

Extraordinary



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A BILL

FOR

AN ACT TO AMEND THE DISPLAY AND USE OF THE NATIONAL FLAG,
CERTAIN FLAGS AND THE NATIONAL COAT OF ARMS ACT OF 1960 AND
FOR RELATED MATTERS, 2019

Sponsored by Hon. Olusegun Odebunmi

[]

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

- | | |
|---|---|
| <p>1 1. The Act to regulate the display and use of the National flag,
2 certain flags and the National coat of arms of 1960 in this Bill referred to as
3 "the Principal Act" is amended as set out in this bill.</p> | <p>Amendment of
the Principal Act</p> |
| <p>4 2. Section 2 of the principal Act which is "interpretation" is
5 amended by adding the following:
6 "Public place shall include any government office at all levels and every
7 office of the military, Police, Paramilitary organizations, public schools of
8 all levels of education".</p> | <p>Amend of the
Interpretation</p> |
| <p>9 3. Section 3, subsection 2 of the principal Act is amended by
10 creating new clauses, that is to say subsection (c) and this shall read thus "It
11 shall be a disrespect for the National flag for any person/organization to
12 produce or construct the National flag contrary to the one conceived by Pa
13 Michael Taiwo Akinkunmi in 1959 with a green and white colour, without
14 any embellishment of any sort including the Coat of Arms on it. A violation
15 of this is an offence".</p> | <p>Amendment of
Section 3,
Subsections 2</p> |
| <p>16 4. Section 3, subsection (d) shall read thus "The National Coat of
17 Arms also shall not be deconstructed in any form and any violation of this
18 subsection of this Act is an offence".</p> | <p>Amendment of
Section 3,
Subsection (d)</p> |
| <p>19 5. Section 3, subsection (e)- "from the date of the passage and
20 commencement of this subsection into law, it shall be an offence for any</p> | <p>Amendment of
Section 3,
Subsection (e)</p> |

	1	person/ organization to construct both the National flag and the National Coat
	2	of Arms except the National Orientation Agency (NOA) or without a written
	3	approval of the Minister/ NON".
	4	"To give effect to this subsection, individuals/organizations to. construct both
	5	National coat of Arms".
Amendment of Section 8	6	6. Section 8 of the principal Act is amended by providing that " And
	7	any member of the Security Agencies" to be included after the words "Any
	8	Police Officer"
Amendment of Section 8, Subsection 1	9	7. Section 8, Subsection 1 of the principal Act is amended thus by
	10	adding after the words "licenses issued by the Minister of the NOA and after the
	11	words "as Minister" or the NOA and after the words "altered by the Minister" or
	12	the NOA.
Amendment of Section 8, Subsection 2	13	8. Section 8, subsection 2, is amended by adding the words the
	14	Director-General of the NOA or to the Permanent Secretary by deleting the
	15	previously existing words "Director-General" and after the next word
	16	"Minister" by adding the word "NOA" after the word Minister.
Creation of a new Section 9	17	9. The principal Act is amended by creating a new section 9 and new
	18	subsections. They shall read thus section 9, subsection (a) "The National flag,
	19	National Coat of Arms and the National Anthem are National Symbols, power
	20	and authority that ought to be respected by every citizen and foreigners in
	21	Nigeria". In this regard the citizens and foreigners in Nigeria are expected to:
	22	Subsection (b):
	23	(i) The National flag should be shown respect such that no emblem
	24	should be flown or placed above it;
	25	(ii) Old and worn out flags should not be displayed publicly, rather
	26	they should be destroyed and changed immediately;
	27	(iii) When carried in procession, the bearer is positioned in front and
	28	must properly and neatly dressed;
	29	(iv) The National flag should be hoisted and flown in a smart manner
	30	accompanied with a ceremony at dawn in the morning and lowered similarly at

1 sunset in the evening that is 6am and 6pm respectively, especially by all
2 security agencies;

3 (v) The National flag can be laid out flat horizontally only on quite
4 rare occasions. The only time the flag is not hoisted at its peak is during State
5 funerals or memorial days when it is flown at half mast as a sign of respect;

6 (vi) When the National flag is in procession where there are two
7 flags with one being non-national, the National flag should always be in
8 front;

9 (vii) Only special dignitaries are allowed to display the National
10 flag in their vehicles and should be displayed at the right fender of the car
11 chassis or on the radiator cap;

12 (viii) Whenever the National Anthem is being played or sang,
13 especially during public functions, everybody present ought to stand up and
14 remain standing still until after the National anthem.

15 **10.** Section 10 of the Principal Act is amended by increasing the
16 penalty by a person by deleting the sum of One Hundred Naira and
17 substituting it with Fifty Thousand Naira on conviction and in the case of
18 continuing offences by substituting ten Naira per day with Five Thousand
19 Naira. While for corporate organization that violates this Act, a fine of Five
20 Hundred Thousand Naira on conviction.

Amendment of
Section 10

21 **11.** This Bill may be cited as the Display and Use of the National
22 Flag and Coat of Arms (Amendment) Bill, 2019.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Display and Use of the National Flag, certain
Flags and the National Coat of Arms Act of 1960.

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL FILM AND VIDEO CENSORS BOARD ACT, CAP N40 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL FILM AND VIDEO CENSORSHIP, CLASSIFICATION AND EXHIBITION REGULATORY COMMISSION ACT 2019 FOR CLASSIFICATION OF FILMS, VIDEO WORKS, MUSICAL VIDEOS AND VIDEO GAMES AND FOR THE REGULATION OF THEIR SALES, RENTALS, DISTRIBUTION, EXHIBITION AND FOR RELATED MATTERS

Sponsored by Hon. Odebunmi Olusegun

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE NATIONAL FILM AND VIDEO
2 CLASSIFICATION COMMISSION

3 1.-(1) There is established a body to be known as the National Film
4 and Video Classification Commission (in this Act referred to as "the
5 Commission"). Establishment
of the Commission

6 (2) The Commission:

7 (a) shall be a body corporate with perpetual succession and
8 common seal;

9 (b) may sue and be sued in its corporate name; and

10 © may acquire, hold or dispose of any property, movable or
11 immovable, for the purpose of carrying out any of its functions under this
12 Act.

13 2. The Commission shall:

14 (a) Examine and classify films and video works, musical videos
15 and video games;

16 (b) License; Functions of the
Commission

- 1 (i) a person to sell, hire, rent or supply films and video works, musical
- 2 videos and video games,
- 3 (ii) a premises for the purposes of exhibiting films and video works,
- 4 musical videos and video games,
- 5 (iii) a person to exhibit films and video works, musical videos and
- 6 video games,
- 7 (iv) online platforms engaged in sales, rentals, leasing, distribution or
- 8 exhibition of films and video works, musical videos and video games.
- 9 (c) register all:
- 10 (i) film and video exhibition premises,
- 11 (ii) film and video distributor and retailers;
- 12 (iii) video shops, video clubs cinemas and viewing centres;
- 13 (iv) films and video works, musical videos and video games censored
- 14 and classified;
- 15 (d) approve materials for the advertisement of a film and video work,
- 16 musical video and video game;
- 17 (e) keep record of all films and video works, musical videos and video
- 18 games:
- 19 (i) submitted for approval;
- 20 (ii) approved;
- 21 (iii) refused approval;
- 22 (f) keep a record of all necessary information on a film and video
- 23 producer; whose work is to be sold, hired, rented or supplied or exhibited in
- 24 Nigeria and abroad;
- 25 (g) keep records of all changes in any register belonging to the Board;
- 26 (h) regulate and control cinematographic exhibitions;
- 27 (i) regulate the import of foreign films, video works, musical videos
- 28 and video games, and export of Nigerian films, video works, musical videos
- 29 and video games for classification;
- 30 (j) receive and investigate complaints from licensees, consumers and

1 other persons concerning censorship and classification in the film industry;

2 (k) be responsible for the protection of the public interest by
3 ensuring that operators in the industry carry out their trade with due regard to
4 public interest;

5 (l) advise the Federal Government generally on all censorship and
6 classified matters concerning or relating to the film and video industry in
7 Nigeria;

8 (m) perform such other functions as are necessary or expedient for
9 the discharge of all or any of the functions under this Act;

10 **3.-(1)** The Board shall consist of:

11 (a) a Chairman; who shall be an eminent Nigerian with sound
12 knowledge of the Nigerian arts and culture and requisite experience in the
13 film related discipline, appointed by the President on the recommendation
14 of the Minister;

Membership of
the Governing
Board of the
Commission

15 (b) a representative of each of the six geographical zones of Nigeria
16 excluding the zone represented by the Chairman, who shall have sound
17 knowledge of the Nigerian arts and culture and requisite experience in a film
18 related discipline;

19 (c) a representative of the Nigerian copyright Commission;

20 (d) the Director General of the Commission.

21 (2) The provision of the first Schedule to this Act shall have effect
22 with respect to the proceedings of the Board

23 (3) The Chairman and other members of the Board shall be persons
24 of proven integrity who by reason of their professional or business
25 attainments are in the opinion of the Minister capable of making useful
26 contributions to the work of the Commission.

27 (4) The members of the Board, other than the Director-General
28 shall be part-time.

29 **4.-(1)** A member of the Commission may be removed from office
30 by the President if he is satisfied that it is not in the interest of the

Cessation of
Members

	1	Commission or the public that the member should continue in office.
	2	(2) A member shall resign his appointment by a letter addressed to the
	3	President, through the Minister
	4	(3) Whenever a vacancy occurs in the membership of the
	5	Commission, it shall be filled by the appointment of a successor to hold office
	6	for the remainder of the term of office of his predecessor, the successor shall
	7	represent the same interest as his predecessor.
Tenure of Office	8	5. Subject to the provision of this Act, a member of the Board other
	9	than an ex-officio member shall hold office for a period of three years from the
	10	date of his appointment and may be reappointed for another term of three years
	11	only
Allowances	12	6. Members of the Board appointed under subsection (1) (a) (b) and
	13	(c) of section 3 of this Act shall be paid such allowances as the Government
	14	may determine
	15	PART II - STAFF OF THE COMMISSION
Director-General	16	7. There shall be a Director General for the Commission to be
	17	appointed by the President on the recommendation of the Minister. The
	18	Director General Shall;
	19	(i) be a person with reasonable knowledge or experience in media the
	20	film Industry;
	21	(ii) be the Chief Executive and Accounting officer of the Commission
	22	and shall be;
	23	(iii) be responsible for the execution of the policies of the
	24	Commission and its day to day administration;
	25	(iv) hold office for a term of four years and may be re-appointed for
	26	another term of four years only.
Secretary/Legal Adviser to the Commission	27	8.-(1) The Board shall appoint a Secretary/Legal Adviser
	28	recommended by the Director- General to the Commission who shall.
	29	Amongst other things, keep records, conduct the correspondence of the
	30	Commission, give legal advice/opinion, organise Board and Management

1 meetings and carry out such other duties as the Commission or Director-
2 General may from time to time; direct.

3 (2) The Secretary/Legal Adviser shall have at least 10 years post-
4 call experience as a lawyer.

5 (3) The Legal Adviser and other Legal Officers of the Commission
6 shall have powers to prosecute, conduct or defend before a court of law any
7 charge, information, complaint or other proceedings arising from the
8 implementation of the provisions of this Act.

9 9. The Board may appoint such other persons as employees of the
10 Commission as it may consider necessary

Other Staff of
the Commission

11 10. The Board may create such number of departments or units as
12 may be necessary for the efficient management of the Commission.

Creation of
Departments
and Units

13 11.-(1) The terms and conditions of service including terms and
14 conditions as to remuneration, allowances, retirement and other benefits of
15 officers and other employees of the Commission shall be as may be
16 determined by the Board.

Conditions of
Service

17 (2) The Board may, subject to the provisions of this Act, make staff
18 regulations relating generally to the conditions of service of the employees
19 of the Commission and without prejudice to the foregoing, such regulation
20 may provide for:

21 (a) the appointment, promotion and disciplinary control (including
22 dismissal) of employees of the Commission; and

23 (b) appeals by such employees against dismissal and other
24 disciplinary measures.

25 (3) until such regulations are made, any instrument relating to the
26 conditions of service of officers in the civil service of the Federation shall be
27 applicable.

28 (4) employees of the Commission shall be entitled to pensions, and
29 other retirement benefits as prescribed under the Pension Act.

	1	PART III - FINANCIAL PROVISIONS
Funds of the Commission	2	12. -(1) The Commission shall establish and maintain a fund, which
	3	shall consist of:
	4	(a) such sums as may be appropriated to the Commission by the
	5	Federal, Government;
	6	(b) fees and charges for services rendered by the Commission or
	7	publications made by the Commission;
	8	(c) all other sums of money accruing to the Commission by way of
	9	gift, disposition or otherwise;
	10	(2) The Commission shall after the National Assembly approval from
	11	time to time apply the proceeds of the fund established pursuant to subsection
	12	(1) of this Section to the cost of the administration of the Commission.
Borrowing Power	13	13. The Commission may, with the consent of and in accordance with
	14	the general authority given by the Minister, borrow such sums of money as the
	15	Commission may require in the exercise of its functions under this Act
Annual Estimates	16	14. The Commission shall not later than so" September in each year
	17	submit to the Minister, for National Assembly approval, an estimate of its
	18	expenditure and income for the next year
Audit or Accounts	19	15. The Commission shall keep proper accounts in respect of each
	20	year and proper records in relation to those accounts and shall cause its
	21	accounts to be audited within six months after the end of each year by auditors
	22	appointed from the list in accordance with the guidelines supplied by the
	23	Auditor-General for the Federation.
	24	PART IV - JUDICIAL PROCEEDINGS
Jurisdiction of Court	25	16. The Federal High Court shall have exclusive jurisdiction over
	26	any matter under this Act.
Limitation of Suits	27	17. -(1) Notwithstanding anything in any other enactment, no suit
	28	against the Commission or member of staff of the commission for any act done
	29	in pursuance of the provisions of this Act, or of any public duty of the
	30	Commission or in respect of alleged neglect or default in the execution of such

1 enactment or law, duties or authority, shall lie or be instituted in court unless
2 it is commenced within twenty four months next after the act, neglect or
3 default complained of and in the case of continuance of damage or injury,
4 within three months next after the ceasing thereof.

5 (2) No suit shall be commenced against the Commission before the
6 expiration of a period of one months after written notice of intention to
7 commence the suit shall have been served upon the Commission by the
8 intending plaintiff or his agent; and the notice shall clearly and explicitly
9 state the cause of action, the particulars of claims, the name and place of
10 abode of the intending plaintiff and the relief which he claims.

11 (3) The notice referred to in sub-section (2) of this Section, any
12 other notice, summon, process, document required or authorized to be
13 served upon the Commission under the provisions of this Act or any other
14 enactment or law shall be served by delivering the same to the Director-
15 General of the Commission at the head office of the Commission.

16 **18.** Every member, agent, auditor or employee of the Commission
17 shall be indemnified by the Commission against any liability incurred in the
18 course of carrying out official duties

Indemnity of
members and
employees of
the Commission

19 **PART V - LICENSING OF PREMISES AND EXHIBITORS**

20 **19.**-(1) Subject to the provisions of this Act, no person shall exhibit
21 a film, video work or video game unless he is a holder of a licence granted by
22 the Commission under this Act .

23 (2) No premises shall be used for film or video exhibition except in
24 accordance with a licence granted under this Act.

25 (3) An application for licence as exhibitor shall be accompanied
26 with evidence of payment of the prescribed fee.

27 (4) The provisions of this section shall not apply to:

28 (a) a film or video exhibition in a premises to which the public is
29 not admitted, provided such films and videos are classified and approved by
30 the Commission;

General Safety
Provisions

1 (b) premises employed by the Federal, State or Local Government for
2 cinematographic purposes;

3 (c) premises owned by Federal, State or Local Government but not
4 used for commercial purposes, and

5 (d) a film or video exhibition aimed at educating, instructing or
6 enlightenment purposes.

