

Extraordinary



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	1	Association of Nigeria;
	2	(g) a technical expert each with wide knowledge and experience in:
	3	(i) crops,
	4	(ii) livestock,
	5	(iii) fisheries; and
	6	(h) the Executive Secretary of the Council who shall be the Secretary
	7	to the Council.
First Schedule	8	(2) The supplementary provisions set out in the First Schedule to this
	9	Act shall have effect with respect to the proceedings of the Board and the other
	10	matters contained therein.
Tenure of office	11	3.-(1) A member of the Board, other than an ex-officio member, shall
	12	hold office for a term of four years in the first instance and may be re-appointed
	13	for a further term of four years and no more.
	14	(2) The office of a member of the Board shall become vacant if:
	15	(a) he resigns his office by a letter addressed by him to the Minister; or
	16	(b) the Minister is satisfied that it is not in the interest of the Council
	17	for the person to continue in office as a member, in which case, the Minister
	18	shall, with the approval of the President, notify the member to that effect.
	19	(3) Where a vacancy occurs in the membership of the Board, it shall
	20	be filled by the appointment of a successor to hold office for the remainder of
	21	the term of office of his predecessor, so however that the successor shall
	22	represent the same interest and shall be appointed by the President.
Allowances	23	4. The members of the Board shall be paid such sitting allowances as
	24	the Federal Government may, from time to time, determine for the chairmen
	25	and members of statutory boards generally.
	26	PART II - FUNCTIONS OF THE COUNCIL
Functions of the Council	27	5. The functions of the Council shall be to:
	28	(a) advise the Federal Government on national policies and priorities
	29	in agricultural research, training and extension activities;
	30	(b) manage, plan, conduct and promote research, human resource

1 development and technology generation, assessment and adoption for the
2 advancement of all aspects of agriculture in Nigeria;

3 (c) prepare periodic master plans for agricultural research, training
4 and extension and advise the Federal Government on the financial
5 requirement for the implementation of such plans;

6 (d) ensure the implementation of the approved master plans by the
7 appropriate research institutes, colleges, universities and other bodies;

8 (e) participate in the process of the appointment of Directors of
9 agricultural research institutes established under university statutes, by Vice
10 Chancellors;

11 (f) prescribe and give policy direction to the Federal Colleges of
12 Agriculture, established under section 15 of this Act, on their training and
13 extension activities;

14 (g) supervise research, training and extension activities of research
15 institutes established under section 14 of this Act;

16 (h) prepare the annual budget for agricultural research, training and
17 extension programmes of the institutes and colleges under its aegis and
18 receive grants for allocation to the institutes and colleges for the
19 implementation of the annual programmes and to universities and other
20 bodies for special research or training projects;

21 (i) maintain an up-to-date record of all existing facilities for
22 research, training and extension in the agricultural sciences in Nigeria and
23 advise the Federal Government on their adequacy and efficient utilization;

24 (j) advise the Federal Government on the re-organisation of
25 existing institutes and colleges, including the creation of new ones, as are
26 required to implement or further the efficiency of research, training and
27 extension in the agricultural sciences;

28 (k) promote collaboration between scientists engaged in research
29 in the agricultural sciences in Nigeria and their counterparts in other
30 countries or international bodies;

1 (l) establish and maintain a National Agricultural Science Library and
2 Documentation Centre and publish or sponsor the publication of research
3 results in the agricultural sciences; and

4 (m) carry out such other activities as may, in the opinion of the
5 Council, further the advancement of research, training and extension in the
6 agricultural sciences.

7 PART III - STAFF OF THE COUNCIL

Executive
Secretary and
other staff of the
Council

8 6.-(1) There shall be appointed by the President, on the
9 recommendation of the Minister, an Executive Secretary.

10 (2) The Executive Secretary shall:

11 (a) be a person with relevant qualification and experience;

12 (b) be the chief executive and accounting officer of the Council;

13 (c) hold office:

14 (i) for a period of five years in the first instance and may be re-
15 appointed for a further term of five years and no more; and

16 (ii) on such terms and conditions as may be specified in his letter of
17 appointment.

18 (3) The Executive Secretary shall, subject to the general direction of
19 the Council, be responsible for:

20 (a) the day-to-day administration of the Council;

21 (b) keeping the books and proper records of the proceedings of the
22 Council;

23 (c) the administration of the secretariat of the Council; and

24 (d) the general direction and control of all other employees of the
25 Council.

26 (4) (a) The Board shall, subject to the approval of the Minister,
27 appoint the following and such other Deputy Executive Secretaries it may
28 deem fit from time to time:

29 (i) a Deputy Executive Secretary (Crops),

30 (ii) a Deputy Executive Secretary (Livestock, Fisheries & Marine),

- 1 (iii) a Deputy Executive Secretary (Training & Extension),
2 (iv) a Deputy Executive Secretary (Technical Cooperation and
3 Communication),
4 (v) a Deputy Executive Secretary (Administration and Finance).
5 Who shall each be persons with requisite experience and academic
6 qualifications and assigned such responsibilities as are determined by the
7 Board and Council;
- 8 Provided that the Deputy Executive Secretary (Administration and
9 Finance) shall be a member of any of the professional accountancy bodies in
10 Nigeria with no less than five (5) years cognate experience.
- 11 (b) In addition to the powers of the Board exercisable under
12 subsection (1) of this section, it shall have power to appoint such number of
13 Assistant Executive Secretaries as it may deem fit from time to time;
- 14 (c) The persons appointed by the Board shall each be:
15 (i) persons with requisite academic qualification and experience,
16 (ii) persons who, in the opinion of the Board, will assist the Council
17 in the effective discharge of any of its functions.
- 18 (5) The Council shall:
19 (a) appoint such number of directors and other employees as may,
20 in the opinion of the Council, be required to assist the Council in the
21 discharge of any of its functions under this Act; and
22 (b) pay to such persons so appointed such remuneration (including
23 allowances) as the Council may, after consultations with the National
24 Salaries and Wages Commission, determine.
- 25 (6) Notwithstanding subsection (5) of this section, the staff of the
26 Agricultural Sciences Department of the Federal Ministry of Agriculture
27 and Rural Development shall be deemed to have transferred to the
28 employment of the Council on the commencement of this Act.
- 29 (7) Any staff mentioned in subsection (6) of this section who does

1 not wish to transfer to the employment of the Council shall remain with the
2 Ministry.

3 (8) The Council shall have the power to make, with the approval of the
4 Minister, staff regulations governing conditions of service of its employees.

Application of
Pensions Reform
Act

5 7.-(1) Service in the Council shall be approved service for purposes of
6 the Pensions Reform Act.

7 (2) Employees of the Council shall be entitled to pensions, gratuities
8 and other retirement benefits as are enjoyed by persons holding equivalent
9 grades in the universities

10 (3) Nothing in subsections (1) and (2) of this section or in this Act
11 shall prevent the appointment of a person to any office on terms which preclude
12 the grant of pension and gratuity in respect of that office.

(Cap. P4.)

13 (4) For the purposes of the application of the provisions of the
14 Pensions Reform Act, any power exercisable there under by a Minister or other
15 authority of the Government of the Federation, other than the power to make
16 regulations under section 23 of the Act, is hereby vested in and shall be
17 exercisable by the Council and not by any other person or authority.

18 PART IV - ESTABLISHMENT OF THE NATIONAL AGRICULTURAL
19 DEVELOPMENT EXTENSION FUND.

Establishment
of the National
Agricultural
Development
Extension Fund

20 8.-(1) There is hereby established a fund to be known as the National
21 Agricultural Development Extension Fund (in this Act referred to as "the
22 Fund").

23 (2) There shall be paid and credited into the Fund established under
24 subsection (1) of this section:

25 (a) one per cent of the duties, levies and charges on agricultural
26 imports and exports;

27 (b) a levy of one per cent of the profit before tax of companies and
28 enterprises enumerated in the Second Schedule to this Act with an annual
29 turnover of N100,000,000 and above and such paid by the companies shall be
30 tax deductible;

1 (c) grants-in-aid and assistance from bilateral and multilateral
2 agencies;

3 (d) all other sums accruing to the Fund by way of gifts,
4 endowments, bequest or other voluntary contributions by persons and
5 organizations;

6 Provided that the terms and conditions attached to such gifts,
7 endowments, bequest or contributions will not jeopardize the functions of
8 the Council;

9 (e) such monies as may be appropriated for the Fund by the
10 National Assembly; and

11 (f) all other monies or assets that may, from time to time, accrue to
12 the Fund.

13 **9.** All monies accruing to the Fund and account of the Council
14 from the Sources specified in section 8 of this Act shall be exempted from
15 income tax and all contributions to the Fund and the accounts of the Council
16 shall be tax deductible.

Exemption from
Tax

17 **10.** The Board may, in accordance with the Investments Trustees
18 Act, invest any surplus funds in profit yielding ventures and the net incomes
19 so generated shall be paid into the treasury.

Investment
Cap. 449 LFN

20 **11.-(1)** The Executive Secretary of the Council shall keep proper
21 records of the accounts sources and use of the monies and assets of the Fund
22 and shall render accounts to the Board, from time to time.

Accounts and
Report of the
Fund

23 (2) The accounts of the Fund shall be audited not later than 3
24 months after the end of the year to which it relates by external auditors
25 appointed by the Board from the list and in accordance with the guidelines
26 supplied by the Auditor General of the Federation.

27 **12.-(1)** (a) The Nigeria Customs Service shall assess and collect
28 the duties and levies imposed under 8(2)(a) of this Bill; and

29 (b) The Federal Inland Revenue Service shall assess and collect the
30 levy imposed under section 8(2)(b) of this Bill.

Nigeria Customs
Service and
Federal Inland
Revenue Service
to collect duty and
levy respectively
and pay into the
Fund

1 (2) (a) The Nigeria Customs Service shall upon assessment and
2 collection from any company or individual, either customs or excise duty
3 and/or levy, immediately deduct and credit to the Fund the duty or levy due
4 under section 8(2)(a) of this Bill; and

5 (b) The Federal Inland Revenue Service shall while assessing any
6 company listed under the Second Schedule to this Bill for either company or
7 income tax for an accounting period, also assess such company for the levy or
8 tax due under section 8(2)(b) of this Bill.

9 (3) The duty and levy imposed under section 8 of this Bill shall be due
10 and payable within 60 days after the Federal Inland Revenue Service has
11 respectively served notice of the assessment on a company in a such a form as
12 the Federal Inland Revenue Service may, from time to time, determine;

13 (4) Where a levy imposed under section 8(2)(b) of this Bill is not paid
14 within the time specified in this section, the Federal Inland Revenue Service
15 shall serve on the company, a demand note for the unpaid tax plus aa sum which
16 is equal to 5 percent of the levy.

17 (5) Any company, agency or organization that fails within two months
18 after a demand note, to pay the levy imposed under section 8 of this Bill has
19 been served on it, commits an offense and is liable on conviction to a fine of not
20 less than N2,000,000 or 20% of the levy (whichever is higher); and the Chief
21 Executive Officer of the company, agency or organization shall be liable to be
22 prosecuted and punished for the offense in like manner as if he/she had
23 himself/herself committed the offense, unless he/she proves that the act or
24 omission constituting the offense took place without his/her knowledge,
25 consent or connivance.

26 (6) The institution of proceeding or imposition of a penalty under this
27 Bill shall not relieve a company, agency or organization from liability to pay
28 the Federal Inland Revenue Service such levy or levies that may become due
29 under this Bill.

1 13.-(1) Except as otherwise provided in this Bill, any person or Offences
2 corporate body who contravenes or fails to comply with the provisions of
3 this Bill commits an offence.

4 (2) Where a body corporate fails to make payment within two
5 months of after a demand note for unpaid levy plus 5 percent of this levy has
6 been served on the body corporate, the body corporate commits an offence
7 under this Bill.

8 (3) Where an offence under this Bill is committed by a body
9 corporate or firm or other association of individuals:

10 (a) Every Chief Executive Officer of the body corporate or any
11 Officer acting in that capacity or on his/her behalf; and

12 (b) Every person purporting to act in any capacity mentioned under
13 paragraph (a) of this subsection commits an offence, unless he/she proves
14 that the act or omission constituting the offence took place without his
15 knowledge, consent or connivance.

16 (4) Where a person or body corporate fails to comply with the
17 guidelines and standards prescribed by the Council in the discharge of its
18 duties under this Bill, such person or body corporate commits an offence.

19 (5) The Council shall collaborate with the Standards Organization
20 of Nigeria and other relevant agencies to enforce the guidelines and
21 standards formulated by the Council in the discharge of its duties under the
22 Bill.

23 14.-(1) Except as otherwise provided in this Bill, a body corporate Offences relating
24 or person who commits an offence under this Bill where no specific penalty to Corporate Bodies
25 is provided, is liable on conviction:

26 (a) For a first time offence, to a fine of N500,000 or imprisonment
27 for a term of one year or to both such fine and imprisonment, and

28 (b) For a second and subsequent offence, to a fine of N1,300,000 or
29 to imprisonment for a term of 3 years or to both such fine and imprisonment.

30 (2) The institution of proceedings or imposition of a penalty under

1 this Bill shall not relieve a body corporate or person from liability to pay the
2 Federal Inland Revenue Service such levy or tax which may become due under
3 this Bill.

4 PART V - FINANCIAL AND RELATED PROVISIONS

Accounts of the
Council

5 **15.** The Council shall establish and maintain an account into which
6 shall be paid and credited:

7 (a) All subventions and budgetary allocations from the Federal
8 Government;

9 (b) Gifts, loans, grants-in-aid from national, bilateral and multilateral
10 organizations and agencies;

11 (c) Rents, fees and other internally generated revenues from services
12 provided by the Council; and

13 (d) All other sums accruing to the Council from time to time.

Expenditure of
the Board

14 **16.** The Council may, from time to time, apply the proceeds of the
15 Fund established under section 8 of this Act:

16 (a) To the cost of or Agricultural Research, Training and Extension.

17 (b) To the cost of administration of the Council;

18 (c) To the payment of the emoluments, allowances and benefits of
19 members of the Board and for reimbursing members of the Board or of any
20 committee set up by the Board and for such expenses as may be expressly
21 authorized by the Boards;

22 (d) To the payment of the salaries, fees or other remuneration or
23 allowances gratitudes and pensions, and other benefits payable to the staff and
24 other employees of the Agency, so however that no payment of any kind under
25 this paragraph (except such as may be expressly authorized by the Board) shall
26 be made to any person who is in receipt of emoluments from the Government of
27 the Federation or of a State;

28 (e) For the development and maintenance of any property vested in or
29 owned by the Council;

30 (f) For maintaining general financial reserves subject to general or

1 special directive that may be given in that behalf by the Minister in
2 accordance with the provisions of this Act; and

3 (g) To any other expenditure in connection with all or any of its
4 functions under this Act.

5 **17.** -(1) The Council shall, not later than 30th September in each Annual Estimates
and Accounts
6 year submit to the Minister an estimate of its income and expenditure
7 (including payments to the Council of the fund or next succeeding year);

8 (2) The Council shall keep proper accounts in respect of each year
9 and proper records in relation to those accounts and shall cause its accounts
10 to be audited within six months after the end of each year by auditors
11 appointed from the list in accordance with the guidelines supplied by the
12 Auditor General for the Federation.

13 **18.** The Council shall prepare and submit to the Minister, not later Annual Reports
14 than 30th June in each year, a report in such form as prescribed in this Bill on
15 the activities of the Agency during the immediately preceding year, and shall
16 include in the report a copy of the audited accounts of the Council for that
17 year and of the auditor's report thereon.

18 **19.**-(1) The Council may accept gift of land, money or other Power to accept
gifts
19 property on such terms and conditions, if any, as may be specified by the
20 person or organisation making the gift.

21 (2) The Council shall not accept any gift if the conditions attached
22 by the person or organisation making the gift are inconsistent with the
23 functions of the Council under this Bill.

24 **20.** The Council may, in accordance with the general authority of Power to Borrow
25 the Minister, borrow such sums of money as the Council may require in the
26 exercise of its functions under this Bill or its subsidiary legislation.

27 **21.**-(1) The Council shall be exempted from the payment of Exemption from
Tax
28 income tax on any income accruing from investments made by the Board or
29 otherwise howsoever;

30 (2) The provision of any enactment relating to the taxation of

	1	companies or trust funds shall not apply to the Council or the Board.
	2	PART VI - ESTABLISHMENT OF RESEARCH INSTITUTES
Power of the Minister to establish Research Institutes	3	22. -(1) The Minister may, with the approval of the President, by order
	4	published in the Gazette, establish research institutes, and the provisions of the
Third Schedule	5	Third Schedule to this Act shall apply in relation to any institute so established.
	6	(2) An order establishing a research institute under this Act may
	7	contain supplementary or incidental provisions, including provisions for:
	8	(a) the designation of the institute;
	9	(b) the matter or matters on which the institute is to conduct research,
	10	including training and extension where appropriate;
	11	(c) the transfer to the institute of the assets and liabilities of any
	12	existing Federal research establishment;
	13	(d) the establishment, constitution and proceeding of a governing
	14	board to manage the affairs of the institute;
	15	(e) a suitable association or other forms of relationship of the institute
	16	with any university or institution of higher learning in Nigeria.
	17	PART VII - ESTABLISHMENT OF FEDERAL COLLEGES OF AGRICULTURE
Establishment of Federal Colleges of Agriculture	18	23. -(1) The Minister may, with the approval of the President, by order
	19	published in the Gazette, establish Federal Colleges of Agriculture under this
	20	Act (in this Act referred to as "Colleges of Agriculture").
Fourth Schedule	21	(2) The Colleges of Agriculture specified in paragraph (1) of the
	22	Fourth Schedule of this Act shall be deemed to have been established under this
	23	Act.
	24	(3) The provisions of paragraphs (2)-(10) of the Fourth Schedule of
	25	this Bill shall apply in relation to any Federal College so established.
	26	(4) The Colleges of Agriculture shall provide training for middle level
	27	manpower for the agricultural sector.
	28	(5) The statutory functions, rights, interests, obligations and liabilities
	29	of the Colleges of Agriculture in subsection (2) of this section, existing before
	30	the commencement of this Act under any contract or instrument, or in law or in

1 equity shall, by virtue of this Act, be deemed to have been assigned to and
2 vested in the Council established by this Act.

3 (6) Any such contract or instrument as is mentioned in subsection
4 (4) of this section shall be of the same force and effect against or in favour of
5 the Council established by this Act and shall be enforceable as fully and
6 effectively as if instead of the Colleges of Agriculture in subsection (2) of
7 this section existing before the commencement of this Act, the Council
8 established by this Act has been named therein or had been a party thereto.

9 (7) The Council established by this Act shall be subject to all the
10 obligations and liabilities to which the Colleges of Agriculture in subsection
11 (2) of this section existing before the commencement of this Act were
12 subject immediately before the commencement of this Act and all other
13 persons shall have the same rights, powers and remedies against the Council
14 established by this Act as they had against the Colleges of Agriculture
15 specified in subsection (2) of this section and existing before the
16 commencement of this Act.

17 (8) Any proceeding or cause of action pending or existing
18 immediately before the commencement of this Act, by or against the
19 Colleges of Agriculture specified in subsection (2) of this section and
20 existing before the commencement of this Act in respect of any right,
21 interest, obligation or liability of the Colleges of Agriculture specified in
22 subsection (2) of this section and existing before the commencement of this
23 Act may be continued or as the case may be commenced and any
24 determination of a court of law, tribunal or other authority or person may be
25 enforced by or against the Council established by this Act to the same extent
26 that such proceeding or cause of action or determination might have been
27 continued, commenced or enforced by or against the Colleges of Agriculture
28 specified in subsection (2) of this section and existing before the
29 Commencement of this Act.

30 (9) All assets, funds, resources and other movable or immovable

1 property which immediately before the commencement of this Act were vested
 2 in the Colleges of Agriculture existing before the commencement of this Act
 3 shall by virtue of this Act and without further assurance, be vested in the
 4 Council established by this Act.

5 (10) Any person who immediately before the coming into force of this
 6 Act is the holder of any office in any of the Colleges of Agriculture specified in
 7 subsection (2) of this section and existing before the commencement of this Act
 8 shall, on the commencement of this Act, continue in office and be deemed to
 9 have been appointed to his office by the Council established by this Act unless
 10 authority by which the person was appointed terminates the appointment."

11 PART VIII - MISCELLANEOUS PROVISIONS

Offices and
Premises

12 24.-(1) For the purpose of providing residential accommodation for
 13 its staff and such offices and premises as may be considered necessary for the
 14 performance of its functions under this Act, the Council may:

15 (a) purchase or take on lease any interest in land; and

16 (b) build, furnish, equip and maintain residential quarters, offices and
 17 premises.

(Cap. L5.)

18 (2) Subject to the Land Use Act, the Council may, with the approval of
 19 the Minister, sell or lease any residential quarters, land, offices or premises held
 20 by it and no longer required for the performance of its functions.

Incorporation
of Spin-off
Companies and
Intellectual
Property Rights

21 25.-(1) The Council, Institutes and Colleges referred to in sections 22
 22 and 23 of this Act and such other institutes and colleges as may be established
 23 by order of the Minister pursuant to sections 22(1) and 27(1) of this Act, shall
 24 have power, subject to regulations to be issued; from time to time, by the
 25 Council to incorporate spin off companies or enter into public private
 26 partnerships in the agricultural research system in Nigeria.

27 (2) The spin off companies or public private partnerships
 28 incorporated or entered into pursuant to subsection (1) of this section shall be
 29 charged with the responsibilities of providing the platform for the
 30 commercialization, privatization and marketing of scientific, agricultural and

1 technological discoveries, innovations and findings of products developed
2 by the Council, Institutes and Colleges referred to in this Act.

3 (3) For the avoidance of doubt, the scientific, agricultural and
4 technological discoveries, innovations and findings of the Council,
5 Institutes and Colleges established under this Act shall have intellectual
6 property rights attached to them as prescribed and protected under the
7 Nigeria Copyright Commission Act 2004 and the National Office for
8 Technology Acquisition and Promotion Act 2004.

9 **26.** The Minister may the Councilor the Executive Secretary such
10 directives of a general nature or relating generally to particular matters of
11 policy with regards to the exercise of its or his functions as he may consider
12 necessary and it shall be the duty of the Councilor the Executive Secretary to
13 comply with the directives or cause them to be complied with.

Directives by
the Minister

14 **27.-(1)** Any research institute established for the agricultural
15 science sector under the National Agency for Science and Engineering
16 Infrastructure Act shall be deemed to be established under this Bill.

Saving or certain
Research Institutes

17 (2) Any research institute established for agricultural research
18 under the Nigerian Research Institutes Act 1964 and the Research Institutes
19 (Establishment, etc) Order 1975, shall each be deemed to be established
20 under this Bill.

[Cap. N3.]

21 (3) For the avoidance of doubt, the governing boards and councils
22 constituted under the Act and Order referred to in subsection (2) of this
23 section shall be deemed to have been dissolved and the staff of the Institutes
24 deemed to have transferred to the employment of the Council from the date
25 of their appointment by the respective Institutes.

26 (4) Accordingly, the Nigerian Research Institutes Act 1964 and the
27 Research Institutes (Establishment, etc.) Order 1975 are hereby
28 consequently repealed.

29 (5) The statutory functions, rights, interests, obligations and
30 liabilities of the repealed Institutes in subsection (4) of this section, existing

1 before the commencement of this Act under any contract or instrument, or in
2 law or in equity shall by virtue of this Act, be deemed to have been assigned to
3 and vested in the Council established by this Bill.

4 (6) Any such contract or instrument as is mentioned in subsection (5)
5 of this section shall be of the same force and effect against or in favour of the
6 Council established by this Act and shall be enforceable as fully and effectively
7 as if instead of the Institutes in subsection (4) of this section existing before the
8 commencement of this Act, the Council established by this Act has been named
9 therein or had been a party thereto.

10 (7) The Council established by this Bill shall be subject to all the
11 obligations and liabilities to which the Institutes in subsection (5) of this
12 section existing before the commencement of this Act was subject immediately
13 before the commencement of this Act and all other persons shall have the same
14 rights, powers and remedies against the Council established by this Act as they
15 had against the Institutes in subsection (5) of this section existing before the
16 commencement of this Bill.

17 (8) Any proceeding or cause of action pending or existing
18 immediately before the commencement of this Act, by or against the Institutes
19 in subsection (5) of this section existing before the commencement of this Act
20 in respect of any right, interest, obligation or liability of the Institutes in
21 subsection (5) of this section existing before the commencement of this Bill
22 may be continued or as the case may be commenced and any determination of a
23 court of law, tribunal or other authority or person may be enforced by or against
24 the Council established by this Bill to the same extent that such proceeding or
25 cause of action or determination might have been continued, commenced or
26 enforced by or against the Institutes in subsection (5) of this section existing
27 before the commencement of this Bill.

