

Extraordinary



National Assembly Journal

No. 54

Abuja - 30th November, 2021

Vol. 18

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Printed and Published by the National Assembly Press, Abuja, Nigeria

NASSP 54/3011/2021/900

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL INSTITUTE OF TECHNOLOGY (NIT) ABUJA, FCT; AND FOR RELATED MATTERS

Sponsored by Hon. Mukhtar Zakari Chawai

[] Commencement

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

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF
2 NATIONAL INSTITUTE OF TECHNOLOGY, ABUJA

3 1.-(1) There is established the National Institute of Technology, Establishment
4 Abuja (in this Bill referred to as "the Institute"). national Institute
of Technology,
Abuja

5 (2) The Institute:

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

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

9 (c) shall be supervised by the Federal Ministry of Education
10 through the National Universities Commission (NUC) who shall be
11 responsible for approving and regulating all academic programmes run in
12 the Institute.

13 2. The objects of the Institute shall be to:

Objects of the
Institute

14 (a) serve essentially as a Post Graduate Centre devoted to research
15 and innovation in Technology and Applied Sciences. To draw the best
16 graduates from Nigeria's Universities of Technology as well other
17 exceptional graduates from reputable Universities within and outside
18 Nigeria;

19 (b) encourage the advancement of learning and to hold out to all
20 persons without distinction of race, creed, sex or political conviction the

- 1 opportunity of acquiring higher and liberal education;
- 2 (c) provide courses of instruction and other facilities for the pursuit of
- 3 learning in Post graduate Short Courses, Summer School and Professional
- 4 Executive Business courses, and to make those facilities available on proper
- 5 terms to such persons as are equipped to benefit from them;
- 6 (d) encourage and promote scholarship and conduct research in
- 7 restricted fields of learning and human endeavor;
- 8 (e) relate its activities to the social, cultural and economic needs of the
- 9 people of Nigeria; and
- 10 (f) undertake other activities appropriate for a Institute of the highest
- 11 standard.
- 12 **3.-(1)** The Institute shall consist of:
- 13 (a) a Chancellor;
- 14 (b) a Pro-Chancellor and a Council;
- 15 (c) a Vice Chancellor and a Senate;
- 16 (d) two Deputy Vice-Chancellors or such number of Deputy Vice-
- 17 Chancellors as the council may, from time to time, deem necessary for the
- 18 proper administration of the Institute;
- 19 (e) a body to be called Congregation;
- 20 (f) a body to be called Convocation;
- 21 (g) the campuses and colleges of the Institute;
- 22 (h) the faculties, schools, institutes and other teaching and research
- 23 units of the Institute;
- 24 (i) the persons holding the offices constituted by the First Schedule to
- 25 this Act other than those mentioned in paragraphs (a) to (c) of this subsection;
- 26 (j) all graduates and undergraduates; and
- 27 (k) all other persons who are members of the Institute in accordance
- 28 with provisions made by Statute in that behalf.
- 29 (2) The First Schedule to this Act shall have effect with respect to the
- 30 Principal Officers of the Institute mentioned therein.

Membership
of the Institute

1 (3) A provision shall be made by a Statute with respect to the
2 constitution of the following bodies:

- 3 (a) the Council;
4 (b) the Senate;
5 (c) the Congregation; and
6 (d) the Convocation.

7 **4.-(1)** For the carrying out of its objects as specified in section 2 of
8 this Act, the Institute shall have power to:

Functions of the
Institute

9 (a) to establish such campuses, colleges, faculties, institutes,
10 schools, extra-mural departments and other teaching and research units
11 within the FCT as may, from time to time, seem necessary or desirable,
12 subject to the approval of the National Universities Commission;

13 (b) to institute professorships, readerships and associate
14 professorships, lectureships and other posts and offices and to make
15 appointments thereto;

16 (c) to institute and award fellowships, scholarships, exhibitions,
17 bursaries, medals, prizes and other titles, distinctions, awards and forms of
18 assistance;

19 (d) to provide for the residence, discipline and welfare of members
20 of the Institute;

21 (e) to hold examinations and award degrees, diplomas, certificates
22 and other distinctions to persons who have pursued a course of study
23 approved by the Institute and have satisfied such other requirements as the
24 Institute may lay down;

25 (f) to award honorary degrees, fellowships or academic titles;

26 (g) to demand and receive from any student or any other person
27 attending the Institute for the purpose of instruction such fees as the Institute
28 may, from time to time determine, subject to the overall directives of the
29 appropriate authority;

30 (h) subject to section 22 of this Bill, to acquire, hold, grant, charge

1 or otherwise deal with or dispose of movable and immovable property
2 wherever situate;

3 (i) to accept gifts, legacies and donations, but without obligation to
4 accept the same for a particular purpose unless it approves the terms and
5 conditions attaching thereto;

6 (j) to enter into contracts, establish trusts, act as trustee, solely or
7 jointly with any other person, and employ and act through agents;

8 (k) to erect, provide, equip and maintain digital or physical libraries,
9 laboratories, lecture halls, halls of residence, refectories, sports grounds,
10 playing fields and other buildings or things necessary, suitable or convenient
11 for any of the objects of the Institute;

12 (l) to hold public lectures and undertake printing, publishing and book
13 selling;

14 (m) subject to any limitation or condition imposed by Statute, to
15 invest any moneys appertaining to the Institute by law of endorsement,
16 whether for general or special purposes, and such other moneys as may not be
17 immediately required for current expenditure, in any investment or security or
18 in the purchase or improvement of land, with power from time to time to vary
19 any such investment and to deposit any money for the time being un-invested
20 with any bank on deposit or 'current account;

21 (n) to borrow, whether on interest or not, and if need be, upon the
22 security of any or all of the property movable or immovable of the Institute,
23 such moneys as the Council may, from time to time in its discretion, find
24 necessary or expedient to borrow or to guarantee any loan, advance or credit
25 facilities;

26 (o) to make gifts for any charitable purpose;

27 (p) to do anything which it is authorized or required by this Act or by
28 any other Statute to do; and

29 (q) to do all such acts or things, whether or not incidental to the
30 foregoing powers, as may advance the objects of the Institute.

1 (2) Subject to the provisions of this Act and of the Statutes made
2 there under and without prejudice to section 9 (2) of this Bill, the powers
3 conferred on the Institute by subsection (1) of this section shall be
4 exercisable on behalf of the Institute by the Council or by the Senate or in any
5 other manner which may be authorized by this Bill.

6 **5.-(1)** The Chancellor shall in relation to the Institute, take
7 precedence before all other members of the Institute, and when he is present
8 shall preside at all meetings of convocation held for conferring degrees. Chancellor to take
precedence before
other members

9 (2) The Pro-Chancellor shall, in relation to the Institute, take
10 precedence before all other members of the Institute except the Chancellor,
11 and except for the Vice- Chancellor when acting as Chairman of
12 Congregation or Convocation, and the Pro-Chancellor shall, when he is
13 present, be the Chairman at all meetings of the Council.