7 **20.-(1)** No premises shall be licensed for carrying on the business of
8 film or video exhibition unless:

9 (a) the premises are provided with such means of escape in case of
10 fire, as the Federal or State fire service may reasonably require and such means
11 of escape are maintained in good condition and free from obstruction; or

12 (b) where the premises forms part of a building and such part is either:

13 (i) separated from any other part of the building by fire-resisting
14 partitions (including fire-resisting ceilings and floors) and fire-resisting self
15 closing doors; or

16 (ii) so constructed that a fire occurring thereon is not likely to spread
17 to other parts of the building and its use for the purposes to which this Act
18 applies are sanctioned in writing by the Commission and any conditions
19 attached thereto are complied with; the premises are provided with adequate
20 means of extinguishing fire having regard to the amount of inflammable
21 materials in the premises;

22 (c) the furniture and apparatus in the premises are so arranged as to
23 afford free access to persons in the premises in the event of fire the fittings are
24 as far as is practicable, of non- inflammable or fire-resisting materials;

25 (d) there is kept posted up in large characters in the premises,
26 instructions as to the action to be taken in case of fire and full directions as to the
27 means of escape from the premises in case of fire; and

28 (e) the fittings of the store-room are as far as practicable, of non
29 inflammable or fire-resisting materials.

1	21. An application for the grant of a licence to use a premises for	Application for Licences of Exhibition Premises
2	the purpose of a film or video exhibition shall contain or be accompanied by:	
3	(a) such information, documents and other materials the	
4	Commission may from time to time prescribe;	
5	(b) a certificate issued by the Federal or State Fire Service stating	
6	that the premises conforms with the necessary safety regulations; and	
7	(c) evidence of the payment prescribed fee.	
8	22. The Commission shall issue a license to the applicant in	Issuance of Licence
9	respect of the premises with such conditions as may be imposed or attached	
10	there, having satisfied that:	
11	(a) an application for a licence has been made in the prescribed	
12	manner and contains all information or accompanied by all documents	
13	required under Section 21 of this Act;	
14	(b) the premises are constructed and equipped to such standards as	
15	may be prescribed;	
16	(c) the applicant is capable of complying with such conditions as	
17	may be imposed or attached to the licence.	
18	23. Notwithstanding the provisions of section 22 and any other	Variation, revocation etc of license by the Commission
19	section of this Act, the Commission may in case of violation of the license	
20	requirement and attached condition with the existing licensee:	
21	(a) refuse to grant a licence; or	
22	(b) at any time modify or vary the terms, conditions and restrictions	
23	of a licence; or	
24	(c) revoke any licence already granted under this Act.	
25	24.-(1) Unless a licence is revoked under section 23 of this Act, it	Validity of Licence
26	shall remain in force for two years or for such shorter period as the	
27	Commission may, on the grant of the licence determine and such licence	
28	shall not be transferable.	
29	(2) Where, before the date of expiry of a licence, an application has	
30	been made for renewal of the licence, the licence shall be deemed to remain	

	1	in force or as the case may require, having effect with any such necessary
	2	modifications until the determination of the application by the Commission.
Entry, Search and Seizure	3	25. -(1) If the court is satisfied by information on oath that:
	4	(a) there is reasonable ground for suspecting that an offence under this
	5	Act has been or is being committed on any premises, or
	6	(b) there is evidence that an offence has been or is being committed on
	7	any premises, the court may issue a warrant authorizing the person applying for
	8	the warrant to enter and search the premises.
	9	(2) A police officer or any other person authorized in that behalf to
	10	enter or search any premises in pursuance of a warrant under subsection (1) of
	11	this Section, and seize anything found therein which he has reasonable grounds
	12	to believe may be required to be used in evidence in any proceedings for an
	13	offence under this Act.
	14	(3) where any property is seized under the provision of this Act, the
	15	property shall be in the custody of the Commission pending the completion of
	16	investigation or the determination of the case in the case of a prosecution.
	17	(4) if a police officer or any other person authorized in that behalf has
	18	reasonable grounds for suspecting that a person has committed an offence
	19	under this section, he may require the suspect to give his or her name and
	20	address, and if that suspect refuses or fails to do so or gives a name or address
	21	which the police officer or the person authorized in that behalf reasonably
	22	suspects to be false, the police officer or the person so authorized in that behalf
	23	may arrest the suspect for prosecution.
Sealing of video outlet	24	26. Officers of the Commission shall have the powers to seal up any
	25	premises not licensed or registered with the Commission or in which
	26	unclassified films or video works, musical videos and video games are
	27	exhibited or sold, hired, rented or supplied.
Registrar of Films, Video works and video games	28	27. An exhibitor of films or video works and video games shall cause
	29	to be kept at his registered office the film or video work exhibited by him and a
	30	register containing:

- 1 (a) the title and registered length of the film or video work, video
2 game;
3 (b) information regarding the origin of the film or video work or
4 video game;
5 (c) the details of approval for the film, video work or video game;
6 (d) the respective dates on which or the period during which the
7 film, video work or video game has been exhibited to the public; and
8 (e) such other particulars with respect to the film, video work or
9 video game as may be prescribed for the purpose of identification in
10 accordance with guidelines by the Commission.

11 **PART VI - LICENSING OF DISTRIBUTOR AND RETAILERS**

12 **28.-(1)** No person shall:

- 13 (a) carry on the business of distributing, retailing or renting of any
14 film or video work, musical video, video game; or
15 (b) display any film or video work anywhere for the purpose of
16 soliciting patronage, without evidence of censor and classification of such
17 work from the Commission pursuant to this Act.
18 (2) An application for licence as a distributor or retailer of films or
19 video works, musical videos and video games shall be accompanied with
20 evidence of payment of the prescribed fee.
21 (3) A licence granted under the provisions of this section shall
22 specify the area within which the applicant is expected to operate.

Licensing of
Distributor and
retailers

- 23 **29.-(1)** A distributor of films or video works, musical videos and
24 video games shall cause to be kept in the premises at which the film, video
25 work, musical video or video game is delivered for distribution, a register
26 containing:

Records to be
kept by a
distributor and
retailer

- 27 (a) the title and registered length of the film, video work, musical
28 video or video game;
29 (b) information regarding the origin of the film, video work,
30 musical video or video game;

1 (c) the details of the classification approval of the film, video work,
2 musical video or video game; and

3 (d) such other particulars with respect to the film, video work, musical
4 video or video game as may be prescribed for the purpose of identification in
5 accordance with guidelines by the Commission.

6 (2) A retailer of films, video works, musical videos or video games
7 shall cause to be kept in the premises at which the film, video work, musical
8 video or video game is delivered for sales or rentals, a register containing:

9 (a) the title of film, video work, musical video or video game;

10 (b) the source of his supply;

11 (c) the quantity of each title he received, and

12 (d) the quantity of each title he has sold or rented.

13 (3) A distributor or retailer of a film or a video work shall, whenever
14 requested by a person authorized in that behalf by the Commission, produce to
15 that person, such books or other relevant documents.

16 **PART VII - REGISTRATION OF FILMS, VIDEO WORKS, MUSICAL VIDEOS**

17 **AND VIDEO GAMES**

Registration
of a film or
video work,
musical video
or video persons

18 **30.-(1)** No person shall sell, hire, rent or supply or exhibit a film or
19 video work, musical video or video game that is not registered with the
20 Commission.

Register of Films
and Video works,
musical videos
and video games

21 **31.-(1)** There shall be kept by the Commission a register of films and
22 video works, musical videos and video games containing particulars in relation
23 to each film or video work.

24 (2) The register shall be opened for inspection by members of the
25 public on payment of the prescribed fee.

26 (3) On a request by any person and on payment of the prescribed fee,
27 the Commission through its designated officer shall furnish that person a
28 Certified True Copy of the entry in the register relating to a particular film or
29 video work.

Correction of Register

Evidence of Registration

Evidence of Registration

Evidence of Registration

Evidence of Registration

Evidence of Registration

Evidence of Registration

Online
Distribution and
Exhibition of
Films/Video works,
musical video
and video games

Online
Distribution and
Exhibition of
Films/Video works,
musical video
and video games

Online
Distribution and
Exhibition of
Films/Video works,
musical video
and video games

Online
Distribution and
Exhibition of
Films/Video works,
musical video
and video games

	1	this Act, the relevant Government Agency regulating the platform on which
	2	such online distribution and exhibition of film, video work, musical video or
	3	video game are done shall take all necessary actions to ensure that the
	4	provisions of this Act are complied with.
Classification Certificate	5	35. -(1) No person shall exhibit, sell, hire, rent, market, supply or
	6	cause or allow to be exhibited, sold, hired, rented or supplied a film, video
	7	work, musical video or video game without classification and release
	8	certificates issued by the Commission in respect of the film, video work,
	9	musical video or video game.
	10	(2) An application for the examination and classification of a film,
	11	video work, musical video or video game shall be accompanied with the
	12	evidence of payment of the prescribed fee.
	13	(3) An application for a Release Certificate shall be made after the
	14	film has been registered by the Commission.
Exempted Exhibition	15	36. -(1) Nothing in section 35 of this Act shall apply to any
	16	documentary film or video work imported, produced or issued by or on the
	17	direction of;
	18	(a) the Federal, State or Local Governments;
	19	(b) the diplomatic representative of a commonwealth or any other
	20	foreign country so long as it is not for commercial purpose;
	21	(c) the United Nations, African Union or any other global or regional
	22	organization or any organ of such organizations; and
	23	(d) an educational, scientific or cultural body or society including any
	24	broadcasting and television organization
	25	(2) For the purposes of exempting an imported film, video work,
	26	musical video or video game under the provisions of subsection (1) of this
	27	section, a notice of importation of the film, video work, musical video or video
	28	game shall be given to the Commission within 14 days of such importation for
	29	its due registration by the Commission.
	30	(3) A video shall not be classified as an exempted work for the purpose

1 of subsection (2) of this section if, to any significant extent, it:

2 (a) depicts explicit sexual activities or acts of force or restraint
3 associated with such activities;

4 (b) depicts mutilation or torture of or other acts of gross violence
5 towards humans or animals;

6 (c) depicts human genital organs or human urinary or excretory
7 functions;

8 (d) is designed to stimulate or encourage anything falling within
9 paragraph (a) of this section or in the case of anything falling within
10 paragraph (b), it is designed to any extent to do so;

11 (e) is religious; or

12 (f) contains ethnic prejudice either by word or action.

13 (4) An application for exemption from classification and approval
14 for exhibition of the film shall be accompanied with evidence of payment of
15 the prescribed fee.

16 (5) The Commission may, if it deems fit in each circumstance,
17 arrange the viewing of a film or video work or verify any information given
18 to it by the applicant.

19 (6) Where the Commission is satisfied that a film or video is of the
20 type to be subjected to examination, the Commission shall apply the
21 provisions of this Act as they relate to examination of film and video.

22 (7) The production of an exemption certificate shall be prima facie
23 evidence of such exemption.

24 **37.-(1)** The Commission shall set up Examination and
25 Classification Committees to be known as the "Classification Committee",
26 for the purpose of examining and classifying films, video works, musical
27 videos and video games.

Examination
and Classification
Committees

28 (2) The Committee shall be charged with the duty of examining the
29 contents of films, video works, musical videos and video games in
30 accordance with section 38 of this Act.

Examination
Criteria

1 (3) The Committee shall assign a classification to a film, video work,
2 musical video or video game having regard to the classification categories
3 contained under this Act.

4 (4) No person, other than members of the Committee shall be present
5 when a film or video work, musical video or video game is shown for
6 examination classification purposes except the presenter and such other person
7 as may be specifically authorized by the Director General.

8 (5) The Committee shall not later than 7 days after its decision notify
9 an applicant of its decision.

10 **38.**-(1) The Committee in reaching a decision on a film, video work,
11 musical video or video game shall ensure that:

12 (a) such a film, video work, musical video or video game has
13 educational or entertainment value apart from promoting Nigerian culture,
14 unity and interest; and

15 (b) such film, video work, musical video or video game is not likely
16 to:

17 (i) undermine national security;

18 (ii) induce or reinforce the corruption of private or public morally;

19 (iii) Encourage or glorify the use of violence;

20 (iv) Expose the people of African heritage to ridicule or contempt;

21 (v) encourage illegal or criminal acts;

22 (vi) encourage racial, religious or ethnic discrimination or conflict;

23 (vii) by its contents, to be blasphemous or obscene; or

24 (viii) denigrate the dignity of womanhood.

25 (2) The Committee shall not approve a film, video work, musical
26 video or video game, which in its opinion depicts any matter, which is:

27 (a) indecent, obscene or likely to be injurious to morality;

28 (b) likely to incite or encourage public disorder or crime;

29 (c) undesirable in the public interest; or

30 (d) an institutional misrepresentation.

1 **39.**-(1) A film, video work, musical video or video game shall be Alteration and
2 sold, hired, rented, supplied or exhibited in exactly the same form, with the Excision
3 same contents, name and promotional materials with which it was classified
4 and registered by the Commission without alteration.

5 (2) A film, video work, musical video or video game as well as its
6 promotional materials to which any matter has been added or removed after
7 it had been approved by the Commission shall be re-submitted for
8 examination and classification and the previous classification shall be
9 deemed to have been withdrawn.

10 (3) The Commission may, at any time, order the withdrawal of a
11 film, video work, musical video or video game from circulation,
12 distribution, sale, rental or exhibition for the purpose of further examination
13 if it is satisfied that such withdrawal is necessary in the public interest.

14 (4) The Commission shall retain any excised portion of a film,
15 video work, musical video or video game as long as it deems fit.

16 (5) the Commission may in its discretion, retain in its custody, film,
17 video work, musical video or video game which it has not approved for sale,
18 supply, rental or exhibition, and in the case of imported film, video work,
19 musical video or video game, until it is ready for exportation back to the
20 country of origin or its decision is set aside on appeal.

21 (6) the Commission shall reserve the right to revoke, withdraw or
22 vary any certificate issued by it in respect of a film, video work, musical
23 video or video game if certain conditions attached to the certificate are not
24 complied with or because of new facts that have come to its knowledge and
25 notice of such revocation, withdrawal or variation shall be communicated to
26 the presenter within 7 days of such decisions.

27 **40.**-(1) Where the Commission approves a film, video work, Classification
28 musical video or video game, it shall state in the certificate issued either in categories of
29 full or by the use of appropriate symbols, the classification of the film, video Film or Video
30 work, musical video or video game as follows: Work

- 1 (a) "G" to indicate for General Exhibition;
2 (b) "PG" to indicate Parental Guidance;
3 (c) "12" to indicate not recommended for children below the age of 12
4 years;
5 (d) "12A" for public exhibition, to indicate not suitable for persons
6 under 12 years unless accompanied by an adult
7 (e) 15A for public exhibition, to indicate not suitable for persons
8 under 15 years unless accompanied by an adult;
9 (f) "18" to indicate for mature audience;
10 (g) "RE" to indicate restricted exhibition for selected audience
11 approved by the Commission.

12 (2) The Commission may by regulations make such other
13 classifications as may from time to time be necessary.

14 (3) Every copy of a film, video work, musical video or video game to
15 be distributed, supplied, retailed, leased or hired out shall be affixed with a
16 classification authentication label which shall be obtained from the
17 Commission upon payment of fee.

Reproduction
of certification
of approval to
be projected

18 **41.-(1)** A person who exhibits or causes to be exhibited a film or video
19 approved by the Commission shall, immediately before the exhibition of such
20 film or video, cause to be projected on the screen on which the picture is to be
21 exhibited, a reproduction of the certificate of classification approved by the
22 Commission for the film or video and the projection on the screen shall be
23 clearly visible throughout the registered premises.

24 (2) Market copies of approved and classified films, video works,
25 musical videos and video games shall have the appropriate advisory at the
26 beginning of the film or video work

Samples Copies
of Posters, etc

27 **42.-(1)** An application for the classification of a film, video work,
28 musical video or video game shall in addition to the film submitted be
29 accompanied by a sample copy of the disc jacket and poster for its
30 advertisement.

1 (2) The powers of the Commission under Section 38 of the Act
2 shall apply to the disc jacket and poster of a film, video work, musical video
3 or video game work submitted for approval.

4 **43.**-(1) A poster approved by the Commission, in connection with Poster Exhibited
5 the sale, supply, rental or exhibition of the film or video work shall, for the as approved
6 purpose of such sale, supply, rental or exhibition, be exactly in the form in
7 which it was approved and without any alteration.