28 (9) All assets, funds, resources and other movable or immovable
29 property which immediately before the commencement of this Act were vested
30 in the Institutes existing before the commencement of this Act shall by virtue of

1 this Act and without further assurance, be vested in the Council established
2 by this Bill.

3 (10) Any person who immediately before the coming into force of
4 this Bill is the holder of any office in the Institutes in subsection (5) of this
5 section existing before the commencement of this Bill shall, on the
6 commencement of this Bill, continue in office and be deemed to have been
7 appointed to his office by the Council established by this Bill unless
8 authority by which the person was appointed terminates the appointment.

9 **28.**-(1) The National Centre for Agriculture Mechanization Act
10 1990 is hereby repealed.

Repeal and
Savings of
Cap. N13 LFN,
2004, etc.

11 (2) The National Centre for Agriculture Mechanization, the
12 National Centre for Genetic Resources and Bio-technology, the Federal
13 College of Co-operatives and the Federal College of Land Resources
14 Technology, respectively operational under the Departments of Co-
15 operatives and Agricultural Land Resources of the Ministry, shall be
16 deemed to be established under this Act.

17 (3) Accordingly, the provisions of section 23(4) - (9) of this Act
18 shall apply *mutantis mutandi* to the Centers and Colleges specified under
19 subsection (2) of this section with such modifications as are applicable."

20 **29.** The Council may make regulations as in its opinion are
21 necessary or expedient for giving full effect to the provisions of this Bill and
22 for the due administration of its provisions.

Regulations

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

Interpretation

24 "agricultural sciences" includes crop science, fisheries, forestry and
25 veterinary science;

26 "Board" means the Governing Board of the Council;

27 "chairman" means the chairman of the Board;

28 "Council" means the Agricultural Research Council of Nigeria established
29 under section 1 of this Act;

30 "Fund" means the National Agricultural Development Endowment Fund

Short title

1 established under section 8 of this Act;
2 "Executive Secretary" means the Executive Secretary appointed for the
3 Council under section 6 of this Act;
4 "member of the Board" includes the chairman;
5 "Minister" means the Minister charged with responsibility for Agriculture.

6 **31.** This Bill may be cited as the Agricultural Research Council of
7 Nigeria (Repeal and Re-enactment) Bill, 2019.

8 SCHEDULES

9 FIRST SCHEDULE

10 [Section 2 (2)]

11 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

12 *Proceedings of the Board*

13 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
14 Board may make standing orders regulating its proceedings and those of any of
15 its committees.

16 [Cap. 123.]

17 (2) The quorum of the Board shall be the Chairman or the member
18 presiding at the meeting and not less than one-third of all the members of the
19 Board and the quorum of any committee of the Board shall be determined by
20 the Board.

21 *Meeting of the Board*

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

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

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit; but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

6 Committees

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

(2) The Board shall appoint a standing Agricultural Scientific and Technological Research Committee of the Board to be known as "the Technical Committee" which shall be charged with the responsibility of advising the Board and the Council on research and innovation matters;

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

18 (4) A decision of a committee of the Board shall be of no effect until
19 it is confirmed by the Board.

20 *Miscellaneous*

21 4.-(1) The fixing of the seal of the Council shall be authenticated by
22 the signature of the Chairman, the Executive Secretary or of any other
23 person authorised generally or specifically to act for that purpose by the
24 Board.

(2) Any contract or instrument, which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by the Chairman or any person generally or specially authorised to act for the purpose by the Board.

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

1 and until the contrary is proved, be presumed to be so executed.

2 *Validity of Proceedings*

3 5. The validity of any proceeding of the Board or of a committee
4 thereof shall not be adversely affected by any vacancy in the membership of the
5 Board or committee, or by any defect in the appointment of a member of the
6 Board or of a committee, or by reason that a person not entitled to do so took
7 part in the proceedings of the Board or committee.

8 SECOND SCHEDULE

9 *[Section 8(2)(b)]*

10 Businesses which section 8(2)(a) refers to:

- 11 (i) GSM Service Providers and Telecommunications companies;
12 (ii) Internet service and online companies;
13 (iii) Banks, Insurance and other Financial Institutions;
14 (iv) Agricultural inputs, produce and products companies;
15 (v) Healthcare, Food, Beverages, Entertainment, Catering, Hotel and
16 Hospitality companies;
17 (vi) Transport, Haulage, Shipping and Airline operators;
18 (vii) Breweries and Tobacco companies;
19 (viii) Building, Construction and Real estate companies;
20 (ix) Textile, Furniture, Landscaping, Decoration and Horticultural
21 companies;
22 (x) Media, Advertising and Publicity companies;
23 (xi) Merchandizing, Trading, Packaging and Courier companies.

24 THIRD SCHEDULE

25 *[Section 22(1).]*

26 PROVISIONS RELATING TO RESEARCH INSTITUTES

27 *Proceedings of the Board*

28 1.-(1) All references to "the governing board" in this P31i of the Act
29 shall be construed as "the Council;

30 (2) For the avoidance of doubt, reference in this Part of this Act to "the

1 Council" means the Agricultural Research Council of Nigeria;

2 *Powers*

3 2.-(1) Subject to the provisions of this Act, each institute shall have
4 power to:

5 (a) prepare a programme of research within the field for which the
6 institute is responsible, under the approved master plan prepared by the
7 Council in pursuance of section 5 (b) of this Act, together with detailed
8 estimates of the expenditure which will be required for carrying out the
9 programme;

10 (b) review and, if necessary revise, each year the programme
11 approved under sub- paragraph (1) (a) of this paragraph for the following
12 year, together with the estimated budget for that year;

13 (c) carry out the programmes of research approved by the Council;

14 (d) make suitable arrangement for the application of the results of
15 the research work of the institute by Federal and State Ministries, agencies
16 and the private sector to development activities; and

17 (e) do anything and enter into any transaction which in its opinion
18 ought to be done in the proper discharge of its functions.

19 (2) Each institute shall, in particular, and without prejudice to the
20 generality of the foregoing power, have power to acquire and hold
21 immovable property.

22 (3) For the purpose of the Land Use Act, the purposes of an institute [Cap. L5.]
23 shall be public purposes of the Federation within the meaning of that Act.

24 *Director*

25 3.-(1) There shall be for each institute a Director to be appointed by
26 the Minister on the advice of the Council.

27 (2) The Director shall be:

28 (a) a person with wide experience of the matter with which the
29 institute is concerned;

30 (b) charged with the day to day management of the affairs of the

1 institute in accordance with such instruction as may from time to time be given
2 to him by the Governing Board of the institute; 311d

3 (c) appointed in accordance with the regulations and conditions of
4 service approved by the Council.

5 *Other staff*

6 4. The Board of each Institute may appoint such employees as are
7 deemed necessary for the proper discharge of the functions of the Institute
8 under this Act and pay such employees such remuneration and allowances as
9 are payable to persons of equivalent grades in the service of the Council.

10 *Fund*

11 5.-(1) Each Institute shall establish and maintain a fund from which
12 shall be defrayed all expenditures incurred by the institute or College.

13 (2) There shall be paid into the fund such sums as may be made
14 available to the Institute or college by the Council and such other assets as may
15 accrue to the Institute or college from time to time.

16 (3) The fund shall be managed in accordance with rules made by the
17 Federal Minister of Finance, and without prejudice to the generality of the
18 power to make rules conferred by this section, the rules shall include
19 provisions:

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

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

24 (c) for ensuring that the accounts are audited annually by an auditor
25 approved by the Council.

26 *Annual Estimates and Accounts*

27 6.-(1) Each Institute shall prepare and submit its programme and
28 estimated budget and any annual revision for approval by the Council;

29 (2) Each Institute shall keep proper accounts in respect of each year
30 and proper records in relation to those accounts and shall cause its accounts to

be audited within six months after the end of each year by auditors appointed from the list in accordance with the guidelines supplied by the Auditor General for the Federation, through the Council.

Annual Report

7. The Board of each of Institute shall prepare and submit to the Council not later than 30th June in each year a report in such form as prescribed in this Bill on the activities of the Institute or College during the immediate preceding year, and shall include in the report a copy of the audited accounts of the Institute or College for that year and of the auditor's report thereon.

Power to Borrow Money

8. Each Institute may borrow or lend money only with the approval of the Council.

FOURTH SCHEDULE

[Section 23(2) and (3)]

PROVISIONS RELATING TO FEDERAL COLLEGES OF AGRICULTURE

1. List of Federal Colleges Agriculture.

S/NO. NAME OF COLLEGE

1. Federal College of Agriculture Akure, Ondo State.

2. Federal College of Agriculture Ibadan, Oyo State.

3. Federal College of Agriculture Ishiagu, Ebonyi State.

4. Federal College of Animal Health and Production Technology, Ibadan, Oyo State.

5. Federal College of Animal Health and Production Technology, Vom, Plateau State.

6. Federal College of Freshwaters Fisheries Technology, New Bussa, Niger State.

7. Federal College of Freshwaters Fisheries Technology, New Baga, Borno State.

8. Federal College of Fisheries and Marine Technology, Lagos,

2 9. Federal College of Veterinary and Medical Laboratory
3 Technology, Vom, Plateau State.

6 11. Federal College of Horticulture, Dad in Kowa, Gombe State.

8 13. Federal Co-operative College, Kaduna

10 15. Federal College of Land Resources Technology, Owerri.

12 *Proceedings of the Board*

Proceedings of the Board

(2) For the avoidance of doubt, reference in this Part of this Act to "the Council" means the Agricultural Research Council of Nigeria;

Powers

(a) provide full-time courses in teaching, instruction and training in agricultural production and distribution and for research in the development and adaptation of techniques in the agricultural sector;

(c) review and, if necessary revise, each year the programme approved under sub- paragraph (1) (a) of this paragraph for the following year, together with the estimated budget for that year;

1 (d) carry out the programmes of academic training approved by the
2 Council;

3 (e) make suitable arrangement for extension services to Federal
4 and State Ministries, agencies and the private sector;

5 (f) to arrange conference, seminars and workshops relative to
6 agricultural training and extension; and

7 (h) do anything and enter into any transaction which in its opinion
8 ought to be done in the proper discharge of its functions.

9 (2) Each College shall, in particular, and without prejudice to the
10 generality of the foregoing power, have power to acquire and hold
11 immovable property.

12 (3) For the purpose of the Land Use Act, the purposes of a College
13 shall be public purposes of the Federation within the meaning of that Act.

14 *Provost*

15 3.-(1) There shall be a Provost for each College to be appointed by
16 the Minister on the advice of the Council.

17 (2) The Provost shall be:

18 (a) a person with relevant qualification and wide experience of the
19 matter with which the College is concerned;

20 (b) charged with the day to day management of the affairs of the
21 College in accordance with such instruction as may from time to time be
22 given to him by the Governing Board of the institute; and

23 (c) appointed in accordance with the regulations and conditions of
24 service approved by the Council.

25 *Other staff*

26 4. The Board of each College may appoint such employees as are
27 deemed necessary for the proper discharge of the functions of the College
28 under this Act and pay such employees such remuneration and allowances as
29 are payable to persons of equivalent grades in the service of the Council.

1 *Fund*

2 5.-(1) Each College shall establish and maintain a fund from which
3 shall be defrayed all expenditures incurred by the College.

4 (2) There shall be paid into the fund such sums as may be made
5 available to the College by the Council and such other assets as may accrue to
6 the College from time to time.

7 (3) The fund shall be managed in accordance with rules made by the
8 Federal Minister of Finance, and without prejudice to the generality of the
9 power to make rules conferred by this section, the rules shall include
10 provisions:

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

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

15 (c) for ensuring that the accounts are audited annually by an auditor
16 approved by the Council.

17 *Annual Estimates and Accounts*

18 6.-(1) Each College shall prepare and submit its programme and
19 estimated budget and any annual revision for approval by the Council;

20 (2) Each College shall keep proper accounts in respect of each year
21 and proper records in relation to those accounts and shall cause its accounts to
22 be audited within six months after the end of each year by auditors appointed
23 from the list in accordance with the guidelines supplied by the Auditor General
24 for the Federation, through the Council.

25 *Annual Report*

26 7. The Board of each of College shall prepare and submit to the
27 Council not later than 30th June in each year a report in such form as prescribed
28 in this Bill on the activities of the College during the immediate preceding year,
29 and shall include in the report a copy of the audited accounts of the College for
30 that year and of the auditor's report thereon.

Power to Borrow Money

8. Each College may borrow or lend money only with the approval of the Council.

EXPLANATORY MEMORANDUM

(This note does not form part of the above Bill but is intended to explain its purport)

The Bill seeks to amend the Agricultural Research Council of Nigeria Act 1990 to, among other things, provide for the:

1.-(a) Reconstitution of the membership of the Board of the Council;

(b) Appointment of Deputy Executive Secretaries and Assistant Executive Secretaries;

(c) Conditions of service of staff to be as applicable in the universities;

(d) Powers of the Council to advise the Vice Chancellors on the appointment of Directors of agricultural research institutes established under university statutes;

(e) Establishment of the National Agricultural Development Extension Fund for the funding of agricultural research, training and extension;

(f) Establishment of Federal Colleges of Agriculture under the Act and placing them under the control of the Council;

(g) Powers of the Institutes and Colleges, in compliance with guidelines set by the Council, to incorporate spin off companies and enter into public private partnerships, and invest intellectual property rights on such companies and partnerships;

(h) Establishment of the National Centre for Agriculture Mechanization, National Centre for Genetic Resources and Bio-technology, Federal Colleges of Co-operatives and Federal Colleges of Land Resources Technology under the Act and placing them under the control of the Council;

(i) Dissolution of the governing boards of all the Research Institutes established under the Act and for the Board of the Council to exercise control and powers over all the research institutes so established; and

(j) Repeal of the National Agricultural Research Institutes Act 1964 and the Research Institutes (Establishment, etc.) Order 1975 and the transfer of staff of the Institutes to the Council.

(2) The provisions relating to the Board of the Council shall mutantismutandi, apply to all the Research Institutes and Federal Colleges so established.

A BILL

FOR

AN ACT TO REPEAL THE VETERINARY SURGEONS ACT, CAP. 464, LAWS OF THE FEDERATION OF NIGERIA 2004 AND ENACT THE VETERINARY SURGEONS BILL; AND FOR RELATED MATTERS

Sponsored by Hon. Munir Babba Dan Agundi

[] Commencement

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

1 PART 1 - VETERINARY COUNCIL OF NIGERIA

2 1.-(1) For the purpose of this Bill there shall continue to be a
3 Council called the Veterinary Council of Nigeria (hereafter in this Act
4 referred to as "the Council") which shall be a body corporate with perpetual
5 succession and a common seal and may sue or be sued in its corporate name.

Establishment
and Functions
of the Council

6 (2) The Council shall have power to:

7 (a) determining the standards of knowledge and skills to be
8 attained by persons seeking to be registered under this Bill as Veterinary
9 surgeons and as Veterinary para-professionals and of raising those standards
10 from time to time as circumstances may permit;

11 (b) securing in accordance with the provisions of this Bill the
12 establishment and maintenance of Registers of persons registered under this
13 Bill and the publication from time to time of lists of those persons;

14 (c) registering and regulating Veterinary Practice and Veterinary
15 Practising Premises;

16 (d) preparing and reviewing from time to time, the codes of
17 conduct and professional ethics which the Council considers desirable for
18 the practice of the profession in Nigeria;

19 (e) making regulations for the operation of a clinical laboratory
20 practice in the field of pathology which includes histopathology, forensic

Membership
of the Council

1 pathology, necropsy, and cytology;

2 (e) establishing, operating and supervising the Postgraduate College
3 of Veterinary Surgeons Nigeria (hereafter in this Act referred to as "the
4 College") for specialist training;

5 (f) registration and setting of standards of practice for Veterinary
6 surgeons and Veterinary para-professionals and formulating policies on
7 veterinary education at the professional and every other levels in Nigeria;

8 (h) performing the other functions conferred on the Council by this Act.

9 **2.-(1)** Subject to the provisions of this Act, the Council shall consist of
10 the following members, that is to say:

11 (a) a President and Vice-President both of whom shall be elected by
12 members of the Council from among their number;

13 (b) The Executive Director of the National Veterinary Research
14 Institute who shall be a registered Veterinary surgeon;

15 (c) the Director of the Federal Department of Veterinary Services and
16 the Chief Veterinary Officer of Nigeria, who shall be a registered Veterinary
17 surgeon;

18 (d) the Provost or Dean of each College or Faculty of Veterinary
19 Medicine in Nigeria approved by the Council, who shall be a registered
20 Veterinary surgeon;

21 (e) the Director of Veterinary Services or the Chief Veterinary Officer
22 of each State and the equivalent officer in the Federal Capital Territory who
23 shall be registered veterinary surgeons;

24 (f) the Provost or Head of the Postgraduate College of Veterinary
25 Surgeons Nigeria;

26 (g) eleven registered persons (hereafter in this Act referred to as
27 "elected members of the Council"), eight of who shall be elected by registered
28 Veterinary surgeons from among their number and three of who shall be elected
29 by registered Veterinary para-professional from among their number in the
30 manner prescribed in the First Schedule to this Bill; and

1 (h) the National President of the Nigerian Veterinary Medical Association.

2 (2) The Second Schedule to this Bill shall have effect with respect
3 to the tenure of office and procedure of the Council and other matters therein
4 mentioned

5 3.-(1) The Council shall maintain a fund from which shall be Financial
6 defrayed all expenditure incurred by the Council. provisions

7 (2) There shall be paid and credited to the fund:

8 (a) such sums as may be provided by the Federal Government for
9 the purpose of this Bill by way of grants or budget appropriation; and

10 (b) such other funds or moneys as may from time to time accrue to
11 the Council from contributions by registered Veterinary surgeons and
12 Veterinary para-professionals, registration fees, donations, lease and sale of
13 properties and from any other sources.

14 (3) The Council shall keep proper accounts in respect of each
15 financial year, and proper records in relation to those accounts and when
16 certified by the Council shall be audited within 6 months after the end of the
17 financial year to which the accounts relate by auditors appointed by the
18 Council from the list and in accordance with the guidelines supplied by the
19 Auditor-General of the Federation.

20 4.-(1) The Minister may give to the Council directions of a general Control of
21 character or relating generally to particular matters (but not to an individual Council by
22 person or case) with regard to the exercise by the Council of functions, and it Minister
23 shall be the duty of the Council to comply with the direction.

24 (2) Before giving a direction under the foregoing subsection the
25 Minister shall serve a copy of the proposed direction on the Council and
26 shall afford the Council an opportunity of making representations to him
27 with respect to the direction; and after considering any representations made
28 to him in pursuance of this subsection, the Minister may give the direction
29 either without modification or with such modifications as appear to him to
30 be appropriate having regard to the representations.

1 (3) The Council shall have powers:

2 (a) to acquire and own movable and immovable assets and to utilize,
3 maintain or otherwise dispose of them as Council may determine; and

4 (b) to establish and maintain zonal and states offices to enhance its
5 activities in accordance with this Bill.

6 (4) The President, Vice-President, Registrar or any other officer of the
7 Council shall not have power to sell, lease, transfer or otherwise dispose of any
8 movable or immovable asset of the Council unless such disposal has been
9 approved by Council.

10 (5) The President, Vice-President, Registrar or any other officer of the
11 Council shall not have power to suspend, dissolve, or anyway tamper with the
12 status of Council unless such suspension, dissolution, and tampering has been
13 approved by Council.

14 (6) Where for any reason, the status of Council is affected in any way,
15 the President and the ex-officio members shall continue to carry out the
16 activities of Council.

17 (7) The President shall reconvene the meeting of the Council at the
18 earliest opportunity.

19 PART II - THE REGISTRAR

Appointment of
Registrar and
Maintenance of
a Register

20 5.-(1) It shall be the duty of the Council to appoint a fit and proper
21 registered Veterinary surgeon with a specialist qualification to be the Registrar
22 and the Chief Administrative Officer of the Council for a term of four years and
23 he may be re-appointed for a second and final term of four years.

24 (2) The Council shall appoint such other person as the Council may
25 from time to time think necessary, the remuneration, tenure of office and
26 conditions of service of the Registrar and other officers or servants appointed
27 under this subsection shall be determined by the Council.

28 (3) Anything required by this Bill to be done by or to the Registrar
29 may be done to any Deputy Registrar or any Assistant Registrar appointed by
30 the Council.

1 (2) The registrar shall prepare and maintain, in accordance with the
2 rules made by the Council under this section, a Register of the names,
3 addresses and approved qualifications, and of such other particulars as may
4 be specified of all persons who are entitled under the provisions of this Bill
5 to be registered therein.

6 (3) Subject to the following provisions of this section, the Council
7 shall make rules with respect to the form and keeping of the registers and the
8 making of entries therein, and in particular:

9 (a) regulating the making of applications for registration and
10 providing for the evidence to be produced in support of applications;

11 (b) providing for the notification to the Registrar, by the person to
12 whom any registered particulars relate, of any change in those particulars;

13 (c) authorising a registered person to have any qualification which
14 is either an approved qualification or an accepted qualification for the
15 purposes of section 8 of this Bill, registered in relation to his name in
16 addition to or, as he may elect, in substitution for any other qualifications so
17 registered;

18 (d) specifying the fees to be paid to the Council in respect of the
19 entry of names in the Register and authorising the Registrar to refuse to enter
20 a name, in the register until any fees specified for the entry has been paid;

21 (e) prescribing the fees to be charged in respect of the retention in
22 the Register of the name of a person in any year subsequent to the year in
23 which he was first registered;

24 (f) prescribing the fees to be charged in respect of the registration
25 of additional qualifications, registration and renewal of Veterinary
26 Practising Premises and any other fees to be paid; and

27 (g) specifying anything failing to be specified under the foregoing
28 provisions of this section of this Bill.

29 (6) Separate registers shall be maintained for Veterinary surgeons
30 and Veterinary para-professionals respectively, with the register of

Correction of
Register and
Removal of
certain Names
from the Register

1 Veterinary para-professionals categorized according to their specialization.

2 6.-(1) The Registrar shall:

3 (a) correct, in accordance with the Council's directions, any entry in
4 the Register which the Council directs him to correct as being in the Council's
5 opinion an entry which was incorrectly made;

6 (b) make from time to time any necessary alterations in the registered
7 particulars of registered persons;

8 (c) delete from the Register the name of every deceased person.

9 (2) The Registrar may remove the name of a registered person from
10 the register if:

11 (a) he has ceased to practice the profession, provided that this is done
12 at his request or with his consent;

13 (b) he fails to pay his annual practicing fees;

14 (c) he fails to attend a peer approved professional Continuing
15 Education programme initiated or approved by the Council as regularly as
16 Council may determine from time to time; or

17 (d) he commits any act of misconduct and consequently contravenes
18 any of the provisions of the codes of conduct and professional ethics issued by
19 the Council in pursuance of Section 1 (2)(d) of this Act or refuses to carry out or
20 disobeys Council instruction or take any steps which undermine the status of
21 Council or brings Council to disrepute in anyway.

22 (3) Foundation fellows of the college and registered persons that are
23 70 years old and above and who have being in good standing with Council are
24 exempted from payments of annual practicing fees and shall continue to enjoy
25 all the benefits of a registered person.

26 (4) If the Registrar:

27 (a) publishes the name in a national daily or sends by post or
28 electronically to any registered person a registered letter addressed to him at his
29 address on the register enquiring whether the registered particulars relating to
30 him are correct or whether he has ceased to practice and receives no reply to the

1 letter within the period of six months from the date of publishing of the name
2 or sending of the letter; and

3 (b) upon the expiration of that period publishes in like manner the
4 name of the person in a second similar publication or sends in like manner to
5 the person in question a second similar letter and receives no response to that
6 publication or letter within three months from the date of publishing or of
7 sending it, the Registrar may remove the name and the other particulars
8 relating to the person in question from the Register.

9 (5) Where a person's name has been removed from the Register
10 under subsection (2) or (4) of this section, the Council may, on the
11 application of that person, direct the Registrar to restore the name or other
12 particulars removed there from unless the original entry of his name or other
13 particulars was incorrectly or fraudulently made or if the removal of his
14 name was a disciplinary action.

15 7.-(1) It shall be the duty of the Registrar:

16 (a) to cause the Registers of Veterinary surgeons, of Veterinary
17 para-professionals and registered Veterinary practicing premises to be
18 printed, published and put on sale to members of the public not later than two
19 years from the beginning of the year in which this subsection comes into
20 force;

21 (b) in each year after that in which a Register is first published
22 under paragraph (a) of this section, to cause to be printed, published and put
23 on sale as aforesaid either a corrected edition of the Register or a list of
24 alterations made to the Register since it was last printed; and

25 (c) to cause a print of each edition of the Register and of each list of
26 corrections to be deposited at the principal office of the Council.

27 (2) The Council shall cause the Registers to be printed and
28 published in the Federal Gazette as often as it thinks fit.