14 **6.-(1)** There shall be a Council for the Institute consisting of: Establishment
and membership
of the Council
15 (a) the Pro-Chancellor;
16 (b) the Vice-Chancellor;
17 (c) the Deputy Vice-Chancellors;
18 (d) one person from the Federal Ministry responsible for Education
19 (e) six persons representing each Geo-Political zone of Nigeria as
20 representative of the whole Federation to be appointed by the President;
21 (f) four persons appointed by the Senate from among its members;
22 (g) two persons appointed by the Congregation from among its
23 members; and
24 (h) one person appointed by the Convocation from among its
25 members.

26 (2) Persons to be appointed to the Council shall be persons of
27 proven integrity, knowledgeable and familiar with the affairs and tradition
28 of the Institute.

29 **7.-(1)** Subject to the provisions of this Bill relating to the Visitor,
30 the Council shall be the governing body of the Institute and shall be charged Council and other
Committees of
the Institute

1 with the general control and superintendence of the policy, finances and
2 property of the Institute, including its public relations.

3 (2) There shall be a committee of the Council to be known as the
4 Finance and General Purposes Committee, which shall, subject to the
5 directions of the Council, exercise control over the property and expenditure of
6 the Council as the Council may from time to time delegate to it.

7 (3) Provision shall be made by Statute with respect to the constitution
8 of the Finance and General Purposes Committee.

9 (4) The Council shall ensure that proper accounts of the Institute are
10 kept and the accounts of the Institute are audited annually by auditors
11 appointed by the Council from the list and in accordance with guidelines
12 supplied by the Auditor-General for the Federation, and that an annual report is
13 published by the Institute together with certified copies of the said accounts as
14 audited.

15 (5) Subject to this Act and the Statutes, the Council and the Finance
16 and General Purposes Committee may each make rules for the purpose of
17 exercising any of their respective functions or of regulating their own
18 procedure.

19 (6) Rules made under subsection (5) of this section by the Finance and
20 General Purposes Committee shall not come into force unless approved by the
21 Council, and where any rule: so made by the Committee conflicts with any
22 direction given by the Council (whether before or after the coming into force of
23 the rules in question), the direction of the Council shall prevail.

24 (7) There shall be paid to the members of the Council, the Finance and
25 General Purposes Committee and of any other Committee set up by the
26 Council, allowances in respect of travelling and other reasonable expenses, at
27 such rates as may from time to time be fixed by extant government circulars.

28 (8) The Council shall meet as and when necessary for the
29 performance of its functions under this Act, and shall meet at least four times
30 every year.

1 (9) If required in writing by five members of the Council, the
2 Chairman shall within, 28 days after the receipt of such request, call a
3 meeting of the Council:

4 PROVIDED that if after 28 days of the receipt or delivering to him
5 of such request, the Chairman fails or neglects to call a meeting, the
6 Registrar shall, within 14 days thereof, cause a meeting of the Council to be
7 convened for that purpose and the request shall specify the business to be
8 considered at the meeting and no business not so specified shall be
9 transacted at that meeting.

10 8. Subject to section 5 of this Act and subsections (3) and (4) of this
11 section and to the provisions of this Act relating to the Visitor, it shall be the
12 general function of the Senate to organize and control teaching in the
13 Institute, admission to Post-graduate courses and other admission of
14 students, the discipline of students and to promote research in the Institute.

Functions of the
Senate

15 (2) Without prejudice to the generality of the provisions of
16 subsection (1) of this section, it shall in particular be the function of the
17 Senate to make provision for the:

18 (a) establishment, organization and control of campuses, colleges,
19 faculties, departments, schools, Institutes and other teaching -and research
20 units of the Institute, and the allocation of responsibility for different
21 branches of learning;

22 (b) organization and control of courses of study in the Institute and
23 of the examinations held in conjunction with those courses, including the
24 appointment of examiners, both internal and external;

25 (c) award of degrees, and such other qualifications as may be
26 prescribed, in connection with examinations conducted by the Institute;

27 (d) making of recommendations to the Council with respect to the
28 award to any person of an honorary fellowship or honorary degree or the title
29 of professor emeritus;

30 (e) establishment, organization and control of halls of residence

1 and similar institutions in the Institute;

2 (f) supervision of the welfare of students in the Institute and the
3 regulation of their conduct;

4 (g) granting of fellowships, scholarships, prizes and similar awards in
5 so far as the awards are within the control of the Institute; and

6 (h) determination of what description of dress shall be academic dress
7 for the purposes of the Institute, and regulating the use of academic dress.

8 (3) The Senate shall not establish any new campus, college, faculty,
9 department, school, institute or other teaching and research units of the
10 Institute, or any hall of residence or similar institution at the Institute without
11 the approval of the Council.

12 (4) Subject to this Act and the Statutes, the Senate may make
13 regulations for the purpose of exercising any function conferred on it either by
14 the provisions of this section or for the purpose of providing for any matter for
15 which provision by regulation is authorized or required by this Act or by
16 Statute .

17 (5) The Senate shall, by regulation, provide that at least one of the
18 persons appointed as examiners at each final or professional examination held
19 in conjunction with any course of study in the Institute is not a teacher at the
20 Institute but is a teacher at the branch of learning to which the course relates in
21 some other Institute of high repute.

22 (6) Subject to a right of appeal to the Council from a decision of the
23 Senate under this subsection, the Senate may deprive any person of any degree,
24 diploma or other award of the Institute which has been conferred on him if after
25 due enquiry he is shown to have been guilty of any dishonorable or scandalous
26 conduct in gaining admission into the Institute or obtaining that award.

Vice-Chancellor
to take precedence
in the absence
of Chancellor

27 9.-(1) The Vice-Chancellor shall, in relation to the Institute, take
28 precedence before all other members of the Institute except the Chancellor and,
29 subject to section 5 of this Bill, the Pro-Chancellor and any other person for the
30 time being acting as Chairman of the Council.

1 (2) Subject to the provisions of this Act, the Vice-Chancellor shall
2 have general function, in addition to any other function conferred on him by
3 this Act or otherwise, of directing the activities of the Institute, and shall, to
4 the exclusion of any other person or authority, be the chief executive and
5 academic officer of the Institute and ex-officio Chairman of the Senate.

6 PART II - TRANSFER OF PROPERTY

7 10.-(1) All property held by or on behalf of the Provisional
8 Property Council shall, by virtue of this subsection and without further
9 assurance, vest in the Institute and be held by it for the purpose of the
10 Institute. Transfer of
Property

11 (2) The provisions of the Second Schedule to this Bill shall have
12 effect with respect to the transfer of property by this section and to matters
13 arising therefrom and with respect to other matters mentioned in that
14 Schedule.

15 PART III - STATUTES OF THE INSTITUTE

16 11.-(1) Subject to this Bill, the Institute may make Statutes for any
17 of the following purposes: Statutes of the
Institute

18 (a) making provision with respect to the composition and
19 constitution of any authority of the Institute;

20 (b) specifying and regulating the powers and duties of any
21 authority of the Institute, and regulating any other matter connected with the
22 Institute or any of its authorities;

23 (c) regulating the admission of students where it is done by the
24 Institute, and their discipline and welfare;

25 (d) determining whether any particular matter is to be treated as an
26 academic or non-academic matter for the purposes of this Bill and of any
27 Statute, regulation or other instrument made there-under; and

28 (e) making provision for other matters for which provision by
29 Statute is authorized or required by this Bill.