8 (2) If an approved poster is altered it shall be deemed unapproved
9 and shall be re-submitted to the Commission for approval.

10 **44.**-(1) Any advertisement in respect of a film, video work, musical Advertisement
11 video or video game contained in other films or video works, musical videos
12 and video games or in any medium such as radio, television, newspaper,
13 online platforms, etc., shall state the classification of the film, video work,
14 musical video or video game in full or by the use of the symbols under
15 Section 40(1) of this Act.

16 (2) the classification shall be clearly visible or audible having
17 regard to the means of communication and the advertisement shall comply
18 with such other requirements as may be prescribed from time to time by
19 regulations made pursuant to this Act by the Commission.

20 (3) Advertisements of film, video work, musical video or video
21 game under subsection (1) of this section shall be approved and registered
22 with the Commission on payment of the prescribed fee.

23 **45.** The Commission may issue a certified true copy of a film, Certified true
24 video work, musical video or video game after payment of the prescribed fee copy of a film,
25 if it is satisfied, on the declaration made by the person who submitted the video work,
26 film, video work, musical video or video game for examination, that the musical video
27 film, video work, musical video or video game described in the declaration or video game
28 is a duplicate or identical in details, length and in all other aspects to the film,
29 video work, musical video or video game which has been approved by the
30 Commission or exhibition.

Appeal against committee's decision

1 **46.-(1)** An applicant dissatisfied with the decision of the Film
2 Classification Committee may request for a review of the decision, within 30
3 days of being notified, by giving notice to the Commission after payment of the
4 prescribed fee.

(2) On receipt of the notice referred to in subsection (1) of this Section, the Director General shall within 7 days set up a Review Panel to determine the appeal of the aggrieved applicant.

Review Panel

8 47.-(1) Members of the review Panel shall be appointed by the
9 Director-General and shall not include any member of the Committee whose
10 decision is the subject of review or appeal.

11 (2) The Review Panel shall include the Director-General and any
12 other Management Staff selected by the Director General.

(3) The Director-General or other person authorised by him shall
preside over all Appeals and Review Panels.

15 (4) The decision of the Review Panel shall be by simple majority.

(5) No decision of the Commission shall preclude an applicant or a dissatisfied party from seeking redress in the court.

18 PART IX - IMPORTATION AND EXPORTATION OF FILMS, VIDEO WORKS,
19 MUSICAL VIDEOS AND VIDEO GAMES

20 **48.** All films, video works, musical videos and video games imported
21 into Nigeria shall be:

22 (a) classified and registered by the Commission before being sold,
23 hired, rented, supplied or exhibited; and

24 (b)) an application for classification shall be accompanied by the
25 following documents:

26 (i) Import permit issued by the Commission;

27 (ii) Customs duties release certificate;

28 (iii) Classification certificate from country of importation;

29 (iv) Copyright transfer (where applicable); and

30 (v) Evidence of payment of the prescribed fee.

1	49. -(1) Every importer of film, video work, musical video or video	Notification of Intention to Import a Film, Video Work, Musical Video and Video Game
2	game shall notify the commission of any intention to import such film, video	
3	work, musical video or video game.	
4	(2) Notwithstanding anything to the contrary in any other law, any	
5	person found in possession of a reasonable quantity of foreign films, either	
6	of the same title or different titles, shall be deemed to be their importer for	
7	the purposes of this Act, except he is able to present the importer to the	
8	Commission.	
9	50. -(1) Any film, video work, musical video or video game to be	Commission to Grant Permit for Exportation
10	exported from Nigeria for commercial purpose shall be duly classified,	
11	registered and granted an export permit by the Commission upon an	
12	application by the exporter.	
13	(2) The exported copy or copies shall be the same in all material	
14	particular as the one which was classified and registered by the Commission	
15	PART X - OFFENCES AND PENALTIES	
16	51. If at any premises in respect of which a licence is required	Exhibition without Licence
17	under this Act, a film or video is exhibited without such a licence:	
18	(a) The person responsible for the organization or management of	
19	the exhibition; or	
20	(b) Any other person who, knowing or having reasonable cause to	
21	suspect that such exhibition would be made at the premises allowed the	
22	premises to be used for the film or video work exhibition commits an	
23	offence and is liable on conviction to a fine of one million naira only or one	
24	year imprisonment or both.	
25	52. Where the holder of a licence is convicted of an offence under	Seized articles to be destroyed
26	this Act, in addition to any other penalty prescribed in this Act, the Court	
27	may order that any unwholesome or illegal film, video work, musical video	
28	or video game seized by the Commission be destroyed	
29	53. Anybody who intentionally obstructs any person acting	Obstruction of entry into premises
30	pursuant to sections 25 or 26 of this Act commits an offence and is liable on	

	1	conviction to a fine of Five Hundred thousand Naira only or one year
	2	imprisonment.
Exhibition, supply, sale, etc, without classification certificate	3	54. Any person who contravenes the provisions of section 35 of this
	4	Act commits an offence and is liable on conviction to a fine of One million
	5	Naira only or two years imprisonment.
Refusal to withdraw from circulation of film, video work, musical video or video game	6	55. Any person who refuses or neglects to withdraw from circulation
	7	or exhibition, a film, video work, musical video or video game, or refuses or
	8	neglects to submit the film, video work, musical video or video game to the
	9	Commission for the purpose of further examination and classification under
	10	section 39 of this Act, commits an offence and liable on conviction to a fine of
	11	One Million Naira only or one year imprisonment or both.
Supplying video recording without classification certificate	12	56. Where a video recording contains a film or video work in respect
	13	of which no classification certificate has been issued, any person who supplies,
	14	sells, hires, rents, or exhibits such film or video work commits an offence
	15	punishable under this Act and liable on conviction to a fine of One Million
	16	Naira only or One year imprisonment.
Supplying video recording of classified work in breach of classification	17	57. It is an offence punishable under this Act, to sell, hire, rent, supply
	18	or exhibit a film, video work, musical video or video game classified for a
	19	certain age to a person or persons who have not attained that age. Any person
	20	who commit this offence is liable on conviction to a fine of Five Hundred
	21	Thousand Naira only or six months imprisonment.
Spool, case etc of video recording to conform with regulations	22	58. Any person who supplies, sells, rents or offers to supply, sells or
	23	rents a video recording or any spool, case or other thing on or in which the
	24	recording is kept, which does not satisfy the requirement of any regulations
	25	made pursuant to this Act, unless the supply is an exempted supply, commits an
	26	offence liable on conviction to a fine of Five Hundred Thousand Naira only or
	27	six months imprisonment.
False classification	28	59. Any person who supplies or offers to supply a film or video
	29	recording containing a video work, musical video or video game in respect of
	30	which no classification certificate has been issued and the film, video, any

1 spool, case or other thing on or in which the recording is kept contains any
2 indication that a classification certificate has been issued in respect of that
3 film or video, commits an offence and liable on conviction to a fine of Five
4 Hundred Thousand Naira or Six months imprisonment.

5 **60.** Any person who contravenes the provisions of section 40 of
6 this Act commits an offence and is liable on conviction to a fine Five
7 Hundred Thousand Naira only or one year imprisonment or both.

Classification of
film to be stated
in the certificate

8 **61.** Any person who contravenes the provisions of sections 41 or
9 42 of this Act commits an offence and is liable on conviction to a fine of Five
10 Hundred Thousand Naira or a one year imprisonment for each of the
11 offences for which he is convicted.

Refusal to project
certificate of
classification
before exhibition

12 **62.** Any person who contravenes the provisions of section 43 or
13 44 of this Act commits an offence and is liable on conviction to a fine of Two
14 Hundred Thousand Naira for a first offender and One Million Naira or One
15 Year imprisonment for a second offender.

Poster, photographs
etc of film or video
work to state
classification

16 **63.** Any person who makes a declaration under section 45 of this
17 Act which is false or incorrect in any material particular commits an offence.

False declaration
as to details of
film, video work,
musical video or
video game

18 **64.** Any person, who produces, makes, sells, hires, rents, exhibits,
19 publishes or supplies pornographic films, video works, musical videos and
20 video games in Nigeria, commits an offence and is liable on conviction to a
21 term of imprisonment not exceeding two years or fine of One Million Naira
22 or both.

Pornographic
films and videos

23 **65.** Any person who imports into Nigeria a film, video work,
24 musical video or video game, contrary to the provisions of section 48(b) of
25 this Act, commits an offence and is liable on conviction to a fine of Two
26 Million Naira only or four years imprisonment for each title imported.

Imported films
without accompany
documents

27 **66.** Any person who sells, hires, rents, supplies or exhibits, a film,
28 video work, musical video or video game imported into the country, other
29 than exempted work, without classification and registration by the
30 Commission commits an offence and is liable on conviction to a fine of Two

Sale, rental, supply
or exhibition of
imported film,
video work,
musical video or
video game without
registration or
classification

	1	Million Naira only or four years imprisonment.
Importation of films or video works, musical videos and video games without notification	2	67. Any person who imports a film, video work, musical video or
	3	video game into Nigeria, contrary to the provisions of section 49 of this Act,
	4	commits an offence and is liable on conviction to a fine of Two Million Naira
	5	only or four years imprisonment or both.
Exportation of films or video works, musical videos and video games without classification, permit etc.	6	68. Any person who contravenes the provisions of section 50 of this
	7	Act, commits an offence and is liable on conviction to a fine of Two Million
	8	Naira only or four years imprisonment or both.
Aiding and abetting	9	69. Any person who aids or abets the commission of any offence
	10	under this Act commits an offence and is liable on conviction to a fine of Two
	11	Million Naira only or Two years imprisonment or both.
General Penalty	12	70. Any person who is in breach of a provision of this Act for which
	13	no specific penalty is imposed under this Act, if found guilty, shall be liable on
	14	conviction to a fine of Five Hundred Thousand Naira only or 1 year
	15	imprisonment or both.
Corporate bodies	16	71. In the case of a corporate body, where an offence is proved to have
	17	been committed with the consent or connivance of, or attributable to any
	18	neglect on the part of a director, manager, secretary, or person who was
	19	purporting to act in any such capacity, he as well as the body corporate shall be
	20	liable to a fine of One Million Naira only or Two years imprisonment or both.
	21	PART XI - MISCELLANEOUS
Regulations	22	72. The Commission may, with approval of the Minister, make
	23	censorship and classification code or regulation generally for the purpose of
	24	giving effect to the provisions of this Act.
Repeal of Cap. N40 LFN, 2004	25	73. The National film and Video Censors Board Act 2004 is hereby
	26	repealed.
Savings	27	74.-(1) A person who at the commencement of this Act was a member
	28	of staff or an employee of the National Film and Video Censors Board shall as
	29	from the commencement of this Act become a member of staff or employee of
	30	the Commission with the status, rank, designation and functions which

1 corresponds as far as possible to those which appertained to him as a
2 member of staff or employee of the national Film and Video Examines
3 Board.

4 (2) All assets, rights, liabilities and obligations which immediately
5 before the commencement of this Act were assets, rights, liabilities and
6 obligations of the National Film and Video Censors Board shall by virtue of
7 this Act, be taken over by the Commission.

8 (3) Anything made or done or having effect before the
9 commencement of this Act by the National Film and Video Censors Board
10 and having any resulting or continuing effect shall be treated as from the
11 commencement of this Act, as if it were made or done by the Commission.

12 **75.** In this act:

Interpretation

13 "Chairman" means Chairman of the Governing Board;

14 "Commission" means the National Film and Video Regulatory Commission
15 established by of section 1 of this Act;

16 "Distributor" means a person for the time being licensed by the Commission
17 to engage in the business of supplying or distributing films, video works,
18 musical videos or video games;

19 "Director-General" means the Director-General of the Commission
20 appointed under section 7(1) of this Act;

21 "Exhibit" means show, display, put on view, film or video work or its
22 contents to the public;

23 "Exhibitor" means a person who engages in the public exhibition of films or
24 video works, musical videos and video games produced on a screen with or
25 without the projection of light;

26 "Film" includes any record, however made of a sequence of visual Images,
27 which is a record capable of being used as a means of showing that sequence
28 as a moving picture;

29 "member" means a member of the Commission and includes the chairman
30 of the Government Board;

- 1 "Minister" means the Minister charged with responsibility for film matters
- 2 "Picture" means a visual image or other graphic representation exhibited or
- 3 capable of being exhibited from a film or video work;
- 4 "Premises" means any place where any film or video work is exhibited, leased,
- 5 hired, sold, supplied to which admission may be procured by payment
- 6 of money or by ticket or by other means or consideration;
- 7 "Prescribed fees" means fees prescribed in this Act or by Regulations made
- 8 pursuant to this Act;
- 9 "Producer" in relation to a film or video work, means the person making the
- 10 arrangements necessary for the production of a film or video work and for the
- 11 organization and direction of the scenes to be depicted in the film or video
- 12 work;
- 13 "Registered premises" means any premises approved for registration pursuant
- 14 of this Act;
- 15 "Retailer" means a person for the time being licensed by the Commission to
- 16 engage in the business of selling, renting, leasing or hiring out film, video
- 17 works, musical video or video games to final consumers;
- 18 "Sell, hire, rent or supply" without derogating from the ordinary meaning of the
- 19 words includes selling, hiring out or offering for sale or supplying films, video
- 20 works, musical videos or video games;
- 21 "Video" any reference to Video in this Act means video works, musical videos
- 22 and/or video games, as the context may allow;
- 23 "Video game" means an electronic game in which players control images on a
- 24 television or computer screen and often emphasized fast action;
- 25 "Video recording" means any disc or magnetic device containing information
- 26 by the use of which the whole or a part of a video work may be produced;
- 27 "Video Work" means visual image with or without sound:
- 28 (a) Produced electronically by the use of information contained on
- 29 any disc or magnetic device; and shall include musical videos, video games and
- 30 all other types of video recordings;

1 (b) Shown as a moving picture;
2 "Supply" means supply in any manner, whether or not for reward, and
3 includes supply by way of sale, letting or hiring, exchange or loans and
4 references to a supply shall be construed accordingly;
5 "Trailer" means a brief excerpt or series of excerpts from a film.

6 **76.** This Bill may be cited as the National Film and Video Citation
7 Censorship, Classification and Exhibition Regulatory Commission Bill,
8 2019.

9 **SCHEDULES**

10 **FIRST SCHEDULES**

11 **PROCEEDINGS OF THE GOVERNING BOARD**

12 1.-(1) Subject to this Act and Section 27 of the interpretation Act,
13 the Board may make standing orders regulating its proceedings or those of
14 any of its Committees.

15 (2) The quorum of the Board shall be by simple majority and the
16 quorum of any Committee of the Board shall be determined by the
17 Commission

18 (3) The Board shall meet not more than four times in each year and
19 subject thereto, the Board shall meet whenever it is summoned by the
20 Chairman on the advice of the Director General.

21 (4) At any meeting of the Board, the chairman shall preside but if he
22 is absent, the members present at the meeting shall appoint one of their
23 number to preside at that meeting.

24 (5) Where the Board desires to obtain the advice of any person on a
25 particular matter, the Board may co-opt him as a member to obtain the
26 advice. Any person who is a member by virtue of this paragraph shall not be
27 entitled to vote at any meeting of the Board and shall not count towards a
28 quorum.

29 (6) All decisions of the Board shall be by a simple majority and
30 where there is a tie, the Chairman shall have a casting vote Committee.

1 (7) (a) The Board may appoint one or more Committees to carry out,
2 on behalf of the Board, such of its functions as the Board may determine;

3 (b) A Committee appointed under this paragraph shall consist of such
4 number of persons (not necessarily members of the Board) as may be
5 determined by the Board;

6 and a person other than a member of the Board shall hold office on the
7 Committee in accordance with the terms of his appointment

8 (c) A decision of a Committee of the Board shall be of no effect until
9 ratified by the Board.

10 (8) The validity of any proceedings of the Board or of a Committee
11 thereof shall not be affected by any vacancy in the membership of the Board or
12 Committee, or by any defect in the appointment of a member of the Board or of
13 a Committee, or by reason that a person not entitled to do so took part in the
14 proceedings of the Board or a Committee thereof.