29 (3) A document purporting to be a print of an edition of a Register
30 published under this section by authority of the Registrar in the current year,

Publication of
Register and
list of corrections

1 or documents purporting to be prints of an edition of a Register so published in
2 a previous year and of a list of corrections to that edition so published in the
3 current year, or any publication of the Register made in the Federal Gazette in
4 the current year shall (without prejudice to any other mode of proof) be
5 admissible in any proceedings as evidence that any person specified in the
6 documents, or the documents read together or, as the case may be, in that
7 Federal Gazette, as being registered as Veterinary surgeon or Veterinary para-
8 professional is so registered, and that any person not so specified is not
9 registered.

10 PART III - QUALIFICATION FOR REGISTRATION, ETC

Registration of
Veterinary surgeons
and Veterinary
para-professionals

11 8.-(1) Subject to sections 5(4) and 5(6) of this Bill, a person shall be
12 entitled to be registered as a Veterinary surgeon or as a Veterinary para-
13 professional if:

14 (a) he has attended a course of training approved by the Council under
15 section 9 of this Bill;

16 (b) the course was conducted at an institution approved by the
17 Council or partly at one such institution and partly at another or others; and
18 (2)(d) if the Council so requires, that he has had sufficient externship and
19 internship and other relevant practical experience as may be prescribed by
20 Council from time to time;

21 (c) he holds a qualification approved by the Council;

22 (d) he has applied for registration with the Council within 12 months
23 from the date of his graduation from an approved institution.

24 (2) Subject as aforesaid, a person shall be entitled to be registered as a
25 Veterinary surgeon or as a Veterinary para-professional if he satisfies the
26 Council:

27 (a) that he is of good character;

28 (b) that he holds a qualification granted outside Nigeria and for the
29 time being accepted by the Council for the purposes of this subsection;

30 (c) that he is by law entitled to practice (for all purposes) as a

1 Veterinary surgeon or as a Veterinary para-professional in the country in
2 which the qualification was granted; and

3 (d) if he has had sufficient externship and internship and other
4 relevant practical experience as may be prescribed by Council from time to
5 time.

6 (3) The Council shall from time to time publish in the Federal
7 Gazette particulars of the qualifications for the time being accepted as
8 aforesaid.

9 (4) Where any application for registration is received by the
10 Council from any person who is not entitled to registration under subsection
11 (1) or (2) above, the Council may refer the application to the Board of
12 Examiners for investigation under section 11 of this Bill.

13 (5) A person who refuses or fails to register with the Council within
14 12 months as provided in sub-section (1) of this section shall not be
15 qualified/or registration by the Council unless he has been examined again
16 as provided under section 11 of this Bill.

17 (6) No person shall in any manner whatsoever practice as a
18 Veterinary surgeon or as a Veterinary para-professional unless he is
19 registered or deemed to be registered under this Bill to practice, and any
20 person who practices in breach of this provision commits an offence.

21 (7) A person to be registered by the Council, under this Bill shall
22 swear or affirm to the Veterinary Surgeon's Oath or the Veterinary para-
23 professional's Oath as the case may be.

24 (8) The Veterinary Surgeon's Oath and the Veterinary para-
25 professional's Oath are as prescribed in the Third Schedule to this Bill,
26 which may be amended by Council from time to time.

27 (9) In line with the provisions of the treaty of Economic Delete
28 Community of West African States which specify the removal, between
29 Member States, of obstacles to free movement of persons, goods, service
30 and capital, persons with Veterinary medicine and Veterinary para-

Approval of
courses,
qualifications
and institutions
and recognition
of postgraduate
degrees and
postgraduate
diplomas

1 professional qualifications from institutions located in countries constituting
2 the community and has been registered by the Veterinary Council or Veterinary
3 Statutory Body of such country, may be exempted from sitting for qualifying
4 examinations before registration as provided for in section 10 of this Bill.

5 9.-(1) Subject to subsection (2) of this section, the Council may
6 approve for the purposes of section 8 of this Bill:

7 (a) any course of training which is intended for persons who are
8 seeking to, become, or are already, Veterinary surgeons and which the Council
9 considers is designed to confer on persons completing it sufficient knowledge
10 and skill for efficient practice of veterinary medicine or as a Veterinary para-
11 professional;

12 (b) any institution which the Council considers is properly organised
13 and equipped for conducting the whole or any part of course of training
14 approved by the Council under this section;

15 (c) any qualification which, as a result of an examination taken in
16 conjunction with a course of training approved by the Council under this
17 section, is granted to candidates reaching a standard at the examination
18 indicating, in the opinion of the Council, that they have sufficient knowledge
19 and skill for efficient practice of veterinary medicine or as a Veterinary para-
20 professional as the case may be.

21 (2) The Council shall not, in pursuance of registration of a Veterinary
22 surgeon approve a qualification granted by an institution in Nigeria unless the
23 qualification bears one of the following designations, that is to say:

24 (a) bachelor of veterinary medicine;

25 (b) bachelor of veterinary medicine and surgery;

26 (c) bachelor of veterinary science;

27 (d) master of veterinary science;

28 (e) doctor of veterinary medicine; or

29 (f) any other qualification which Council considers to be equivalent to
30 any of the qualifications above.

1 (3) The Council shall not approve a qualification granted by an
2 institution in Nigeria for the registration of any Veterinary para-
3 professional, unless the qualification bears one of the following
4 designations, that is to say:

- 5 (a) bachelor of animal health technology;
6 (b) bachelor of veterinary nursing;
7 (c) bachelor of veterinary radiography;
8 (d) ordinary or higher national diploma in veterinary nursing;
9 (e) ordinary or higher national diploma in veterinary radiography;
10 (f) ordinary or higher national diploma in animal health
11 technology;
12 (g) ordinary or higher national diploma in veterinary laboratory
13 technology;
14 (h) ordinary or higher national diploma in leather technology; or
15 (i) any other qualification which Council considers to be
16 equivalent or acceptable to any of the above qualifications.

17 (3) The Council may, if it thinks fit, withdraw any approval given
18 under this section in respect of any course, qualification or institution; but
19 before withdrawing such an approval the Council shall:

20 (a) give notice that it proposes to do so to each person in Nigeria
21 appearing to the Council to be a person by whom the course is conducted or
22 the qualification is granted or the institution is controlled, as the case may
23 be; and

24 (b) afford each such person an opportunity of making to the
25 Council representation with regard to the proposal; and

26 (c) take into consideration any representations made as respects the
27 proposal in pursuance of the last foregoing paragraph.

28 (4) As respects any period during which the approval of the
29 Council under this section for a course, qualification or institution is
30 withdrawn, the course, qualification or institution shall not be treated as

1 approved under this section; but the withdrawal of such an approval shall not
2 prejudice the registration or eligibility for registration of any person who by
3 virtue of the approval was registered or eligible for registration immediately
4 before the approval was withdrawn.

5 (5) The giving or withdrawal of an approval under this section shall
6 have effect from such date, either before or after the execution of the
7 instrument signifying the giving or withdrawal of the approval, as the Council
8 may specify in that instrument; and the Council shall:

9 (a) as soon as may be published a copy of every such instrument in the
10 Federal Gazette; and

11 (b) not later than seven days before its publication as aforesaid, send a
12 copy of the instrument to the Minister.

13 (7) The Dean of each Faculty or College of Veterinary of Veterinary
14 Medicine, and Heads of Department and tertiary institutions in the federation
15 at which there is held a course of training intended for persons who are seeking
16 to become Veterinary surgeons or Veterinary para-professionals, shall furnish
17 to the Registrar, not later than thirty-first day of March in every year, a list of the
18 names, and of such other particulars as the Council may by order specify, of all
19 persons who attended any such course at the institution in question at any time
20 during the preceding year.

21 (8) The Council shall for the purposes of specialist professional
22 designation recognize:

23 (a) fellowship diplomas of the College or Fellowship diploma of
24 similar institutions recognized by the Council; or

25 (b) academic post-graduate qualifications awarded by recognized
26 universities in relevant areas.

27 (9) A registered Veterinary surgeons may be appointed as a
28 Consultant to the hospital if he has relevant clinical and other relevant
29 experience for not less than 8 years and possessed the Fellowship diploma of
30 the College or Fellowship diploma of similar institutions recognized by the

1 Council in a relevant clinical area.

2 (10) Council shall have power to determine and review from time
3 to time the requisite qualifications and experience for the professional and
4 Consultant grade as it deems fit.

5 **10.-(1)** It shall be the duty of the Council to keep itself informed of:

6 (a) the instruction given at any approved institution to persons
7 attending approved course of training; and

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

12 (2) It shall be the duty of a visitor appointed under this section to
13 report to the Council on:

14 (a) the courses of study, staffing, accommodation and equipment
15 available for trainings in veterinary medicine or Veterinary para-
16 professional training as the case may be and the other arrangements and
17 facilities for such training in any institution visited by him;

18 (b) the sufficiency of the instruction given to the persons attending
19 approved courses at institutions visited by him;

20 (c) the standard of the examinations attended by him; and

21 (d) any other matter relating to the institution or examinations on
22 which the Council may, either generally or in a particular case, request him
23 to report, but no visitor shall interfere with the giving of any instruction or
24 the holding of any examination.

25 (3) On receiving a report made in pursuance of this section, the
26 Council shall as soon as may be possible send a copy of the report to the
27 person appearing to the Council to be in charge of the institution or
28 responsible for the examinations to which the report relates requesting that
29 person to make observations on the report to the Council within such period
30 as may be specified in the requests, not being less than one month beginning

Supervision of
instruction and
examination
leading to approved
qualifications

	1	with the date of the request.
Power of Board of examiners to investigate certain application etc.	2	11. -(1) There shall continue to be established a Board of Examiners
	3	which shall consist of two or more registered Veterinary surgeons appointed by
	4	the Council.
	5	(2) The persons who immediately before the appointed day were
	6	members of the Board of Examiners shall on that date be deemed to constitute
	7	its membership until new appointments are made in pursuance of subsection
	8	(1) of this section.
	9	(3) The Board of Examiners shall investigate any application referred
	10	to it by the Council under section 8(4) of this Bill and shall:
	11	(a) where it is satisfied that the qualifications of the applicant afford
	12	sufficient assurance of his suitability for registration, recommend him to the
	13	Council for registration; or
	14	(b) where it considers that further assurance is required as to the
	15	suitability of the applicant, examine the applicant in any manner it deems
	16	appropriate and thereafter make such recommendation to the Council as the
	17	Board of Examiners deems fit.
	18	(4) Where any recommendation for registration of an applicant is
	19	made to the Council pursuant to subsection (3) of this section, the Council may,
	20	if it thinks fit, authorise and require the Registrar to insert the name of such
	21	applicant in the Register, on payment to the Council by the applicant of such
	22	fees as may be prescribed.
	23	PART IV- PROFESSIONAL DISCIPLINE
Establishment of Veterinary Council Investigation Panel and the Veterinary Council Disciplinary Tribunal	24	12. -(1) There shall be the Veterinary Council Investigation Panel
	25	(hereafter in this Bill referred to as "the Panel") and the Veterinary Council
	26	Disciplinary Tribunal (hereafter in this Bill referred to as "the Tribunal").
	27	(2) The Panel shall be charged with the duty of:
	28	(a) conducting a preliminary investigation into any case where it is
	29	alleged that a registered person has misbehaved in his capacity as a Veterinary
	30	surgeon or as a Veterinary para-professional or should for any other reason be

1 the subject of proceedings before the tribunal; and

2 (b) deciding whether the case should be referred to the Tribunal or
3 not.

4 (3) The Fourth Schedule to this Bill shall have effect with respect to
5 the membership of the Panel and procedure of its operation.

6 (4) Subject to the provisions of paragraph 1 of the Fifth Schedule to
7 this Act, the Tribunal shall consist of the President of the Council and four
8 other members appointed by the Council of whom at least two shall be
9 elected members of the Council;

10 Provided that at least one elected Veterinary para-professional
11 shall be a member of the Tribunal to consider a case involving a Veterinary
12 para-professional.

13 (5) The Tribunal shall be charged with the duty of considering and
14 determining any case referred to it by the Panel and any other case of which
15 the Tribunal has cognisance under the following provisions of this Bill.

16 (6) The Fifth Schedule to this Act shall have effect with respect to
17 the Procedure of the Tribunal.

18 **13.-(1) Where:**

19 (a) a registered person is judged by the Tribunal to be guilty of
20 infamous conduct in any professional respect;

21 (b) a registered person is convicted by any court in Nigeria or
22 elsewhere having power to award imprisonment, of an offence (whether or
23 not an offence punishable, with imprisonment) which in the opinion of the
24 tribunal is incompatible with the status of a Veterinary surgeon or of a
25 Veterinary para-professional; or

26 (c) the Tribunal is satisfied that the name of any person has been
27 fraudulently registered, the tribunal, may, if it thinks fit, give a direction
28 reprimanding or suspending that person, or ordering the Registrar to strike
29 his name off the Register.

30 (2) Any registered person whose case is before the Tribunal shall

Penalties for
unprofessional
conduct etc.

1 not be eligible to attend any meeting of Council if he is a member of Council,
2 render any service to the Council or the College or serve in any committee or
3 organ of Council or of the Nigerian Veterinary Medical Association or any
4 other Veterinary para-professional association by whatever name called until
5 his case is disposed of by the disciplinary tribunal.

6 (3) The Tribunal may, if it thinks fit, defer or further defer its decision
7 as to the giving of a direction under the foregoing subsection until a subsequent
8 meeting of the disciplinary tribunal; but:

9 (a) no decision shall be deferred under this subsection for periods
10 exceeding two years in the aggregate; and

11 (b) no person shall be a member of the Tribunal for the purposes of
12 reaching a decision which has been deferred or further deferred unless he was
13 present as a member of the disciplinary tribunal when the decision was
14 deferred.

15 (4) For the purposes of this section a person shall not be treated as
16 convicted as mentioned in paragraph (b) of that subsection unless the
17 conviction stands at a time when no appeal or further appeal is pending or may
18 (without extension of time) be brought in connection with the conviction.

19 (5) When the Tribunal gives a direction under subsection (1) of this
20 section, the Tribunal shall cause notice of the direction to be served on the
21 person to whom it relates.

22 (6) The person to whom such a direction relates may, at any time
23 within twenty-eight days from the date of service on him of the notice of the
24 direction, appeal against the direction to the Federal High Court; and the
25 Tribunal may appear as respondent to the appeal and, for the purpose of
26 enabling directions to be given as to the costs of the appeal and of proceedings
27 before the Tribunal, shall be deemed to be a party thereto whether or not it
28 appears on the hearing of the appeal.

29 (7) A direction of the Tribunal under subsection (1) of this section
30 shall take effect:

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

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

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

9 *Retain as (8)*

10 **14.-(1)** The Council shall have power to register all categories of Regulation of
11 Veterinary Practicing Premises in Nigeria (hereafter in this Bill referred to as Veterinary
12 "the Premises "). Practicing Premises

13 (2) The procedures for registration and control of the Premises are
14 in the manner prescribed in the Sixth Schedule to this Bill and the Guidelines
15 for registration of Veterinary Practicing Premises, published by the Council
16 from time to time.

17 (3) All Veterinary or animal hospital, veterinary or animal clinic,
18 veterinary pharmacy, ambulatory services or House call and veterinary
19 diagnostic centre shall be headed by a registered Veterinary Surgeon.

20 (4) Only registered premises shall display the veterinary emblem.

21 (5) The Council may close any of the Premises for reasons of non-
22 registration or non-compliance with any of the Regulations contained in
23 Sixth Schedule to this Bill.

24 (6) Any person who keeps any animal or animals:

25 (a) shall maintain the animal under his control and confinement at
26 all times and prevent the animal from straying and damaging other people's
27 properties or crop or farm land; and

28 (b) shall not carry out or facilitate in any way or allow his premises
29 to be used for any act of cruelty to the animals, including baiting animals to
30 fight, starving of animal, over-crowding animals, overloading of animal,

1 over driving of animal, or operating on an animal without anaesthesia;

2 (c) carry out drug or vaccine trials or conduct out any experiments on
3 or using animals without veterinary supervision.

4 (7) Any person who keeps a wild animal as a companion animal or for
5 games or for circus performance, or for ornamental purposes or for any other
6 purpose, shall:

7 (a) register such a wild animal with the Director of Veterinary
8 Services of the State;

9 (b) provide suitable accommodation, feeding and care for the wild
10 animal to the satisfaction of a veterinary officer;

11 (c) obtain appropriate vaccination, routine examination and treatment
12 of diseases for such a wild animal from a registered Veterinary Surgeon and
13 obtain appropriate veterinary certificate; and

14 (d) shall restrain and control such wild animal at all times, so as to
15 prevent the wild animal from causing injury to any person or to other animal or
16 animals and from constituting a nuisance to any person or the public.

17 (8) The Council, in the performance of its functions under this Act is
18 entitled to the assistance of the Nigerian Police Force, the Nigerian Security
19 and Civil Defence Corps and other para-military agencies.

20 (9)(a) Any person who is in violation of any provision of this section
21 or who operates a premises contrary to the manner prescribed in the Sixth
22 Schedule to this Bill, shall be guilty of an offence and liable on conviction to a
23 fine of not less than One hundred thousand naira or to imprisonment for a term
24 not exceeding 6 months or to both fine and imprisonment;

25 (b) When the offence is committed by a body corporate, the body
26 corporate shall be liable on conviction to a fine of not less than Five hundred
27 thousand naira.

28 (10) Where any person is guilty of:

29 (a) displaying the veterinary emblem illegally or displaying fake
30 emblem, the Veterinary Inspector shall confiscate the emblem;

1 (b) violating the provisions relating to the keeping of any animal or
2 wild animal, the Veterinary Officer may confiscate the animal or wild
3 animal.

4 **15.-(1)** There is hereby established the Postgraduate College of
5 Veterinary Surgeons Nigeria (hereafter in this Act referred to as "the
6 College") of the Council. Establishment of
the Postgraduate
College of
Veterinary Surgeons
Nigeria

7 (2) The College shall have power to organize specialist and clinical
8 training for the award of Fellowship diploma and any other certificates that
9 may be approved by the Council.

10 (3) The College shall organize trainings in various specialties as
11 may be approved by the Council from time to time.

12 (4) The Seventh Schedule to this Bill shall have effect with respect
13 to the procedures for the operations of the College.

14 **PART V - MISCELLANEOUS AND GENERAL**

15 **16.-(1)** If any person who is not a registered Veterinary surgeon: Offences

16 (a) practices or holds himself out to practice as a Veterinary
17 surgeon;

18 (b) takes or uses the title of Veterinary surgeon, or

19 (c) without reasonable excuse takes or uses any name, title,
20 addition or description implying that he is authorised by law to practice as a
21 Veterinary surgeon, he shall be guilty of an offence.

22 (2) If any person, for the purpose of procuring the registration of
23 any name, qualification, or Premises or for any other matter under this Bill:

24 (a) makes a statement which he believes to be false in a material
25 particular; or

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

28 (3) If any person who is not a registered Veterinary para-
29 professional practices, holds himself out to practice as a Veterinary para-
30 professional or makes a statement which is believed to be false in material

1 particular he shall be guilty of an offence.

2 (4) If the Registrar or any other person employed by the Council
3 makes any falsification in any matter relating to the Register or commits any
4 act of misconduct his case shall be referred to the Staff Disciplinary Committee
5 and dealt with in accordance with the procedure in the Eighth Schedule to this
6 Bill.

7 (5) Except as otherwise provided in this Act, any person who is guilty
8 of an offence, non-compliance or contravention of any section of this Act or of
9 the regulations, shall be guilty of an offence and shall be liable on conviction to
10 a fine of not less than five hundred thousand naira or to imprisonment for a term
11 not exceeding two years, or to both fine and imprisonment.

12 (6) A person who is guilty of an offence under this section shall be
13 liable on conviction to a fine not exceeding Two Hundred thousand naira or to
14 imprisonment for a term not exceeding two years, or to both.

15 (7) Where an offence under this Act which has been committed by a
16 body corporate is proved to have been committed with the consent or
17 connivance of, or to be attributable to any action or neglect on the part of any
18 Head, Dean, Director, Manager, Secretary or other similar officer of the body
19 corporate, or any person purporting to act in any such capacity, he, as well as
20 the body corporate shall be deemed to be guilty of that offence punishable by a
21 fine of not less than one million Naira for the corporate body and five hundred
22 thousand Naira for each of the categories of officers of the corporate body
23 stated in this sub-section.

Miscellaneous
Supplementary
Provisions

24 17.-(1) Where any office in the public service of the Federation or of a
25 State or a local government therein or in the Armed Forces or in the Nigeria
26 Police Force or any other security services or any educational institution or in
27 the private sector requires a veterinary qualification, a person shall not be
28 appointed to that office, or hold or remain in that office unless he is a registered
29 Veterinary surgeon.

30 (2) Where any office in the public service of the Federation or of a

1 State therein, or in the Armed Forces or in the Nigeria Police Force of the
2 Federation or in any educational institution or in the private sector, requires
3 a Veterinary para-professional qualification, a person shall not be appointed
4 to that office, or hold or remain in that office unless he is a registered by
5 Council as a Veterinary para-professional.

6 (3) A registered Veterinary surgeon shall be entitled to practice as
7 Veterinary surgeon throughout the Federation.

8 (4) A registered Veterinary para-professional shall be entitled to
9 practice as a Veterinary para-professional throughout the Federation.

10 (5) Where any veterinary document or veterinary certificate is
11 required by any law for the time being in force in the Federation, to be issued
12 or signed after this subsection comes into force, it shall be invalid unless it is
13 issued or signed by a Veterinary surgeon registered under this Bill.

14 (6) Without prejudice to the rule of law whereby a contract may be
15 void if it is inconsistent with the provisions of an enactment, no person other
16 than a registered Veterinary surgeon shall be entitled to bring any
17 proceedings in any court of law for the purpose of recovering any fee or
18 other consideration whatsoever payable in respect of services rendered or
19 facilities or things supplied by him when purporting to act as a Veterinary
20 surgeon.

21 (7) Any approval, consent, direction, notice, observation, report,
22 representation or request authorised or required to be given or made by or
23 under this Act shall be in writing and may, without prejudice to any other
24 method of service but subject to the provisions of to this Act, be served by
25 post.

26 (8) Subject to the provisions of Section 174 of the Constitution of
27 the Federal Republic of Nigeria 1999 (which relates to the power of the
28 Attorney-General of the Federation to institute, continue or discontinue
29 criminal proceedings against any person in a court of Law), the Council
30 may, with the consent of the Attorney-General of the Federation, conduct

Regulations,
Rules and Orders

1 criminal proceedings in respect of offences under this Act or Regulations made
2 under this Act.

3 **18.**-(1) Any power to make regulations, rules or orders conferred on
4 the Minister or Council by this Bill shall include power:

5 (i) to make provision for such incidental and supplementary matters
6 as the authority making the instrument considers expedient for the purposes of
7 the instrument; and

8 (ii) to make different provision for different circumstances.

9 (2) The Minister shall have powers to make or to amend Regulations
10 on functions of the Council as contained in section 1 (2) and on any other matter
11 or function of the Council contained in this Bill.

12 (3) The Minister shall submit a copy of all Regulations or amendment
13 to a Regulation to the President of the Federal Republic of Nigeria and the
14 Regulations or amendment to a Regulation shall not come into force until
15 approved by the said President.

16 (4) It shall be responsibility of the Council to issue standards, policies
17 and guidelines on the operations of the College, animal research issues, the use
18 of animal restrain facilities, distribution, sale and usage of veterinary drugs,
19 biologics, vaccines and designing animal environments and, zoological
20 gardens, fish ponds for the purposes of disease prevention and control.

21 (5) Nothing in this Act shall be construed as indicating a contrary
22 intention for the purposes of section 12(1) of the Interpretation Act (which
23 contains additional provisions with respect to powers to make subordinate
24 legislation).

Transitional
Provisions and
Repeals

25 **19.**-(1) The Veterinary Surgeons Act CAP V3 Laws of Federation of
26 Nigeria, 2004 and Veterinary Surgeons (Amendment) Bill, 2017 are hereby
27 repealed.

28 (2) Notwithstanding subsection 1 of this section:

29 (a) any register kept in pursuance of the repealed enactment shall be
30 deemed to be part of the registers to be kept in pursuance of this Bill;

1 (b) any Regulation made by the Minister under the repealed Act
2 shall remain valid and shall be deemed to have been made under relevant
3 sections of this Bill.

4 (3)(a) Any person whose name was immediately before the coming
5 into force of this Bill included in the register maintained under the repealed
6 enactment shall, without further application or payment of any other fee, be
7 deemed to be registered under the appropriate provision of this Bill;

8 (b) Any person whose name was not immediately before the
9 coming into force of this Bill included in the register maintained under the
10 repealed enactment, by reason of having been erased or removed in
11 consequence of inquiry into his conduct held under section 14 of that Act
12 shall be deemed to have had his name removed from the Register maintained
13 under this Bill;

14 (4) Any institution approved by Council to grant qualification to
15 persons who have completed a course of study in veterinary medicine
16 conducted at an institution recognized by the repealed Act, the institution,
17 course and qualification shall be deemed to be approved under section 8 of
18 this Bill.