30 (2) Subject to section 25 (6) of this Bill, the Interpretation Act shall

Power to make
and approve
Statutes

1 apply in relation to any Statute made under this section as it applies to a
2 subsidiary instrument within the meaning of section 27 (1) of that Act.

3 (3) The Statute contained in the Third Schedule to this Bill shall be
4 deemed to have come into force on the commencement of this Bill and shall be
5 deemed to have been made under this section by the Institute.

6 (4) The power to make Statute conferred by this section shall not be
7 prejudiced or limited in any way by reason of the inclusion or omission of any
8 matter in or from the Statute contained in the Third Schedule to this Bill or any

9 **12.-(1)** The power of the Institute to make Statutes shall be exercised
10 in accordance with the provisions of this section.

11 (2) A proposed Statute shall not have the force of law until it has been
12 approved at a meeting of the:

13 (a) Senate, by the votes of not less than two thirds of the members
14 present and voting; and

15 (b) Council by the votes of not less than two thirds of the members
16 present and voting.

17 (3) A proposed Statute may originate either in the Senate or Council,
18 and may be approved as required by subsection (2) of this section by both
19 bodies in no particular order.

20 (4) A Statute which:

21 (a) makes provision for or alters the composition or constitution of the
22 Council, the Senate or any other authority of the Institute; or

23 (b) provides for the establishment of a new campus or college or for
24 the amendment or revocation of any Statute whereby a campus or college is
25 established, shall not come into operation unless it has been approved by the
26 Visitor.

27 (5) For the purpose of section 2 (2) of the Interpretation Act, a Statute
28 shall be treated as being made on the date on which it is approved by the
29 Council and the Senate in accordance with subsection (3) of this section or in
30 the case of a Statute falling within subsection (4) of this section, on the date on

1 which it is approved by the President.

2 **13.** A Statute may be proved in any court by the production of a
3 copy thereof bearing or having affixed to it a certificate signed by the Vice-
4 Chancellor or the Registrar to the effect that the copy is a true copy of a
5 Statute of that Institute.

Proof of Statute
in court

6 **14.**-(1) In the event of any doubt or dispute arising at any time as to
7 the meaning of any provision of a Statute, the matter may be referred to the
8 Visitor, who shall take such advice and make such decision thereon as he
9 deems fit.

Visitor's decision
in case of dispute

10 (2) The decision of the Visitor on any matter referred to him under
11 this section shall be binding upon the authorities, staff and students of the
12 Institute and where any question as to the meaning of any provision of a
13 Statute has been decided by the Visitor under this section, no question as to
14 the meaning of that provision shall be entertained by any other authority in
15 Nigeria:

16 **PROVIDED** that nothing in this subsection shall affect the power
17 of a court of competent jurisdiction to determine whether any provision of a
18 Statute is wholly or partly void as being ultra vires or as being inconsistent
19 with the Constitution.

20 (3) The provisions of this section shall apply in relation to any
21 doubt or dispute as to whether any matter is, for the purposes of this Act, an
22 academic or non- academic matter as they apply in relation to any such
23 doubt or dispute as is mentioned in subsection (1) of this section, and
24 accordingly the reference in subsection (2) of this section to any question as
25 to the meaning of any provision of the Statute shall include references to any
26 question as to whether any matter is for the said purposes an academic or
27 non-academic matter.

28 **PART IV - SUPERVISION AND DISCIPLINE**

29 **15.**-(1) The President shall be the Visitor of the Institute.

Supervision and
Discipline

30 (2) The Visitor shall, as often as the circumstances may require not

1 being less than once every five years, conduct a visitation of the Institute or
2 direct that such a visitation be conducted by such persons as the Visitor may
3 deem fit and in respect of any of the affairs of the Institute.

4 (3) The bodies and persons comprising the Institute Shall:

5 (a) make available to the Visitor, and to any other persons conducting
6 a visitation in pursuance of this section, such facilities and assistance as he or
7 they may reasonably require for the purpose of the visitation; and

8 (b) give effect to any instruction consistent with the provisions of this
9 Act which may be given by the Visitor in consequence of the visitation.

Removal of
members t

10 **16.**-(1) If it appears to the Council that a member (other than the
11 members Pro-Chancellor or the Vice-Chancellor) should be removed from
12 office on grounds of misconduct or inability to perform the functions of his
13 office, the Council shall make a recommendation to that effect through the
14 Minister of Education to the Federal Executive Council and if the Federal
15 Executive Council, after making such enquiries (if any) as may be considered
16 necessary, approves the recommendation it may direct the removal of the
17 member from office.

18 (2) The Minister shall use his best endeavors to cause a copy of the
19 instrument embodying a direction under subsection (1) of this section to be
20 served as soon as reasonably practicable on the person to whom it relates.

Grounds and
precedence for
removal of
members

21 **17.**-(1) If it appears to the Council that there are reasons for believing
22 that any person employed as a member of the academic, administrative or
23 professional staff of the Institute, other than the Vice-Chancellor, should be
24 removed from office or on grounds of misconduct or inability to perform the
25 functions of his office Council shall:

26 (a) give notice of those reasons to the person in question;

27 (b) afford such person an opportunity of making representation in
28 person on the matter to the Council; and

29 (c) take a decision to terminate or not to terminate the appointment.

30 (2) If the affected staff or any three members of the Council so request

1 within a period of one month from the date of receipt of the notice of the
2 Council's decision, the Council shall make arrangements for:

3 (a) a joint committee of the Council and the Senate to review the
4 matter and to report on it to the Council;

5 (b) the person in question to be afforded an opportunity to appear
6 before and be heard by an investigating committee with respect to the
7 matter; and if the Council after considering the report of the investigating
8 committee is satisfied that the person in question should be removed, the
9 Council may so remove him by an instrument in writing signed on the
10 directions of the Council.

11 (3) The Vice-Chancellor may, in a case of gross misconduct by a
12 member of staff which in the opinion of the Vice-Chancellor is prejudicial to
13 the interest of the Institute, suspend such member and any such suspension
14 shall immediately be reported to the Council.

Grounds and
procedure for
removal of
members

15 (4) Any member of staff may be suspended from duty or his
16 appointment may be terminated by Council for a good cause and, for the
17 purposes of this subsection, "good cause" means:

18 (a) conviction for any offence which the Council considers to be
19 such as to render the person concerned unfit for the discharge of the
20 functions of his office;

21 (b) any physical or mental incapacity which the Council, after
22 obtaining medical advice, considers to be such as to render the person
23 concerned unfit to continue to hold office;

24 (c) conduct of a scandalous or disgraceful nature which the
25 Council considers to be such as to render the person concerned unfit to
26 continue to hold office; or

27 (d) conduct which the Council considers to be such as to constitute
28 failure or inability of the person concerned to discharge the functions of his
29 office or to comply with the terms and conditions of his service,

30 (5) Any person suspended under subsection (3) of this section shall

1 be on half pay and the Council shall, before the expiration of a period of 3
2 months from the date of such suspension, consider the case against that person
3 and come to a decision as to whether to:

4 (a) continue such person's suspension and if so on what terms
5 (including the proportion of his emoluments to be paid to him);

6 (b) reinstate such person in which case the Council shall restore his
7 full emoluments with effect from the date of suspension;

8 (c) terminate the appointment of the person concerned in which case
9 such a person will not be entitled to the proportion of his emoluments withheld
10 during the period of suspension; and

11 (d) take such lesser disciplinary action against such person (including
12 the restoration of such proportion of his emoluments that might have been
13 withheld) as the Council may determine.