15 (9) Any member of the Board or any person holding office in a
16 Committee of the Board, who has a personal interest in any contract or
17 arrangement entered into or proposed to be considered by the Board or a
18 Committee thereof shall forthwith disclose his interest to the Board and shall
19 not vote on any question relating to the contract or arrangement.

20 (10) At any time while the office of the Chairman is vacant or the
21 Chairman is in the opinion of the Board temporarily or permanently unable to
22 perform the functions of his office, a member of the Board duly appointed by
23 the Board shall perform those functions and references in this Act to the
24 Chairman shall be construed accordingly.

25 (11) At any meeting of the Board, the Chairman or in his absence, any
26 member duly appointed by the Board shall preside at the meeting.

27 (12) The fixing of the seal of the Commission shall be authenticated
28 by the signature of the Director-General (or whoever is authorized to act in his
29 absence) and any other officer of the Commission authorized generally or
30 specially to act for that purpose by the Board.

1 (13)(a) Any contract or instrument which, if made or executed by a
2 person not being a body corporate, would not be required to be under seal
3 may be made or executed on behalf of the Board by the Director-General or
4 any officer of the Commission generally or specially authorized to act for
5 that purpose by the Commission;

6 (b) Any document purporting to be a document duly executed
7 under the seal of the Commission shall be received in evidence and shall
8 unless and until the contrary is proved be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Film and Video Censors Board Act, Cap N40 Laws of the Federation of Nigeria, 2004 and to Enact the National Film and Video Censorship, Classification and Exhibition Regulatory Commission Act 2019 for Classification, Sales, Rentals, Distribution and Exhibition of Films, Video Works, Musical Videos and Video Games in Nigeria.

A BILL

FOR

AN ACT TO ESTABLISH THE DIETITIANS COUNCIL OF NIGERIA TO
REGULATE THE PROFESSION OF DIETETICS; AND FOR RELATED MATTERS

Sponsored by Hon. Odebunmi Olusegun

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF DIETITIANS COUNCIL OF NIGERIA

2 1.-(1) There is hereby established for Dietitians in Nigeria a body Establishment
3 to be known as the Dietitians Council of Nigeria (hereinafter referred to as of Dietitians
4 "The Council") which shall be charged with the duty to: Council of Nigeria

5 (a) determine the standards of knowledge and competence to be
6 attained by persons seeking to become registered as Members or Associates
7 (herein referred to as Dietetic Practitioners) and reviewing those standards,
8 as circumstances may permit;

9 (b) regulate and control the professional training of Dietetic
10 Practitioners in all dietetics internship training centres in Nigeria and the
11 regular inspection and accreditation of such institutions;

12 (c) assess and evaluate professional education and registration of
13 foreign graduates of Nutrition and Dietetics;

14 (d) conduct National post-degree (Dietetic internship)
15 examination and awarding certificates as appropriate;

16 (e) ensure that Dietetics Practitioners in Nigeria uphold the Code
17 of ethics, Code of good conduct and practice of the profession and guarantee
18 the sustainability of high quality dietetic practice;

19 (f) Promote the adoption of healthy diets and lifestyle for all
20 Nigerians and collaborate with government Ministries, Parastatals,
21 International agencies and civil societies with similar mandate;

1 (g) Promote rapid sustainability of high quality diets for Nigerians
2 through scientific methods, and regulate all issues pertaining to Dietetics in
3 Nigeria;

4 (h) advance the education, science, technology and art of Nutrition
5 and Dietetics and collaborate with Nigerian Universities Commission in this
6 respect;

7 (i) advise and encourage the enactment and the enforcement of laws
8 that will guarantee good nutrition, quality diets and consistent supply of high
9 quality foods to Nigerians;

10 (j) educate the public on healthy diets for maintenance and prevention
11 of diseases through the practitioners;

12 (k) encourage the co-operation of the Council with any relevant
13 Council in Nutrition and Dietetics internationally;

14 (l) regulate and control the standards of Nutrition and Dietetics
15 professional training and practice in all approved Hospitals, Health institutions
16 and facilities, sports centres, camps, corporate welfare programmes,
17 community and public health settings, food and nutrition related business,
18 factories and industries, research institutions on food and nutrition,
19 Pharmaceutical Companies, other institutions and any public place etc.

20 (m) securing in accordance with the provisions of this Act, the
21 establishment and maintenance of a register of Dietitians necessary for the
22 purpose of recognizing persons entitled under this act to carry on as registered
23 Dietitians and Assistant Dietitians subdivided into two grades:

24 (i) Registered Dietitians;

25 (ii) Registered Assistant dietitians for the purpose of keeping record
26 of persons entitled under this Act to carry on as registered dietitians or
27 registered Assistant dietitians and the publication from time to time of a list of
28 persons so qualified;

29 (n) regulate and control the practice of Nutrition and Dietetics in all its
30 ramifications;

1 (o) perform any other functions as may necessary to the practice of
2 Dietetics and Nutrition.

3 2.-(a) The Council shall have a perpetual succession and may sue
4 and be sued in its corporate name and shall have a common seal, which shall
5 be kept in such custody as the Council may, from time to time, authorize;

6 (b) Fixing of the seal to any document shall be authenticated by the
7 signature of the Chairman or any other person as may be directed by the
8 Council.

9 3. The Council shall have power to:

Power of the
Council

10 (a) establish and promote all such professional certificate courses
11 in Dietetics;

12 (b) establish such offices, departments, units and branches of the
13 Council as may be required for the proper administration and operation of
14 the Council;

15 (c) subject to such terms and conditions as the Council may
16 approve, engage staff, agents and other workers as may be required by the
17 Council for the performance of its functions under this Bill;

18 (d) establish necessary organization for the proper and efficient
19 conduct of the affairs of the Council;

20 (e) provide regulations for all staff of the Council and provide
21 pension and welfare schemes for the staff; and

22 (f) do such other things as may be necessary for the performance of
23 the functions of the Council.

24 PART II - COMPOSITION OF COUNCIL

25 4.-(1) There shall be established for the Council a body to be
26 known as the Governing Council (in the Bill referred to as the "Council"),
27 which shall be charged with responsibility for the administration and
28 general management of the Council.

Establishment
of Governing
Council

29 (2) The Council shall consist of the following:

30 (a) The chairman, who shall be a Registered Dietitian of not less

1 than fifteen (15) years post registration experience to be appointed by the
2 President, on the recommendation of the Minister and in consultation with the
3 Professional Association for Dietitians, in this Act referred to as "Association
4 of Nigerian Dietitians";

5 (b) The Registrar;

6 (c) A representative of the Federal Ministry of Health;

7 (d) six registered Dietitians of not less than 10 years post registration
8 experience to be appointed by the President on the recommendation of the
9 Minister and in consultation with the Professional Association of Dietitians to
10 represent each of the six geo-political zones in Nigeria;

11 (e) two persons who shall be registered Dietitians of not less than 10
12 years post registration experience representing the Professional Association
13 for Dietitians;

14 (f) five persons at a ratio of 3 to 2 to represent the Universities and
15 Polytechnics offering degree and diploma programmes in Nutrition and
16 Dietetics on rotational basis to be appointed by the President on the
17 recommendation of the Minister of health and in consultation with the
18 Professional Association for Dietitians;

19 (g) one person to represent the Armed Forces who shall be a
20 Registered Dietitian of not less than 10 years post qualification.

Tenure of
Office

21 **5.-(1)** (a) The Chairman shall hold office for a term of three years and
22 shall be eligible for re-appointment for one more term;

23 (b) the chairman shall preside over all meetings of the Council, and in
24 the event of death, incapacity or inability to perform the functions of his office,
25 a new chairman shall be appointed for the unexpired term of office of the
26 chairman.

27 (2) The provision of the first schedule to this Act shall have effect with
28 respect to the qualifications and tenure of office of members of the Council and
29 other matters therein mentioned.

30 (3) (a) The tenure of office of a member of the Council other than an

1 ex-officio member shall be three years but such member shall at the end of
2 that term be eligible for re-election, for one more term only;

3 (b) All members of Council shall be on part time basis except the
4 Registrar of the Council;

5 (c) The remuneration of the Registrar and other members of staff
6 shall be determined by the Council;

7 (d) Sitting allowances and other remunerations for other part time
8 staff of the council shall be determined by the governing Council based on
9 the prevailing economic realities;

10 (4) The office of a member of the Council shall become vacant if
11 he:

12 (a) resigns from his office, by notice under his hand, addressed to
13 the Council;

14 (b) is removed from office by the Council, by reason of
15 professional misconduct, physical or mental infirmity; or;

16 (c) without leave of the Council, absents himself for 3 consecutive
17 meetings of the Council;

18 (5) The functions of the Council shall be to:

19 (a) carry into effect the functions and powers of the Council;

20 (b) govern the affairs of the Council;

21 (c) effect proper management of the Council; and

22 (d) do other acts and things as the Council may consider necessary
23 for carrying out the functions and powers of the Council;

24 FINANCIAL PROVISIONS

25 **6.-(1)** The Council shall establish and maintain a fund for the Funds of the
26 purpose of this Act. Council

27 (2) There shall be paid into the fund established pursuant to
28 subsection (1) of this section:

29 (a) a take-off grant for the establishment of the fund and
30 sustainable funding interventions by the Federal government. or through

	1	financial appropriation by the National Assembly;
	2	(b) All fees and other monies payable to the Council in pursuance of
	3	this Act; and
	4	(c) Such monies as may be payable to the council, whether in the
	5	course of the discharge of its functions or otherwise;
	6	(3) The Council may apply the proceeds of the fund established under
	7	sub-section 2 of this section for;
	8	(a) The remuneration and allowances of the Registrar and other
	9	employees of the Council;
	10	(b) travelling and subsistence allowance of members of the Council in
	11	respect of the time spent on the business of the Council as the Council may with
	12	the approval of the Minister determine; and
	13	(c) any other expenses incurred by the Council in the discharge of its
	14	functions under this Act.
Power to invest	15	7. The Council may invest the fund in any security created or issued
	16	by or on behalf of the Federal Government or in any other securities in Nigeria
	17	as may be approved by the Council.
Power to borrow	18	8. The Council may borrow money up to a volume not above 50% of
	19	the annual revenue of the immediate past year for the purpose of the Council's
	20	activities.
Annual Estimates	21	9.-(1) The Council shall prepare and submit to the Minister not later
	22	than the 30th day of September of each year an estimate of its expenditure and
	23	income during the next succeeding year.
	24	(2) The Minister may, out of the monies provided by the Federal
	25	Government to the Council, either by way of grants or by way of loan, make
	26	payments of such amounts as the Federal Government may from time to time
	27	determine.
Accounts and Audit	28	10. The Council shall keep proper accounts and Audit in respect of
	29	each year and shall cause its accounts to be audited at the end of the year to
	30	which the accounts relate by a firm of auditors appointed from the list and in

1 accordance with guidelines supplied by the Auditor -General for the
2 Federation.

3 PART III - APPOINTMENT OF REGISTRAR

4 **11.**-(1) The Council shall appoint a person as the Registrar of the
5 Council. (2) The Registrar shall:

6 (a) be a practicing registered Dietician and hold a minimum of
7 Bachelor Degree in Nutrition and Dietetics;

8 (b) have undergone a 12 months Dietetic internship with not less
9 than 15 years post experience in Nutrition and Dietetics;

10 (3) The Registrar shall be the secretary to the Council and to the
11 Disciplinary Tribunal.

12 (4) It shall be the duty of the Registrar to prepare and maintain in
13 accordance with rules made by the Council:

14 (a) register of names, addresses, telephone numbers, e-mails,
15 approved and of such other qualifications and particulars, as may be
16 specified in the rules, of all persons who are entitled to be enrolled as
17 associates and members and who in the manner prescribed by such rules,
18 apply to be so registered;

19 (b) register of the premises of members of the profession, who are
20 in private practice.

21 (5) The Register shall consist of three parts of which:

22 (a) the first part shall be in respect of full members;

23 (b) the second part shall be in respect of associate members;

24 (c) the third part shall be in respect of the premises of members;

25 (6) Subject to the provisions of this section, the Council shall make
26 rules with respect to the form and keeping of the register and the making of
27 entries therein, and in particular:

28 (a) regulating the applications for enrolment or registration, as the
29 case may be, and providing for the evidence to be produced in support of
30 such applications;

1 (b) providing for notification to the registrar, by the person to whom
2 any registered particulars relate, of any change in those particulars;

3 (c) authorizing a registered person to have any qualification which, in
4 relation to the profession, is an approved qualification for the purposes of this
5 Act registered in relation to his name in addition to or, as he may elect, in
6 substitution for any other qualification so registered;

7 (d) specifying the fees, including any annual subscription to be paid to
8 the Council in respect of the entry of names on the register, and authorizing the
9 Registrar to refuse to enter a name on the register until any fee specified for the
10 entry has been paid;

11 (e) specifying anything failing to be specified under the foregoing
12 provisions of this section, but rules made for the purpose of paragraph;

13 (d) of this subsection shall not come into force until they are
14 confirmed at the Annual General Meeting of the Professional Association for
15 Dietitians.

16 (7) It shall be the duty of the Registrar to:

17 (a) correct, in accordance with the Council's directions, any entry in
18 the register which the Council directs him to correct as being in the Council's
19 opinion was incorrectly made;

20 (b) make any necessary alteration to the registered particulars of
21 registered person and premises;

22 (c) remove from the register the name of any registered person who
23 died or whose temporary registration has ceased; and

24 (d) record the names of registered persons who are in default for more
25 than six months in payment of annual subscription, and to take such action in
26 relation thereto (including removal of names of defaulters from the register) as
27 the council may direct or require.

28 (8) If the Registrar:

29 (a) sends by post to any registered person a registered letter addressed
30 to him at his address on the register enquiring whether the registered particulars

1 relating to him are correct and receives no reply to the letter within a period
2 of six months from the date of posting it; and

3 (b) upon the expiration of that period sends in the like manner to the
4 person in question a second similar letter and receives no reply to the letter
5 between three months from the date of last posting the Registrar may
6 remove the particulars relating to the person in question from the register:

7 Provided that the Council may direct the Registrar to return to the
8 appropriate part of the register any particulars removed there from under this
9 subsection.

10 (9) When a person's name is entered on the register of members
11 maintained under this section, that person shall thereupon be taken to
12 become a member of the Dietitians Council of Nigeria and shall be entitled
13 to affix the suffix "RDN" meaning: "Registered Dietitian-Nutritionist" after
14 his name.

15 **12.-(1)** It shall be the duty of the Registrar to:

16 (a) to cause the register to be printed, published and put on sale to
17 members of the public not later than two years from the commencement of
18 this Bill and;

19 (b) thereafter in each year, cause to be printed, published and put on
20 sale as aforesaid, either a corrected edition of the register or a list of
21 corrections made to the register since it was last printed; and

22 (c) cause a print of each edition of the register and of each list of
23 correction to be deposited at the principal Offices of the Council; and

24 (d) keep the register and list so deposited open to members of the
25 public at all reasonable times for inspection.

26 (2) A document purporting to be a print of an edition of the register
27 published under this section by authority of the Registrar in the current year,
28 or documents purporting to be prints of an edition of the register so
29 published in the current year and of the list of correction to that edition so
30 published, shall (without prejudice to any other mode of proof) be

Publication of
Register and list
of Corrections

1 admissible in any proceedings as evidence that any person specified in the
2 document, or the documents read together, as being registered, was so
3 registered at the date of the edition or of the list of corrections, as the case may
4 be, and that any person not so specified was not so registered.

5 (3) Where in accordance with subsection (2) of this section a person
6 is, in any proceedings shown to have been or not to have been registered at a
7 particular date, he shall, unless the contrary is proved be taken for the purpose
8 of those proceedings as having at all material times thereafter continued to be,
9 or not to be, so enrolled or registered.

10 PART IV - REGISTRATION

11 13.-(1) A person shall not hold an appointment or practice as a
12 Dietitian in Nigeria unless he is registered with the Council under the provision
13 of this Act.

