shall not, by reason of his membership of the Institute, be  
16 required to disclose any interest relating solely to the audit of the accounts of  
17 the Institute.

## 18 SECOND SCHEDULE

### 19 *Section 19 (5)*

#### 20 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

#### 21 TRIBUNAL AND INVESTIGATION PANEL

#### 22 *The Disciplinary Tribunal*

23 1. The quorum of the Tribunal shall be five members, out of whom at  
24 least two shall be registered members

25 2.-(1) The Attorney-General of the Federation may make rules as to  
26 the:

27 (a) selection of members of the Disciplinary Tribunal for the purpose  
28 of any proceeding;

29 (b) procedure to be followed; and

30 (c) rules of evidence to be observed in proceedings before the

1       Disciplinary Tribunal.

2               (2) The rules shall provide:

3               (a) details for securing that notice of the proceeding shall be given  
4       at such time and in such manner as may be specified by the rules to the  
5       person who is the subject of the proceedings;

6               (b) details for determining who, in addition to the person, shall be a  
7       party to the proceedings;

8               (c) details for securing that any party to the proceedings shall, if so  
9       required, be entitled to be heard by the Disciplinary Tribunal;

10              (d) details for securing that any party to the proceedings may be  
11      represented by a legal practitioner;

12              (e) subject to the provisions of section 25 (4) (a) and (b) of this Act,  
13      the cost of proceedings before the Disciplinary Tribunal;

14              (f) details for requiring, in a case where it is alleged that the person  
15      who is the subject of the proceedings is guilty of infamous misconduct in  
16      any professional respect, that where the Disciplinary Tribunal adjudges that  
17      the allegations has not been proved, it shall record a finding that the person is  
18      not only of such conduct in respect of the matters to which the allegation  
19      relates; and

20              (g) details for publishing in the Federal Government Gazette any  
21      decision of the Disciplinary Tribunal which has taken effect providing that a  
22      person's name shall be struck off in a register.

23              3. For the purposes of any proceeding before the Disciplinary  
24      Tribunal, any member of Disciplinary Tribunal may administer oaths and  
25      any party to the proceedings may sue out of the registry of the High Court  
26      Writs of subpoena ad testificandum and daces lacum, but no person  
27      appearing before the Disciplinary Tribunal shall be compelled:

28              (a) to make any statement before the Disciplinary Tribunal tending  
29      to incriminate himself; or

30              (b) to produce any document under which a Writ he could not be

1 compelled to produce at the trial.

2 4.-(1) For the purpose of advising the Disciplinary Tribunal on  
3 question of law arising in the proceeding before it, there shall, in all such  
4 proceedings, be an assessor to the Disciplinary Tribunal who shall be  
5 appointed by the Council on the nomination of the Attorney-General of the  
6 Federation and shall be a legal practitioner of at least seven years standing.

7 (2) The Attorney-General of the Federation shall make rules as to the  
8 functions of assessors appointed under this paragraph and in particular such  
9 rules shall contain provisions for securing:

10 (a) that where an assessor advises the Tribunal on any question of law  
11 as to evidence, procedure or any other matter specified by the rules, he shall do  
12 so in the presence of every party or person representing a party to the  
13 proceedings who appears thereat or, if the advice is tendered while the Tribunal  
14 is deliberating in private, that every such party or person shall be informed  
15 what advice the assessor has tendered; and

16 (b) that every such party or person shall be informed if, in any case,  
17 the Tribunal does not accept the advice of the assessor on such a question.

18 (3) An assessor may be appointed under this paragraph either  
19 generally or for any particular proceeding or class of proceedings and shall  
20 hold and vacate office in accordance with the terms of the letter by which the  
21 assessor is appointed.

22 *The Investigating Panel*

23 5. The quorum of the Investigating Panel shall be three members.

24 6.-(1) The Investigating Panel may, at any of its meetings attended by  
25 all the members of Investigating Panel, make standing orders with respect to  
26 the Investigating Panel.

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

29 *Miscellaneous*

30 7.-(1) A person ceasing to be a member of the Disciplinary Tribunal

1 or the Investigating Panel is eligible for reappointment as a member of the  
2 Tribunal or Investigating Panel, as the case may be.

3 (2) A person may, if eligible, be a member of both the Disciplinary  
4 Tribunal and Investigating Panel but no person who acted as a member of the  
5 Investigating Panel with respect to any case shall act as a member of the  
6 Disciplinary Tribunal with respect to that case.