19 (5) The persons who were elected to serve as elected members of
20 the Council before the activities of Council were interrupted in 2015, shall
21 continue to serve as elected members of the Council under this Bill and shall
22 complete their tenure of five years as provided for in section 2(1) of this Bill.

23 (6) Where any offence, being an offence for continuance of which a
24 penalty was provided, has been committed under the repealed enactment,
25 proceedings may be taken under this Bill in respect of the continuance of the
26 offence after the commencement of this Act, in the same manner as if the
27 offence had been committed under the corresponding provisions of this Bill;

28 (7) Any document referring to a provision of the repealed
29 enactment shall be construed as a reference to the corresponding provision
30 of this Bill, and

1 (8) Any document referring to a provision of the repealed Act shall be
2 construed as a reference to the corresponding provision of this Bill.

3 (9) As from the commencement of this Bill, the President without
4 reference to any person or authority, shall convene a regular meeting of the
5 Council.

6 (10) All assets, funds, resources and other movable or immovable
7 assets or properties which immediately before the commencement of this Bill
8 were vested in the Council established in the repealed enactment shall by virtue
9 of this Bill and without any further assurances vested in the Council.

10 (11) As from the commencement of this Bill:

11 (a) the rights, interests, obligations and liabilities of the Council
12 referred to in subsection 10 of this section existing immediately before the
13 commencement of this Bill under any contract or instrument or at law or in
14 equity are hereby assigned to and vested in the Council without further
15 assurance; and

16 (b) any such contract or instrument shall be of the same force and
17 effect against or in favour of the Council and shall be enforceable as fully and
18 effectively as if instead of the Council mentioned in the repealed enactment,
19 the Council has been named therein or had been a party thereto.

20 (12) Any proceedings or cause of action pending or existing
21 immediately before the commencement of this Bill by or against the Council
22 mentioned in the repealed enactment in respect of any right, interest, obligation
23 or liabilities of the Council aforesaid may be continued or, as the case may be,
24 commenced and any determination of a court of law, tribunal or other authority
25 or person may be enforced by or against the Council to the same extent that any
26 such proceeding, cause of action or determination could have been continued,
27 commenced or enforced by or against the body aforesaid as if this Bill had not
28 been made.

Interpretation

29 **20.-(1)** In this Act, unless the context otherwise requires, the
30 following expressions have the meanings hereby assigned to them

- 1 respectively, that is to say:
- 2 "abattoir" means premises where animals are slaughtered and where ante-
- 3 mortem and post-mortem inspection are carried out by the Veterinary
- 4 surgeons to detect and prevent transmission of diseases to man;
- 5 "animal" means horse, mule, donkey, camel, cattle, buffalo, sheep, goat,
- 6 swine, dog, cat, laboratory animals, rabbit, lion, non-human primates,
- 7 tortoise, snakes, crocodiles, and poultry including domestic fowl, turkey,
- 8 duck, goose, pigeon, guinea fowl, ostrich, bees, aquatic animals which shall
- 9 include fish, molluscs and crustaceans and any other domestic or wild
- 10 animal species;
- 11 "approved" means for the time being approved under section 9 of this Act;
- 12 "approved qualification" means a qualification which is approved under
- 13 section 9 of this Act;
- 14 "Board of Examiners" means the Board of examination established under
- 15 section 12 of this Bill;
- 16 "the College" means the Postgraduate College of Veterinary Surgeons
- 17 established under this Bill
- 18 "the Council" means the Veterinary Council of Nigeria established under
- 19 this Bill; and vested with the authority to set standards and authorize tasks
- 20 for each category of animal health workers (Veterinary surgeons and
- 21 Veterinary para-professionals) depending on qualifications, training and
- 22 needs.
- 23 "the Director" has the meaning assigned thereto by section 2(1)(c) and (e) of
- 24 this Bill;
- 25 "Economic Community of West African States" include, Benin, Burkina
- 26 Faso, Cape Verde, Cote D'ivoire, Gambia, Ghana, Guinea, Guinea Bissau,
- 27 Liberia, Mali, Niger, Senegal, Sierra Leone, Togo and any other countries
- 28 that may be admitted into the Community from time to time has the assigned
- 29 thereto by section 2(1)(c) meaning;
- 30 "Elected member of the Council" has the meaning assigned thereto by

1 section 2(1)(g) of this Bill;

2 "Externship" means a field practice programme in a veterinary hospital or
3 clinic, livestock farms, zoological garden, fish ponds, diagnostic laboratory,
4 abattoir and veterinary control posts;

5 "Ex-officio member" means a member of the Council by virtue of holding an
6 office in the public service;

7 "the Federal Gazette" means an official periodic publication of the Federal
8 government of Nigeria authorized to publish legal and public notices;

9 "Foundation fellows" includes registered Veterinary surgeons that were
10 awarded Fellowship at the inception of the College's academic programme in
11 1998;

12 "investigation panel" has the meaning assigned thereto by section 13 of this
13 Bill;

14 "Internship" means a qualified veterinary surgeon who works in an approved
15 hospital or veterinary practicing premises in order to gain work experience or
16 satisfy requirements for full registration;

17 "the Minister" means the Minister of the Government of the Federation
18 responsible for matters relating to animal health and production;

19 "the Panel" has the meaning assigned thereto by section 13 of this Bill;

20 "prescribed" means prescribed by regulations;

21 "President" "the President of the Council elected in pursuance of section 2(1)(a)
22 of this Bill;

23 "Register" means a register maintained under this Act, and "registered" shall be
24 construed accordingly;

25 "the Registrar" means the registrar appointed in pursuance of section 5 of this
26 Act;"

27 "regulations" means Regulations made by the Minister;

28 "State" means any of the states listed in the Constitution of the Federal
29 Republic of Nigeria, 1999 or any other such state created in accordance with
30 the constitution of the Federal Republic of Nigeria;

- 1 "the Disciplinary Tribunal" has the meaning assigned thereto by section 13
2 of this Bill;
- 3 "Veterinary" means animal;
- 4 "Veterinary drugs" means any substance of plant, animal or mineral origin
5 or any organic or inorganic preparations or admixture thereof, applied or
6 administered to any animal specie for the diagnosis, treatment, mitigation or
7 prevention of any disease, disorder, abnormal physical state or the
8 symptoms thereof in animals; and restoring, correcting or modifying
9 organic functions in animals; and for disinfection or the control of vermin,
10 insects or pests;
- 11 "veterinary drug formulary" means a compendium of drugs, vaccine and
12 biologics that are approved to be prescribed in the national animal health
13 care system, published by the Council and included recommended doses,
14 the side-effects, contra-indications and withdrawal periods of such drugs,
15 vitamins, vaccines and biologics;
- 16 "veterinary emblem" means the symbol indicating a registered veterinary
17 practicing premises issued by the Council;
- 18 "Veterinary para-professional" means a person who is authorized by the
19 Council to carry out certain diagnostic and clinical tasks on animals
20 depending on qualification and delegated under the supervision and
21 responsibility of a Veterinary surgeon; and these shall include Veterinary
22 nurses, superintendents, technologists, Veterinary radiographers and
23 Veterinary pharmacists;
- 24 "veterinary practicing premises" means any premises established either
25 partly or wholly for the purposes of providing veterinary services under this
26 Act, or for dispensing any medicines or drugs, or other substances for the
27 care and treatment of such animals or livestock and shall include premises
28 used as House call, Veterinary clinic, Veterinary hospital, Veterinary
29 pharmacy and Abattoirs;
- 30 "Veterinary surgeon" means a person trained and certified with a degree in

1 Veterinary Medicine registrable by the Council in accordance with this Bill;
2 "veterinary surgery" means the art and science of veterinary surgery and
3 medicine and, without prejudice to the generality of the foregoing shall be
4 taken to include:

5 (i) the diagnosis of diseases in, and injuries to, animals including tests
6 performed on animals for diagnostic purposes;

7 (ii) the giving of advice based upon such diagnosis;

8 (iii) the medical or surgical treatment of animals;

9 (iv) the performance of surgical operations on animals;

10 (v) ante-mortem and post-mortem inspection of animal slaughter for
11 food for man and animals; and

12 (vi) handling, uses and sale of veterinary drugs, medicaments,
13 vaccines, biologics, and veterinary medical devices;

14 "wild animals" include monkeys, chimpanzee, gorilla other non-human
15 primates, elephant, antelope, hyena, tiger, lion, leopard, monkeys and
16 tortoises, turtles, terrapin, snakes, crocodiles, cane rat, civet cat, parrot, owl,
17 peacock, peahen, pigeon, and any other aquatic or terrestrial wild animals.

Citation

18 **21.** This Bill may be cited as the Veterinary Surgeons Act (Repeal and
19 Re-Enactment) Bill, 2019.

1 SCHEDULES

2 *Notification of vacancy*

3 1. Subject to the provisions of Section 2(1) g of this Bill, whenever
4 a vacancy occurs among the elected members of the Council and that
5 vacancy is required under this Bill to be filled by a fresh election, the
6 Registrar shall:

- 7 (a) inform all registered persons then in Nigeria of the vacancy;
8 (b) invite nominations to fill the vacancy; and
9 (c) require that such nominations shall be received by him on or
10 before a date fixed by the President.

11 *Signing of nominations*

12 2. No person other than a registered:

- 13 (a) Veterinary surgeon shall propose or second a nomination of a
14 registered Veterinary surgeon; and
15 (b) Veterinary para-professional shall propose or second a
16 nomination of a registered Veterinary para-professional.

17 *Election of persons nominated*

18 3. If, by midnight on the date fixed for the receipt of nominations,
19 the number of nominations received does not exceed the
20 number of vacancies to be filled, the persons nominated shall be deemed
21 elected.

22 *Voting papers*

23 4. If the number of nominations received exceeds the number of
24 vacancies the Registrar shall:

- 25 (a) issue to each registered Veterinary surgeon and each registered
26 Veterinary para-professional a voting paper on which shall be recorded the
27 number of vacancies to be filled and the names of the persons nominated to
28 fill them; and
29 (b) require that such voting paper be returned to him on or before a
30 date fixed by the President.

Methods of voting

5. Each registered Veterinary surgeon shall:

(a) record his vote by drawing a line through the name or names of the person or persons for whom he does not wish to vote but so that the number of names not so deleted shall not exceed the number of vacancies; and

(b) sign the voting paper, and return it to the Registrar by means provided for in the election rules.

Counting of votes

6.-(1) The Registrar shall appoint two persons to be approved by the Council (hereinafter called Scrutineers), not being registered Veterinary surgeons or registered Veterinary para-professionals to count the voting papers received by the Registrar.

(2) On the day following the closing date fixed for the receipt of voting papers, the scrutineers shall proceed to open the envelopes and to count the votes at the office of the Registrar.

(3) The candidate receiving the highest number of votes shall be deemed elected. If there are two vacancies to be filled, the candidate receiving the next highest number of votes shall be deemed to be elected

(4) The Scrutineers shall then report the result of the ballot to the Registrar.

(5) The Scrutineers shall reject any voting paper which has not been completed in accordance with these rules.

Safe custody of voting papers

7. All voting papers, whether valid or rejected, shall be retained in safe custody by the Scrutineers until the Council directs their destruction.

Announcement of results

8.-(1) On completion of the election, the Registrar shall inform the successful candidates of their election in a letter sent by post and through electronic means.

(2) The results of the election may also be published in the Federal

1 Gazette and in popular National Newspapers, after 14 days that the results
2 have been announced to the successful candidates

3 *Power to order fresh election*

4 9.-(1) Any person nominated as a candidate for election who is
5 dissatisfied with the conduct of an election may lodge a complaint in writing
6 with the Registrar within 14 days of the announcement of the result of the
7 election.

8 (2) The Council shall inquire into such complaint and may, in its
9 discretion, annul the election and order a further election to be held
10 forthwith.

11 *Citation*

12 10. These rules may be cited as the Veterinary Council (Elections)
13 Rules, 2019.

14 SECOND SCHEDULE

15 *[Section 2(2)]*

16 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

17 *Eligibility and tenure of office of a member of Council*

18 1.-(1) Subject to the provision of Section 2 (1) of the Principal Act,
19 a person shall not be a member of the Council unless he is registered with the
20 Council.

21 (2) Subject to the provisions of this Schedule, the term of office of
22 an elected member of Council elected in pursuance to Section 2(1) (g) of the
23 Principal Act, shall be five years and the day on which a member of the
24 Council ordinarily retires shall be the day immediately before the regular
25 general meeting of the Council.

26 (3) The President and Vice-President of the Council shall each hold
27 offices for a term of three years and be eligible for one more term of two
28 years, so however that a person who ceases to be a member of the Council
29 shall cease to be a President or Vice-President.

30 2. An elected member of the Council may at any time by notice in

1 writing addressed to the Registrar, resign his office as a member.

2 3. An elected member of the Council shall cease to hold office if he
3 ceases to be a registered person.

4 4. If any University or institution ceases to be an approved institution
5 for the purposes of this Act, any member representing that University or
6 institution on the Council shall there upon cease to hold office.

7 *Elections, Appointments and Casual Vacancies*

8 5. Elections or appointments to fill any vacancy occurring under
9 paragraph 1 of this Schedule shall be held or made before the regular general
10 meeting of the Council at which the vacancy occurs.

11 6.-(1) Where a casual vacancy occurs among the elected members of
12 the Council, the vacancy shall be filled:

13 (a) by the unsuccessful candidate at the previous ordinary election of
14 such members who at that election received the greatest number of votes and
15 has not since become a member;

16 (b) if two or more such candidates received an equal number of votes,
17 by the candidate who has been registered longest on the Register or, if two or
18 more such candidates have been registered longer than any other but for the
19 same period as each other, by one of them with the lowest Veterinary Council
20 number; or

21 (c) If there were no unsuccessful candidates at that election by a
22 person elected from among themselves by registered persons at a special
23 election: provided that no such election need be held if an ordinary election of
24 elected member will take place within twelve months after the casual vacancy
25 occurred.

26 (2) Where a casual vacancy occurs among members of the Council
27 appointed by the Minister the vacancy shall be filled by the Minister.

28 (3) A person filling a casual vacancy among the elected members of
29 the Council shall hold office until the date on which the person whose vacancy
30 he fills would have regularly retired.

1 7. A person ceasing to be a member of the Council shall be eligible
2 to be re-elected or reappointed.

3 8. Elections of elected members of the Council shall be conducted
4 in accordance with rules made by the Council.

9.-(1) When in the opinion of the Council the President is temporarily unable to perform the functions of his office or due to allegations of misconduct against him, the Vice-President shall perform those functions; and in the absence of the Vice-President, a person elected by the Council shall perform those functions.

(2) The Council may suspend a member of Council from attending one or two meetings of Council for unruly behavior and may refer the case to the Veterinary Council Investigation Panel.

13 *Powers of the Council*

14 10.-(1) Subject to the following sub-paragraph and to any
15 directions of the Minister under this Act, the Council shall have power to do
16 anything which in its opinion is calculated to facilitate the carrying on of its
17 activities.

(2) The Council shall not have power to pay remuneration including pensions, allowances or other expenses to any member, officer or servant of the Council or to any other person except in accordance with scales approved by the Federal government, except on items that there is no existing approved scale, in that case, Council shall approve as appropriate.

(3) The Council shall be represented at local and international conferences or meetings organized to promote animal health, veterinary education, aquaculture and public health by the President, Registrar and any member or person, provided Council has approved the attendance.

27 *Proceedings of Council*

11.-(1) The Council shall hold regular general meetings two times
in each year, and may hold such other meetings as the President of the
Council may determine.

(2) Subject to Sub-paragraph (1) of this paragraph, the meetings of the Council shall be held on such days and at such place and time as the President of the Council may determine.

(3) Every member of the Council shall be entitled to vote on any question coming or arising before the Council, and all such questions shall be determined by a majority of the members present and voting thereon.

(4) The President of the Council shall be the Chairman at all meetings of the Council and when he is absent the Vice-President shall preside, but when both are absent, the members present at the meeting shall elect one of their number to preside at the meeting.

(5) At any meeting of the Council, the President or Vice-President or the member presiding at the meeting, as the case may be, and nine other members, of whom at least three shall be elected members, shall form a quorum.

(6) Where the Council desires to obtain the advice of any person upon any particular matter, the Council may co-opt that person to be member for any meeting or meetings of the Council, and that person while so co-opted shall have all the powers of a member, save that he shall not be entitled to vote on any question and his presence at any meeting shall not count towards the constitution of a quorum.

(7) Subject to the foregoing provisions of this Schedule and to Section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any of its Committees.

26 Committees

27 12.-(1) The Council may appoint one or more Committees to carry
28 out, on behalf of the Council, such of its functions as the Council may
29 determine.

30 (2) A Committee appointed under this paragraph shall consist of the

1 number of persons determined by the Council, and not more than one-third
2 of those persons may be persons who are not members of the Council; and a
3 person other than a member of the Council shall hold office on the
4 Committee in accordance with the terms of the instrument by which he is
5 appointed.

6 (3) A decision of a Committee of the Council shall be of no effect
7 until it is confirmed by the Council.

8 *Supplementary*

9 13.-(1) The fixing of the seal of the Council shall be authenticated
10 by the signature of the President or Registrar or of some other member
11 authorized generally or specially by the Council to act for that purpose.

12 *Retain as (2)*

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

16 14. The powers of the Council and of any of its Committees may
17 be exercised notwithstanding any vacancy, and no proceedings of the
18 Council or any of its Committees shall be invalidated by any defect in the
19 election or appointment of a member or by reason that a person not entitled
20 to do so took part in the proceedings.

21 15. A person shall not, by reason only of his membership of the
22 Council, be treated as holding an office of emolument under the Federal
23 Government or the government of a State.

24 16. A person shall not, by reason only of his membership of the
25 Council, be treated as holding an office of emolument under the Federal
26 Government or the government of a State.

27 *Interpretation*

28 17. In these Regulations, unless the context otherwise requires, the
29 following expressions have the meanings hereby assigned to them
30 respectively, that is to say:

1 "elected member" means a person elected into Council by virtue of election
2 conducted in accordance with Section 2(1)(g) of the Principal Act;
3 "ex-officio member" means a person who is a member of Council by virtue of
4 holding an office in the Public service;
5 "Public service" means government institutions and agencies providing public
6 duties such as education, health care, security and municipal services to the
7 people.

8 *Citation*

9 18. These Regulations may be cited as the Supplementary Provisions
10 Relating to Council, 2019.

11 SCHEDULE 3

12 *[Section 8(7)]*

13 THE OATH OF THE VETERINARY PROFESSION

14 1. The Veterinary Oath

15 "Being admitted to the profession of Veterinary Medicine, I.....
16 solemnly declare and pledge to use my scientific knowledge and professional
17 skills for the benefit of the society, through the protection of animal health,
18 promotion of animal welfare, the prevention and relief of animal suffering, the
19 conservation of animal resources, the promotion of animal production and
20 public health and the advancement of veterinary medical knowledge.

21 I will practice my profession conscientiously with dignity, respect for my
22 teachers and senior professional colleagues and in keeping with the principles
23 of veterinary ethics. I accept as a life-long obligation the continual
24 improvement of my professional knowledge and competence", so help me
25 God.....

26 Signature of Declarant.....

27 Signature of Registrar.....

28 Signature of Dean

29 Faculty/College of Veterinary Medicine.....

30 Date.....

2. Veterinary para-professional Oath

I.....being admitted to the Veterinary para-profession declare and pledge that I shall dedicate myself to aiding society by collaborating with the Veterinary Surgeon in providing excellent care and services for the relief of animal suffering, the promotion of animal production and public health.

I accept as a life-long obligation to practice my profession conscientiously and with dignity, adhering to the Code of Ethics of the Veterinary para-profession and furthering my knowledge and competence through a commitment to life-long learning.....So help me God.

.....

Signature of Declarant.....

Signature of Registrar.....

Signature of Head College of Animal Health.....

Date.....

(3) The Council shall have the power to amend the oath in subparagraphs (1) and (2) from time to time but such amendments will not take effect until it is approved by the Minister.

FOURTH SCHEDULE

[Section 12(3)]

STANDING ORDERS AND RULES OF PROCEDURE OF THE VETERINARY

COUNCIL INVESTIGATION PANEL

Membership and Quorum

1.-(1)(a) There shall be five members on the Panel, of whom at least two shall be elected members of the Council, and

(b) Where the allegation to be investigated is against a Veterinary para-professional, an elected Veterinary para-professional is to serve as a member of the Panel.

(2) The Panel may invite a legal practitioner to its deliberations in advisory capacity.

1 (3) Any three members of the Panel, of whom one shall be an elected
2 member of the Council shall constitute the quorum.

3 (4) If no quorum is formed an hour after the time appointed for the
4 meeting, the meeting, if an ordinary meeting, shall be adjourned by the
5 members present to a later date or sine die, and if an emergency meeting, shall
6 stand adjourned to a later date.

7 *Officers*

8 2.-(a) The Council shall appoint one of the members of the Panel as
9 the Chairman;

10 (b) There shall be a Secretary who shall be the Registrar of the
11 Council or his representative;

12 (c) The Chairman may hold office for a term of three years and may be
13 re-appointed for another term of two years.

14 3.-(1) The Chairman shall preside at every meeting of the
15 investigating panel.

16 (2) In the absence of the Chairman, the members present shall have
17 the power to appoint from amongst themselves, a Chairman for the meeting.

18 *Duties of the Investigation Panel*

19 4.-(1) The Panel shall be charged with the duty of:

20 (a) conducting a preliminary investigation into any case where it is
21 alleged that a registered person has misbehaved in his capacity as a Veterinary
22 surgeon or as a Veterinary para-professional and has consequently violated any
23 of the provisions of the codes of conduct and professional ethics issued by the
24 Council in pursuance to Section 1 (2)(d) of this Act, or should for any other
25 reason be the subject of proceedings before the Tribunal: and

26 (b) deciding whether the case should be referred to the Tribunal.

27 5.-(1) The Panel may sit in two or more divisions.

28 (2) The Secretary to the Panel shall keep an attendance register which
29 every member attending the meeting of the Panel shall sign.

1 *Voting*

2 6.-(1) The Panel shall decide issues by voting where necessary.

3 (2) Voting shall be by show of hands.

4 (3) In the event of a tie in the number of votes cast, the Chairman
5 shall have a casting vote.

6 (4) No person other than members of the Panel, the Council's staff
7 assigned on duty to the Panel meeting shall be present at any meeting of the
8 Panel except on the invitation of the Chairman.

9 *Order of Business*

10 7. Unless the meeting otherwise resolves, the order of business at
11 an ordinary meeting shall be as follows:

12 (i) Call to order;

13 (ii) Minutes of the last meeting;

14 (iii) Matters arising from the last meeting; and

15 (iv) Cases to be investigated.

16 *Investigation of cases procedure*

17 8.-(1) On receipt of any allegation of professional misconduct
18 against any registered Veterinary surgeon or a registered Veterinary para-
19 professional, the panel shall direct the Registrar to send to the registered
20 person complained about a written statement of the facts of the allegation.

21 (2) The Veterinary surgeon or Veterinary para-professional shall
22 reply by a sworn affidavit to the allegation.

23 (3) The Registrar shall cause copies of the statement of the
24 allegation and the affidavit in reply and any other documents related there-to
25 to be sent with notice of meeting to the members of the Panel.

26 (4) The Registrar shall summon the Veterinary surgeon or the
27 Veterinary para-professional against whom allegation is made to appear
28 before the Panel meeting specifying time and place and inform the
29 Veterinary surgeon or Veterinary para- professional to come with a legal
30 practitioner if he so desires.

1 (5) Where the Veterinary surgeon or the Veterinary para-professional
2 appears before the Panel the Chairman shall ask him if he (the Veterinary
3 surgeon or the Veterinary para-professional) objects to the presence of any
4 member, and the reason for the objection.

5 (6) The other members of the Panel shall, if they consider the grounds
6 of objection reasonable and justifiable, decide that the member shall not take
7 part in the investigating proceeding of the case, and shall leave the Panel.

8 (7) If the other members of the Panel consider the grounds of the
9 objection not tenable the objection shall be over-ruled.

10 (8) The Panel's decision shall be final.

11 9.-(1) The Chairman shall briefly inform the Veterinary surgeon or the
12 Veterinary para-professional the reason for the investigation, and if the
13 Veterinary surgeon or the Veterinary para-professional has replied by affidavit
14 as provided in Paragraph 8(2) above, the Chairman shall ask the Veterinary
15 surgeon or the Veterinary para-professional or his legal practitioner, as the case
16 may be, whether he wishes to add to the facts deposed to in the affidavit.

17 (2) All witnesses testifying before the Panel shall do so on Oath.

18 (3) The Oath may be administered by the Registrar or any member of
19 the Panel nominated by the Chairman.