14 (2) A Registered Dietitian shall be entitled to practice as such
15 throughout Nigeria.

16 (3) Subject to the provision of sub section (1) of this section and to
17 rules made under section 11 of this Act, a person shall be entitled to be fully
18 registered as a Dietitian under this Act if he:

19 (a) is a Nigeria citizen;

20 (b) is of good character and a fit and proper person;

21 (c) has attended a course of training approved by the Council under
22 this Act or the course was conducted at an institution approved by the Council;

23 (d) holds a Bachelor of Science degree in Nutrition and Dietetics from
24 a University accredited by the National Universities Commission, or holds a
25 higher National Diploma in Nutrition and Dietetics from an institution
26 accredited by the National Board for Technical Education (NBTE);

27 (e) has completed a one year internship training at any institution
28 approved by the Council and successfully passed the requisite professional
29 registration examination for dietetic interns;

30 (f) holds a certificate of dietetic internship issued pursuant to

1 subsection (3) (c) of this section;

2 (g) has pay the prescribed fee.

3 **14.** A person is qualified to be registered as an associates member if Registration of Associates
4 he:

5 (1) has attained a course of training approved by the Council.

6 (2) holds a Bachelor of Science degree in Nutrition and Dietetics
7 from any University or a Higher National Diploma in Nutrition and
8 Dietetics from any Polytechnic accredited and approved by the Council.

9 (3) pays the prescribed fee.

10 (4) Subject to the provision of this section, a citizen of Nigeria who
11 qualified from an approved institution outside Nigeria shall be entitled to be
12 fully registered under this Act, if he satisfies the Council that he:

13 (a) holds a qualification granted outside Nigeria and for the time
14 being accepted by the Council for the purposes of this subsection as regards
15 the profession;

16 (b) in the country in which the qualification was granted he was
17 under no legal disability in the practice of Dietetics;

18 (c) holds a certificate of registration as a Dietitian acceptable to the
19 Council;

20 (d) pays the prescribed fee.

21 (3) A person aggrieved by a decision of the Council made under
22 this section may appeal to the Minister within one month after notification of
23 the refusal is communicated to him.

24 **15.-(1)** A person who is not a citizen of Nigeria may be registered as Registration of
Foreigner Trained
as a Dietitian
25 Dietitian under this Act if the country of which he is a citizen grants
26 reciprocal registration facilities to Nigeria citizens and if he:

27 (a) holds a qualification approved by the Council;

28 (b) has passed all the Council's examinations governing the
29 practice of Dietetics in Nigeria and such other examinations as the Council
30 may prescribe and before being registered acquires the required experience

1 in accordance with subsection (3)(a) of section 13 of this Act;

2 (c) has been resident in Nigeria for not less than twelve calendar
3 months immediately preceding the date of his application for registration
4 during which he is expected to undergo the requisite training as may be
5 prescribed by the Council;

6 (2) An applicant for registration shall in addition to evidence of
7 qualification, satisfy the Council that he:

8 (a) is of good character;

9 (b) has attained the age of 21 years;

10 (c) has not been convicted in Nigeria or elsewhere of any offence
11 involving fraud or dishonesty; and

12 (d) has paid the prescribed fee.

13 (3) The Council may, in its discretion, provisionally accept a
14 qualification in respect of an application for registration under this section or
15 direct that the application be renewed within such period as may be specified in
16 the direction.

17 (4) Any entry directed to be made in the register under subsection (3)
18 of this section, shall show that such registration is provisional and no entry so
19 made shall be converted to full registration without the consent of the Council
20 in writing in that behalf.

Publication of
qualification
for Registration

21 **16.** The Council shall publish in the Gazette particulars of
22 qualifications for the time being accepted for registration under this Act.

23 **PART V - PRACTISING FEES**

24 **17.-(1)** No registered person shall practice as a Registered Dietitian in
25 any year unless he has paid to the Council in respect of that year, the
26 appropriate practicing fee which shall be due January of every year or as may
27 be prescribed by the Council:

28 (a) in the case of a Registered Dietitian above fifteen (15) years post
29 registration experience, N10,000;

30 (b) in the case of Dietitian of less than fifteen years but more than (10)

- 1 years post registration experience, N7,500;
- 2 (c) in the case of a Dietitian of ten years or below post registration
- 3 experience, N5,000;
- 4 (d) in the case of a Dietitian undergoing internship training
- 5 N2,500;
- 6 (e) in the case of a Dietitian undergoing the compulsory National
- 7 Service, N1,000.
- 8 (2) Without prejudice to being fully registered, any Registered
- 9 Dietitian with at least fifty years post registration experience shall not pay
- 10 practicing fee.
- 11 (3) Every fully Registered Dietitian who has paid his registration
- 12 fee as prescribed in subsection (1) of this section is exempted from payment
- 13 of registration fee as in subsection (2) of this section, shall be entitled to an
- 14 annual practicing license authorizing him, subject to any regulations in
- 15 force, to practice the profession of Nutrition and Dietetics.
- 16 (4) The Council may with the confirmation of the Minister vary the
- 17 practicing fees prescribed in subsection (1) of this section,
- 18 (5) The Council shall share the aggregate amount collected as
- 19 practicing fee as follows:
- 20 (a) 70% to the Professional Association for Dietitians;
- 21 (b) 20% to the Council;
- 22 (6) Any Registered Dietitian who in respect of any year fail to pay
- 23 his practicing fee is guilty of an offence and is liable on conviction:
- 24 (a) in the case of a first offence, to a fine twice the prescribed
- 25 practicing fee; and
- 26 (b) in the case of a second or subsequent offence, to a fine of not
- 27 less than ten times the prescribed practicing fee and if the Registered
- 28 Dietitian is in the employment of any person, the employer is also guilty of
- 29 an offence punishable in like manner as the Registered Dietitian if it is
- 30 proved that the failure to pay the practicing fee was with his knowledge,

Dietetics
Internship
Programme

1 consent and connivance.

2 **18.**-(1) Every tertiary or secondary Health facility where internship is
3 undertaken in Nigeria shall on demand by Council, submit to the Council
4 details of its dietetic internship curriculum, Staff strength, categories and
5 qualifications of Staff, therapeutic diet kitchen, outpatient and inpatient
6 facilities and availability of departments of medicine and surgery, pediatrics,
7 obstetrics and gynecology for consideration and approval of the Council.

8 (2) The Council shall thereupon, delegate to a committee of the
9 Council the power to evaluate the contents of such curriculum, courses and
10 facilities and ensure that such curriculum, courses and facilities will
11 sufficiently equip any person pursuing Dietetics internship at the hospital with
12 the requisite knowledge, skill and work experience for professional
13 registration and practice of the Dietetics profession;

14 (3) The Council shall where such a centre is approved, by instrument
15 accredit such programme and as the case may be, as a fit and proper Dietetic
16 internship training centre for the training of prospective registered Members;

17 (4) Subject to this Bill, a person who has not obtained his first degree
18 in Nutrition and Dietetics from an accredited institution shall not be eligible to
19 undergo dietetic internship;

20 (5) Subject to this Bill, a person who has not obtained his first degree
21 in Nutrition and Dietetics from an accredited institution, and who has not been
22 registered to practice, shall not be eligible to be employed as a dietitian or head
23 a department of Nutrition and Dietetics in any tertiary institution in Nigeria.

Approval of
institutions and
course for
professional
training and
qualifications
by Council

24 **19.**-(1) The Council may approve any institution for the purpose of
25 this Act and may for those purposes approve:

26 (a) any course of professional training in Nutrition and Dietetics in
27 any approved institution which is intended for persons seeking to become a
28 Dietitian and which in the opinion of the Council is designed to confer on
29 person completing it sufficient knowledge and competence for the practice of
30 the profession;

1 (b) any qualification which, as a result of an examination taken in
2 conjunction with a course of training approved by the Council under this
3 section, is granted to candidates reaching a standard at the examination
4 indicating in the opinion of the Council that the candidates have sufficient
5 knowledge and competence to practice as Registered Dietitians.

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

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

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

14 (c) take into consideration any representation made as regards the
15 proposal pursuant to paragraph (b) of this subsection.

16 (3) A course, qualification or institution shall not be treated as
17 approved during the period the approval is withdrawn under subsection (2)
18 of this section.

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

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

29 (a) publish a copy of every such instrument in the Gazette; and

30 (b) not later than seven days before its publication, send a copy of

	1	the instrument to the Minister.
Supervision of instructions and examinations etc.	2	20. -(1) It shall be the duty of the Council to keep itself informed of the
	3	nature of:
	4	(a) the instruction given at approved institutions to persons attending
	5	approved courses of training; and (the institution must send their curriculum to
	6	the Council for approval and accredited every 3-5years as the case may be);
	7	(b) the examinations as a result of which approved qualifications are
	8	granted and in the course of performing that duty the Council may appoint,
	9	either from among its own members or otherwise, persons to visit the approved
	10	institutions or to attend such examinations.
	11	(2) it shall be the duty of a visitor under this section to report to the
	12	Council on:
	13	(a) the adequacy of the instruction given to persons attending
	14	approved courses of training at institutions visited by him;
	15	(b) the adequacy of the examination attended by him; and
	16	(c) any other matters relating to the instruction or examination on
	17	which the Council may, either generally or in a particular case, request him to
	18	report, but no such person shall interfere with the giving of any instruction or
	19	the holding of any examination.
	20	(3) On receiving a report made in pursuant to this section, the Council
	21	may, if it thinks fit, and shall, if so required by the institutions, send a copy of
	22	the report to the person appearing to the Council to be in charge of the
	23	instruction or responsible for the examination to which the report relates,
	24	requesting that person to make observation on the report to the Council within
	25	such period as may be specified in the request, not being less than one month
	26	beginning with the date of the request.
Establishment of Disciplinary Tribunal and Investigating Panel	27	21. -(1) There shall be established a Tribunal to be known as the
	28	Dietitians Council of Nigeria Disciplinary Tribunal (in this Act referred to as
	29	"the Tribunal") which shall be charged with the duty of considering and
	30	determining any case referred to it by the Investigating Panel established by

1 subsection (3) of this section and any other case of which the Tribunal has
2 taken cognizance under the following provisions of this Act.

3 (2) The Tribunal shall consist of the Chairman and six other
4 members appointed by the Council.

5 (3) There shall be a body to be known as the Dietitians Council of
6 Nigeria Investigating Panel (in this Act referred as "the Panel") which will
7 be charged with the duty of:

8 (a) conducting a preliminary investigation into any case where it is
9 alleged that a person registered has misbehaved in his capacity as a Dietitian
10 or any other person subject of proceedings before the Tribunal; and

11 (b) deciding whether the case should be referred to the Tribunal (4)
12 The Panel shall be appointed by the Council and shall consists of four
13 members of the Council and a member not being a member of the Council.

14 (5) The provisions of the First Schedule to this Act shall, so far as
15 applicable to the Tribunal and Panel respectively, have effect with respect to
16 those bodies.

17 (6) The rules to be applied by the Disciplinary Tribunal with
18 regards to Professional misconduct are as contained in the second schedule.

19 **22.-(1) Where:**

20 (a) a person registered under this Act is adjudged by the Tribunal to
21 be guilty of infamous conduct in any professional respect;

22 (b) a person registered under this Act is convicted by any court or
23 Tribunal in Nigeria or elsewhere having power to award imprisonment of an
24 offence (whether or not the offence is punishable with imprisonment) which
25 in the opinion of the Tribunal is incompatible with the status of a Dietitian;

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 that person or ordering the Registrar to strike his name off the
29 relevant part of the register.

30 (2) The Tribunal may, if it thinks fit, defer its decision as to the

Penalties for
unprofessional
conduct

1 giving of a direction under subsection (1) of this section until a subsequent
2 meeting of the Tribunal; but:

3 (a) no decision shall be deferred under this subsection for period
4 exceeding two years in the aggregate; and

5 (b) no person shall be a member of the Tribunal for the purposes of
6 reaching a decision which has been deferred unless he was present as a member
7 of the Tribunal when the decision was deferred.

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

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

15 (5) A person to whom a direction relates may, at any time within 28
16 days from the date of service on him, appeal against the direction to the Federal
17 High Court and the Tribunal may appear as respondent to the appeal and, for
18 the purpose of enabling direction to be given as to the costs of the appeal and of
19 proceedings before the Tribunal, the Tribunal shall be deemed to be a party
20 thereto whether or not it appears on the hearing of the appeal.

21 (6) A direction of the Tribunal under section (1) of this section shall
22 take effect:

23 (a) where no appeal under this section is brought against the direction
24 within the time limited for such appeal, or on the expiration of that time;

25 (b) where an appeal is brought and is withdrawn or struck out for want
26 of prosecution;

27 (c) where an appeal is brought and is not withdrawn or struck, but the
28 appeal is dismissed.

29 (7) A person whose name is struck off the register pursuant to a
30 direction of the Tribunal under this section shall not be entitled to be registered

1 in the register again except in pursuance of a direction in that behalf given by
2 the Tribunal on the application of that person.

3 (8) A direction under subsection (7) of this section for the striking
4 off of a person's name from the register, may prohibit an application under
5 this subsection by that person until after the expiration of such period from
6 the date of the direction (and where he has duly made such an application,
7 from the date of his last application) as may be specified in the direction.

8 PART VI

9 **23.** Any person not a registered Dietitian who but for this Act,
10 would have been qualified to apply to practice the profession of Dietetics
11 may, within, the period of one month beginning from the commencement of
12 this Act, apply for membership of the profession in such manner as may be
13 prescribed by rules made by the council; and if approved, he shall be
14 registered, according to his qualification. (This should be a one-off window
15 of opportunity).

Application of
this Act to
unregistered
persons

16 **24.**-(1) Subject to subsection (2) of this section, a person shall be
17 deemed to practice as a dietitian if, in consideration of remuneration
18 received or to be received and whether by him or in partnership with any
19 other person:

When a person
is deemed to
practice as a
registered Dietitian

20 (a) engages in the practice of Dietetics or hold himself out to the
21 public as a Dietitian;

22 (b) renders professional service or assistance in or about matter of
23 principle or detail relating to Dietetics; or

24 (c) renders any other service which may by regulations be made by
25 the Council, with the approval of the Minister.

26 **25.**-(1) The Council may make rules:

Rules as to
practice, etc.

27 (a) for the training of suitable persons in Nutrition and Dietetics
28 practice; and

29 (b) for the supervision and regulation of the engagement, training
30 and transfer of such persons.

- 1 (2) The Council may also make rules:
2 (a) prescribing the form of license to be issued annually;
3 (b) restricting the right to practice as a dietitian in default of payment
4 of the amount of the annual subscription where the default continues for longer
5 than such as may be prescribed by the rules;
6 (c) restricting the right to practice as a Dietitian if the qualification
7 granted outside Nigeria does not entitle the holder to practice as dietitian;
8 (3) Rules made under this section shall if the chairman of the council
9 so directs, be published in the gazette.

Provision of
library facilities,
etc.

- 10 **26.** The Council shall:
11 (1) Provide and maintain a library comprising of books and
12 publishing same for the advancement of Knowledge in Nutrition and Dietetics
13 and such other books and publications as the Council may think necessary for
14 the purposes.
15 (2) encourage research into Nutrition and Dietetics disciplines and
16 allied subjects as may be considered necessary by the Council, from time to
17 time, by the Council.

Offences

- 18 **27.-(1)** If any person for the purpose of procuring the registration of
19 any name, qualification or other matter:
20 (a) makes a statement which he believes to be false in a material
21 particular;
22 (b) recklessly makes a statement which is false in a material particular
23 is guilty of an offence.
24 (2) If on or after the relevant date, any person who is not a member of
25 the profession practices or holds himself out to practice for or in expectation of
26 reward or takes or uses any name, title, addition or description implying that he
27 is authorized by the law to practice as a Dietitian and/or Nutritionist is guilty of
28 an offence.
29 (3) In the case of a person falling within subsection 1(i)(m) of this Act:
30 (a) The provision of subsection (2) of this section shall not apply in

1 respect of anything done by him during the period of three months
2 mentioned in that section; and

3 (b) If within that period he duly applied for membership of the
4 profession, unless within the period he is notified that his application has not
5 been approved, the provisions of subsection

6 (2) of this section shall not apply in respect of anything done by
7 him between the end of the period and the date on which he is registered or is
8 notified.