14 (6) Where the Council, pursuant to this section, decides to continue a
15 person's suspension or decides to take further disciplinary action against the
16 person, the Council shall, before the expiration of three months from such
17 decision, come to a final determination in respect of the case concerning such a
18 person.

19 (7) The person by whom an instrument of removal is signed in
20 pursuance of subsection (1) of this section shall use his best endeavors' to cause
21 a copy of the instrument to be served as soon as reasonably practicable on the
22 person to whom it relates.

23 (8) Nothing in this section shall prevent the Council from making
24 regulations for the discipline of staff and workers of the Institute as may be
25 appropriate.

Removal of
Examiner

26 **18.-(1)** If, on the recommendation of the Vice-Chancellor, it appears
27 to the Senate that a person appointed as an examiner for any examination of the
28 Institute ought to be removed from his office or appointment, then, the Senate
29 may, after affording the examiner an opportunity of making representations in
30 person on the matter, direct the Vice-Chancellor to remove the examiner by an

1 instrument in writing signed by the Registrar.

2 (2) Subject to the provisions of any regulation made under section
3 8 (4) of this Act, the Vice-Chancellor may, on the recommendation of
4 Senate, appoint an appropriate person as examiner in the place of the
5 examiner removed.

6 (3) The Registrar shall on signing an instrument of removal under
7 this section, use his best endeavors to cause a copy of the instrument to be
8 served as soon as reasonably practicable on the person to whom it relates.

9 **19.**-(1) Subject to the provisions of this section, where it appears to
10 the Vice- Chancellor that any student is guilty of misconduct, the Vice-
11 Chancellor may, without prejudice to any other disciplinary powers
12 conferred on him by Statute or regulations, direct that the:

Disciplinary
action on students

13 (a) student shall not, during such period as may be specified in the
14 direction, participate in such activities of the Institute or make use of such
15 facilities of the Institute as may be so specified;

16 (b) activities of the student shall, during such period as may be
17 specified in the direction, be restricted in such manner as may be so
18 specified;

19 (c) student be rusticated for such period as may be specified in the
20 direction; or

21 (d) student be expelled from the Institute.

22 (2) Where a direction is given under subsection (1) (c) or (d) of this
23 section in respect of any student, the student may, within the prescribed
24 period and in the prescribed manner, appeal against the direction to the
25 Senate.

26 (3) Where an appeal is brought under subsection (2) of this section,
27 the Senate shall, after causing such inquiry to be made in the matter as the
28 Senate considers just, either confirm or set aside the direction or modify it in
29 such manner as the Senate thinks fit.

30 (4) The fact that an appeal from a direction is brought under

1 subsection (2) of this section shall not affect the operation of the direction while
2 the appeal is pending.

3 (5) The Vice-Chancellor may delegate his powers under this section
4 to a disciplinary board consisting of such members of the Institute as he may
5 nominate.

6 (6) Nothing in this section shall be construed as preventing the
7 restriction or termination of a student's activities at the Institute for conduct
8 which in the opinion of the Senate is prejudicial to the interest of the Institute or
9 to its corporate objective or image.

10 (7) A direction under subsection (1) (a) of this section may be
11 combined with a direction under subsection (1) (b) of this section.

12 PART V - MISCELLANEOUS AND GENERAL PROVISIONS

Exclusion or
discrimination

13 **20.**-(1) A person shall not be required to satisfy requirements as to
14 race (including ethnic grouping), sex, place of birth, family origin, religious or
15 political persuasion, as a condition for becoming or continuing to be a:

16 (a) a student in the Institute;

17 (b) holder of any degree, appointment or employment in the Institute;

18 (c) member of anybody established by virtue of this Bill

19 (2) A person shall not be subjected to any disadvantage or accorded
20 any advantage in relation to the Institute by reference to any of the matters
21 referred to in subsection (1) of this section.

22 (3) Nothing in subsection (1) of this section shall be construed as
23 preventing the Institute from imposing any disability or restriction on any of
24 the persons specified in subsection (1) of this section, where such persons
25 willfully refuse or fail on grounds of religious belief to undertake any duty
26 generally and uniformly imposed on all such persons or any group of them
27 which duty, having regard to its nature and the special circumstances, is in the
28 opinion of the Institute reasonably justifiable in the national interest.

Application of
the Land Use
act

29 **21.**-(1) For the purpose of the Land Use Act (which provides for the
30 compulsory acquisition of land for public purposes) any purpose of the

1 Institute shall be the same as that of the Federation.

2 (2) Where an estate or interest in land is acquired by the
3 Government pursuant to this section, the Government may, by a certificate
4 under the hand and seal of the Chief Federal Lands Officer or any other
5 person authorized on that behalf transfer it to the Institute.

6 **22.**-(1) Without prejudice to the provisions of the land Use Act, the
7 University shall not dispose of or charge any land or an interest in any land
8 (including any land transferred to the Institute by this Bill) except with the
9 prior written consent, either general or special, of the Visitor;
10

Consent of
Visitor in Land
deals

11 (2) the consent shall not be required in the case of any lease or
12 tenancy at a rack - rent for a term not exceeding 21 years of any lease tenancy
13 to a member of the Institute for residential purpose.

14 **23.** Except as may be otherwise provided by Statute or by
15 regulation, the quorum and procedure of any body of persons established by
16 this Bill shall be such as may be determined by that body.

Quorum

17 **24.**-(1) Anybody of persons established by this Bill shall, without
18 prejudice to the generality of the powers of that body, have power to appoint
19 committees, which need not consist exclusively of members of that body
20 and authorize a committee established by it to:

Committees

21 (a) exercise on its behalf, such of its functions as it may determine,
22 and

23 (b) co-opt members and direct whether or not co-opted members
24 shall be entitled to vote in that committee.

25 (2) Any 2 or more such bodies may arrange for the holding of joint
26 meetings or for the appointment of committees consisting of members of
27 those bodies, for the purpose of considering any matter within the
28 competence of those bodies or any of them and either dealing with it or of
29 reporting on it to those bodies or any of them.

30 (3) Except as otherwise may be provided by the Statute or
regulation, the quorum and procedure of a committee established or meeting

1 held under this section shall be such as may be determined by the body or
2 bodies which have decided to establish the meeting or hold the meeting.
Citation 3 **25.** This Bill may be cited as the National Institute of Technology
4 (NIT) Abuja (Establishment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Institute of Technology (NIT) Abuja, FCT.