20 10. The Panel may ask the Veterinary surgeon or the Veterinary para-
21 professional questions on the facts deposed to in the affidavit and any
22 additional facts that the Veterinary surgeon or the Veterinary para-professional
23 may have made available to the Panel.

24 11. The Panel shall retire to consider the evidence before it on any
25 case after hearing the Veterinary surgeon or the Veterinary para-professional as
26 stipulated in Paragraph 10 above, and shall decide whether there is a prima
27 facie case against the Veterinary surgeon or the Veterinary para-professional,
28 as the case may be.

29 12. The Panel, in any case where in pursuance of Section 12(2) of the
30 Veterinary Surgeons Act is of the opinion that a prima facie case is made

1 against a Veterinary surgeon or a Veterinary para-professional, shall prepare
2 a report of the case and any appropriate charge or charges and forward them
3 to the Registrar together with all the documents considered by the Panel.

4 13. If the Panel decides that a prima facie case has been made, and
5 not withstanding that the Veterinary surgeon or the Veterinary para-
6 professional complained about neglects or fails to appear before the Panel
7 for viva voce evidence after the Panel had duly invited him to attend the
8 meeting of the Panel for that purpose, in so far that the Panel is satisfied from
9 the deposition of the Veterinary surgeon or the Veterinary para-professional
10 complained about, the Panel shall prepare a report of the case and formulate
11 any appropriate charge or charges and forward them to the Registrar of the
12 Council together with all the documents considered by the Panel, for onward
13 transmission to the Tribunal.

14 *Amendment*

15 14. Where there is need for amendment to the standing Order and
16 Rules of the Council's investigation panel, the Panel shall refer the matter to
17 the Council.

18 *Miscellaneous*

19 15.-(1) A person ceasing to be a member of the Panel or the
20 Tribunal shall be eligible for re-appointment as a member of that body.

21 (2) A person may, if otherwise eligible, be a member of both the
22 Panel and the Tribunal: but no person who acted as a member of the Panel
23 with respect to any case shall act as a member of the Tribunal with respect to
24 that case.

25 (3) Any document authorized or required by virtue of this Act to be
26 served on the Panel or the Tribunal shall be served on the Registrar.

27 (4) The Panel or the Tribunal may act notwithstanding any vacancy
28 in its membership; and the proceedings of either body shall not be
29 invalidated by any irregularity in the appointment of a member of that body,
30 or by reason of the fact that any person who was not entitled to do so took

1 part in the proceedings of that body.

2 (5) Any expenses of the Panel or the Tribunal shall be defrayed by the
3 Council.

4 (6) A person shall not by reason only of his appointment as a member
5 of the Panel or as a legal assessor to the Tribunal be treated as holding an office
6 or emolument in the Public service of the Federation.

7 *Interpretation*

8 15. In this Bill:

9 "Chairman" means the Chairman of the investigation Panel;

10 "the Council staff" includes any officer of the Veterinary Council of Nigeria;

11 "the panel" means the Veterinary Council Investigation Panel of the Veterinary
12 Council of Nigeria;

13 "Meeting" includes the regular meeting of the panel or any emergency meeting
14 duly convened by the Chairman;

15 "Members" means members of the Panel;

16 "Member who has interest" includes a member who is complainant, or witness,
17 a relation of the complainant;

18 "Prima facie case" means a case in which there is some evidence of the
19 allegation and which stand unless it is disproved;

20 "Secretary" means the Secretary of the Panel;

21 "Sine die" means without any time fixed;

22 "the Tribunal" means the Veterinary Council Disciplinary Tribunal;

23 *Citation*

24 16. These rules may be cited as the Veterinary Council Investigating
25 Panel Rules and Standing Orders, 2019.

FIFTH SCHEDULE

[Section 12(6)]

VETERINARY COUNCIL (DISCIPLINARY TRIBUNAL (AND ASSESSORS)

RULES, 2019

Composition of Tribunal

1.-(1) There shall be five members of the Tribunal of whom at least two shall be elected member.

(2) Where the person to appear before the Tribunal is a Veterinary para-professional, an elected Veterinary para-professional is to serve as a member of the Tribunal.

(3) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be a legal practitioner of not less than ten years of practicing experience.

(4) The quorum of the Tribunal shall be three of whom at least one shall be an elected member of the Council.

(5) The President of the Council, or in his absence anyone appointed in that behalf, shall be the chairman of the Tribunal.

Composition of Tribunal

2. Whenever any case of professional misconduct against any registered person is referred to the Tribunal by the Panel, such a case shall be heard by a division of not less than three members of whom at least one shall be an elected member.

Parties and appearances

3.-(1) Parties to proceedings before the Tribunal shall be:

(a) the complainant;

(b) the respondent;

(c) any other person required by the Tribunal to be joined or joined by leave of the Tribunal.

(2) Any party to the proceedings may appear in person or be

1 represented by a legal practitioner, so however that the Tribunal may order a
2 party to the proceedings to appear in person if it is of the opinion that it is
3 necessary in the interest of justice but without prejudice to his right to counsel.

4 *Notice of hearing and service*

5 4.-(1) On the direction of the chairman, the Secretary shall fix a day
6 for the hearing of the case and forth with thereafter shall, in the form in the
7 Appendix to these Rules, serve notice thereof on each party to the proceedings.

8 (2) The Secretary shall serve on each party, other than the
9 complainant, copies of the report and all the charges prepared by the Panel and
10 all documents considered by the Panel.

11 (3) It shall be sufficient compliance with this rule; if, any process
12 required to be served is handed to the party concerned or effected personally or
13 is sent by registered post to the last known place of residence or abode of the
14 party, or electronically or by publication in a popular Newspaper.

15 *Hearing in absence of parties*

16 5.-(1) Subject to the next succeeding paragraph, the Tribunal may
17 hear and determine a case in the absence of any party

18 (2) Any party to the proceedings before a Tribunal who fails to appear
19 or be represented may apply, within thirty days after the date when the
20 pronouncement of the findings and directions of the Tribunal were given, for a
21 re-hearing on the ground of want of notice or other good and sufficient reason:
22 and the Tribunal may, in appropriate cases, grant the application upon such
23 terms as to costs or otherwise as it thinks fit.

24 *Witness and evidence*

25 6. The Tribunal may in the course of its proceedings hear such
26 witnesses and receive such documentary evidence as in its opinion may assist
27 in arriving at a conclusion as to the truth or otherwise of the charges referred to
28 it by the Panel; and in the application of this rule, the provisions of the Evidence
29 Act or Law in force in the State where the Tribunal holds its sitting shall apply
30 to any such proceedings.

1 *Amendment of charges*

2 7.-(1) Any party to the proceedings may appear in person or be
3 represented by a legal practitioner, so however that the Tribunal may order a
4 party to the proceedings to appear in person if it is of the opinion that it is
5 necessary in the interest of justice but without prejudice to his right to
6 counsel.

7 *Proceedings to be in public*

8 8. The proceedings of the Tribunal shall be held, and its findings
9 and directions shall be pronounced, in public.

10 *Adjournment of hearing*

11 9. The disciplinary tribunal may, of its own motion, or upon
12 application of any party, adjourn the hearing on such terms as to costs or
13 otherwise as the disciplinary tribunal may think fit.

14 *Witness and evidence*

15 10. If any person willfully gives false evidence on oath before the
16 Tribunal during the course of any proceedings, or willfully makes a false
17 statement in any affidavit sworn for the purpose of any such proceedings, the
18 disciplinary tribunal may refer the matter to the Attorney-General of the
19 Federation for any action he may deem fit.

20 *Findings and costs*

21 11. If after the hearing, the disciplinary tribunal adjudges that the
22 charge of professional misconduct has not been proved, the disciplinary
23 tribunal:

24 (a) Shall record a finding that the respondent is not guilty of such
25 conduct in respect of the matters to which the charge relates;

26 (b) May, without any misconduct proved against the respondent,
27 nevertheless order any party (except the complainant) to pay the costs of the
28 proceedings if, having regard to his conduct and to all the circumstances of
29 the case, the disciplinary tribunal thinks fit so to order.

Publication of disciplinary tribunal's findings

12. Subject to section 13 (7) of the Act (which relates to appeals), any direction given by the Tribunal shall be published in the Federal Gazette as soon as may be after the direction takes effect.

Records of proceedings

13.-(1) Shorthand notes, electronic records and transcripts of proceedings may be taken by a person appointed by the Tribunal and any party who appeared at the proceedings shall be entitled to inspect the records thereof

(2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the Tribunal, and the Council, but to no other person, a copy of the records of such records of proceedings on the payment of such charges as may be determined by the Registrar.

(3) If no shorthand notes are taken, the chairman shall take a note of the proceedings and, accordingly, the provisions of these Rules as to inspection and taking of copies shall apply to such notes.

Dispensing with certain provisions

14. The Tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Tribunal to be just to do so; and the Tribunal may in any appropriate case extend the time to do anything under these Rules.

Power to retain exhibits pending appeal

15. The Tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the Secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of Appointment and duties of assessors.

16.-(1) An assessor, when nominated in accordance with paragraph 1 (3) of this Schedule to the Act, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect

1 of a particular meeting of the Tribunal.

2 (2) Subject to the terms of his appointment, an assessor shall attend
3 any meeting of the Tribunal as and when requested to do so by notice in
4 writing given to him by the Secretary not later than three clear days before
5 the date appointed for the meeting: and he shall there advise the Tribunal on
6 questions of law arising in proceedings before it.

7 (3) Except where the Tribunal is deliberating in private, the advice
8 of the assessor on questions of law as to evidence, procedure and as to
9 compliance with the Act shall be tendered in the presence of every party or of
10 his counsel.

11 (4) If the advice by the assessor to the Tribunal is given otherwise
12 than in the presence of all parties, or as the case may be of their counsel, the
13 assessor shall, as soon as may be thereafter.

14 (5) Fees to be paid to the assessor shall be such as may be
15 determined by the Council from time to time with the consent of the
16 assessor.

17 *Interpretation*

18 17. In these Rules unless the context otherwise requires:

19 "chairman" means the chairman of the Veterinary Council Disciplinary
20 Tribunal;

21 "complainant" means the Veterinary Council Investigating Panel or any
22 member thereof;

23 "respondent" means the person required to answer any charge of
24 professional misconduct;

25 "Secretary" means a person appointed to act as the Registrar under section 1
26 (5) of the Act.

27 "Secretary" means a person appointed to act as the Registrar under section 5
28 (1) of the Act.

1 *Citation*

2 18. These Rules may be cited as the Veterinary Council (Disciplinary
3 Tribunal and Assessors) Rules, 2019.

4 *Appendix*

5 *Notice of hearing by the Veterinary Council Disciplinary Tribunal*

6 in the matter of the Veterinary Surgeons Act; and

7 In the matter of A.B. a Veterinary Surgeons or a Veterinary para-professional

8 TAKE NOTICE that the report and charges prepared by the Veterinary Council

9 Investigating Panel in the above matter are fixed for hearing by the Veterinary

10 Council Disciplinary Tribunal aton the day of.....20.....

11 COPIES of:

12 (a) the report;

13 (b) the charges; and

14 (c) are annexed hereto.

15 DATED at.....this..... day of.....20.....

16

17 Secretary of the Tribunal

18 SIXTH SCHEDULE

19 *[Section 14(2)]*

20 VETERINARY PRACTISING PREMISES REGISTRATION AND CONTROL

21 REGULATIONS, 2019

22 *Special Powers of Council on Veterinary Practicing Premises*

23 1. Council shall have power to:

24 (1) approve the application for veterinary practice and practicing
25 premises of all categories;

26 (2) appoint Veterinary inspectors for the purpose of enforcing the
27 provisions of these Regulations;

28 (3) cause investigations to be conducted to ascertain persons involved
29 in offences under these Regulations;

30 (4) determine whether any person has committed an offence under

- 1 these Regulations; and
- 2 (5) close any practicing premises for breaching any of the
- 3 following conditions:
- 4 (i) change of ownership without approval of Council,
- 5 (ii) non-compliance with prescribed standard of practice,
- 6 including breach of professional ethics, non-engagement of adequate and
- 7 qualified veterinary personnel;
- 8 (iii) in appropriate location or unsanitary conditions of the
- 9 premises;
- 10 (iii) unsanitary conditions of premises;
- 11 (iv) on the request of the owner of the premises;
- 12 (v) operating without a license.
- 13 (vi) operating without registration or possession of a valid annual
- 14 licence.

15 *Establishment of Veterinary Practicing Premises Regulation Committee*

16 2.-(1) There is hereby established a Veterinary Practicing

17 Regulation Committee for each State and the Federal Capital Territory

18 (hereafter in these Regulations referred to as "the Committee").

19 (2) The Committee shall consist of:

- 20 (a) the Director of Veterinary Services of the State or Head of
- 21 Animal Health Section of Federal Capital Territory (as the case may be) as
- 22 the Chairman;
- 23 (b) Zonal or State Officer of the Council;
- 24 (c) Chairman of the Nigerian Veterinary Medical Association of
- 25 the State or of the Federal Capital Territory;
- 26 (d) Chairman, Association of Private Veterinary Practitioners of
- 27 the State or Federal Capital Territory;
- 28 (e) representative of the Federal Department of Veterinary
- 29 Services;
- 30 (f) the Coordinator of Veterinary Inspectors (to be appointed by the

1 Committee); and

2 (g) any other person that may be co-opted by the Committee on the
3 approval of the Council.

4 *Categories and Location of Veterinary Practicing Premises*

5 3.-(1) There shall be the following types of Veterinary Practicing
6 Premises, namely:

7 (i) Veterinary or animal hospital;

8 (ii) Veterinary or animal clinic;

9 (iii) ambulatory services, or house call, (iv) veterinary pharmacy;

10 (v) veterinary diagnostic centre;

11 (vi) animal hotel or animal boarding for veterinary care;

12 (v) animal security outfit;

13 (vi) veterinary day shop;

14 (vii) abattoirs (including slaughter house and slaughter slabs);

15 (2) Except veterinary pharmacy, no premises shall be located in
16 market places, motor parks or an environment where commercial activities are
17 conducted.

18 (3) No premises shall be located in an unhygienic environment or any
19 area subject to flooding.

20 (4) Any premises located in any such places as stated in sub-
21 regulation (2) and (3) of this regulation shall relocate to a suitable place not
22 later than 90 days after formal notification to that effect by the Veterinary
23 Inspector.

24 *Powers of Veterinary Inspector*

25 4.-(1) The Veterinary inspector shall have power to:

26 (a) enter into any premises in which he reasonably believes that an
27 article to which these regulations apply is manufactured, prepared, stored.,
28 preserved., packaged., dispensed, or marketed therein;

29 (b) examine any article in the premises to which these Regulations
30 apply which he reasonably believes is used or its capable of being used for the

1 manufacture, preparation, preservation, packaging, storage or sale of any
2 such article;

3 (c) take sample or specimen of any article to which these
4 Regulations apply, open and examine while in the premises and in the
5 presence of the owner or his representative any container or package which
6 he reasonably believes may have any article to which these Regulations
7 apply;

8 (d) examine any books, documents or other records found in the
9 premises which he reasonably believes may contain information relevant to
10 the enforcement of these Regulations and to make copies of the same;

11 (e) seize and detain for such time as may be necessary any article
12 by means of which he reasonably believes any provision of these
13 Regulations has been contravened.

14 (f) seize and detain for such time as may be necessary any article
15 kept, displayed, sold or dispensed in any unauthorized premises or place;

16 (g) seize and detain for such time as may be necessary any article
17 he may reasonable grounds to suspect that such items are or likely to be
18 unwholesome, impure, fake, expired, adulterated or banned;

19 (h) inspect premises proposed for registration as veterinary
20 practicing premises and make appropriate recommendations to the
21 Committee; and

22 (i) conduct periodic inspection on all categories of the premises
23 with or without prior notice.

24 *Seizure of articles*

25 5.-(1) Any article seized under these Regulations shall be kept or
26 stored in such place as the Veterinary inspectors may direct.

27 (2) Any such article seized under these Regulations may be
28 submitted to an analyst for examination for the purpose of determining its
29 chemical properties and content.

30 (3) The analyst making such examination shall issue a report

1 setting out the result of his findings on the article;

2 (4) The Veterinary inspector shall on demand deliver a copy of the
3 analyst's report to the owner of the article if it is a subject of proceedings under
4 these Regulations;

5 (5) If upon examination the article is found to conform with the
6 requirements of these Regulations, the Veterinary inspector shall return it to the
7 owner or the person from whom it was seized without paying any
8 compensation.

9 *Duty of owner of veterinary Practicing Premises*

10 6.-(1) The owner or person in charge of any premises where
11 veterinary articles are kept, displayed, sold or dispensed (whether authorized
12 or not), and every person found therein shall co-operate with and give all
13 necessary assistance to Veterinary inspectors, including making available to
14 such inspectors such information as may be required for the purpose
15 of giving effect to these Regulations.

16 (2) Any person who conducts business in any premises which, in the
17 opinion of a Veterinary inspector, amounts to selling or dealing in veterinary
18 drugs, wares, vaccines, agro-chemicals or veterinary devices (whether
19 wholesale or retail) shall, on being required by the Inspector, state the name and
20 other particulars of the owner of the business and produce all books, documents
21 and other information as may be necessary for the purpose of verifying the
22 nature and status of such business by the Inspector.

23 *Requirement for Registration of Veterinary Practicing Premises*

24 7.-(1) (a) Personnel- All Veterinary or animal hospital, veterinary or
25 animal clinic, veterinary pharmacy, ambulatory services or House call shall
26 have a registered Veterinary Surgeon as the head of the medical team.

27 (b) A veterinary or animal hospital shall have the following facilities:

28 (i) reception room,

29 (ii) examination rooms or facilities for small and large animals,

30 (iii) functional laboratory,

- 1 (iv) sterilization room and facility,
- 2 (v) small and large animal surgical theatre,
- 3 (vi) avian clinic,
- 4 (vii) hospitalization facility for all animal species,
- 5 (viii) post mortem room,
- 6 (ix) incineration or carcass disposal facility,
- 7 (x) consulting rooms,
- 8 (xi) facilities for aquatic practice (where applicable),
- 9 (xii) hospital pharmacy,
- 10 (xiii) store,
- 11 (xiv) radiography,
- 12 (xv) electro-cardiography, and
- 13 (xvi) ultrasound
- 14 (c) Conditions:
- 15 (i) a Veterinary Surgeon shall be available 24 hours on service to
- 16 attend to in-patients and out-patients, and such other staff as animal health
- 17 technologists, laboratory attendants, cleaners, etc must be present round the
- 18 clock to ensure continual veterinary care for patients;
- 19 (ii) clinical standards must be maintained and improved by
- 20 monitoring performance and outcome of treatment;
- 21 (iii) quality range of facilities and equipment must be available at
- 22 all times;
- 23 (iv) the standard of the premises and facilities must be examined
- 24 periodically to ensure cleanliness and sterility; and
- 25 (v) a hospital shall satisfy the Council that it has met the diagnostic
- 26 and hospitalization requirements specific to its type of practice as the type of
- 27 care and facilities suitable to meet the needs of animals vary.
- 28 (2) To register a veterinary or animal clinic, the proprietor shall:
- 29 (a) a complement of staff headed by a Veterinary surgeon;
- 30 (b) provide 24 hour emergency services to patients either by the

- 1 clinic itself or by an emergency house call provider affiliated to the clinic;
- 2 (c) have arrangement for taking care of patients kept overnight;
- 3 (d) have a system for monitoring the outcome of treatment;
- 4 (e) show on-going commitment to educating and training feedback;
- 5 (f) keep the premises clean and well maintained;
- 6 (g) have a policy for communicating with clients and obtaining
- 7 feedback;
- 8 (h) ensure that clients are given estimates of the costs of treatments
- 9 and that their consent is obtained before procedures are undertaken;
- 10 (i) have access to laboratory facility for diagnosis;
- 11 (j) meet legal and health safety requirements covering its premises,
- 12 equipment, clients and employees;
- 13 (k) must establish a good referral system;
- 14 (l) must establish a good referral system; and
- 15 (m) a good record system.
- 16 (3) For the purpose of registration, the proprietor of an ambulatory
- 17 services or house call shall have:
- 18 (a) a permanent communication base;
- 19 (b) a specific non-mobile area set aside for the storage of drugs and
- 20 equipment, sterilization facility and other facilities for minor surgery.
- 21 (c) a record of Veterinary examination with procedures and
- 22 confidentiality strictly maintained; and
- 23 (d) animal restraining equipment for the type of practice; and
- 24 (4) To register a veterinary pharmacy, the applicant shall meet the
- 25 following requirements:
- 26 (a) a well-ventilated, air-conditioned room for display of drugs;
- 27 (b) availability of compartmentalized drug shelves;
- 28 (c) veterinary drugs, veterinary vaccines and biologics which require
- 29 cold storage must be put in drug freezers and refrigerators;
- 30 (d) a sworn and signed statement averring that only drugs, biologics

and equipment for veterinary use will be kept and dispensed;

(d) sanitary control shall be ensured at all time;

(f) drugs on shelves shall have adequate labels and literature to guide users;

(g) manufacture and expiry dates must be visible on the containers;

(h) a special room or a drug box or cupboard for controlled veterinary drugs; and

(i) a special room shall be provided for animal feeds.

Application and approval procedures

8.-(1) An applicant requesting for registration of a premises shall obtain the Veterinary Practising Premises Application Form from any office of the Council or office of the Director of Veterinary Services of each State or Head of Animal Health section of the Federal Capital Territory.

(2) The duly completed application form shall be submitted to the Council through the Committee accompanied by:

(a) an application fee of N5,000.00 (five thousand Naira);

(b) list of facilities and equipment of the proposed practice;

(c) a copy of the certificate of registration of the Veterinary Surgeon(s) in charge and his/their current practicing licence or certificates of any person in charge (for premises that does not need the presence of a veterinary surgeon); and

(d) photocopy of the registration certificate of the company or business entity with the Corporate Affairs Commission or any other registration document acceptable to Council.

(3) A report of the inspection conducted to the proposed premises by the States Veterinary Practising Premises Regulation Committee shall accompany the documents submitted by the applicant to the Council.

(4) The approval given by the Council shall relate to, and be used, only for the premises indicated on the application form, subject to review from time to time.

Fees

9.-(1) The annual registration fees shall be as follows.

Veterinary animal hospital - N20, 000.00;

Veterinary or animal clinic - N15,000.00;

Ambulatory services or House Call - N10,000.00;

Veterinary pharmacy - N20,000

Animal hotel and Animal security outfit-N10,000

Abattoir (including slaughter house or slab- N20,000.00;

(2) The Council shall have power to review all fees stated in these

Regulations from time to time.

Interpretation

10. In these Regulations, unless the context otherwise appears:

"Ambulatory services or house call" means a veterinary practice that offers health care services to animals and its environment in places where animals are kept and managed including a private home, a livestock farm, a poultry, a zoological garden and fish pond;

"Animal hotel or animal boarding" means premises used for accommodation and feeding of animals on behalf of the owner for a fee;

"Article" includes any veterinary drug, veterinary device, medicated feed, agro-chemicals or anything used in the manufacture, preparation, preservation, packaging and storing of any veterinary drug, agro -chemicals or veterinary device and any labeling or advertising of material relating to or for use in with any veterinary drug or veterinary device, agro-chemical;

"Prescribed officer" means a person duly authorized by the Council to perform a duty or exercise a power in relation to which the expression is used;

"Veterinary or animal clinic" means a veterinary practicing premises for rendering primary veterinary services for small animals, farm animals, equines or emergency veterinary services for sick animals but may not include hospitalization for animals undergoing treatment;

"Veterinary or animal hospital" means veterinary practicing premises which

1 provides secondary or tertiary animal health services and which includes
2 hospitalization for animals undergoing treatment;
3 "Veterinary day shop" means a premises where animal accessories such as
4 collars, animal models, horse shoes, animal grooming and restraining
5 equipment are sold;
6 "Veterinary Inspector" means a registered Veterinary Surgeon duly
7 appointed by the Council as such under these Regulations;
8 "Veterinary pharmacy" means a building or premises designated for sale,
9 procurement and dispensing veterinary drugs, veterinary vaccines,
10 biologics, pet food agro-chemicals and veterinary medical equipment.

11 *Citation*

12 11. These Regulations may be cited as the Veterinary Practicing
13 Premises Registration and Control Regulations, 2019.

14 SEVENTH SCHEDULE

15 *[Section 15(4)]*

16 POSTGRADUATE COLLEGE OF VETERINARY SURGEONS NIGERIA

17 REGULATIONS, 2019

18 *Administrative organs of the College*

19 1.-(1) The administrative and academic organs of the College shall
20 consist of the Congregation, the Academic Board (therein after referred to as
21 "the Board") and the Heads of Specialties or Faculties;

22 (2) Provost and Deputy-Provost, who shall be elected at the first
23 meeting of the Board after the election of the Board by the Congregation.