9 (4) If any other person employed by or on behalf of the Council
10 willfully makes any falsification in any matter relating to the register, he is
11 guilty of an offence.

12 (5) If any employer employs any person as a Dietitian that does not
13 possess the certificate of membership of the Council, he is guilty of an
14 offence.

15 (6) A person guilty of an offence under this section shall be liable:

16 (a) On summary conviction, to a fine of an amount not exceeding
17 N20,000;

18 (b) On conviction on indictment, to a fine of an amount not
19 exceeding N20,000 or to imprisonment for a term not exceeding two years,
20 or both.

21 (7) Where an offence under this section has been committed by a
22 body corporate is proved to have been committed with the consent or
23 connivance of or to be attributable to any neglect on the part of any director,
24 manager, secretary or other similar officer of the body corporate of any
25 person purporting to act in any such capacity, shall be deemed to be guilty of
26 that offence and shall be liable to be prosecuted and punished accordingly.

27 **28.**-(1) Any regulations made under this Act, shall be published in
28 the Gazette as soon as they are made and a copy of such regulations shall be
29 sent to the Minister not later than seven days before they are published.

30 (2) Rules made for the purpose of this Act shall be subject to

Rules and
Regulations

Miscellaneous
supplementary
provisions

1 confirmation by the Professional Association for Dietitians at any special
2 meeting convened for that purpose, and if then annulled, shall cease to have
3 effect on the day after the date of annulment, but without prejudice to anything
4 done in pursuance or intended to be done in pursuance of any such rules.

5 **29.**-(a) Without prejudice to the rules made a contract may be void if it
6 is inconsistent with the provision of an enactment;

7 (b) no person other than a fully registered Dietitian shall be entitled to
8 bring any proceedings in any Court of law for the purpose of recovering any fee
9 or other consideration whatsoever payable in respect of services as rendered or
10 facilities or things supplied by him when purporting to Act as a registered
11 Dietitian.

12 (2) It shall be the duty of any person in charge of each Department of
13 Nutrition and Dietetics in any higher institution in Nigeria to furnish to the
14 Registrar not later than 31 March in every year a list of names and such other
15 particulars as the Council may by order specify of all persons who are
16 registered as Nutrition and Dietetics students in that school or faculty during
17 that academic session.

18 (3) It shall be the duty of the Dean of every faculty or school that offers
19 Nutrition and Dietetics as a course of study in Nigerian approved by the council
20 to furnish the Registrar with the list of candidates successful at the final
21 examination immediately after the release of the result.

22 (4) It shall be the duty of any person in charge of each Department of
23 Nutrition and Dietetics in any hospital where dietetics internship is accredited
24 and approved by the Council in Nigeria to furnish to the Registrar not later than
25 31 March in every year a list of names and such other particulars as the Council
26 may by order specify of all persons who are registered as Dietetics interns in
27 that health faculty during that year.

28 PART VII - MEETINGS

29 **30.**-(1) The Council shall hold not less than 4 Council meetings every
30 year, but the President shall upon the requisition of not less than 5 members

1 convene an emergency Council meeting to transact the business Council
2 specified in the notice of that emergency Council meeting.

3 (2) The President shall preside at any meeting of the Council; and
4 in the absence of-the President, the First Vice-President shall preside and in
5 the absence of both the President and the First Vice-President, the Second
6 Vice-President shall preside and where he is also not available, members of
7 the Council present shall elect one of their member to preside at such a
8 meeting.

9 (3) The proceedings of the Council shall not be affected by the
10 absence of any member of the Council or any defect in the election or
11 appointment of any member or by reason that a person not entitled to be part
12 of the Proceedings, has taken part in such proceedings.

13 (4) The Council may make standing orders to regulate its
14 proceedings and those of any of its committees.

15 (5) The Council shall hold an annual general meeting of all
16 Members every year.

17 (6) The President shall preside at any annual general meeting of the
18 Council; and in the absence of the President, the First Vice-President shall
19 preside, and in the absence of the First Vice-President, the Second Vice-
20 President shall preside and where both the President and the two Vice-
21 Presidents are absent, the members present shall elect one of their number to
22 preside at such meeting.

23 PART VIII - MISCELLANEOUS

24 **31.**-(1) The Council may make regulations to carry into effect any Regulations
25 of the provisions of this Bill.

26 (2) Without prejudice to Subsection (1), the Council may make
27 regulations to:

28 (a) prescribe the fees, dues and subscriptions payable by the
29 Members;

30 (b) prescribe the forms of the licenses and certificates, to be issued

	1	to Dietitians;
	2	(c) prescribe the date, procedure and agenda of the annual general
	3	meeting of the Council; and
	4	(d) specify the offices and duties of the officers of the Council.
Interpretation	5	32. In this Act, unless the context otherwise requires:
	6	"Complainant" means any person who makes an allegation of professional
	7	misconduct against a registered Dietitian or associate;
	8	"Council" means the Dietitians Council of Nigeria established under section 1
	9	of this Act;
	10	"Dietitian" means a person registered to practice as a Dietitian-Nutritionist by
	11	the Council;
	12	"Dietitian/ dietitian- nutritionist" means a professional who applies the science
	13	of food and nutrition to promote health, prevent and treat disease
	14	"Disciplinary Tribunal" Means the Dietitians Council of Nigeria Disciplinary
	15	Tribunal Established under section 17 (3) of this Act:
	16	"Fees" Includes annual practising fee;
	17	"Members" means a Registered member or an Associate of the Council;
	18	"Minister" means the Minister charged with the responsibility for matters
	19	relating to health;
	20	"Panel" means the Dietitians Council of Nigeria Investigation Panel;
	21	"Profession" means Dietetics profession;
	22	"Professional Association for Dietitians" means Association of Nigerian
	23	Dietitians (AND);
	24	"Register" means the Register maintained in pursuance of section 9 of this Act;
	25	"RDN" means Registered Dietitian-Nutritionist;
	26	"Secretary" means a person appointed to act as the Registrar of the Dietitians
	27	Council of Nigeria.
Citation	28	33. This Bill may be cited as the Dietitians Council of Nigeria
	29	(Establishment) Bill, 2019.

1 SCHEDULES

2 FIRST SCHEDULE

3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

4 TRIBUNAL AND INVESTIGATING PANEL

5 *Disciplinary Tribunal*

6 1. The quorum of the Disciplinary Tribunal shall be four members.

7 2.-(1) The Attorney General of the Federation shall make rules as to
8 the selection of members of the Disciplinary Tribunal for the purpose of any
9 proceeding, the procedure to be followed and the rule of evidence to be
10 observed in proceedings before the Disciplinary Tribunal.

11 (2) The rules shall in particular provide:

12 (a) for securing that notice of the proceedings shall be given at such
13 time and in such manner, as may be specified by the rules to the persons who
14 is the subject of the proceedings;

15 (b) for determining who, in addition to the person aforesaid, shall
16 be a party to the proceedings;

17 (c) for securing that any part of the proceeding shall, if he so
18 requires, be entitled to be heard by the Disciplinary Tribunal;

19 (d) for securing that any part to the proceeding may be represented
20 by a legal practitioner;

21 (e) subject to the provision of this Act, as to the costs of
22 proceedings before the Disciplinary Tribunal;

23 (f) for requiring in a case where it is alleged that the person who is
24 the subject of the proceedings is guilty of infamous conduct in any
25 professional respect, that where the Disciplinary Tribunal adjudges that the
26 allegation has not been proved it shall record a finding that the person is not
27 guilty of such conduct in respect of the matters to which the allegation
28 relates; and

29 (g) for publishing in the Gazette notice of any direction of the
30 Disciplinary Tribunal which has taken effect providing that a person's name

1 shall be struck off a register.

2 3. For the purpose of any proceedings before the Disciplinary
3 Tribunal any member of the Disciplinary Tribunal may administer oaths and
4 any party to the proceedings may issue out of the registry of the Federal High
5 Court writs of *subpoena ad testificandum* and *deciestecum* but no person
6 appearing before the Disciplinary Tribunal shall be compelled:

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

9 (b) to produce any document under such a writ which he could not be
10 compelled to produce at the trial of an action.

11 4.-(1) For the purpose of advising the Disciplinary Tribunal on
12 questions of law arising in proceedings before it, there shall in all such
13 proceedings be an assessor to the Disciplinary Tribunal who shall be appointed
14 by the Council on the nomination of the Attorney General of the Federation and
15 shall be a legal practitioners of not less than seven years post-call experience.

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

19 (a) that where an assessor advises the Disciplinary Tribunal on any
20 questions of law as to evidence, procedure or any other matters specified by the
21 rules, he shall do so in the presence of every party or person representing a part
22 to the proceedings who appears thereat or, if the advice every such party or
23 person as aforesaid shall be informed what advice the assessors has tendered;
24 and

25 (b) that every such part or person as aforesaid shall be informed if in
26 any case the Disciplinary Tribunal does not accept the advice of the assessor on
27 such a question as aforesaid.

28 (3) An assessor may be appointed under this paragraph either
29 generally or for any particular proceedings or class of proceedings and shall

1 hold and vacate office in accordance with the terms of the letter by which he
2 is appointed.

3 *The Investigation Panel*

4 5. The quorum of the investigating panel shall be three, all of
5 whom shall be registered Dietitians

6 6.-(1) The Investigating Panel may, at any of its meetings attended
7 by the members of the Investigating Panel, make standing orders with
8 respect to the Investigating Panel (2) Subject to the provision of any such
9 standing orders, the investigating panel may regulate its own procedure.

10 *Miscellaneous*

11 7.-(1) A person ceasing to be a member of the Disciplinary Tribunal
12 or the Investigating Panel shall be eligible for appointment as a member of
13 that body.

14 (2) A person may, if otherwise eligible, be a member of both the
15 Disciplinary Tribunal and the Investigating Panel, but no person who acted
16 as a member of the Investigating Panel with respect to any case shall act as a
17 member of the Disciplinary Tribunal with respect to that case.

18 8. The Disciplinary Tribunal or the Investigating Panel may act
19 notwithstanding any vacancy in its membership and the proceedings of
20 either body shall not be invalidated by any irregularity in the appointment of
21 a member of that body or subject to paragraph 7 (2) of this schedule, by
22 reason of the fact that any person who was not entitled to do so took part in
23 the proceedings of that body.

24 9. Any document authorized or require by virtue of this act to be
25 served on the Disciplinary Tribunal or the investigation panel shall be served
26 on the Registrar.

27 10. Any expenses on the Disciplinary Tribunal or the investigating
28 panel shall be defrayed by the Council.

29 11. A person shall not by reason of his appointment as an assessor
30 to the Disciplinary Tribunal, be treated as holding an office in the public

1 service of the Federation.

2 SECOND SCHEDULE

3 DIETITIANS COUNCIL OF NIGERIA (DISCIPLINARY TRIBUNAL) RULES

4 *Reference to the tribunal*

5 1. In any case where in pursuance of section 21(3) of the Act the Panel
6 is of the Opinion that a prima facie case is shown against a, Dietitian, the Panel
7 shall prepare a report of the case and formulate any appropriate charge or
8 charges and forward them to the secretary together with all the documents
9 considered by the Panel.

10 *Chairman to convene the Tribunal*

11 2. The secretary shall refer the report and the charges to the chairman of the
12 Dietitians, Council of Nigeria who shall convene a meeting of the Tribunal, as
13 set up in accordance with rule 3 of these Rules.

14 *Composition of the Tribunal*

15 3.-(1) Whenever any case of professional misconduct against a
16 registered Dietitian or registered dietetics or associate is referred to the
17 Tribunal by the Panel, such a case shall be heard by the chairman and six other
18 members of the Council appointed by the Council.

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

21 (3) Four members of the Tribunal, including the chairman, shall form
22 a quorum.

23 (4) An assessor appointed by the Council on the nomination of the
24 Attorney-General of the Federation in accordance with paragraph 4(1) of
25 Schedule 2 to the Act shall sit with the Tribunal and it shall be the duty of such
26 assessor to advise the Tribunal on questions of law arising in proceedings
27 before it.

28 (5) Except where the Tribunal is deliberating in close session, the
29 advice of an assessor on questions of law as to evidence, procedure and as to
30 compliance with the Act shall be tendered in the presence of every party or his

1 representative.

2 (6) Where the advice of the assessor is tendered while the Tribunal
3 is deliberating in close session, the assessor shall personally, as soon as may
4 be, inform each party or his representative in writing of the question which
5 has been put to him by the Tribunal and of his advice thereon.

6 (7) Every party or his representative shall be informed whenever
7 the advice tendered by the assessor has not been accepted.

8 *Parties to the proceedings before the Tribunal*

9 4.-(1) the parties to the proceedings before the Tribunal shall be:

10 (a) The chairman of the panel;

11 (b) The registered Dietician or Associate whose conduct is the
12 subject matter of the proceedings;

13 (c) If the Tribunal so directs, the complainant, who may be
14 represented by a legal practitioner; and

15 (d) Such other person required by leave of the Tribunal to be joined.

16 (2) The registered Dietitian or associate whose conduct is the
17 subject matter of the proceedings may appear either in person or be
18 represented by a legal practitioner and the Tribunal may also employ the
19 services of a legal practitioner to present the case before it.

20 5.-(1) Fixing of hearing and service of notice, etc. thereof by the
21 secretary (1) On the direction of the Chairman of the Tribunal, the secretary
22 shall fix a day for the hearing of the case and shall serve notice thereof on
23 each party to the proceedings.

24 (2) The secretary shall serve on each party, other than the
25 complainant, copies of the report and all the charges prepared by the Panel
26 and all the documents considered by the Panel.

27 (3) Service of any document on the registered Dietitian or
28 Associate whose conduct is the subject matter of the proceedings may be
29 effected either by handing the documents to him personally or by sending it
30 by registered post to the address recorded in the register maintained in sub 4

1 of section 11 of the Act.

2 *Hearing in absence of parties*

3 6.-(1) If any party fails to appear at the hearing, the Tribunal may,
4 upon proof of service on such party proceed to hear and determine the case in
5 his absence.

6 (2) Any party to a proceeding before the Tribunal who fails to appear
7 at the hearing, may within one calendar month from the pronouncement of the
8 findings and directions of the Tribunal and upon giving notice to every other
9 party and to the secretary, apply to the Tribunal for a re-hearing.

10 (3) The Tribunal, if satisfied that it is just that the case should be re-
11 heard, may grant the application on such terms and costs or otherwise as it
12 thinks fit.

13 *Hearing of witnesses and reception of documents*

14 7. The Tribunal may, in the course of its proceedings, hear such
15 witnesses and receive such documentary evidence as in its opinion may assist it
16 in arriving at a conclusion as to the truth or otherwise of the allegations of
17 misconduct to it by the Panel.

18 *Amendment of charges before the Tribunal*

19 8. If in the course of the proceedings it appears to the Tribunal that the charges
20 forwarded to it by the Panel require to be amended or added to, the Tribunal
21 may permit such amendments or addition as it shall think fit.

22 *Holding of proceedings in public*

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

25 *Adjournment*

26 10. The Tribunal may, of its own motion, or upon the application of
27 any party, adjourn the hearing on such terms as to costs or otherwise as the
28 Tribunal may think fit.

29 *Penalty for giving false evidence*

30 11. If any person willfully gives false evidence on oath before the

1 Tribunal during the course of any proceedings, or willfully makes a false
2 statement in any affidavit sworn for the purpose of any such proceedings, the
3 Tribunal may refer the matter to the Attorney-General of the Federation for
4 necessary action.

5 *Findings of not guilty*

6 12. If, after the hearing, the Tribunal adjudges that the allegations
7 of infamous conduct in a professional respect have not been proved, the
8 Tribunal shall record a finding that the registered Dietitian or Associate is
9 not guilty of such conduct in respect of the matter to which the allegation
10 relates.

11 *Costs*

12 13. The Tribunal may, without finding any misconduct proved
13 against a Dietitian, nevertheless order any party to pay the costs of the
14 proceedings having regard to his conduct and to all circumstances of the
15 case the Tribunal shall think fit so to order.