A BILL

FOR

AN ACT TO ESTABLISH THE PORT-AREA DEVELOPMENT COMMISSION
CHARGED WITH RESPONSIBILITY TO MANAGE THE ECOLOGICAL MENACE
TO OPERATIONS OF PORTS; AND RELATED MATTERS

Sponsored by Hon. Mufutau Adewale Egberongbe

[] Commencement

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

1 PART I - ESTABLISHMENT OF PORT-AREAS DEVELOPMENT COMMISSION

2 AND ITS GOVERNING COUNCIL, ETC.

3 1.-(1) There is hereby established a body to be known as Port- Area Establishment
4 Development Commission (in this Act referred to as "the Commission"). of Port-Area
Development Commission

5 (2) The Commission:

6 (a) Shall be a body corporate with perpetual succession and a
7 common seal;

8 (b) May sue and be sued in its corporate name.

9 (3) The Commission shall have its head office in Lagos State

10 Membership and Power of the governing board

11 2.-(1) There is hereby established for the Commission a Governing Establishment
12 Board (in this Act referred to as "the Board"), which shall consist of: of Governing
Board

13 (a) a Chairman who shall be appointed on part time basis and who
14 shall preside over council meetings;

15 (b) One person who shall be from the affected communities to
16 represent each of the following member States, that is:

17 (i) Cross River State;

18 (ii) Delta State;

19 (iii) Lagos state;

20 (ix) Rivers State;

	1	(c) Three persons to represent the non-port Area commission States
	2	which are not represented in the Commission. One representative of each of
	3	the following:
	4	(1) Federal Ministry of Finance;
	5	(2) Ministry of water resources
	6	(3) Nigerian ports Authority
	7	(4) Federal Ministry of Environment
	8	(5) The managing Director of the Commission
	9	(6) Two executive Directors
	10	(2) The Chairman and other members-of the Board shall:
	11	(a) Be appointed by the President, subject to the confirmation of the
	12	Senate, in consultation with the House of Representatives;
	13	(b) The chairman and member shall hold office for four years and may
	14	be appointed again four another four years;
	15	(c) The chairman or member may resign his position by a letter
	16	delivered to a minister in charge of this commission.
	17	(3) The board of the commission shall be regulated by its procedure.
Rotation of Chairmanship	18	3. -(1) The office of the Chairman shall rotate amongst the member
	19	states of the Commission in the following alphabetical order:
	20	(i) Cross River State;
	21	(ii) Delta State;
	22	(iii) Lagos state;
	23	(ix) Rivers State.
	24	(2). The schedule to this Act shall regulate the proceedings and other
	25	matters of the commission.
Power of the Board	26	4. The Board shall have the power to:
	27	(a) make broad policy and oversee the affairs of the Commission;
	28	(b) provide policy guidelines for carrying out the functions of the
	29	Commission;
	30	(c) enter and inspect premises, project and such place as may be

- 1 Necessary for the purpose of carrying out its function under this Act;
- 2 (d) approve the payment to the staff of the Commission such
- 3 remunerations and allowances as are payable to persons with Equivalent
- 4 grade in the Civil Service of the Federation;
- 5 (e) enter into such contract as may be necessary or expedient for the
- 6 discharge of its functions and ensure the efficient performance of the
- 7 functions of the Commission.
- 8 (f) approve the appointment, promotion and discipline of senior
- 9 staff of the Commission; and
- 10 (g) do such other things as are necessary and expedient for the
- 11 Efficient performance of the function of the Commission.
- 12 **5.-(1)** A person shall cease to hold office as a member of the Board
- 13 if:
- 14 (a) he becomes bankrupt, suspends payment or compounds with
- 15 his creditors;
- 16 (b) he is convicted of a felony or any offence involving dishonesty
- 17 or fraud,
- 18 (c) he becomes of unsound mind, or incapable of carrying out his
- 19 duties;
- 20 (d) he is guilty of a serious misconduct in relation to his duties;
- 21 (e) in the case of a person possessed of professional qualifications,
- 22 he is disqualified or suspended, other than at his own request, from
- 23 practising his profession in any part of the world by an order of a competent
- 24 authority made in respect of that member: or
- 25 (f) he resigns his appointment by a letter addressed to the President,
- 26 (3) Where a vacancy occurs in the membership of the Board it shall
- 27 be filled by the appointment of a successor to hold office for the remainder of
- 28 the term of office of his predecessor, so however, that the successor shall
- 29 represent the same interest and shall be appointed by the President, subject

Disqualification
of Members from
Office

1 to the confirmation of the Senate in consultation with the House of
2 representatives.

Salary and
Allowances
of Members

3 6. There shall be paid to every member of the Board such
4 remunerations, allowances and expenses as the Federal Government may, from
5 time to time, direct.

6 PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC

Functions of
the Commission

7 7.-(1) The Commission shall:

8 (a) formulate policies and guidelines for the development of Port
9 Areas;

10 (b) conceive, plan and implement, in accordance with set rules,
11 projects and programmes for the development of Port Areas;

12 (c) carry out a survey of Port Areas in order to ascertain measures
13 which are necessary to promote its physical development;

14 (d) prepare schemes designed to promote the physical developments
15 of the Port Areas and estimate the cost of implementing such schemes;

16 (e) implement all measures approved for development of Port Areas
17 by the Federal Government;

18 (f) identify factor inhibiting the development of and assist States in
19 the formulation and implementation of policies to ensure sound and efficient
20 management of the resources of the Port Areas;

21 (g) assess and report on any project being Funded or carried out in the
22 Port Areas and ensure that Funds released for such project are properly utilized;

23 (h) tackle ecological problems that arise from overloading of dams in
24 the Port Areas and advise Federal and State Governments on the prevention
25 and control of floods and environmental hazards;

26 (i) execute such other work and perform such other functions which,
27 in the opinion of the Commission, are required for the development of the Port
28 Areas and their people; and mission;

29 (j) carry out such other functions as the President may direct.

30 (2) In exercising its functions under this section, the Commission

1 shall have regard to the varied and specific contributions of each member
2 State of the Commission.

3 PART III - STRUCTURE OF THE COMMISSION

4 8.-(1) There shall be established in the head office of the Establishment
5 Commission, the following Directorates: of the Directorates

- 6 (a) the Directorate of Legal Services;
7 (b) the Directorate of Administration and Human Resources,
8 (c) the Directorate of Community and Rural Development,
9 (d) the Directorate of Utilities Infrastructural Development and
10 Waterways,
11 (e) the Directorate of Environmental Protection and Control,
12 (f) the Directorate of Finance and Supply;
13 (g) the Directorate of Agriculture and Fisheries;
14 (h) the Directorate of Planning, Research, Statistics and
15 Management Information System;
16 (i) the Directorate of Legal Services;
17 (j) the Directorate of Education, Health and Social Services;
18 (k) the Directorate of Commercial and Industrial Development,
19 and
20 (l) the Directorate of Projects Monitoring and Supervision.

21 (2) The Board may with the approval of the President, increase the
22 number of directorates as it may fit

23 9. There shall be for the Commission a Management Committee Establishment
24 which shall: of Management
Committee

25 (a) consist of a Chairman who shall be the Managing Director, two
26 Executive Directors, the Directors responsible for the Directorates
27 established under section 9 of this Act and such number of other members as
28 may be determined from time to time by the Board;

29 (b) be responsible to the Board for the general administration of the
30 Commission.