24 (3) There shall be a College Secretary who shall be a fellow of the
25 College and shall serve as the administrative officer of the College.

26 (4) The tenure of the College Secretary shall be determined by the
27 Council.

28 (5) The Provost shall be responsible to the Council.

1 *The Congregation*

2 2.-(1) The Congregation shall consist of all the Fellows of the
3 College.

4 (2) The Congregation shall meet every three years, provided that the
5 Provost may with the approval of the President of Council, call an emergency
6 meeting of the Congregation.

7 (3) The Provost shall be the Chairman of the Congregation when he is
8 present, and in his absence, the Deputy Provost shall be the Chairman of the
9 meeting.

10 (4) The quorum at a regular meeting of the Congregation shall be
11 twenty, provided that at least three members from each specialty are present.

12 *Power of the Congregation*

13 3. The Congregation shall have power to:

14 (a) elect members of the Board;

15 (b) consider issues concerning the academic programme of the
16 College or issues of importance to the Veterinary profession, livestock
17 production and zoonoses control in Nigeria and make appropriate
18 recommendations to the Board and the Council; and

19 (c) consider any other issue or item referred to the Congregation by
20 the Board and the Council.)

21 *Membership of the Board*

22 4.-(1) The Board shall consists of:

23 (a) four members of each Specialty elected among their members at
24 Congregation;

25 (b) the Provost and the Deputy provost who shall be elected by the
26 members of the Board from among their members and who shall be of different
27 Specialties/Faculties;

28 (c) A representative of each study centre;

29 (d) the Registrar of the Council.

30 (2) Where a vacancy occurs among the representatives of the

1 specialty as a result of the election of the Provost and Deputy Provost,
2 resignation, expulsion of a member due to act of misconduct or death or
3 incapacity of a member, the vacancy shall be filled:

4 (a) by the unsuccessful candidate at the previous specialty election
5 of such representative who at the election received the higher number of
6 votes and has not since become a representative of the specialty in the
7 Board;

8 (b) If two or more such candidates receive an equal number of
9 votes, by the candidate, who first obtained the Fellowship Diploma
10 qualification and if two or more obtained the qualification on the same date,
11 by the candidate who has been registered longest on the register of Council
12 and if two or more such candidates have been registered on the same date, by
13 the candidate with the lowest (oldest) Veterinary Council of Nigeria number
14 (VCN Number); or

15 (c) If there were no unsuccessful candidates at that election, by a
16 person elected from among members of the specialty at a special election
17 congress organized by the Provost, provided that no such election need be
18 held if an election of representatives of the specialty will take place within
19 12 months after the vacancy occurred.

20 (3) A person may be co-opted to provide information or make a
21 special contribution to the meeting of the Board, but his presence shall not
22 count towards satisfying the requirements of a quorum and he shall not have
23 a voting right.

24 *Tenure of Office of the Academic Board and Officers of the College*

25 5.-(1) The tenure of office of an elected member of the Board shall
26 be three years and may be re-appointed for a final term of three years.

27 (2) An elected member of the Board may resign his membership of
28 the Board, by way of notice in writing to the Provost.

29 (3) No person can serve as Provost, Deputy-Provost and Head of
30 Specialty for more than two terms.

1 (4) Where a member of the Academic Board conducts himself in an
2 unruly manner, the Provost shall have the power to suspend him from not more
3 two sittings of the Board, provided that he may be restored after showing
4 remorse otherwise his case shall be referred to the Veterinary Council
5 Investigating Panel.

6 (5) The Board shall remove a member if such a member is found
7 guilty of an act of misconduct by the Veterinary Council's Disciplinary
8 Tribunal.

9 *Meetings of the Board*

10 6.-(1) The President of Council shall inaugurate the first meeting of
11 the Board after the election of members at Congregation and supervise the
12 election of the Provost and Deputy Provost, and Heads of Specialties.

13 (2) The Board shall meet two times a year, provided the Provost may
14 with the approval of the President of Council call emergency meeting of the
15 Board.

16 (3) The quorum at a regular meeting of the Board shall be eight
17 members, provided there is at least one member from each specialty.

18 (4) The Provost shall be the chairman at all meetings of the Academic
19 Board and in his absence, the Deputy Provost shall chair the meeting.

20 (5) In the absence of the Provost and the Deputy-Provost, the Board
21 shall appoint a Fellow to act until a new Provost is appointed.

22 *Powers of the Board*

23 7.-(1) The Board shall have power to:

24 (a) accredit institutions as study centres for College training;

25 (b) conduct all the academic activities including de-centralized
26 examinations in study centres and centralized examinations of the College;

27 (c) appoint invigilators for each decentralized examination from a
28 different study centre;

29 (d) appoint external examiners for Fellowship final examinations;

30 (e) set rules and conditions for each examination of the college;

- 1 (f) assign distinct colour codes to each academic Specialty or
2 Faculty;
3 (g) discipline erring students or residents and further refer the case
4 to Veterinary Council Investigation Panel;
5 (h) recommend erring resource persons to the Veterinary Council
6 Investigating Panel and erring staff of the College to Staff Disciplinary
7 Committee of the Council;
8 (i) organize annual convocation of the College in consultation with
9 the Council;
10 (j) consider the award of Honorary Fellowship (Honoury causa) to
11 deserving members of the public subject to a prior approval by Council; and
12 (k) carry out any activity referred to the Board and the Council or
13 any other activities for the progress of the College with the approval of
14 Council.

15 (2) The Board may set up Committees on finance, residents or
16 student discipline and any other Committee as the Board may consider
17 necessary;

18 (3) The Board shall be responsible to the Council.

19 *Specialties of the College*

20 8.-(1) There shall be the following specialties that is to say:

- 21 (a) medicine;
22 (b) surgery;
23 (c) theriogenology;
24 (d) pathology; and
25 (e) public health and preventive medicine;
26 (e) pathology; and
27 (f) Any other specialty as may be approved by Council on the
28 recommendation of the Board from time to time.

29 (2) Each specialty shall be headed by a Head who shall be elected
30 by members belonging to that specialty.

1 (3) The Head of Specialty shall coordinate all the academic activities
2 of the Specialty and report to the Board.

3 (4) There shall be an academic supervisor for each specialty in each
4 study centre, who shall coordinate the activities at each study centre and report
5 to the Head of Specialty.

6 *Convocation*

7 9.-(1) The Convocation of the College shall be held every year.

8 (2) The Convocation shall;

9 (a) award Fellowship Diplomas to deserving residents;

10 (b) award prizes and recognition of Distinctions for deserving
11 residents;

12 (c) award Honorary Fellowship to deserving individuals;

13 (d) award any other certificates of the College to deserving
14 individuals;

15 (e) carry out the investiture of the Grand Patrons and Patrons of the
16 College; and

17 (f) carry out any other activities as may be approved by the Council
18 from time to time.

19 *Interpretation*

20 10. In these regulations, unless otherwise requires, the following
21 expressions have the meaning hereby assigned to them respectively, that is to
22 say-

23 "Academic Board" means the Board of the Postgraduate College of Veterinary
24 Surgeons Nigeria;

25 "College" means the Postgraduate College of Veterinary Surgeons Nigeria
26 established by the Veterinary Surgeons Act;

27 "Provost" means Provost of the Postgraduate College of Veterinary Surgeons
28 Nigeria elected by the Board of the College;

29 "Resident" means student of the College;

30 "Specialty" means a specialized training field recognized for the award of

1 fellowship or other types of certificate by the College; and
2 "Study Centre" means a University or Institution which has been accredited
3 by the College to conduct academic activities of the College in one or more
4 Specialties.

5 *Citation*

6 11. These regulation may be cited as the Postgraduate College of
7 Veterinary Surgeons Nigeria Regulations, 2019.

8 EIGHTH SCHEDULE

9 *[Section 16(4)]*

10 VETERINARY COUNCIL STAFF AND STUDENTS

11 DISCIPLINARY PROCEDURES

12 *Members of the Staff Disciplinary Committee*

13 1.-(1) There shall be established the Staff Disciplinary Committee
14 of Council (hereafter in this Schedule referred to as "the Committee").

15 (2) There shall be five members of the Committee of whom at least
16 two shall be elected members of the Council

17 (3) The Council shall appoint one of the members as the Chairman.

18 (4) The Registrar or his representative shall be the Secretary.

19 (5) No staff having a case or an allegation before the Committee
20 shall serve in the Committee, except as a witness.

21 *Powers of the Staff disciplinary committee*

22 2.-(1) The Committee shall have power to:

23 (a) set or amend its regulations for its operations, but such
24 regulations shall not be applied until they are approved by the Council;

25 (b) co-opt any person to assist the Committee in its investigation;

26 (c) invite any staff or other persons that may provide useful
27 information on any matter, to witness before the Committee; and

28 (d) set up a panel consisting of three persons including at least two
29 of its members to carry out specific investigation on any matter before it, but
30 shall not include the head of department or unit of the staff on trial or the

1 complainant in each case.)

2 (2) Regulations made in section 1 (a) of this Schedule, need not be
3 published in the Federal Gazette but the Registrar shall bring them to the notice
4 of all staff in such manner as he may from time to time determine.

5 *Meetings of disciplinary committees*

6 3.-(1) The Committee shall meet at least once in a year and as
7 regularly as may be necessary to prevent delays of cases.

8 (2) The quorum of the Committee shall be three, of whom at least one
9 shall be elected member of Council, provided that the presence of any co-opted
10 person or anyone attending the meeting in attendance shall not count towards
11 the constitution of a quorum.

12 *Disciplinary procedures*

13 4.-(1) The Committee on receiving a report in accordance with
14 Section 15(4) of the Principal Act shall:

15 (a) give notice of those allegations in writing to the person; and

16 (b) afford him reasonable opportunity to defend himself including an
17 opportunity to make representations in writing and in person on the matter to
18 the Committee.

19 (2) Any person on trial or appearing as a witness before the
20 Committee shall testify on oath, to be administered by the Secretary.

21 (3) In a situation that a case against a person under suspension is not
22 concluded within three months, the Committee may extend his suspension for
23 a specified period.

24 (4) The decisions of the Committee shall be arrived at by consensus or
25 through a positive vote by a simple majority of members present with the
26 Chairman having a deciding vote in case of a tie.

27 (5) Each case before the Committee shall be considered on its own
28 merit.

29 (6) The decision of the Committee shall not be faulted by reason of
30 any vacancy in the membership of the committee.

1 *Disciplinary penalties*

2 5.-(1) The Committee shall submit its report to Council which shall
3 include observations on whether the person is guilty of the allegation against
4 him or not and a clear determination of the appropriate punishment for the
5 staff if he is confirmed to be guilty.

6 (2) The Committee upon concluding investigation and trial, may
7 recommend to Council that the staff or student be acquitted if the allegations
8 against him cannot be established

9 (3) In case the person is confirmed to be guilty, the Committee may
10 recommend that the staff be subjected to one or more of these sanctions:

11 (a) reprimanded in writing,

12 (b) loss of annual increment or delay in promotion for a specified
13 period,

14 (c) interdicted,

15 (d) surcharged,

16 (e) loss of headship or other administrative position or
17 responsibility,

18 (f) deferment of confirmation of appointment,

19 (g) Disciplinary probation for a specified period, (h) demotion,

20 (h) forced resignation (non-compliance leads to termination of
21 appointment),

22 (i) termination of appointment, or

23 (j) dismissal.

24 (4) In all cases, disciplinary sanctions shall depend on the level of
25 involvement, the gravity of the offence and the person's previous
26 disciplinary records.

27 *Handling of special cases*

28 6.-(1) For a good cause, any member of staff may be suspended
29 from his duties for a specified period or his appointment may be terminated
30 or he may be reprimanded or warned by the Registrar based on the

1 recommendations of the Committee, and for the purposes of this section, "good
2 cause" means:

3 (a) a conviction for a criminal offence by a court of law which the
4 Committee considers to be such as to render the person concerned unfit for the
5 discharge of the functions of his office; and

6 (b) any physical or mental incapacity which the Committee, after
7 obtaining medical advice, considers to be such as to render the person
8 concerned unfit to continue to hold office or take part in the activities of the
9 Council.

10 (2) Where a staff is found guilty of embezzling funds belonging to the
11 Council, a client or a union or an association recognized by the Council, the
12 Registrar shall take steps to recover the amount from the salary or other
13 emoluments of the staff in addition to other sanctions that the Committee may
14 impose on him.

15 *Handling cases of criminal offence*

16 7.-(1) Where a staff is suspected to have committed such criminal
17 offence as rape, cultism, murder, vandalism, armed robbery, possession of fire
18 arms, possession, use of or trafficking in hard drugs, arson, advanced fee fraud,
19 the Registrar shall report the case to the Police for investigation and possible
20 prosecution in a Court of competent jurisdiction and inform the Council and
21 the Committee.

22 (2) If he is convicted, the Council may terminate his appointment on
23 the recommendation of the Committee.

24 *Implication of suspension of a staff*

25 8.-(1) Any staff placed on suspension, interdiction or disciplinary
26 probation by the Registrar or on the recommendation of the Committee shall be
27 paid half of his monthly emolument during the period of his suspension,
28 interdiction or disciplinary probation.

29 (2) Where a staff under trial is acquitted of the allegations against him
30 or he is to be warned or reprimanded, his emoluments that was withheld during

1 the period of his suspension shall be paid to him, but if he is retired from
2 service or his appointment is terminated, he shall not be entitled to the
3 proportion of his emoluments that was withheld.

4 (3) Any staff facing the disciplinary procedure cannot be
5 considered for promotion to the next grade until the case against him is
6 disposed of by the Committee.

7 (4) In case of professional misconduct involving a staff who is a
8 Veterinary surgeon or a Veterinary para-professional staff and where the
9 veterinary ethics or ethics of any other professional body is suspected to be
10 violated by the action or inaction of the staff, the Registrar shall hereafter
11 forward the report to the Veterinary Council Investigating Panel for further
12 sanctions.

13 *Appeal*

14 9.-(1) The Registrar shall ensure that the letter(s) containing the
15 decisions of the Committee are promptly communicated to the staff
16 concerned as soon as reasonably practicable.

17 (2) In case a person is dissatisfied with the decisions of the
18 Committee against him, he shall within a period of 21 days from the date of
19 the letter communicating the decision, address a petition to the Council to
20 reconsider his case.

21 (3) The decision of the Council on the matter shall be final.

22 *Interpretation*

23 10. In these Regulations, unless the context otherwise requires, the
24 following expressions have the meanings hereby assigned to them
25 respectively, that is to say:

26 "Examination misconduct" shall include any acts or inaction of any staff or
27 student especially in around the examination hall or carried out in any other
28 place which is considered to be inimical to the integrity of the examination
29 process;

30 "indecent behavior" shall include sexual gestures, drunkenness, indecent

1 dressing, crossing the lawn, violation of environmental rules of the Council,
2 and any other behaviour that the Committee may regard as indecent behavior;
3 "misconduct" means a specific act of wrong doing or an improper behaviour
4 which is inimical to the image of the service such as habitual lateness to work,
5 delays in treating official records, failure to keep records, unauthorised
6 removal of public records, dishonesty, negligence, insubordination, refusal to
7 carry out assignment, disregard for the dress code of the Council, malingering
8 and any action or inaction which the Committee may regard as a misconduct;
9 "scandalous conduct" means immoral behaviour, unruly behaviour, use of foul
10 language, assault, battery, improper dressing, sleeping on duty, discourteous
11 behaviour of the public, sexual harassment, hawking merchandise within
12 Council's premises, and any action or inaction which the Committee may
13 regard as a scandalous conduct;
14 "serious misconduct" shall include a specific act of very serious wrongdoing
15 such as absenteeism, general inefficiency, falsification or suppression or
16 damage to records, absence from duty without leave, cultism, false claim
17 against government official, engaging in partisan political activities,
18 bankruptcy and serious financial embarrassment, unauthorised disclosure of
19 official information, bribery, corruption, embezzlement, misappropriation,
20 advanced fee fraud and holding more than one full paid jobs, nepotism, divided
21 loyalty, sabotage, cybercrime, willful damage to public property and any
22 action or inaction which the Committee may regard as a serious misconduct;
23 "unruly behavior "means disorderly behaviour indicating lack of self-restraint
24 especially on the premises of the Council;
25 Such acts may include reckless driving, disturbance of peace, damage to
26 Councilor other persons' property, defacing public building or facilities,
27 throwing missiles, fighting, pilfering, and other action or inaction which the
28 Committee may regard as unruly behavior.

1 *Citation*

2 11. These Regulations may be cited as the Veterinary Council Staff
3 Disciplinary Procedures, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Veterinary Surgeons Act, Cap. 464 Laws of the Federation of Nigeria, 2004 and enact the Veterinary Surgeons Bill. and registering and regulating Veterinary Practice and Veterinary Practicing Premises.

FOR

Sponsored by Hon. Munir Dan Agundi

[] Commencement

1 **1.-(1)** The National Agency for the Nigerian Co-operative
2 Societies Act, Cap. N98, LFN, 2004 (in this Bill referred to as "the Principal
3 Act") is amended as set out in this Bill.

Amendment of
the Nigerian
Co-operative
Societies Act,
Cap. N98, LFN,
2004

4 **2.** Section 3 (8) of the Principal Act is amended by deleting the
5 existing amount N100.000 and substituting same with N500,000.00 as
6 follows:

Amendment of Section 3

"(8) A registration fee of N500 or such other sum as may be prescribed by the Minister or Commissioner shall be paid to the Director".

9 **3.** Section 34 (4) of the Principal Act is amended by deleting the
10 existing amount N1,000.000 and substituting same with N100,000.00 as
11 follows:

Amendment of Section 34

"(4) A registered society or an officer or a member thereof who wilfully neglects or refuses to comply with any of the provisions of subsection (1) or (2) of this section is guilty of an offence and liable on conviction to a fine of N100,000.00 or to imprisonment for a term of six months or to both such fine and imprisonment".

17 **4.** Section 35 (c) of the Principal Act is amended by deleting the
18 existing amount N1,000.00 and substituting same with N100,000.00 as
19 follows:

Amendment of Section 35

1 (b) of this section, to purposes other than those expressed or directed
2 in the rules of the society and authorised by this Act, is, on the complaint of the
3 society or of any member authorized in that behalf by the society or a
4 committee thereof, or the Director, guilty of an offence and liable, on summary
5 conviction, to a fine of not less than N100, 000.00 or to imprisonment for a term
6 of six months or to both such fine and imprisonment.

Amendment of
Section 36

7 5. Section 36 (5) (c) of the Principal Act is amended by deleting the
8 existing amount N1,000.00 and substituting same with N100,000.00 as
9 follows:

10 "(c) Without any reasonable excuse, disobeys any summons,
11 requisition or order made under subsection (3) of this section, is guilty of an
12 offence and liable on conviction to a fine of not less than N100,000.00 or to
13 imprisonment for a term of six months or to both such fine and imprisonment".

Amendment of
Section 37

14 6. Section 37 (8) (b) of the Principal Act is amended by deleting the
15 existing amount N1,000.00 and substituting same with N1 00,000.00 as
16 follows:

17 "(b) Furnishes information knowing it to be false, contrary to the
18 provisions of subsection (2) of this section is guilty of an offence and liable on
19 conviction to a fine of N1000,000.00 or imprisonment for a term of six months
20 or to both such fine and imprisonment".

Amendment of
Section 41

21 7. Section 41 (2) (c) of the Principal Act is amended by deleting the
22 existing amount N1,000.00 and substituting same with N100,000.00 as
23 follows:

24 "(c) Without reasonable excuse, disobeys any summons requisition or
25 order issued under Section 40 of this Act, is guilty of an offence and liable on
26 conviction to a fine of N100,000.00 or to imprisonment for a term of not less
27 than six months or to both such fine and imprisonment".

Amendment of
Section 42

28 8. Section 42 (2) (c) of the Principal Act is amended by deleting the
29 existing amount N1,000.00 and substituting same with N100,000.00 as
30 follows:

1 "(c) Without reasonable excuse, disobeys an order under
2 subsection (1) of this section, is guilty of an offence and liable on conviction
3 to a fine of not less than N100,000.00 or to imprisonment for a term of not
4 less than six months or to both such fine and imprisonment".

5 **9.** Section 47 (2) of the Principal Act is amended by deleting the Amendment of
6 existing amount N1,000.00 and substituting same with N100,000.00 as Section 47
7 follows:

8 "(2) A person who, without reasonable excuse, fails to comply with
9 the provisions of subsection (1) of this section is guilty an offence and liable
10 on conviction to a fine of N100,000.00 or to imprisonment for a term of six
11 months or to both such fine and imprisonment".

12 **10.** Section 54 (2) of the Principal Act is amended by deleting the Amendment of
13 existing amount N50,00 and substituting same with N250,000.00 as Section 54
14 follows:

15 "(2) A person who contravenes the provisions of this section is
16 guilty of an offence and liable on conviction to a fine not exceeding
17 N250,000.00 and in the case of a continuing offence to a further fine not
18 exceeding N25,000.00 for each day during which the offence continues".

19 **11.** This Bill may be cited as the Nigerian Co-operative Societies Short title
20 Act (Amendment) Bill, 2019.

EXPLANATORY NOTE

This Bill seeks to amend the Nigerian Co-operative Societies Act to Provide
for Stiffer Penalties to meet Contemporary Realities.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL FOOD RESERVE AGENCY AND FOR
RELATED MATTERS

Sponsored by Hon. Munir Dan Agundi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL FOOD RESERVE AGENCY
2 AND THE GOVERNING BOARD

3 **1.-(1)** There is established a body to be known as National Food Establishment
4 Reserve Agency (in this Bill referred to as "the Agency"). of the

5 (2) The Agency shall:

6 (a) be a body corporate with perpetual succession, have a common
7 seal; and

8 (b) capable of suing and being sued in its corporate name.

9 2.-(1) There shall be for the management of the Agency a Establishment
10 governing Board (in this Bill referred to as "the Board"). of the Governing
Board

11 (2) The Board shall consist of:

12 (a) a Chairman;

(b) one representative each of the following Federal Ministries and Agencies and shall not be below the rank of a Director:

15 (i) Agriculture and Water Resources;

16 (ii) Finance;

17 (iii) Commerce and Industry;

18 (iv) Agriculture Research Council of Nigeria;

19 (v) National Agricultural Seed Council.

20 (c) one representative each from the six geo-political zones of the

	1	Federation to be appointed in rotation among States of the geo-political zones;
	2	and
	3	(d) the Director- General.
	4	(3) Chairman and Members, other than ex -officio shall be appointed
	5	by the President on the recommendation of the Minister.
	6	(4) The appointment of a Member shall not invalidate any decision by
	7	reason of a defect or irregularity in his appointment.
	8	(5) The supplementary provisions set out in the schedule to this Bill
	9	shall have effect with respect to the proceedings of the Board and other matters
	10	contained therein.
Qualifications of members	11	3.-(1) The Chairman and members shall hold the following
	12	qualifications:
	13	(a) cognate experience and proven capacity in agricultural policy
	14	formulation and implementation;
	15	(b) finance and economics as it relates to agriculture, administration
	16	or organization of the affairs of any department of the Ministry and Water
	17	Resources;
	18	(c) persons of proven integrity, ability and vast knowledge and
	19	experience in their respective endeavours.
Tenure of office	20	4. Subject to the provisions of section 5 of this Bill, a member other
	21	than ex-officio shall hold office:
	22	(a) for a term of four years and no more; and
	23	(b) on any other terms and conditions as may be specified in the letter
	24	of appointment.
Cessation of membership	25	5.-(1) A person shall cease to hold office as a member if:
	26	(a) he is adjudged or declared bankrupt under any law in Nigeria or
	27	other country;
	28	(b) he is guilty of a serious misconduct in relation to his duties; or
	29	(c) he is convicted by a court of law of a felony or any offence
	30	involving dishonesty or frauds; or

1 (d) he becomes of unsound mind incapable of carrying out his
2 duties; or

3 (e) in the case of a qualified professional, he is disqualified or
4 suspended other than that at his own request, from practising his profession
5 in any part of the world by an order of a competent authority made in respect
6 of that matters;

7 (f) he resigns his appointment by a letter addressed to the President
8 through the Minister; or

9 (g) he, without the permission of the Board is absent for more than
10 three consecutive meetings of the Board or without such permissions is
11 absent from the country for a period exceeding one year.

12 (2) If a member ceases to hold office for any reason whatsoever,
13 before the expiration of the term for which he is appointed, another person
14 representing the same interest as that member shall be appointed to the
15 Board for his unexpired term.

16 (3) A member may be removed by the President if he is satisfied
17 that it is not in the interest of the Agency or in the interest of the public that
18 the member continues in office.

19 PART II - FUNCTIONS AND POWERS OF THE AGENCY

20 6. The Agency shall:

Functions of
the Agency

21 (a) implement the overall National Food Reserve Policy to ensure a
22 reliable supply of designated commodities and meet local shortfalls in
23 supply of designated commodities in the country.