16 *Publications of Directions of Tribunal*

17 14. Subject to the provisions of section 22 (5) of the Act (relating
18 to the lodging of an appeal against the direction of the Tribunal) any
19 direction given by the Tribunal in accordance with section 22 (1) of the Act,
20 shall be published in the Federal Gazette as soon as such direction takes
21 effect.

22 *Record of Proceedings*

23 15.-(1) Shorthand notes of proceedings may be taken by a person
24 appointed by the Tribunal and any part who appeared at the proceedings
25 shall be entitled to respect the transcript thereof.

26 (2) The secretary shall supply to any person entitle to be heard upon
27 an appeal against the direction of the Tribunal and to the Council, but to no
28 other person, a copy of the transcript of such notes on payment of such
29 charges as may be determined by the secretary.

30 (3) If no shorthand notes are taken, the chairman of the Tribunal

1 shall take a note of the proceedings and the provisions of these Rules as to
2 inspection and taking of copies shall apply to such notes accordingly.

3 *Dispensing with provision*

4 16. The Tribunal may dispense with any requirement of these Rules
5 respecting notices, affidavit, documents, service or time in any case where it
6 appears to the Tribunal to be just to do so.

7 *Extension of time*

8 17. The Tribunal may, in any given case, extend the time to do
9 anything under these Rules.

10 *Exhibits and books*

11 18. The Tribunal may order that any books or other exhibits,
12 produced or used at a hearing, be retained by the secretary until the time within
13 which an appeal may be entered has expired, and if notice of appeal is given,
14 until the appeal is heard or otherwise disposed of.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Dietitian Council of Nigeria, to regulate the practice of the Profession of Dietetics and Nutrition and for other matters connected therewith to achieve a more wholesome Dietetics practice and maintain standards among Dietetic Practitioners.

A BILL

FOR

AN ACT TO PROVIDE FOR THE MANDATORY INCLUSION OF CASSAVA AND SORGHUM IN THE PRODUCTION OF ALL FLOURS IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Olusegun Odebunmi

[] Commencement

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

- | | |
|---|--|
| <p>1 1.-(1) There is hereby established a committee to be known as the</p> <p>2 Composite Flour Policy Co-ordination Committee. In this Act referred to as</p> <p>3 the "Co-ordinating Committee" which shall be responsible for the</p> <p>4 formulation and implementation of the National Composite Flour Policy.</p> | <p>Establishment
of Composite
Flour Policy
Co-ordination
Committee</p> |
| <p>5 2.-(1) The Co-ordinating Committee shall include:</p> <p>6 (a) the Minister for Agriculture as Chairman;</p> <p>7 (b) the Minister for Commerce;</p> <p>8 (c) the Minister for Science and Technology;</p> <p>9 (d) the Director-General of NAFDAC;</p> <p>10 (e) a representative of the flour millers;</p> <p>11 (f) a representative of bakers;</p> <p>12 (g) representatives of Cassava Grower's Association;</p> <p>13 (h) representative of Sorghum Grower's Association; and</p> <p>14 (i) a representative of organised labour.</p> <p>15 (2) The Co-ordinating Committee shall regulate its proceedings.</p> <p>16 (3) The Co-ordinating Committee shall prepare and publish the</p> <p>17 first National Composite Flour policy within one year of the</p> <p>18 commencement of this Act.</p> <p>19 (4) The Policy document prepared pursuant to subsection (3) of</p> | <p>Composition of
the Co-ordinating
Committee</p> |

1 this section shall come into force subject to the provision of section 4 of this
2 Act.

3 **3.-(1)** as from the commencement of this Act, it shall be mandatory
4 for all makers of edible flours in Nigeria to ensure the inclusion of:

5 (a) a proportion of cassava flour to be applied in the production of
6 their outputs;

7 (b) Proportion of Sorghum flour to be applied in the production of
8 their outputs;

9 (c) Such proportion shall be determined by the Minister in charge of
10 Agriculture, in consultation with the Coordinating Committee, and it can be
11 subjected to review by the Committee in line with the prevailing situation.

12 (2) any maker of edible flour who contravenes the provisions of
13 subsection 1 of this section, commits an offence and is liable to:

14 (a) a fine of N10,000,000.00;

15 (b) suspension of operation for a period of 5 years;

16 (3) any staff of the body corporate who authorize the action leading to
17 the offence in subsection 2 of this section shall be liable to an imprisonment of a
18 term not less than one year.

19 **4.-(1)** The Minister in consultation with the Coordinating Committee
20 shall make and publish regulations for:

21 (a) the proportion of Cassava flour in relation to Sorghum flour to be
22 applied in the process of making edible flours;

23 (b) the proportion of Sorghum flour in relation to Cassava flour to be
24 applied in the process of making edible flours;

25 (c) such other matters necessary for giving full effect to the provisions
26 of this Act and for their due administration.

27 (2) Regulations made under this Act shall not come into effect unless
28 it is approved by a simple resolution of both houses of the National Assembly.

29 **5.** The Minister shall cause a report on the implementation of this Act
30 in the preceeding year to be presented to the relevant committees of each house

1 of the National Assembly on or before 30th April of each year.

2 **6.** In this Act:

Interpretation

3 "Minister" means the Minister charged with the responsibility of
4 Agriculture;

5 "relevant committees" in respect to each House of the National Assembly
6 means the committees charged with the responsibility of Agriculture.

7 **7.** This Bill may be cited as the Cassava and Sorghum Flour
8 (Mandatory Inclusion in Flour Production) Bill, 2019.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the mandatory inclusion of certain proportion
of cassava and Sorghum Flour in all flours produced and used in Nigeria.

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN TELEVISION AUTHORITY ACT, CAP.
N136 LAWS OF THE FEDERATION OF NIGERIA 2004, TO REPOSITION THE
NIGERIAN TELEVISION AUTHORITY FOR EFFECTIVE PERFORMANCE AND
FOR RELATED MATTERS

Sponsored by: Hon. Olusegun Odebunmi

[]

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

- 1 **1.** The Nigerian Television authority Act Cap.N136 Laws of the Amendment of
2 Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act") is the Principal Act
3 amended as set out in this Bill.
- 4 **2.** Section 1 of the Principal Act is amended: Amendment of
5 (a) in subsection (1), by: Section 1
6 (i) deleting after the word "is" in line 1, the word, "hereby",
7 (ii) deleting after the word, "established" in line 1, the words, "a
8 body to be known as"; and
9 (b) in subsection (2) by substituting for the word, "authority" in
10 line 2, the word, "the Authority".
- 11 **3.** Section 2 (1) of the Principal Act is amended by inserting after Amendment of
12 paragraph (f), a new paragraph "(g)" that reads as follows; Section 2 (1)
13 "(g) the Secretary of the Authority who shall be the Secretary of the
14 Board."
- 15 **4.** Section 3 of the Principal Act is amended: Amendment of
16 (a) In subsection (1): Section 3
17 (i) by substituting for the word, "shall" in line 1, the word, "term",
18 (ii) by substituting for the word, "shall" in line 2, the word, "may",

	1	(iii) by substituting for the word, "period" in line 2, the word, "term",
	2	(iv) by inserting after the word, "years" in line 3, the words "and no
	3	more";
	4	(b) in subsection (2) by substituting for the words, "not being a public
	5	officer" in line 1, the words, "other than ex-officio members"; and
	6	(c) in subsection (3):
	7	(i) by substituting for the words, "not being public officer" in line 1,
	8	the words, "other than ex-officio members, and
	9	(ii) by substituting for the word "President" in line 2, the words,
	10	"Revenue Mobilisation Allocation and Fiscal Commission".
Amendment of Section 4	11	5. Section 4 of the Principal Act is amended:
	12	(a) in subsection (1), by substituting for the words, "declare in writing
	13	the office of that member vacant" in line 4, the words, "terminate his
	14	appointment"; and
	15	(b) in subsection (2) (b):
	16	(i) by substituting for the word, "Authority" in line 3, the word,
	17	"Minister",
	18	(ii) by substituting for the word, "Minister" in line 3, the word
	19	"President",
	20	(iii) by deleting after the word, "removed" in line 3, the words, "and
	21	the Minister may declare in writing, the office of that member vacant".
Amendment of Section 5	22	6. Section 5 of the Principal Act is amended:
	23	(a) in subsection (1) by deleting after the words, "shall be" in line 1,
	24	the words, "an official of the Authority to be known as";
	25	(b) in subsection (2) by deleting before the word, "approval" in line 1,
	26	the word, "prior"; and
	27	(c) in subsection (5) by substituting for the word, "performance" in
	28	line 2, the word "discharge".
Amendment of Section 7	29	7. Section 7 of the Principal Act is amended:
	30	(a) by deleting after the words, "the Authority" in line 1, the words, "it

1 shall be the duty of; and

2 (b) by substituting for the word, "to" in line 1, the word, "shall".

3 **8.** Section 7 of the Principal act is amended:

Amendment of
Section 7

4 (a) by deleting after the word, "the" in line 1, the words, "function
5 of the":

6 (b) by deleting the word, "shall" in line 1, the word, "bell; and

7 (c) by deleting the word, "toll at the beginning of paragraphs "(a)II
8 -(f).

9 **9.** Section 8 of the Principal Act is amended in:

Amendment of
Section 8

10 (a) In Subsection (1):

11 (i) By deleting before the word, "programmes" in line 1, the word,
12 "Authority shall satisfy, itself that the", and

13 (ii) By inserting after the word, "behalf" in line 2, the word, "shall":

14 (b) In subsection (1) (b):

15 (i) by deleting before the word, the programmes" in line 1, the
16 words, "the exclusion in":

17 (ii) by deleting after the words, "broadcast" in line 1, the words
18 "which seek toll;

19 (iii) by substituting for the word, "explain" in line 1, the words,
20 "which seek toll;

21 (iv) by deleting after the word, "parties" in line 2, the words, "in
22 accordance with scheme of,

23 (v) by substituting for the word, "which" in line 3, the word,
24 "shall",

25 (vi) by deleting after the word, "parties" in line 4, the words, "in
26 such a manner as appears to the Authority": and

27 (vii) by deleting after the word, "equitable" in line 4, the words, "to
28 represent their respective claims to the interest of the public; and

29 (c) by substituting for subsection (3), a new subsection "(3r to read
30 as follows:

	1	"(3) The Authority shall exclude any publication which may be issued
	2	by it, or on its behalf as to matters referred to in subsection (1) (d) of this
	3	section, the opinion of any of its members, officers, directors, or agent.
Amendment of Section 12	4	10. Section 12 of the Principal Act is amended in subsection:
	5	(a) by substituting for the word, "exercise" in line 2, the word,
	6	"performance" ;
	7	(b) by deleting after the word, "and" in line 2, the words, "it shall be the
	8	duty of and
	9	© by substituting for the word, "to" in line 3, the word, "shall".
Amendment of Section 13	10	11. Section 13 of the Principal Act is amended as follows:
	11	(a) in subsection (1) by substituting for the word, "such" in line 2, the
	12	word, "district";
	13	(b) in subsection (1), by substituting for the word, "not less than" in
	14	line 1, the word, "at least".
	15	12. Section 14 (1) of the Principal Act is amended as follow:
Amendment of Section 14(1)	16	(a) By substituting for the word, "period" in line 1, the word, "term";
	17	and
	18	(b) By substituting for the word, "shall" in line 1, the word, "may".
Amendment of Section 16	19	13. Section 16 of the Principal Act is amended by as follows:
	20	(a) in subsection (1) deleting after the word, "zone" in line 1, the word,
	21	"an officer of the Authority to be known as"; and
	22	(b) in subsection (2) (b) by deleting before the word, "be" in line 1, the
	23	word, "shall".
Amendment of Section 17 (2)	24	14. Section 17 (2) of the Principal Act is amended as follows:
	25	(a) by deleting after the words, "shall be" in line 1, the words, "an
	26	officer of the Authority to be known as" ; and
	27	(b) by substituting for the words, "in so far as" in line 3, the word,
	28	"concerning".
Amendment of Section 22	29	15. Section 22 of the Principal Act is amended as follows:
	30	(a) in subsection (1), by substituting for the word, "exercise" in line 2,

1 the word, "performance";

2 (b) in subsection 2:

3 (i) by deleting before the words, "the Authority" in line 1, the
4 words, "subject to the following provisions of this section", and

5 (ii) by substituting for the expression, "N500,000" in line 3, the
6 expression, "N10,000,000".

7 **16.** Section 24 of the Principal Act is amended by substituting for
8 the word, "in pursuance of" in line 1, the word, "under". Amendment of
Section 24

9 **17.** Section 25 of the Principal Act is amended: Amendment of
Section 25

10 (a) in subsection (1) by substituting for the word, "October" in line
11 1, the word, "July";

12 (b) in subsection (3), by deleting after the word "appointed" in line
13 2, the words, "with the approval of the Minister of Finance".

14 **18.** Section 32 of the Principal Act is amended to read as follows: Amendment of
Section 32

15 (a) in the heading by substituting for the word, "by-laws", the word
16 "bye-laws";

17 (b) in subsection (1):

18 (i) by substituting for the word, "by-laws" in line 1 and 3, the word,
19 "bye-laws";

20 (ii) by substituting for the word, "servants" in line 2, the word,
21 "staff";

22 (iii) in paragraph (a), by substituting for the word, "employees" in
23 line 1, the word, "staff"; and

24 © in paragraph (b) by substituting for the word, "by-laws" in line 1,
25 the word, "bye-laws".

26 **19.** Section 33 of the Principal Act is amended to read as follows: Amendment of
Section 33

27 (a) by substituting for the words, "so however" in line 2, the word,
28 "and";

29 (b) by inserting after the word, "Authority" in line 3, the word,
30 "from";

Amendment of
Section 34

- 1 (c) in paragraph (a):
2 (i) by deleting before the words, "the provisions" in line 1, the word,
3 "from";
4 (ii) by deleting after the word, "to" in line 1, the word, "any";
5 (iii) by substituting for the word, "discharge" in line 3, the word,
6 "performance"; and
7 (d) in paragraph (b) by deleting before the word, "operating" in line 1,
8 the word, "firm".
- 9 **20.** Section 34 of the Principal Act is amended:
10 (a) By deleting after the word, "Act" in line 1, the word, "unless the
11 context otherwise requires";
12 (b) in the definition of the word, "Chairman", by substituting for the
13 words, "pursuant to" in line 1, the word, "under";
14 (c) in the definition of the word, "Director General" by substituting
15 for the words, "pursuant to" in line 2, the word, "under"; and
16 (d) in the definition of the words, "Zonal Board" by inserting after the
17 word, "zone" in line, the word, "under section 13 (2)".
- 18 **21.** Paragraph 1 of the Schedule to the principal Act is amended by
19 substituting for the word, "made" in line 3, the word, "make".
- 20 **22.** Paragraph 2 of the Schedule to the Principal Act is amended by
21 substituting for the words, "their number" in line 2, the word, "them".
- 22 **23.** Paragraph 4 of the Schedule to the Principal Act is amended by
23 substituting for the words, "except that he shall not be" in line 3, the word, "but
24 he is".
- 25 **24.** Paragraph 5 of the Schedule of the Principal Act is amended as
26 follows:
27 (a) in subparagraph (1):
28 (i) by substituting for the word, "appoint" in line 1, the words, "set
29 up",

1 (ii) by substituting for the word, "thinks" in line 2, the word,
2 "deems"; and

3 (b) in subparagraph (2):

4 (i) by substituting for the word, "appointed" in line 1, the words,
5 "set up",

6 (ii) by deleting after the word, "under" in line 1, the words, "the
7 forgoing provisions of".

8 **25.** Paragraph 8 of the Schedule of the Principal Act is amended by
9 deleting before the word, "contract" in line 1, the word, "Any".

10 **26.** Paragraph 9 of the Schedule of the Principal Act is amended by
11 deleting before the word, "document" in line 1, the word, "Any".