Establishment
of Port Area
Development
Advisory
Committee

1 **10.-(1)** There is hereby established for the Commission, a Port Area
2 Development Advisory Committee (in this Act referred to as "the Advisory
3 Committee") which shall consist of:

4 (a) the Governors of the member States of the Commission; and

(b) two other persons as may be determined, from time to time, by the President.

(2) The Advisory Committee shall be charged with the responsibility of advising the Board and monitoring the activities of the Commission, with a view to achieving the objective of the Commission.

10 (3) The Advisory Committee may make rules regulating its own
11 proceedings.

PART IV - STAFF

Directors and
members of the
Commission

13 **11.-(1)** There shall be for the Commission, a Managing Director, and
14 two Executive Directors who shall be indigenes of Port- Area starting with the
15 member states of the Commission with the highest production quantum of oil
16 and shall rotate amongst member states in the order of production:

17 (a) have such qualification and experience as are appropriate for a
18 person required to perform the functions of those offices under this Act;

19 (b) the Managing Director shall be the chief executive and accounting
20 officer of the Commission;

(c) be appointed by the President and confirmed by the Senate in consultation with House of Representatives;

(d) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment and subject to the provision of section 3 of this Act.

26 (2) The Managing Director shall, subject to the general direction of
27 the Board, be responsible:

28 (a) for the day to day administration of the Commission;

29 (b) for keeping the books and Proper records of the proceedings of the
30 Board, and

1 (c) for:
 2 (i) the administration of the secretariat of the Board, and
 3 (ii) the general direction and control of all other employees of the
 4 Commission.

5 (3) The Board shall have power to:

6 (a) employ either directly or on secondment from any civil or
 7 public service in the Federation or a State such number of employees as may
 8 in the opinion of the Board, be required to assist the Board in the discharge of
 9 any of its functions under this Act; and

10 (b) pay to persons so employed such remuneration (including
 11 allowances) as the Board may determine.

12 **12.-(1)** Service in the Commission shall be approved service for Application of
 13 the purposes of the Pensions Act. Pension Act

14 (2) The officers and other persons employed in the Commission
 15 shall be entitled to pensions, gratuities and other retirement benefits as are
 16 enjoyed by persons holding equivalent grades as appropriate.

17 (3) Nothing in subsections (1) and (2) of this section shall prevent
 18 the appointment of a person to any office on terms which preclude the grant
 19 of pension and gratuity in respect of that office

20 PART V - FINANCIAL PROVISIONS

21 **13.-(1)** The Commission shall establish and maintain a Fund from Funds of the
 22 which shall be defrayed all expenditure incurred by the Commission. Commission

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

25 (a) 30 per cent of the total revenue generated by any company or
 26 authority from the operation of any ports in any member State of the
 27 Commission;

28 (b) 50 per cent of money due to member States of the Commission
 29 from the Ecological Funds:

30 (c) all money raised for the purpose of the functions of the

1 Commission by way or gifts loans, grants-in-aid, testamentary disposition or
2 otherwise; and

3 (d) proceeds from all other assets that may, from time to time, accrue
4 to the Commission.

5 (3) The Federal Government shall contribute to the Fund by way of
6 appropriations, through the National Assembly, a sum not less than 40 per cent
7 of the Commission's annual budget.

8 (4) The Fund shall be managed in accordance with the rules made by
9 the Council, and without prejudice to the generality of the power to make rules
10 under this subsection, the rules shall in particular contain provisions:

11 (a) specifying the manner in which the assets of the Funds of the
12 Commission are to be held and regulating the making of payments into and out
13 of the Fund; and

14 (b) requiring the keeping of proper accounts and records of the
15 purpose of the Funds in such form as may be specified in the rules.

Uses of Funds

16 **14.** The Commission shall apply the proceeds of the Fund established
17 pursuant to section 14 of this Act to:

18 (a) the cost of administration of the Commission;

19 (b) the payment of salaries, fees, remuneration, allowances, pensions
20 and gratuities payable under this Act;

21 (c) the payment for all contracts, including mobilization, fluctuations,
22 variations, legal fees and cost on contract administration;

23 (d) the payment for all purchases; and

24 (e) undertake such other activities as are connected with all or any of
25 the functions of the Commission under this Act.

Power to accept
gift

26 **15.** The Commission may accept gifts of land, money or other
27 property on such terms and conditions, if any, as may be specified by the person
28 or organisation making the gift provided that such condition is in accordance
29 with the laws of Nigeria.

Borrowing Power

Quarterly Report

Annual Report

(2) The President shall, upon receipt of the report referred to in subsection (1) of this section cause a copy of the report and. the audited accounts of the Commission and the Auditors report to be submitted to each House of the National Assembly.

Establishment of Monitoring Committee

(2) The Monitoring Commission shall:

1 (a) monitor the management of the funds of the Commission and the
2 implementation of the projects of the Commission; and

3 (b) have access to the books of account and other records of the
4 Commission at all times, and submit periodical reports to the President,

5 **20.-(1)** For the purposes of providing offices and premises necessary
6 for the performance of its functions under this Act, the Commission may,
7 subject to the Land Use Act:

8 (a) purchase or take on lease any interest in land, or other property;
9 and

10 (b) construct offices and premises and equip and maintain same.

11 (2) The Commission may, subject to the Land Use Act, sell or lease
12 out any office or premises held by it, which office or premises is no longer
13 required for the performance of its functions under this Act.

Directive from
the President

14 **21.** Subject to the provisions of this Act, the President, may give to the
15 Commission directives of a general nature or relating generally to matters of
16 Policy with regard to the performance by the Commission of its functions and it
17 shall be the duty of the Commission to comply with the directives

Public Officers
protection Act

18 **22.-(1)** Subject to the provisions of this Act, the provisions of the
19 Public Officers Protection Act shall apply in relation to any suit instituted
20 against any officer or employee of the Commission.

21 (2) Notwithstanding anything contained in any other law or
22 enactment, no suit shall lie against any member of the Board, the Managing
23 Director or any other officer or employee of the Commission for any act done
24 in pursuance or execution of this Act or any other law or enactment, or of any
25 public duty or authority or in respect of any alleged neglect or default in the
26 execution of this Act or such law or enactment, duty or authority, shall lie or be
27 instituted in any court unless:

28 (a) It is commenced within three months next after the act, neglect or
29 default complained of; or

30 (b) In the case of a continuation of damage or injury, within six

1 months next after the ceasing thereof

2 **23.** A notice, summons or other document required or authorized
3 to be served upon the Commission under the provisions of this Act or any
4 other law or enactment may be served by delivering it to the Managing
5 Director or by sending it by registered post and addressed to the Managing
6 Director at the principal office of the Commission.

Services to the
Commission

7 **24.**-(1) In any action or suit against the Commission, no execution
8 or attachment of process in the nature thereof shall be issued against the
9 Commission

Execution against
the Commission

10 (2) Any sum of money which may by the judgment of any court be
11 awarded against the Commission shall, subject to any direction given by
12 court where notice of appeal of the said judgment has been given, be paid
13 from the general reserve fund of the Commission.

14 **25.** A member of the Board the Managing Director, any officer or
15 employee of the Commission shall be indemnified out of the assets of the
16 Commission against any proceeding, whether civil or criminal, in which
17 judgment is given in his favor or in which he is acquitted, if any such
18 proceeding is brought against him in his capacity as a member of the Board,
19 the Managing Director, officer or employee of the Commission.