24 (b) reduce post harvest losses by construction and management of
25 silos, warehouses and other suitable storage facilities to be installed at such
26 places and ensure the maintenance, availability and functionality of all
27 plants, equipment and ancillary facilities within the country that are, in the
28 opinion of the Minister, strategic and suitable for such storage;

29 (c) facilitate and provide guidelines for the establishment and
30 maintenance of buffer stock by all States of the Federation including the

1 Capital Territory in order to ensure price stabilization and food security and
2 correct problems relating to the supply of designated commodities;

3 (d) meet such other food emergencies caused by drought or flood, or
4 by such other natural disaster, as may be declared by the President;

5 (e) promote and ensure compliance to standards and grades of
6 agricultural produce so as to encourage uniformity in quality of produce, in
7 association with the relevant agencies and as provided for in Weight and
8 Measures Act and Standards Act;

9 (f) facilitate the establishment of a National Agricultural Market
10 Information System for each designated commodity operated by the Agency
11 for the benefit of the consumer and any person engaged in the production,
12 marketing and processing of that commodity;

13 (g) to perform fertilizer regulatory and quality assurance functions as
14 well as develop strategy to enable the private sector take full responsibility for
15 fertilizer procurement and distribution to farmers;

16 (h) build capacity of farmer groups and cooperatives to improve
17 access to agriculture support services and facilitate participation development
18 in each Local Government Area including the Federal Capital Territory;

19 (i) affordable private sector investment in agriculture produce
20 processing through establishment of cottage industries, export conditioning
21 centres and agro-industrial parks;

22 G) ensure affordable mechanization services to Nigerian farmers
23 through improved Public Private Partnerships in the provision of tractor and
24 farm machinery services;

25 (k) collaborate with national and international agencies to promote
26 agricultural development programmes and coordinate donor-support
27 agricultural development programmes and projects implementation in the 36
28 States of the Federation and the Federal Capital Territory; using the existing
29 extension delivery outfits.

30 (l) enhance agriculture extension delivery service through the

1 training of unemployed graduates as Advisory Service Providers and train
2 unemployed youths in all areas of agriculture to enable them become self
3 employed; and

4 (m) promote commercialization of agricultural production
5 systems through Public-Private Partnerships and facilitate the provision of
6 enabling environment for sustainable commercial agricultural
7 development.

8 7.-(1) The board shall have power to:

Powers of the
Board

9 (a) manage and superintend the affair of the Agency and subject to
10 the provisions of this Bill, make, alter and revoke rules and regulations for
11 carrying on the functions of the Agency;

12 (b) fix the terms and conditions for service including remuneration
13 of the employees of the Agency in consultation of the relevant Agencies;

14 (c) establish such number of committees as it deems necessary for
15 the efficient performance of the Agency; and

16 (d) do such other thing which in the opinion of the Agency are
17 necessary to ensure the efficient performance of the functions of the Agency.

18 (2) Notwithstanding anything contrary in this Bill, the Minister
19 shall exercise all the powers of the Board where:

20 (a) the Board has not been constituted;

21 (b) the Board has been dissolved.

22 (3) Any action taken or decision reached in compliance with the
23 provisions of subsection 2 of this section shall be valid;

24 8. The President may after consultations with the Minister give to
25 the Board such directives of a general nature with respect to the performance
26 of any function of the Agency.

General Directives

27 PART III - ESTABLISHMENT OF ZONAL OFFICES

28 9.-(1) There shall be established in each zone as demarcated by the
29 Minister an office (in this referred to as "Zonal Office").

Establishment
of zonal offices

30 (2) The Zonal office shall:

1 (a) be headed by a Deputy-Director who shall be responsible for
2 implementing the Agency's programmes in its area of operation;

3 (b) produce quarterly reports which shall be sent to the office of the
4 Director-General;

5 (c) be accountable to the Agency for all the funds accruing to it for
6 purposes of discharging its function under this Bill; and

7 (d) perform other duties as may be assigned by the Director.

8 (3) The Secretary may delegate in writing to any employee his powers
9 or functions under this Bill, as he may deem appropriate, but the delegation
10 under this section, shall not prevent the exercise by the Secretary of the power
11 so delegated.

12 PART IV - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER STAFF

Appointment,
qualification
and tenure of
office of Director-
General

13 **10.-(1)** There shall be appointment for the Agency a Director-General
14 who shall be responsible for the management of the Agency and its day to day
15 administration.

16 (2) The Director- General shall be appointed by the President on the
17 recommendation of the Minister.

18 (3) The Director-General shall be:

19 (a) the Chief Executive and Accounting Officer of the Agency; and

20 (b) perform such other functions as the Board may from time to time
21 direct.

22 (4) The Director-General shall hold office for a term of five years and
23 no more.

24 (5) If for any reason the Director-General is unable to perform his
25 functions or carry out his duties, or there exist a vacancy in the office of the
26 Director-General, the Board may designate an employee of the Agency who is
27 next in rank to the Director-General to act as the Director-General during the
28 period of his inability or vacancy until a Director-General is appointed in
29 accordance with the provisions of this Bill and the employee shall while so

1 acting, have all the powers and performs all the functions of the Director-
2 General.

3 **11.**-(1) The Board on the recommendation of the Director-General
4 may establish such number of Departments for the effective and efficient
5 discharge of the functions of the Agency.

Establishment
of Departments

6 (2) Each Department shall be headed by a Director.

7 (3) Each department shall be assigned responsibilities from time to
8 time as the Director-General may direct.

9 (4) The principal officers of the Agency shall be the Director-
10 General, heads of departments and zonal Deputy-Directors.

11 **12.**-(1) The Board shall appoint for the Agency a Secretary/Legal
12 Adviser who shall be a legal practitioner and shall have been so qualified for
13 a period of not less than ten years.

Appointment,
qualifications and
functions of
Secretary/Legal
Adviser

14 (2) The Secretary shall:

15 (a) be Secretary to the Board;

16 (b) be responsible for keeping the books and proper records of
17 proceedings and correspondences of the Board and the upkeep of the records
18 of the Agency;

19 (c) administer and discharge all legal obligations of the Agency;

20 (d) administer and discharge all insurance requirements of the
21 Agency;

22 (e) retain external legal services on behalf of the Council as he may
23 deem necessary or expedient; and

24 (f) perform such other functions as the Board or the Director-
25 General as the case may be, may from time to time, assign to him.

26 **13.** The Board may deploy or appoint for the Agency other
27 employees upon such terms and conditions as may be determined by the
28 Board.

Appointment of
other staff

29 **14.** Service in the Agency shall be approved service for the
30 purpose of the Pension Reform Act.

Service in the
Agency to be
pensionable
No. 2, 2004

PART V - FINANCIAL PROVISIONS

Funds of the
Agency

15.-(1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.

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

(a) any appropriation to the Agency by the National Assembly;

(b) such monies as may, from time to time be granted or lent to the Agency by the Federal Government or a State Government or a Local Government Council;

(c) such monies as may, from time to time, be granted or received from:

(i) the organized private sector;

(ii) international or donor organizations and non- governmental organizations;

(iii) all monies raised for the purposes of the Agency by way of gift, loan, grant-in-aid, testamentary disposition or otherwise; and

(iv) all other monies and assets that may, from time to time accrue, to the Agency.

(d) whole or part of the Natural Resources Development Fund as may be approved from time to time by the President.

Expenditure of
the Agency

16. The Agency shall from time to time, apply the proceeds of the fund established pursuant to section 17 of this Bill:

(a) to the cost of administration of the Agency;

(b) for reimbursing members of the Board or any committee set up by the Board for such expenses as may be authorized by the Board in accordance with the rates approved by the Federal Government;

(c) for the payment of salaries, fees or other remuneration or allowances, pensions and other retirement benefits, payable to the employees of the Agency;

(d) for the maintenance of any property acquired or vested in the

1 Agency; and

2 (e) for and in connection with all or any of the functions of Agency
3 under this Bill.

4 **17.**-(1) The Board shall, not later than 30th September of each year, Annual estimate
5 submit to the Minister an estimate of the expenditure and income of the and expenditure
6 Agency for the succeeding year.

7 (2) The Agency shall keep proper account in respect of each
8 financial year and shall cause the accounts to be audited not later than 6
9 months after the end of each financial year by Auditors appointed from the
10 list and in accordance with the guidelines supplied by the Auditor-General
11 of the Federation

12 **18.** The Agency shall submit to the Minister not later than 30th Annual report
13 June each year, a report in such form as the Minister may direct on the
14 activities of the Agency during the immediate preceding year, and shall
15 include in the report a copy of the audited account of
16 the Agency for that financial year and the Auditors' report thereon.

17 **19.** The Agency may with the consent of the Minister, borrow on Power to borrow
18 such terms and conditions as the Agency may determine such money
19 required for the carrying out of its functions.

20 **20.**-(1) The Agency may accept any gift, grant or donation from Gift to the
21 any person such terms and conditions specified by the person making the Agency
22 gift, grant or donation.

23 (2) The Agency shall not accept any gift, grant under subsection (1)
24 of this section if the conditions attached thereto are inconsistent with the
25 functions of the Agency under this Bill.

26 **21.**-(1) The Agency shall establish a Guarantee Reserve Fund into Guarantee
27 which shall be paid from time to time such sum as will maintain the credit Reserve Fund
28 balance of such fund at an amount not less than one quarter of the total of the
29 money which the Agency is liable for the time being to be called upon to pay
30 under guarantee given by the Minister.

	1	(2) Subject to the provision of subsection (3), the money in the
	2	Guarantee Reserve Fund shall be applied solely to meet the obligations
	3	incurred by the Agency under any guarantee.
	4	(3) Nothing in subsection (2) shall prevent the Agency from
	5	transferring from the Guarantee Reserve Fund to any of its accounts the sum by
	6	which the credit from time to time maintained under subsection (1).
General Reserve Fund	7	22. -(1) In addition to the Guarantee Reserve Fund, the Agency shall
	8	establish and maintain General Reserve Fund and shall, subject to any
	9	directions given by the Minister under subsection (3), pay into such fund any
	10	net profit earned by the Agency.
	11	(2) The Guarantee Reserve Fund shall be applied to indemnify any
	12	loss or deficiency which may occur in any transaction of the Agency, other than
	13	those for which the Guarantee Reserve Fund is available.
	14	(3) The Minister with the concurrence of the Auditor-General of the
	15	Federation, may give direction to the Agency as to the balance to be maintained
	16	in the General Reserve Fund and where such directions are given, the Agency
	17	shall not be required to pay any of its net profits into the fund whereby the
	18	balance thereof would exceed the amount directed by the Minister with the
	19	concurrence of the Auditor-General.
Power to invest	20	23. Money of the Agency not immediately required for the purposes
	21	of the Agency may be invested provided that such investment and returns
	22	therefrom are communicated to the Accountant -General of the Federation.
Execution of documents	23	24. All deeds, instruments contracts and other documents shall be
	24	duly executed by or on behalf of the Agency if:
	25	(a) appended with the seal of the Agency and signed by two members
	26	of the Board thereof;
	27	(b) executed in that behalf by one member of the Board and a member
	28	of the Agency both of whom have been appointed by the Board for the purpose.
Purchase of food items	29	25. The Agency shall purchase food items either through open
	30	bidding, commodity exchange or contract growers, however where the Board

1 so directs, the Agency shall purchase food items through guaranteed
2 minimum price scheme.

3 **26.-(1)** The Agency shall release food stock under commercial
4 purpose or Government intervention.

Release of food
stock

5 (2) Release under commercial purposes shall be conducted
6 through an open competitive bidding process and or Abuja Securities and
7 Commodity Exchange.

8 (3) Release under Government intervention shall be at the price
9 determined by the Government, however, the Government shall reimburse
10 the Agency at a price not less than the cost of stocking.

11 **27.-(1)** Any person who knowingly misrepresent the grade or
12 quality of designated commodity contrary to established standard shall be
13 guilty of an offence and shall be liable upon conviction to a fine of not less
14 than N1 00,000:00 as well as the forfeiture of the commodity.

Penalties

15 (2) Any person who fails to pay the fine imposed under subsection
16 (1) of this section within two weeks shall in addition to that penalty be
17 prohibited from participating in the marketing or processing of any
18 designated commodity for a period not exceeding three years.

19 **28.-(1)** No suit shall lie or be instituted in any court against the
20 Agency or any member of the staff of the Agency:

Time within
which to sue

21 (a) for any act done in pursuant or execution of any enactment or
22 law or of any public duties of the Agency; or

23 (b) in respect of alleged neglect or default in the execution of any
24 enactment or law, duties or authority, unless it is commenced within three
25 months next after the act, neglect or default complained of and in the case of
26 a continuance of damage or injury, within twelve months next after
27 cessation.

28 (2) Without prejudice to Constitution:

29 (a) no suit shall be commenced against the Agency before the

	1	expiration of a period of one month after written notice of intention to
	2	commence the suit shall have been served upon the Agency by the intending
	3	plaintiff or his Agent;
	4	(b) the notice shall clearly and explicitly state the cause of action, the
	5	particulars of the claim, the name and place of abode of the intending plaintiff
	6	and the relief which he claims.
Service of document	7	29. The notice referred to in section 28 (2) of this Bill and any
	8	summons, notice or other documents required or authorized to be served upon
	9	the Agency shall be served by delivering same to the Director-General of the
	10	Agency, or sending it by registered post, addressed to the Director-General at
	11	the headquarters of the Agency.
Power to prosecute	12	30. The Agency may, with the consent of the Attorney-General of the
	13	Federation institute legal proceedings against any person or corporate
	14	organization that contravenes the provision of this Bill.
declaration of national food emergency	15	31. -(1) The President may declare a National Food Emergency, if in
	16	his opinion, there is a major shortfall in the domestic production or availability
	17	of designated food items.
	18	(2) Whenever the President declares a National Food Emergency
	19	under subsection (1), the powers of the Board under this Bill shall vest in the
	20	Minister.
	21	(3) The Minister shall exercise the powers of the Board, during the
	22	existence of the National Food Emergency and for not more than thirty days
	23	after the end of emergency as declared by the President.
	24	(4) When the Minister exercises the power referred to in subsection
	25	(2) of this Bill, the Board shall act as the Advisory Committee to the Minister.
Power to make Regulations	26	32. The Minister will make regulations generally for the purpose of
	27	giving full effect to this Bill.
Interpretation	28	33. In this Bill, unless the context otherwise requires:
	29	"Agency" means the Agency established by section 1 of this Bill;
	30	"Board" means the governing Board of the Agency;

1 "Chairman" means the chairman of the Board;
2 "Constitution" means Constitution of the Federal Republic of Nigeria, 1999;
3 "Director-General" means the Director-General appointed for the Agency
4 under paragraph (e) subsection (2) of section 2 of this Bill;
5 "Function" includes powers and duties;
6 "Minister" means the Minister charged with the responsibility for matters
7 relating to Agriculture and Water Resources;
8 "Member of the Board" includes the Chairman;
9 "President" means President of the Federal Republic of Nigeria.

10 **34.** This Bill may be cited as the National Food Reserve Agency Short title
11 (Establishment, etc.) Bill, 2019.

12 SCHEDULE

13 *Section 2(6)*

14 *Proceedings of the Board*

15 1.-(1) Subject to this Bill and section 27 of the Interpretation Act,
16 the Board may make standing regulation for its proceedings or those of any
17 of its committees.

18 (2) At any meeting of the Board:

19 (a) a six members shall form a quorum, but in determining whether
20 a quorum has been constituted the presence of any person invited to offer
21 opinion or tender documents shall not be considered;

22 (b) the Chairman of the Board or in his absence, the member
23 elected by the members present to act as Chairman, shall preside;

24 (c) all questions shall be decided by a majority of votes of members
25 present and voting by any person invited to attend any meeting of the Board
26 by virtue of paragraph (c) subsection (1) of section 24 of this Bill shall not be
27 entitled to vote in such meeting; and (d) the Chairman of the Board or other
28 member of the Board presiding has a deliberative vote and in the event of
29 equality of votes, also has casting vote.

30 (3) The Board may, if it thinks fit, transact any business by the

1 circulation of papers, and resolution in writing, approved in writing by a
2 majority of the members thereof shall be valid and effectual as if it had been
3 passed at a meeting of the Board by the votes of the members so approving the
4 resolution.

5 (4) Where the Board desires to obtain the advice of any person on a
6 particular matter, the Board may co-opt him to the Board for such a period as it
7 deems fit, but a person who is in attendance by this subparagraph shall not be
8 entitled to vote at any meeting of the Board and shall not count in determining
9 quorum.

10 *Committees*

11 2.-(1) The Board may appoint one or more committee to carry out on
12 behalf of the Board, such functions as the Board may determine.

13 (2) A committee constituted under this paragraph shall consist of such
14 number of such persons as may be determined by the Board and a person shall
15 hold office on the committee in accordance with the terms of his appointment.

16 (3) A decision of the committee of the Board shall be of no effect until
17 it is confirmed by the Board.

18 *Conflict of Interest*

19 3.-(1) If any member of the Board has any beneficial interest in any
20 land or building situated in an area comprised in any project of the Agency, or
21 has beneficial interest in any company or undertaking with which the Agency
22 proposes to make any contract, or has an interest in any such contract, he shall
23 forthwith disclose to the Board the fact and the nature of such interest, and such
24 disclosure shall be recorded in the minutes of the Board, and thereafter such
25 member shall take no further part in any deliberations or decision of the Board
26 relating to such project or contract.

27 (2) Any member disclosing any interest in any project or company or
28 undertaking in which the Agency proposes to make any contract shall be
29 disregarded for the purposes of constituting a quorum of the Board for any such
30 deliberation or decision.

1 (3) For the purposes of subsection (1) of this section, a general
2 notice given at a meeting of the Board by a member to the effect that he is a
3 member of the specified company or firm and is to be regarded as interested
4 in any transaction or project of the Agency, concerning the company or firm,
5 shall be regarded as a sufficient disclosure of his interest in relation to that
6 transaction or project.

7 4. A member of the Board need not attend in person at a meeting of
8 the Board in order to make any disclosure which he is required to make
9 under this section, if he takes reasonable steps to secure that the disclosure is
10 made by notice which is brought up and read at the meeting.

EXPLANATORY NOTE

This Bill seeks to establish the "National Food Reserve Agency" for the purposes of facilitating Food Production, Processing, Storage and Marketing of food grains and other food commodities for strategic purposes.

FEDERAL CAPITAL TERRITORY EMERGENCY MANAGEMENT AGENCY
(ESTABLISHMENT) ACT, 2019
ARRANGEMENT OF SECTIONS

Section:

1. Establishment of the FCT Emergency Management Agency
 2. Composition of the Agency
 3. Powers of the Council
 4. Functions of the Council
 5. Cessation of membership
 6. Composition of the Committee
 7. Functions of the committee
 8. Functions of the Agency
 9. Power to establish and maintain departments
 10. Chief Executive of the Agency
 11. Powers of the Agency
 12. Other staff of the Agency
 13. Pensionable Service
 14. Funds and Resources of the Agency
 15. Gifts to the Agency
 16. Power to borrow money
 17. Offences and penalties
 18. Annual estimates and expenditure
 19. Audit
 20. Annual report
 21. Establishment of Area Council Emergency Management Committee
 22. Functions of the Local Committee
 23. Requisition of equipments, facilities or personnel
 24. Offices and premises
 25. Directives by the Minister
 26. Regulations
 27. Interpretation
 28. Citation
- Schedule

FOR

Sponsored by Hon. Sergius Ose Ogun

[] Commencement

1	1.-(1) There is established the Federal Capital Territory (FCT)	Establishment of the FCT Emergency Management Agency
2	Emergency Management Agency, (FEMA) (in this Act referred to as "the	
3	Agency").	
4	(2) The Agency shall be a body corporate:	
5	(a) with perpetual succession and a common seal;	
6	(b) may sue and be sued in its corporate name; and	
7	(c) may acquire, hold or dispose of movable or immovable	
8	property.	
9	2.-(1) The Agency shall have:	Composition of the Agency
10	(a) an Advisory Council (in this Act referred to as "the Council");	
11	and	
12	(b) a Management Committee (in this Act referred to as "the	
13	Committee") which shall be responsible to the Council for the	
14	administration of the affairs of the Agency.	
15	(2) The Council shall consist of:	
16	(a) the FCT Minister who shall be the Chairman;	
17	(b) the Secretaries or persons responsible for FCT Mandate	
18	Secretariats;	

- 1 (c) Coordinator, Abuja Metropolitan Management Council
2 (AMMC);
3 (d) Executive Secretary, Federal Capital Development Authority
4 (FCDA);
5 (e) one representative each of:
6 (i) National Emergency Management Agency,
7 (ii) Nigerian Medical Association,
8 (iii) the Nigerian Police,
9 (iv) the Nigerian Air Force,
10 (v) National Association of Nurses and Midwives,
11 (vi) the Nigerian Army,
12 (vii) the Nigerian Navy,
13 (viii) the Nigeria Security and Civil Defense Corps,
14 (ix) Red Cross Society of Nigeria,
15 (x) Nigeria Airspace Management Agency,
16 (xi) Nigeria Meteorological Management Agency,
17 (xii) the licensed Telecommunication Network Providers operating in
18 the FCT,
19 (xiii) Nigeria Bar Association,
20 (xiv) Federal Road Safety Commission, and
21 (xv) National Institute of Town Planners; and
22 (f) Director-General of the Agency.
23 (3) The Chairman and other members of the Council other than ex-
24 officio members shall be appointed by the Minister and shall be persons of
25 proven integrity and ability.
26 (4) The supplementary provisions set out in the Schedule to this Act
27 shall have effect with respect to the proceedings of the Council and other
28 matters contained in the Schedule.
29 **3. The Council shall:**
30 (a) manage and supervise the affairs of the Agency;

1 (b) regulate rules for carrying out the functions of the Agency
2 subject to the provisions of this Act; and

3 (c) regulate the terms and conditions of service including the
4 remuneration of the employees of the Agency after consultation with the
5 Federal Capital Territory Administration.

6 **4.** The Council shall:

Functions of the
Council

7 (a) formulate policies and guidelines relating to the management of
8 disasters in the FCT;

9 (b) advise the Minister on matters concerning disaster
10 management in the FCT;

11 (c) advise and recommend on the sustainability of the Agency;

12 (d) assist in the mobilisation of relevant resources (human and
13 material) under any relevant agency towards the optimal discharge of the
14 roles and responsibilities of the Agency; and

15 (e) carry out any other functions as may be given by the FCT
16 Administration.

17 **5.-(1)** The office of a member of the Councilor Committee shall
18 become vacant if the member:

Cessation of
membership

19 (a) dies;

20 (b) resigns his appointment;

21 (c) is removed from office by the Minister for any act of
22 misconduct;

23 (d) is convicted for any criminal offence; or

24 (e) is unable to perform the functions of his office.

25 (2) Where any member of the Councilor Committee is temporarily:

26 (a) incapacitated by illness, or

27 (b) absent from Nigeria, the Minister may appoint any other person
28 to hold temporarily the office of such person.

29 **6.-(1)** The Committee shall consist of the Director-General or
30 Chief Executive Officer and all Departmental Heads of the Agency.

Composition of
the Committee

	1	(2) The Director-General shall be the Chairman of the Committee,
	2	while the Director of Administration and Finance of the Agency shall serve as
	3	the Secretary.
Functions of the Committee	4	7. The Committee shall:
	5	(a) implement all policies and guidelines issued by the Council;
	6	(b) oversee the day to day administration of the Agency;
	7	(c) prepare budgetary allocation for identified disaster areas in the
	8	FCT;
	9	(d) administer and maintain emergency relief appeal fund for the
	10	FCT;
	11	(e) receive financial and technical aid from International
	12	Organisations and private corporate organisations;
	13	(f) recommend appropriate relief assistance to identified victims of
	14	disasters;
	15	(g) co-ordinate the activities of all voluntary organisations and other
	16	stakeholders engaged in emergency rescue in the FCT;
	17	(h) recommend the deployment and discipline of any official of the
	18	Agency who in the opinion of the Council is unproductive and incapable of
	19	assisting the Agency's overall effectiveness;
	20	(i) prepare and consider the annual budget of the Agency; and
	21	(j) perform any other function as may be assigned to it by the FCT
	22	Administration.
Functions of the Agency	23	8. The Agency shall:
	24	(a) notify the FCT Administration of any natural or human induced
	25	disasters occurring in the FCT;
	26	(b) be the umbrella body to co-ordinate the activities of relevant
	27	agencies, departments and other stakeholders in prevention and management
	28	of disasters in the FCT;
	29	(c) have responsibility for the development of loss prevention

1 programmes and procure necessary technology to mitigate identified
2 emergency situations;

3 (d) formulate policy in relation to emergency research and
4 technology, planning, design and construction of emergency management
5 facilities;

6 (e) respond to any disaster within the FCT and may seek assistance
7 from individuals, organisations and governments both local and
8 international;

9 (f) carry out disaster management activities in the FCT as may be
10 recommended by the Council;

11 (g) distribute relief materials to needy persons and communities
12 affected by a disaster;

13 (h) determine the ways and means of collection of relief materials;

14 (i) advise the FCT Administration on how to prevent an impending
15 disaster;

16 (j) determine the priority of all emergency relief operations in the
17 FCT;

18 (k) coordinate the efforts and activities of voluntary organisations
19 and all other stake holders in emergency relief operations in the FCT; and

20 (l) liaise with relevant secretariats, departments or agencies of the
21 FCTA to plan and implement resettlement of inhabitants of disaster prone or
22 affected areas.