12 **27.** Paragraph 10 of the Schedule to the Principal Act is amended
13 to read as follows:

14 (a) by deleting after the word, "Committee" in line 1, the word,
15 "thereof";

16 (b) by inserting after the word, "affected" in line 1, the words, "by
17 any"; and

18 (c) by deleting:

19 (i) at the beginning of sub-paragraph "(a)" and "(b)" the words, "by
20 any"; and

21 (ii) at the end of subparagraph "(a)" and "(b)", the word, "thereof".

22 **28.** Paragraph 11 of the Schedule to the Principal Act is amended
23 by deleting:

24 (a) before the word, "member" in line 1, the word, "Any";

25 (b) after the word, "Committee" in line 1, the word, "thereof";

26 (c) after the word, "Committee" in line 2, the word, "thereof"; and

27 (d) after the word, "shall" in line 2, the word, "forthwith".

28 **29.** This Bill may be cited as the Nigerian Television Authority Act
29 Amendment Bill, 2019. Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Television Authority Act to correct errors in the Act and also reposition the Authority for better performance.

A BILL

FOR

AN ACT TO AMEND THE ADVERTISING PRACTITIONERS (REGISTRATION, ETC) ACT CAP. A7, LFN, 1988 TO ENSURE SMOOTH OPERATION OF THE COUNCIL; AND FOR RELATED MATTERS

Sponsored by Hon. Adeyemi Akeem Adeniyi

[] Commencement

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

- 1 **1.** The Advertising Practitioners (Registration, ETC) Act no. 55, Amendment of
2 Cap A7, LFN, 1988 (herein referred to as "the Principal Act") is amended as the Principal Act
3 set out below.
- 4 **2.** Section 1 of the Principal Act is amended by substituting the Amendment of
5 existing section 1 for a new section 1 to read as follows; Section 1
- 6 1. *Establishment of the Advertising Practitioners Council of*
7 *Nigeria, etc.:*
- 8 There is hereby establish a body to be known as Advertising Regulatory and
9 Practitioners (Registration) Council of Nigeria (In this Act referred to as
10 "the Council") which shall be charged with the general duty to:
- 11 (a) Regulate any form of advertisement in Nigeria;
12 (b) Establish code to guide advertisement practice in Nigeria;
13 (c) determine who are advertising Practitioners;
14 (d) determine what standards of knowledge and skill are to be
15 attained by persons seeking to become registered as members of the
16 advertising profession;
- 17 (e) review the standards determined pursuant to subsection (b) of
18 this section;
- 19 (f) secure in accordance with the provisions of this Act, the
20 establishment and maintenance of register of persons entitled to practice as

1 advertising practitioners and the publication of lists of those persons;
2 (g) regulate and control any act or practice of any form of advertising
3 all sectors of Nigeria's economy in accordance with the provisions of this Act;
4 (h) Conduct examinations in the profession and award certificates or
5 Diplomas to successful candidates as and when appropriate and for such
6 purpose the Council shall prescribe fees to be paid in respect thereof;
7 (i) Perform any other functions as are necessary for the full discharge
8 of all or any of the functions conferred on Council, under or pursuant to this
9 Act.

10 2. No person or organization shall practice or engage in any Act of
11 Advertising unless such person or organization is certified by the council and
12 the Act of Advertisement in accordance with the provisions of this Act.

Amendment
of Section 2

13 3.-(1) Section 2 of the Principal Act is amended by substituting the
14 existing section 2 for a new section 2 to read as follows;

15 2. *Establishment of the Governing Board:*

16 There is established a governing board for the council, which shall be
17 appointed by the President in the manner specified below:

- 18 (a) a Chairman who shall be a distinguished fellow of the profession;
19 (b) one person, not below the rank of Director from the Ministry
20 overseeing the council;
21 (c) two persons from the Association of Advertising Practitioners of
22 Nigeria (in this Act referred to as the Association");
23 (d) three persons from members of the public to represent public
24 interest.

25 (e) The provisions set out in the first Schedule to this Act shall have
26 effect with respect to the qualification, tenure of office of the members of the
27 Governing Board and other related matter.

28 4. Section 8 of the Principal Act is amended by substituting the
29 existing section 8 for a new section 8 and to read as follows;

1 (8) *Appointment of Registrar and other staff of the Council:*

2 (1) The President shall, on the recommendation of the supervising
3 Minister appoints for the Council, a registrar who shall:

4 (a) be the Chief executive and accounting officer of the
5 Commission;

6 (b) be responsible for the day to day administration of the council;

7 (c) be the Secretary to the Governing board; and

8 (d) shall hold office for a period of four years and may be re-
9 appointed for another term of four years and more.

10 (2) The Council Shall:

11 (a) employ such number of employees as may in its opinion, be
12 expedient and necessary for the proper and efficient performance of its
13 functions;

14 (b) determine the terms and conditions of service including
15 disciplinary measures on the employees of the Council;

16 (c) fix a competitive remuneration, allowances and benefits for its
17 employees.

18 (3) The board may delegate to the Registrar, generally or
19 specifically, the power to appoint such categories of staff of the council as
20 the council may specify.

21 **5.** Section 18 of the Principal Act is amended by increasing the fine
22 attached to the offence thereof. Amendment of
Section 18

23 18. Prohibition of a person falsely professing to be a registered
24 person Any person, not being registered in any register established under
25 section 11 of this Act, who holds himself out to be so registered or uses any
26 name, title, description or symbol calculated to lead any person to infer that
27 he is so registered, shall be guilty of an offence and liable on conviction for a
28 first offence to a fine of Five Hundred thousand naira or to imprisonment for
29 a term of six months or to both such fine and imprisonment, and on
30 conviction for a second or any subsequent offence to a fine of one million

	1	naira or imprisonment for a term more than three years.
	2	<i>Qualification and Tenure of Office of Members</i>
Amendment of First Schedule	3	6. The First Schedule to the Principal Act is amended by substituting
	4	the existing First Schedule for a new First Schedule to read as follows for a new
	5	to read as follows;
	6	1. (1) A person, other than a person appointed under section 2 (b) of
	7	this Act, shall not be a member of the Council unless he is a citizen of Nigeria
	8	and is registered as a member of the profession.
	9	(2) The Chairman of the Board shall hold office for a period not
	10	exceeding three years beginning with the date of his appointment and shall be
	11	eligible to be re-appointed as for one more term only.
	12	(3) A person who has ceased to be chairman of the Board may be
	13	eligible to become a member of the Council
	14	(4) Subject to the provisions of this paragraph, a member of the Board
	15	other than a public officer shall hold office for a period not exceeding three
	16	years beginning with the date of his appointment or election, as the case may
	17	be.
	18	(5) Any member of the Board may by notice to the Board, resign his
	19	membership.
	20	(6) Subject to section 2 of this Act, a person who has ceased to be a
	21	member of the Board shall be eligible for re-appointment
	22	<i>Proceedings of the Council</i>
	23	2. Subject to the provisions of this Act and section 27 of the
	24	Interpretation Act (which provides for decisions of a body to be taken by a
	25	majority of the members of the body and for the Chairman to have a second or
	26	casting vote) the Board may take standing orders regulating the proceedings of
	27	the Board or of any committee thereof or elect a temporary Vice-Chairman in
	28	the absence of the Chairman for the conduct of the affairs of the council.
	29	3. The quorum of the board shall be five and the quorum of any
	30	committee of the Council shall be as determined by the board.

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

5.-(1) Subject to the provisions of any applicable standing orders, the Council shall meet quarterly whenever summoned by the Chairman and if the Chairman is required to do so by notice given to him quarterly in case of emergency.

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

(3) where the Board wishes to obtain the advice of any person on a particular matter, the Board may co-opt such person as a member for such period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

(4) Notwithstanding anything to the contrary, the first meeting of the Board shall be summoned by the Minister who may give such directions as to the procedure to be followed at that meeting as he may deem fit.

Committees

6.-(1) The board may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board and not more than one-third of those persons who are not members of the Board.

(3) A person other than a member of the Board shall hold office on a committee in accordance with the term of the letter by which he is appointed.

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

1 *Miscellaneous*

2 7.-(1) The fixing of the seal of the Board shall be authenticated by the
3 signature of the Registrar or of other member authorized generally or specially
4 by the Registrar to act for that purpose.

5 (2) Any contract or instrument which, if made or executed by a person
6 not being a body corporate, would not be required to be under seal may be made
7 or executed on behalf of the Council by any person generally or specially
8 authorized by the Council for that purpose.

9 7. Second Schedule to the Principal Act is amended by substituting
10 the existing Second Schedule for new Second Schedule to read as follows;

11 *SECOND SCHEDULE*

12 Supplementary Provisions relating to the Disciplinary Committee, the
13 Investigating panel and the Standard Panel

14 *The Disciplinary Committee*

15 1.-(1) The Board shall make rules as to the procedure to be followed
16 and the rules of evidence to be observed in proceedings before the Disciplinary
17 Committee.

18 (2) The rules shall in particular provide:

19 (a) for securing that notice of proceedings shall be given at such time,
20 and in such manner as may be specified by the rules, to the person who is the
21 subject of the proceedings;

22 (b) for determining who, in addition to the person aforesaid, shall be a
23 party to the proceedings;

24 (c) for securing that any party to the proceedings shall, if he so
25 requires, be entitled to be heard by the Disciplinary Committee;

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

28 (e) subject to the provisions of section 25 (2) (d) of this Act, as to the
29 costs of proceedings before the Disciplinary Committee;

30 (f) for requiring in a case where it is alleged that the person who is the

1 subject of the proceedings is guilty of infamous conduct in any professional
2 respect, that where the Disciplinary Committee judges that the allegation
3 has not been proved, it shall record a finding that the person is not guilty of
4 such conduct in respect of the matter to which the allegation relates;

5 (g) for publishing in the Federal Gazette of notice of any direction
6 of the Disciplinary Committee which has taken effect, providing that, a
7 person's name shall be struck off from the register.

8 2.-(1) For the purpose of advising the Disciplinary Committee on
9 questions of law arising in proceedings before it, there shall in such
10 proceedings be an assessor to the Disciplinary Committee who shall be
11 appointed by the Council, shall be a legal practitioner of not less than seven
12 years' experience.

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

16 (a) that where an assessor advises the Disciplinary Committee on
17 any question of law as to evidence, procedure or any other matter specified
18 by the rules, he shall do so in the presence of every party or person
19 representing a party to the proceedings who appears thereat or, if the advice
20 is tendered while the Disciplinary Committee is deliberating in private, that
21 every such party or persons aforesaid shall be informed as to what advice the
22 assessor has tendered;

23 (b) that every part or persons as aforesaid shall be informed if in
24 any case the Disciplinary Committee does not accept the advice of the
25 assessor on such a question as aforesaid.

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

1 *The Investigating panel*

2 3. The quorum of the Investigating panel shall be three.

3 4. The Investigating Panel may, at any of its meetings attended by not
4 less than five members of the Investigating Panel, make standing orders with
5 respect to the Investigating Panel and subject to the provision of any such
6 standing orders, the Investigating Panel may regulate its own procedure.

7 5. No member of the Investigating Panel shall sit as a member of the
8 Disciplinary Committee.

9 6. A person ceasing to be a member of the Disciplinary Committee,
10 the Investigating Panel or the Standards Panel shall be eligible for re-
11 appointment as a member of that body.

12 7. The Disciplinary Committee, the Investigating Panel or the
13 Standards Panel may act notwithstanding any vacancy in the membership of
14 any of the said bodies and the proceedings of any such bodies shall not be
15 invalidated by any irregularity in the appointment of a member of such bodies
16 (or subject to paragraph 1 of this Schedule) or by reason of the fact that any
17 person who was not entitled to do so took part in the proceedings of any of such
18 bodies.

19 8. The Disciplinary Committee, the Investigating Panel or the
20 Standards Panel may each sit in two or more places.

21 9. Any document authorised or required by virtue of this Act to be
22 served on the Disciplinary Committee, the Investigating Panel or the Standards
23 Panel shall be served on the Registrar.

24 10. Any expenses of the Disciplinary Committee, the Investigating
25 Panel or the Standards Panel shall be defrayed by the Council.

Citation

26 7. This Bill may be cited as Advertising Practitioners (Registration,
27 Etc.) Act (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Advertising Practitioners (Registration ETC} Act
CAP.A7, LFN, 1988 to reposition it for efficient performance of its functions.

A BILL

FOR

AN ACT TO AMEND SECTIONS 2, 4,7,11 AND 15 OF THE COMPULSORY, FREE, UNIVERSAL BASIC EDUCATION ACT CAP A113 LAWS OF THE FEDERATION OF NIGERIA 2004, TO PROVIDE FOR THE RETURN OF UNUSED FEDERAL GOVERNMENT BLOCK GRANT, MAKE PROVISION FOR REHABILITATION OF DELINQUENT CHILDREN, PROVIDE A COMPREHENSIVE DEFINITION FOR SERVICES, STAKEHOLDERS AND CHILDREN OR WARD AS CAPTURED IN THE ENABLING ACT AND FOR RELATED MATTERS

Sponsored by Hon. Victor Mela Danzaria

[] Commencement

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

- | | |
|---|---|
| <p>1 1. The Compulsory, Free Universal Basic Education Act CAP.</p> <p>2 A113 Laws of the Federation of Nigeria (herein referred to as the "Principal</p> <p>3 Act") is amended as set out below;</p> | <p>Amendment of
Compulsory, Free,
Universal Basic
Education Act
Cap. A113 LFN</p> |
| <p>4 2. Section 2 of the Principal Act is amended by the insertion</p> <p>5 immediately after subsection (4) of a new subsection as follows:</p> <p>6 “(5) it is hereby made compulsory on all children or wards to make</p> <p>7 themselves available for education pursuant to section 2(1) of this Act, and</p> <p>8 where a child turns delinquent, he or she shall be forced to acquire the said</p> <p>9 education at any of the special schools across Nigeria.”</p> | <p>Amendment of
Section 2 of the
Principal Act</p> |
| <p>10 3. Section 4 of the Principal Act is amended by modifying</p> <p>11 subsection (2) as follows:</p> <p>12 “(2)The provision of section 2(2) and 4(1) of this Act .shall apply to</p> <p>13 all parents who, for the time being, are resident overseas but whose children</p> <p>14 reside in Nigeria.”</p> | <p>Amendment of
Section 4 of the
Principal Act</p> |
| <p>15 4. Section 7(1) of the Principal Act is amended:</p> <p>16 (a) by deleting the word "and" in paragraph (f)(iv);</p> | <p>Amendment of
Section 7 of the
Principal Act</p> |

	1	(b) by adding the word "and" to paragraph (f)(v) immediately after the
	2	semi-colon; and
	3	(c) by inserting immediately after the said paragraph (v) a new
	4	paragraph as follows:
	5	“(vi) Teachers Registration Council of Nigeria”
Amendment of Section 11 of the Principal Act	6	5. Section 11 of the principal Act is .also amended by the insertion
	7	immediately after subsection (3) of a new subsection as follows:
	8	“(4) The commission shall return all unused Federal Government
	9	block grants pursuant to section 11 (2) of this section to the federation account
	10	not later than the end of every appropriation year as enacted by the National
	11	Assembly from time to time”
Amendment of Section 15 of the Principal Act	12	6. Section 15 of the Principal Act is further amended:
	13	(a) by substituting 16 with 18 in the interpretation of "child or Ward";
	14	(b) by inserting "tuition" to the definition of "Service" immediately
	15	after the word "classrooms"; and
	16	(c) by the addition of a new definition as follows:
	17	"Stakeholders" means all members and staff of ministries, Department,
	18	Agencies and Local Education Authorities listed in Section 2(3) and 7 (1) of
	19	this Act"
Citation	20	7. This Bill may be cited as the Compulsory, Free, Universal Basic
	21	Education (Establishment) Act (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the compulsory, Free Universal Basic Education (Establishment) Act to among other things:

- (a) Provide for the return of unused Federal Government Block Grants to the Federation account;
- (b) Make provision for rehabilitation of delinquent children;
- (c) Make parents who are resident abroad but whose children reside in Nigeria liable to obligations imposed by the Act;
- (d) Provide comprehensive definitions for free services, stakeholders and child or ward as captured in the Principal Act; and
- (e) Generally enrich the Principal Act whose fundamental objective is to eradicate illiteracy in Nigeria.