Indemnity of
Officers of the
Commission

20 **26.** The Minister may, by statutory instrument, make regulations
21 generally for better carrying out the provisions of this Act.

Regulations

22 **27.** In this Act, unless the context otherwise requires:

Citation

23 "Chairman" means the Chairman of the Board;

24 "Commission" means the Port -Area Development Commission established
25 by section 1 of this Act;

26 "Board" means the governing Board established for the Commission under
27 section 2 (1) of this Act;

28 "member" means a member of the Board and includes the Chairman,
29 Managing Director and Executive Directors "member States" include Cross
30 River, Delta, Lagos and, Rivers States and any other port- Area State.

Citation

1 **28.** This Bill may be cited as the Port-Area Development Commission
2 (Establishment, etc.) Bill, 2021.

3 SCHEDULE

4 *Section 3(2)*

5 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

6 *Proceedings of the Board*

7 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
8 Board may make standing orders regulating its proceedings or those of any of
9 its committees.

(2) The quorum of the Board shall be the Chairman of the person presiding at the meeting, Managing Director or one Executive Director and one third of other members of the Board.

13 The quorum of any Committee of the Commission shall be as
14 determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

19 (2) At any meeting of the Board the Chairman shall preside but if he is
20 absent, the members present at the meeting shall appoint one of their member
21 to preside at the meeting.

22 3.-(1) The Board may appoint one or more committees to carry out, on
23 behalf of the Board such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

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

29 4.-(1) The fixing of the seal of the Commission shall be authenticated
30 by the signatures of the Chairman or any other member of the Board generally

1 or specifically authorised by the Board to act for that purpose and the
2 Managing Director.

3 (2) A document purporting to be a document duly executed under
4 the seal of the Commission shall be received in evidence and shall, unless
5 and until the contrary is proved be presumed to be so executed.

6 5. The validity of any proceedings of the Board or of a committee
7 shall not be adversely affected by:

8 (a) a vacancy in the membership of the Board or committee; or

9 (b) a defect in the appointment of a member of the Board or
10 committee; or

11 (c) reason that a person not entitled to do so took part in the
12 proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to establish Port-Area Development Commission which shall have power to manage the Ecological and Environmental menace from the operations of port; and make provision for the deduction of 30% of funds generated from ports for the development of communities and states situated in the ports Areas.

COUNTERFEIT MEDICAL PRODUCTS, FAKE DRUGS AND UNWHOLESOME
PROCESSED FOODS (PROHIBITION AND CONTROL) BILL, 2021

ARRANGEMENT OF SECTIONS

Sections:

PART I - OFFENCES AND PENALTIES

1. Prohibited activities relating to counterfeit medical products, fake drugs and unwholesome processed foods.
2. Prohibited activities relating to the hawking, sale or display of drugs and poisons on line or in certain premises or places.
3. Conspiracy to commit offences under section 1 or 2 of this Act
4. Penalties for offences under sections 1, 2 and 3 of this Act
5. Duty of occupier or manager to report
6. Offence by body corporate

PART II - ENFORCEMENT PROVISIONS

7. National Agency for Food and Drug Administration and Control to enforce Act
8. National Committee on Counterfeit Medical Products, Fake Drugs and Unwholesome processed Food
9. State Committee on Counterfeit Medical Products, Fake Drugs and Unwholesome processed Food
10. Operations of the National and State Committees on Counterfeit Medical Products, Fake Drugs and Unwholesome processed Food
11. Powers of the Agency
12. Nigeria Police Squad on Counterfeit Medical Products, Fake Drugs and Unwholesome processed Food
13. Agency not to be obstructed

PART III - FORFEITURE OF PROCEEDS AND DESTRUCTION OF
SEIZED PROPERTY

14. Property liable to forfeiture and destruction of seized property
15. Laundering, concealment and related Offences
16. Foreign properties and assets
17. Disclosure of assets and properties by an arrested person
18. Seizure of property
19. Interim order of forfeiture

20. Forfeiture order after conviction
21. Final order
22. Final disposal of forfeited property
23. Forfeiture of property where there is no prosecution or conviction for an offence
24. Offences in relation to forfeiture orders
25. Consequences of an acquittal in respect of assets and properties
26. Freezing order on Financial or Designated non financial institutions

PART IV - PROCEEDINGS AND EVIDENCE

27. Jurisdiction and special powers of the Court
28. Admissibility of Statements in Document produced from Computers
29. Conduct of Proceedings
30. Presumption of source of proceeds
31. Appeals against interlocutory rulings
32. Evidence of Accomplice and agent provocateur
33. Bail
34. Power to receive information without hindrance
35. Penalty for false information

PART V - ESTABLISHMENT OF SPECIAL ADMINISTRATIVE AND

INTERVENTION FUNDS

36. Special Regulated Products Levy
37. Establishment of an Assets Recovery Fund
38. Power to make Regulations
39. Repeal of CAPC 34, LFN 2004 and savings
40. Interpretation
41. Short title

SCHEDULE

FORM A - DECLARATION OF ASSETS

FORM B - FREEZING ORDER

A BILL

FOR

AN ACT TO REPEAL THE COUNTERFEIT AND FAKE DRUGS AND UNWHOLESOME PROCESSED FOODS (MISCELLANEOUS PROVISIONS) ACT CAP C34, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND TO MAKE COMPREHENSIVE PROVISIONS FOR THE PROHIBITION AND CONTROL OF COUNTERFEIT MEDICAL PRODUCTS, FAKE DRUGS AND UNWHOLESOME PROCESSED FOODS AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Yusuf Tanko Sunnunu

Hon. Samuel Babatunde Adejare

[] Commencement

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

1 PART I - OFFENCES AND PENALTIES

2 1.-(1) A person who:

3 (a) produces, imports, exports, manufactures, transships,
4 transports; or

5 (b) aids or abets another person to produce, import, export,
6 manufacture, transship, transport;

7 (c) distributes, sells or displays for sale;

8 (d) aids or abets another person to distribute, sell or display for sale;

9 (e) knowingly is in possession of, for the purpose of distribution or
10 sale; or

11 (f) prints, produces, sells, distributes or is in possession of labels,
12 wrappers, packaging materials, chemicals or equipment for the purpose of
13 manufacture, revalidation, warehousing, distribution, sale or use of a
14 counterfeit, adulterated, banned or fake, substandard or expired medical
15 products, drugs or unwholesome processed foods or packaged water,
16 adulterated cosmetic or adulterated or mislabeled chemical in any form

Prohibited
activities relating
to counterfeit
medical products,
fake drugs and
unwholesome
processed foods