7 8.-(1) The Disciplinary Tribunal or the Investigating Panel may act  
8 notwithstanding any vacancy in its membership and the proceedings of  
9 either body shall not be invalidated by any irregularity in the appointment of  
10 a member of that body or subject to paragraph 7 (2) of this Schedule by  
11 reason of the fact that any person who was not entitled to do so took part in  
12 the proceedings of that body.

13 (2) Any document authorised or required by virtue of this Act to be  
14 served on the Disciplinary Tribunal or the Investigating Panel shall be  
15 served on the Registrar.

16 9.-(1) Any expenses of the Disciplinary Tribunal or Investigating  
17 Panel shall be defrayed by the Institute.

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

## 20 THIRD SCHEDULE

### 21 *Section 27 (2)*

#### 22 TRANSITIONAL PROVISIONS AS TO PROPERTY

23 1.-(1) Every agreement to which the Incorporated Institute was a  
24 party and whether or not of such a nature that the rights, liabilities and  
25 obligations under it will be assigned by the Incorporated Institute shall,  
26 unless its terms or subject matter make it impossible that it shall have effect  
27 from the commencement of this Act so far as it relates to assets and  
28 liabilities, be transferred by this Act to the Institute, as if:

29 (a) the Institute had been a party to the agreement;

30 (b) for any reference, however worded, whether express or

1 implied, to the Incorporated Institute, there was substituted with regard to  
2 anything failing to be done or after the commencement of this Act, a reference  
3 to the Institute; and

4 (c) for any reference, however worded, whether express or implied, to  
5 a member of the Council of the Incorporated Institute or an officer of the  
6 Incorporated Institute, there were substituted with regard to anything failing to  
7 be done on or after the commencement of this Act, a reference to a member or  
8 member of the Council under this Act or to the officer of the Incorporated  
9 Institute who corresponds as neatly as may be to the member or officer in  
10 question of the Institute.

11 (2) Other documents which refer, whether specially or generally, to  
12 the Incorporated Institute shall be considered in accordance with subparagraph  
13 (1) of this paragraph as far as applicable.

14 (3) Without prejudice to the generality of the provisions of this  
15 Schedule, where the operation of this Act with respect to any right, liability or  
16 obligation vests in the Institute, the Institute and all other persons shall, as from  
17 the commencement of this Act, have the same right, liability and obligation.

18 (4) Remedies and, in particular, the same rights as to taking or  
19 rescinding of legal proceedings or the making or resisting of applications to  
20 any authority, for ascertaining, performing or enforcing that right, liability or  
21 obligation of the Institute.

22 (5) Any legal proceeding or application to any authority pending on  
23 the appointed day by or against the Incorporated Institute and relating to assets  
24 or liabilities transferred by this Act to the Institute may be continued on or after  
25 that day for or against the Institute.

26 (6) If the law in force at the place where any property transferred by  
27 this Act is situate provides for the registration of transfer of property, but not for  
28 avoidance of transfer, the payment of fees or any other matter, apply with the  
29 necessary modifications to the transfer of the property to the Institute and the  
30 institute shall furnish the necessary particulars of the transfer to the officer of

1 the registration authority, and that officer shall register the transfer  
2 accordingly.

3 *Transfer of Functions*

4 2.-(1) At its first meeting, the Council shall fix a date, not later than  
5 six months after the appointed day, for the annual meeting of the Institute.

6 (2) The members of the Council of the Incorporated Institute shall  
7 be deemed to be the members of the Council of the Institute until the date  
8 determined under this subparagraph when the Institute shall have its first  
9 annual meeting and they cease to hold office at the conclusion of such  
10 meeting.

11 (3) Any person who, immediately before the appointed day, held  
12 office as the President or Deputy President of the Council of the  
13 Incorporated Institute by virtue of the articles of the Incorporated Institute  
14 shall on that day become the President or as the case may be, the Deputy  
15 President of the Institute, and shall be deemed to have been appointed to that  
16 office under this provisions of this Act, corresponding to the relevant  
17 provisions in the said articles of the Incorporated Institute, and on the date on  
18 which the person took office, under the relevant provision of the articles.

19 (4) The members of the Incorporated Institute shall, as from this  
20 day, be registered as members of the Institute and, without prejudice to the  
21 generality of the provisions of this Schedule relating to the transfer of  
22 property, any person who, immediately before the appointed day was a  
23 member of staff of the Incorporated Institute shall on that day become the  
24 holder of an appointment with the Institute with the status designation and  
25 functions which correspond as nearly as may be to those which appertained  
26 to the person's capacity as a member of staff.