23 9.-(1) The Agency shall have power to establish and maintain such
24 major departments, subsidiary divisions, sections, and make all other
25 administrative arrangements, welfare packages as may in its opinion be
26 necessary and expedient for the performance of its functions.

Power to establish
and maintain
departments

27 (2) There is established for the Agency the Department of:

28 (a) Administration and Finance;

29 (b) Relief and Rehabilitation;

30 (c) Forecasting, Response and Mitigation;

	1	(d) Disaster Risk Reduction;
	2	(e) Search and Rescue; and
	3	(f) Fire service.
	4	(3) Each Department is to be headed by a Director.
	5	(4) Additional Departments may be created when the need arises.
Chief Executive of the Agency	6	10. -(1) The Director-General is the Chief Executive Officer of the
	7	Agency and shall be appointed by the FCT Minister from either the civil
	8	service or outside the service, provided that the person shall have the requisite
	9	experience and knowledge in disaster management.
	10	(2) The Director-General is charged with the responsibility of the day
	11	to day running of the business of the Agency, its administration, organisation
	12	and control.
Powers of the Agency	13	11. The Agency is empowered to:
	14	(a) make grants to suitable authorities and bodies with similar
	15	functions for execution and for such other purpose as may be appropriate to
	16	further the purposes and provisions of this Act;
	17	(b) collect and make available, through publications and other
	18	appropriate means and in cooperation with public or private organisations,
	19	basic data and other information for emergency preparedness and response;
	20	(c) enter into contracts with public or private organisations and
	21	individuals for the purpose of executing and fulfilling its functions and
	22	responsibilities under this Act;
	23	(d) establish, encourage and promote training programmes for its
	24	staff and other appropriate individuals from public or private organisations;
	25	(e) enter into agreements with public or private organisations and
	26	individuals to develop, utilise, coordinate and share emergency preparedness
	27	and response programme;
	28	(f) maintain a programme or technical assistance to bodies (public or
	29	private) concerning implementation of emergency criteria, guidelines,

1 regulations and standards and monitoring enforcement of the regulations
2 and standards;

3 (g) develop and promote such processes, methods, devices and
4 materials as may be useful or incidental to carrying out the purposes and
5 provisions of this Act;

6 (h) prepare such master plans as may be necessary for the
7 development and maintenance of its undertakings;

8 (i) engage in emergency call time functions as:

9 (i) publication of journal wherein identified disaster areas are made
10 public and request for urgent repairs by the causative agencies (public or
11 private) are made by the agency,

12 (ii) Hazard Identifications and Risk Assessment (HIRA),

13 (iii) development and formulation of Emergency Response Plan
14 (ERP) training,

15 (iv) develop training materials and conduct ERP training,

16 (v) set up zonal emergency response teams by grouping the six
17 Area Councils into zones for rapid response,

18 (vi) set up zonal volunteer organisations,

19 (vii) conduct Emergency Response (ER) drills to test the ERP,

20 (viii) conduct investigation,

21 (ix) acquire, maintain and disburse ER capability in terms of
22 equipment and expertise,

23 (x) make provisions for search and rescue equipment,

24 (xi) make provision for firefighting equipment, co-ordinate with
25 the Department of Fire Service and build capacity and competence of fire
26 fighters,

27 (xii) design and install fire hydrants around the FCT;

28 (xiii) source for water for the hydrants and ensure operational
29 readiness at all times,

30 (xiv) inform the public promptly of what has happened and ensure

1 them of immediate response,
2 (xv) set up hotlines to disseminate information and assist affected
3 persons,
4 (xvi) activate the appropriate zonal ERP, and
5 (xvii) continually evaluate levels of response required and if
6 necessary activate the appropriate zonal volunteer response teams; and
7 (j) respond promptly to the emergency at hand, which includes:
8 (i) firefighting,
9 (ii) flood control,
10 (iii) evacuation,
11 (iv) search and rescue,
12 (v) crowd control and cordon off affected area,
13 (vi) perform general life saving activities including provision of relief
14 materials, and
15 (vii) clear and remove objects that constitute the carcass or remains of
16 incidents.

Other staff of
the Agency

17 **12.**-(1) The Council shall appoint or request the FCT Administration
18 to deploy to the Agency such number of employees, as is, in the opinion of the
19 Council, expedient and necessary for the proper and efficient performance of
20 the functions of the Agency.

21 (2) The terms and conditions of service including remuneration,
22 allowances, benefits and pensions of the employees of the Agency shall be
23 determined by the Council after consultation with the Establishment and
24 Training Department and any other relevant agency of the FCT
25 Administration.

Pensionable
Service

26 **13.**-(1) The officers and other persons employed in the Agency are
27 entitled to pensions, gratuities and other retirement benefits as are enjoyed by
28 persons holding equivalent grades in the service of the FCT.

29 (2) Nothing in this Section shall prevent the appointment of a person
30 to any office on terms, which preclude the grant of pension and gratuity in

1 respect of that office.

2 **14.**-(1) The Agency shall establish and maintain a fund (in this Act Funds and
3 referred to as "Fund") from which shall be defrayed all the expenditure Resources of the
4 incurred by the Agency. Agency

5 (2) There shall be paid and credited to the Fund:

6 (a) any allocation to the Agency from the FCT Administration and
7 5% percent of the FCT's share of Ecological Fund;

8 (b) such funds or other property as may be advanced by way of
9 loans or grant in-aid to the Agency by the FCT Administration, statutory
10 corporations, FCT Board of Internal Revenue, Abuja Geographic
11 Information System-(AGIS), the Government of the Federation, State,
12 Local Government or Area Council, any international organisation, private
13 foundation or person within and outside Nigeria, through testamentary
14 dispositions or sales of publications;

15 (c) money earned or arising from investments or other property
16 whatsoever acquired by or vested in the Agency;

17 (d) such money as may be granted or received from:

18 (i) the organised private sector, and

19 (ii) international donor organisations and non-governmental
20 organisations; and

21 (e) approved levies from identified departments and agencies of
22 government which includes:

23 (i) the Department of Development Control which shall remit
24 annually 5% of assessment levy on any building above three floors, to be
25 known as Disaster Management Levy payable to the Agency,

26 (ii) the Transportation Secretariat through the FCT Road Traffic
27 Service (RTS) which shall remit 5% of service charge on newly registered
28 vehicles and licenses of existing old vehicles to be known as Accident
29 Disaster Levy payable to the Agency, and

30 (iii) all other sums, subscriptions, fees, charges for services

1 rendered by the Agency or other property.

2 (3) The Fund shall be managed in accordance with the rules made by
3 the FCT Administration or Council and without prejudice to the generality of
4 the power to make rules under this subsection, the rules shall in particular
5 contain provisions:

6 (a) specifying the manner in which the assets or the Fund of the
7 Agency are to be held, regulation of payments into and out of the Fund;

8 (b) requiring the keeping of proper accounts and records for the
9 purpose of the Fund in such form as may be specified in the rules; and

10 (c) the Agency shall manage and apply its finances strictly in
11 compliance with the budgetary provision approved for the Agency.

Gifts to the
Agency

12 **15.**-(1) The Agency may accept gifts of land, money, books or other
13 property upon such terms and conditions, if any, as may be specified by the
14 person making the gift.

15 (2) The Agency shall not accept any gift if the conditions attached by
16 the person making the gift are inconsistent with the functions of the Agency.

Power to borrow
money

17 **16.**-(1) The Agency is empowered to borrow money by way of loan or
18 overdraft from any source as it may require for the performance of its
19 functions.

20 (2) The Agency, may borrow money with the approval of the FCT
21 Minister by issuing debentures, stocks, or other securities in connection with
22 the performance of its functions under this Act.

23 (3) An approval given for the purpose of this section may be either
24 general or limited to a particular borrowing or subject to conditions.

Offences and
penalties

25 **17.** Any person or organisation who:

26 (a) fails to act on a prior warning by the Agency on the incidence that
27 may cause havoc, emergency or willfully obstructs or impedes the Agency or
28 any person acting under the authority of the Agency in the exercise of its power
29 under this Act, or

30 (b) without reasonable excuse fails to:

1 (i) render assistance or release any available equipment, facility or
 2 personnel required for a search and rescue operation or other disaster
 3 curtailment activities, or

4 (ii) comply with a directive of the Agency, commits an offence and
 5 liable on conviction to a fine of at least N100,000.00 or imprisonment for a
 6 term of six months or both.

7 **18.** The Council shall, not later than 30th September in each year, Annual estimates
 8 estimate and submit to the Minister an estimate of the expenditure and and expenditure
 9 income of the Agency for the following year.

10 **19.** The Council shall, cause to be kept proper accounts and Audit
 11 records of the Agency in respect of each year, and cause the accounts to be
 12 audited not later than 6 months after the end of the year by auditors
 13 appointed from the list and in accordance with the guidelines supplied by the
 14 Audit Department of the FCT Administration.

15 **20.** The Council shall prepare and submit to the Minister, not later Annual report
 16 than 30th June in each year, a report in such form as the Minister may direct
 17 on the activities of the Agency during the immediate preceding year, and
 18 shall include in the report, a copy of the audited accounts of the Agency for
 19 that year and the auditor's report.

20 **21.-(1)** There is established for each of the Area Councils in the Establishment of
 21 FCT, Local Emergency Management Committees (in this Act referred to as Area Council
 22 'Local Committee'). Emergency Management Committee

23 (2) The Local Committee in each Area Council shall consist of:

24 (a) the Chairman of the Area Council who shall be the Chairman;

25 (b) the Directors for:

26 (i) Agriculture,

27 (ii) Health,

28 (iii) Works and Transport,

29 (iv) Education,

30 (v) Social Welfare, and

	1	(vi) Information officer of the Local Government; and
	2	(c) two representatives from the traditional Council of the Area
	3	Council who shall be appointed by the Chairman of the Area Council.
Functions of the Local Government	4	22. -(1) The Local Committee shall:
	5	(a) notify the Agency of any disaster occurring in the area including
	6	its extent; and
	7	(b) carry out any relief or rescue work in the Area Council.
	8	(2) It is the duty of the Local Committee to place at the disposal of the
	9	Agency, all necessary assistance that will enhance relief operations generally
	10	and the Agency shall provide the Local Committee with transport facilities,
	11	field staff and adequate location for relief materials.
	12	(3) Each Local Committee shall be accountable or responsible to the
	13	Agency for the performance of its functions under this Act.
Requisition of equipments, facilities or personnel	14	23. -(1) In the performance of its function under this Act, the Agency
	15	may demand by requisition from any organisation, equipment, facilities or
	16	personnel which may assist in speedy and effective search and rescue
	17	operation or other disaster curtailment operation during a period of
	18	employment.
	19	(2) The Agency shall provide compensation for loss or damage
	20	arising from the use of any equipment, facility or personnel requisitioned under
	21	the provisions of this section.
Offices and premises. Cap. L12 LFN, 2004	22	24. -(1) For the purpose of providing offices and premises necessary
	23	for the performance of its functions under this Act, The Agency may, subject to
	24	the Land Use Act:
	25	(a) purchase or take on lease any interest in land, or other property;
	26	and
	27	(b) construct, equip and maintain premises for the purpose of
	28	providing offices for the Agency.
Cap. L12 LFN, 2004	29	(2) The Agency may subject to the Land Use Act, sell or lease out any
	30	office or premises owned by it, which office or premises is no longer required

1 for the performance of its functions.

2 **25.**-(1) The Minister may give to the Agency, general or specific Directives by
3 directives as the policy to be followed in the performance of its functions the Minister
4 and the Agency shall comply with and give effect to all such directives.

5 (2) The Agency shall furnish the Minister with:

6 (a) annual reports incorporating information relating to the assets
7 and liabilities and functions of the Agency;

8 (b) returns, accounts, minutes of meeting and other information
9 relating thereto; and

10 (c) facilities for the information furnished, in such manner and at
11 such time as he may require.

12 **26.** The Agency may with the approval of the Minister, make Regulations
13 regulations, generally for the purposes of giving effect to the provisions of
14 this Act.

15 **27.** In this Act: Interpretation

16 "Agency" means the FCT Emergency Management Agency established
17 under section 1 of this Act;

18 "Disaster" means an occurrence of severity and magnitude that normally
19 results in death, injuries and property damage that cannot be managed
20 through the routine procedures and resources of Government. It usually
21 occurs suddenly and unexpectedly and requires immediate, coordinated and
22 effective responses by multiple Government and private sector
23 organisations to meet human needs and speedy recovery;

24 "Chairman" means the Chairman of the Council;

25 "Council" means the Advisory Council established for the Agency under
26 this Act;

27 "Management Committee" means the Management Committee established
28 for the Agency under this Act;

29 "members" means a member of the Council and includes the Chairman.

Citation 1 **28.** This Bill may be cited as the Federal Capital Territory Emergency
2 Management Agency (Establishment) Bill, 2019.

SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS

OF THE COUNCIL

1.-(1) Subject to the provisions of this Act, the Council may make standing orders regulating its proceedings or that of its Committees.

(2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and six other members of the Council, and the quorum for any Committee of the Council shall be as determined by the Council.

2.-(1) The council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by at least six other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside.

3. Where the Agency desires to obtain the advice of any person on any particular matter, the Agency may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted, shall have all the rights and privileges of a member except the right to vote.

4. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt the person for such period as it deems fit, but any person who is in attendance by virtue of this paragraph shall not count towards a quorum.

5.-(1) The fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman, the Director-General or any person generally or specifically authorised by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person

1 not being a body corporate, would not be required to be under seal may be
2 made or executed on behalf of the Agency by the Director-General or ally
3 person generally or specifically authorised by the Council to act for that
4 purpose.

5 (3) A document purporting to be a document duly executed under
6 the seal of the Agency shall be received in evidence and shall, except the
7 contrary is proved, be presumed to be executed.

8 6. The validity of any proceedings of the Council or of any of its
9 Committee shall not be adversely affected by:

10 (a) a vacancy in the membership of the Council or Committee;

11 (b) a defect in appointment of a member of the Council or
12 Committee; and

13 (c) reason that a person not entitled to do so took part in the
14 proceedings of the Council or Committee.

15 *Technical Committees*

16 7.-(1) The Council may appoint a Technical Committee to advise it
17 on Committee specific matters and to carry out on behalf of the Council such
18 of its functions as the Council may determine;

19 (2) A Technical Committee appointed under subparagraph (1) shall
20 consist of such number of persons as may be approved by the Council, and
21 the Committee may co-opt persons of high technical competence who are
22 not members of the Council;

23 (3) A person other than an employee of the Council co-opted by the
24 Council shall hold office on the Committee in accordance with the terms of
25 the letter by which he is appointed.

26 *Standing or Ad-Hoc Committees*

27 8.-(1) The Agency may appoint such number of standing or ad-hoc
28 committees as it thinks fit and the Committees shall report on any matter of
29 Committee with which the Agency is concerned.

30 (2) Every Committee appointed under the provision of this

1 paragraph shall be presided over by a member of the Agency and shall be made
2 up of other persons, who may not be officers of the Agency.

3 (3) The quorum of any Committee set up by the Agency is determined
4 by the Agency.

5 (4) Where standing orders provide for a Committee of the Agency
6 which consist of co-opted persons who are not officers of the Agency, the
7 Committee shall advise the Agency on any matter referred to it by the "Agency
8 and the members may attend any meeting of the Agency for that purpose.

EXPLANATORY MEMORANDUM

This Bill seeks to provides for the Establishment of Federal Capital Territory (FCT) Emergency Management Agency (FEMA) for formulating policies and guidelines relating to the prevention and Management of disasters in the FCT.

BIRTHS, DEATHS, ETC., (COMPULSORY REGISTRATION) ACT
(AMENDMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

Clause:

1. Enactment
2. Amendment of Section 10 (2)
3. Insertion of a new Subsection (3) in Section 10
4. Amendment of Section 21 (2)
5. Insertion of a new Subsection (5) in Section 21
6. Amendment of Section 24 (3)
7. Amendment of Section 28 (4)
8. Amendment of Section 42 (2)
9. Amendment of Section 45 (1)
10. Amendment of Section 46
11. Amendment of Section 47 (1)
12. Amendment of Section 48 (1) and (2)
13. Citation

FOR

Sponsored by Hon. Sergius Ogun

[] Commencement

1 **1. The Births, Deaths, etc., (Compulsory Registration) Act, 1992,** Enactment
2 Cap B9 Laws of the Federation of Nigeria 2004 (in this Bill referred to as the
3 Principal Act) is hereby amended as set out in this Bill.

4 **2.** Section 10(2) of the Principal Act is amended by deleting the Amendment of
5 phrase; "and subject to the payment of such fees as may be prescribed", Section 10 (2)
6 appearing in Section 10(2)(a) and (b) as follows:

(2) Notwithstanding the provisions of subsection (I) of this section,
a birth may be registered after the expiration of:

(a) sixty days and within twelve months after the birth by the registrar or the Deputy Chief Registrar in whose custody the relevant register of births may be at the time the report for registration is received;

12 (b) twelve months there from with the authority of the Deputy
13 Chief Registrar.

14 **3.** Section 10 of the Principal Act is amended by inserting a new
15 subsection (3) as follows:

Insertion of a new
Subsection (3) in
Section 10

(3) Notwithstanding the provisions of this section, nothing shall require any qualified informant to pay any fee for the registration of a birth, where the qualified informant brings the report of such birth, after the expiration of the time stipulated in this section.

20 **4.** Section 21(2) of the Principal Act is amended by deleting the Amendment of
21 phrase; "as to fees", appearing in subsection (2) of the section as follows: Section 21 (2)

	1	(2) Subject to such conditions as may be prescribed by the Registrar-
	2	General, a death may after the expiration of thirty days but within twelve
	3	months be registered by the registrar or Deputy Chief Registrar in whose
	4	custody the relevant register of deaths may be at the time the report for
	5	registration is received.
Insertion of a new Subsection (5) in Section 21	6	5. Section 21 of the Principal Act is amended by inserting a new
	7	subsection (5) as follows:
	8	(5) Notwithstanding the provisions of this section, nothing shall
	9	require the Registrar-General to impose any fee for the registration of a death,
	10	where the qualified informant brings the report of such death, after the
	11	expiration of the time stipulated in this section.
Amendment of Section 24 (3)	12	6. Section 24 (3) of the Principal Act is amended by inserting ten
	13	thousand naira in the place of five hundred naira as follows:
	14	(3) If any person refuses or fails without reasonable excuse to give
	15	any information concerning any death which he is required by this section to
	16	give he shall be guilty of an offence and liable on conviction to a fine of
	17	N10,000 (ten thousand naira) or imprisonment for a term of five months or to
	18	both such fine and imprisonment.
Amendment of Section 28 (4)	19	7. Section 28 (4) of the Principal Act is amended by inserting ten
	20	thousand naira in the place of five hundred naira as follows:
	21	(4) If the master of any ship fails to comply with any requirement of
	22	this section, he shall be liable for each offence to a fine not exceeding N10,000
	23	(ten thousand naira).
Amendment of Section 42 (2)	24	8. Section 42(2) of the Principal Act is amended by inserting fifty
	25	thousand naira in the place of one thousand naira and one hundred thousand
	26	naira in the place of two thousand naira as follows:
	27	42(2) If any person who has in his custody or power any such article as
	28	aforementioned, wilfully fails to deliver it up to, or account for it to the
	29	satisfaction of, the person in whose custody it should be, he shall be guilty of an
	30	offence and liable on conviction to a fine of ~50, 000 (fifty thousand naira) or

1 imprisonment for a term of three months or to both such fine and
2 imprisonment; and if the failure continues after he is convicted thereof he
3 shall be guilty of a further offence and be liable on conviction to a fine of
4 N100,000 (one hundred thousand naira) or imprisonment for a term of six
5 months imprisonment or to both such fine and imprisonment.

6 **9.** Section 45(1) of the Principal Act is amended by inserting ten
7 thousand naira in the place of two hundred naira as follows:

Amendment of
Section 45 (1)

8 45(1) The Registrar-General or any person authorized in writing
9 for that purpose by the Registrar-General, may, if he is satisfied that any
10 person has committed an offence against this Act or any regulations made
11 there under, compound such offence by accepting from such person a sum
12 not exceeding N10,000 (ten thousand naira).

13 **10.** Section 46 of the Principal Act is amended by inserting ten
14 thousand naira in the place of two hundred naira as follows:

Amendment of
Section 46

15 46. If any person commits any of the following offences, that is:

16 (a) being a registrar, he refuses or without reasonable cause omits
17 to register any birth or death, or particulars concerning which information
18 has been tendered to him by a qualified informant and which he is required
19 by or under this Act to register; or

20 (b) being a person having custody of any register of births or deaths
21 he carelessly loses or damages the register or allows the register to be
22 damaged, he shall be guilty of an offence and liable on conviction to a fine of
23 N50,000 (fifty thousand naira) or imprisonment for a term of six months or
24 to both such fine and imprisonment.

25 **11.** Section 47 (1) of the Principal Act is amended by inserting one
26 hundred thousand naira in the place of two hundred naira as follows:

Amendment of
Section 47 (1)

27 47(1) If a person forges or falsifies any certificate, declaration or
28 order under this Act, or knowingly uses or gives or sends to any person as
29 genuine any false or forged certificate, declaration or order for the purposes
30 of this Act, he shall be guilty of an offence and liable on conviction to a fine

Amendment of
Section 48 (1)
and (2)

1 of N100,000 {one hundred thousand naira} or imprisonment for a term of six
2 months or to both such fine and imprisonment.

3 **12.** Section 48 (1) and (2) of the Principal Act is amended by inserting
4 five thousand naira in the place of fifty naira in section one and ten thousand
5 naira in the place of fifty naira in section two as follows:

6 48 (1) If, any person commits any of the following offences, that is:

7 (a) being required by or under this Act or any other enactment to give
8 information concerning any birth or death of any living new born child or any
9 dead body he wilfully refuses to answer any question put to him by the registrar
10 relating to the particulars required to be registered concerning the birth or death
11 or save as provided in this Act, fails to comply with any requirement of the
12 registrar made hereunder;

13 (b) he refuses or fails without reasonable cause to give, deliver or send
14 any certificate which he is required by this Act to give, deliver or send;

15 (c) being a parent and save as provided in this Act, he fails to give
16 information concerning the birth of his child as required by this Act;

17 (d) being a person upon whom a duty to give information concerning
18 a death is imposed by any enactment he fails to give that information;
19 he shall be guilty of an offence and liable on conviction to a fine of not more
20 than N5,000 (five thousand naira) or imprisonment for a term of one month or
21 to both such fine and imprisonment in respect of each offence.

22 (2) If any person wilfully obstructs the registrar or any other officer
23 duly authorized in the lawful exercise of the powers vested in him under this
24 Act, he shall be guilty of an offence and liable on conviction to a fine of
25 N10,000 (ten thousand naira) or imprisonment for a term of one month.

Citation

26 **13.** This Bill may be cited as the Births, Deaths, etc., (Compulsory
27 Registration) Act (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Births, Deaths, etc., (Compulsory Registration) Act, to eliminate the requirement for payment of fees when registering the birth of a child.

A BILL

FOR

AN ACT TO AMEND THE PIERS ACT, 1917 AND FOR RELATED MATTERS

Sponsored by Hon. Sergius Ogun

[] Commencement

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

- | | | |
|----|-------------------------------------------------------------------------------|--------------|
| 1 | 1. The Piers Act, 1917, Cap P18 Laws of the Federation of Nigeria | Enactment |
| 2 | 2004 (in this Bill referred to as the Principal Act) is hereby amended as set | |
| 3 | out in this Bill. | |
| 4 | 2. Section 4(2) of the Principal Act is amended by inserting fifty | Amendment of |
| 5 | thousand naira in the place of one hundred naira as follows: | Section 4(2) |
| 6 | (1) No person shall erect or re-erect, alter or extend, any pier except | |
| 7 | under a licence issued under this Act. | |
| 8 | (2) Any person who contravenes the provisions of subsection (1) of | |
| 9 | this section shall upon conviction be liable to payment of a fine of fifty | |
| 10 | thousand naira. | |
| 11 | 3. This Bill may be cited as the Piers Act (Amendment) Bill, 2019. | Citation |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Piers Act, to bring up to date, the fine prescribed for violating the regulations of the Act, in relation to the erection, alteration and extension of a pier license from the appropriate authority.