27 (5) Any person being an office holder or member of the Council of  
28 the Incorporated Institute immediately before the appointed day and  
29 deemed under this paragraph to have been appointed to any like position in  
30 the Institute, or on the Council of the Institute and thereafter ceasing to hold

1 office than by reason of his misconduct, is eligible for appointment to office in  
2 the Institute or to membership of the Council as the case may be.

3 (6) All regulations, rules and similar instruments made for the  
4 purpose of the Incorporated Institute and in force immediately before the  
5 appointed day, shall, except in that behalf, have force with any necessary  
6 modification, as if duly made for the corresponding purposes of the  
7 Institute.

#### EXPLANATORY MEMORANDUM

This Act establishes the Chartered Institute of Export and Commodity Brokers of Nigeria to regulate the practice, professional conduct and promote the highest standard of competence among the members of the profession.



# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL PRIMARY HEALTH CARE  
DEVELOPMENT AGENCY ACT, 1992 NO. 29 AND FOR RELATED MATTERS

*Sponsored by Hon. Uzoma Nkem-Abonta*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal  
Republic of Nigeria as follows:

- |  |   |  |
|--|---|--|
| <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> | <p><b>1.</b> National Primary Health Care Development Agency Act, 1992</p> <p>No. 29 (otherwise referred to in this Act as "the principal Act" ) is hereby</p> <p>amended.</p> <p><b>2.</b> After section 2 of the principal Act, insert a new Part II to read-</p> <p>"PART II - DEFINITION AND COMPONENTS OF PRIMARY HEALTH CARE".</p> <p><b>3.</b> After section 2 of the Act, insert a new section 3 to read-</p> <p><i>"Definition of Primary Health Care</i></p> <p>3.-(1) Primary Health Care is essential health care made</p> <p>universally accessible to individuals and families in the Communities in</p> <p>Nigeria by means acceptable to them through their full participation and at a</p> <p>cost that the Communities and Nigeria can afford.</p> <p>(2) Primary Health Care forms an integral part and nucleus of the</p> <p>social and economic development of the Communities in Nigeria and</p> <p>Nigeria's health system".</p> <p><b>4.</b> After section 2 of the Act, insert new section 4 to read-</p> <p><i>"Components of Primary Health Care</i></p> <p>4. Primary Health Care shall include-</p> <p>(a) promotion of proper nutrition;</p> <p>(b) adequate supply of safe water;</p> <p>(c) basic sanitation;</p> <p>(d) maternal and child care;</p> | <p>Amendment of<br/>1992 No. 29</p> <p>Amendment of<br/>Part II of the Act</p> <p>Insertion of a<br/>new section 3</p> |
|--|---|--|

	1	(e) family planning;
	2	(f) immunisation
	3	(g) prevention and control of locally endemic diseases;
	4	(h) education on prevailing health problems and methods of
	5	preventing and controlling them; and
	6	(i) appropriate treatment for common diseases and injuries."
Re-numbering of Parts and sections of the Principal Act	7	<b>5.</b> The Parts and sections of the principal Act are re-numbered as
	8	follows-
	9	(a) former Part II of the principal Act shall be re-numbered as Part III;
	10	(b) former section 3 of the principal Act shall be re-numbered as
	11	section 5;
	12	(c) former Part III of the Principal Act shall be re-numbered as Part
	13	IV;
	14	(d) former sections 4 and 5 of the principal Act shall be re-numbered
	15	as sections 6 and 7; -
	16	(e) former Part IV of the principal Act shall be re-numbered as Part V;
	17	(f) former section 6 of the principal Act shall be re-numbered as
	18	section 8;
	19	(g) former Part V of the principal Act shall be re-numbered as Part VI;
	20	(h) former sections 7, 8 and 9 of the Principal Act shall be re-
	21	numbered as sections 9, 10 and 11;
	22	(i) former Part VI of the principal Act shall be re-numbered as Part
	23	VII;
	24	(j) former sections 10, 11, 12, 13, 14 and 15 of the principal Act shall
	25	be re-numbered as sections 12, 13, 14, 15, 16 and 17.
Short title	26	<b>6.</b> This Bill may be cited as the National Primary Health Care
	27	Development Agency (Amendment) Bill, 2019.

EXPLANATORY NOTE

This Bill seeks to amend the National Primary Health Care Development Agency Act to provide for definition and components of primary health care in Nigeria.