	1	whatsoever, commits an offence.
	2	(2) A person who neglects or fails to issue to a person to whom he has
	3	sold drugs a written receipt indicating the drugs sold, date of sale, name and
	4	address of the seller commits an offence.
Prohibited activities relating to the hawking, sale or display of drugs and poisons on line or in certain premises or places	5	2.-(1) A person who:
	6	(a) hawks or sells; or
	7	(b) displays for the purpose of sale; or
	8	(c) aids or abets any person to hawk, sell or display for the purpose of
	9	sale, of a drug or poison on-line or in a place not duly licensed or registered by
	10	the appropriate authority for the purpose of drug or poisons distribution
	11	including a market, kiosk, motor park, road-side stall, street, or in a bus, ferry or
	12	other means of transportation, commits an offence.
	13	(2) In this section, "appropriate authority" means:
	14	(a) the Pharmacist Council of Nigeria; or
	15	(b) a person or body authorised to grant licences or register premises
	16	for the sale and distribution of drugs and poisons.
Conspiracy to commit offences under section 1 or 2 of this Act	17	3. A person who:
	18	(a) conspires with another person to commit an offence under sections
	19	1 or 2 of this Act; or
	20	(b) with intent to commit an offence under section 1 or 2 of this Act
	21	agrees with another person to do an act or make an omission; commits an
	22	offence.
Penalties for offences under section 1, 2 and 3 of this Act	23	4.-(1) A person who commits an offence under:
	24	(a) section 1 (1) (a) or (c) of this Act shall be liable on conviction to:
	25	(i) imprisonment for life, and
	26	(ii) payment of compensation to the victim or his next of kin or
	27	personal representative of an amount not less than Ten Million Naira.
	28	(b) section 1 (1) (b), (d), (e) or (D of this Act shall be liable on
	29	conviction to:
	30	(i) imprisonment for a term of twenty years in addition to payment of a

1 fine of an amount not less than Five Million Naira; and
2 (ii) payment of compensation to the victim or his next of kin or
3 personal representative in the event of death or grievous bodily harm, of an
4 amount not less than Five Million Naira.

5 (c) section 1 (2) of this Act, shall be liable on conviction to
6 imprisonment for a term of four years or to a fine of not less than seven
7 Hundred and fifty Thousand Naira or to both imprisonment and fine;

8 (d) section 2 of this Act, shall be liable on conviction to
9 imprisonment for a term of three years and to a fine of not less than One
10 Million Naira; and

11 (e) section 3 of this Act, shall be liable on conviction to
12 imprisonment for a term of not less than two years or to a fine of not less than
13 seven Hundred and fifty Thousand Naira.

14 (2) Without prejudice to section 6 of this Act, where a corporate
15 body commits an offence under sections 1, 2 or 3 of this Act, the court shall:

16 (a) order the corporate body to pay the prescribed fine; and

17 (b) seal the premises of the corporate body for a period not
18 exceeding the term of imprisonment prescribed for the relevant offence.

19 (3) where a person listed under paragraphs (a) to (e) of section 6 of
20 this Act contravenes the provisions of:

21 (a) subsection (1) of section 1 of this Act, the court shall on
22 conviction, make an order prohibiting the convict from directing, engaging
23 in the production, importation, exportation, manufacture, distribution or
24 sale of medical products either by itself or in association with or on behalf of
25 anybody corporate or individuals for 10 years; or

26 (b) subsection (2) of section 1 and section 2 of this Act, , the court
27 shall on conviction, make an order prohibiting the convict from directing,
28 engaging in the production, importation, exportation, manufacture,
29 distribution or sale of medical products either by itself or in association with

1 or on behalf of anybody corporate or individuals for a period of not less than 4
2 years.

3 (4) Where a person is charged with an offence but the evidence
4 establishes an attempt to commit the offence, he may be convicted of having
5 attempted to commit that offence, although the attempt is not separately
6 charged and is liable to the same punishment as prescribed for the offence
7 under this Act.

Duty of occupier
or manager to
report

8 **5.** An occupier or person responsible for the management of any
9 premises who knows or is likely to know that any counterfeit medical product,
10 fake drugs, unwholesome processed food, adulterated cosmetic or adulterated
11 or mislabelled chemical is being produced or stored within his premises but
12 fails, neglects or refuses to report to the Agency commits an offence and shall
13 be liable on conviction to imprisonment for a term of five years or to a fine of
14 Five Million Naira or to both imprisonment and fine.

Offences by body
corporate

15 **6.** Where an offence under this Act is committed by a body corporate
16 or firm or other association of individuals:

17 (a) every director, manager, secretary or other officer of the body
18 corporate;

19 (b) every partner or officer of the firm;

20 (c) every trustee of the body concerned;

21 (d) every person concerned in the management of the affairs of the
22 association; or

23 (e) every person who was purporting to act in any capacity referred to
24 in paragraphs (a) to (d) of this section, is severally guilty of that offence and
25 liable to be proceeded against and punished for that offence in the same manner
26 as if he had himself committed the offence unless he proves that the act or
27 omission constituting the offence took place without his knowledge, consent or
28 connivance.

PART II - ENFORCEMENT PROVISIONS

7. The National Agency for Food and Drug Administration and Control established under the National Agency for Food and Drug Administration and Control Act; CAP N.1 LFN 2004 (in this Act referred to as "the Agency") shall be responsible for the enforcement of the provisions of this Act and shall for this purpose exercise any of its powers under the National Agency for Food and Drug Administration Act.

National Agency
for Food and Drug
Administration
and Control to
enforce Act

8.-(1) A Committee to be known as the National Committee on Counterfeit Medical Products, Fake Drugs and Unwholesome processed Food (in this Act referred to as "the National Committee") shall be constituted by the Minister.

National Committee
on Counterfeit
Medical Products,
Fake Drugs and
Unwholesome
Processed Food

(2) The National Committee constituted under subsection 1 of this section shall consist of:

(a) the Director - General of the Agency or his representative as Chairman;

(b) the Director of the Food and Drug Department of the Federal Ministry of Health or his representative;

(c) a representative of the Nigeria Police not below the rank of Assistant Commissioner of Police, to be appointed by the Inspector-General of Police;

(d) a representative of the Nigeria Customs Service not below the rank of Assistant Comptroller of Custom to be appointed by the Comptroller-General of Customs;

(e) a representative of the Nigeria Immigration Service not below the rank of Assistant-Comptroller of Immigration to be appointed by the Comptroller-General of Immigration;

(f) the Head of the Inspectorate Department of the Pharmacists Council of Nigeria or his representative;

(g) the Head of Enforcement Directorate of the Agency;

(h) the Head of the Legal Directorate of the Agency;

- 1 (i) a representative of the Minister of Agriculture;
- 2 (j) a representative of the Minister of Environment;
- 3 (k) a representative of the Minister in charge of Trade, Investment and
- 4 Industry;
- 5 (l) a representative of the Association of Food, Beverage and Tobacco
- 6 Employers;
- 7 (m) a representative of the Pharmaceutical sector
- 8 (n) such other persons as may be co-opted by the Director General of
- 9 the Agency and approved by the Minister.

State Committee
to Counterfeit
Medical Products,
Fake Drugs and
Unwholesome
Processed Food

10 **9.-(1)** The Minister shall constitute for each State of the Federation a
11 State Committee on Counterfeit Medical Products, Fake Drugs and
12 Unwholesome Processed Food (in this Act referred to as the "State
13 Committee").

14 (2) The State Committee constituted under subsection 1 of this
15 section shall consist of:

- 16 (a) the Head of the State Office of the Agency, as chairman;
- 17 (b) an officer of the Nigeria Police Force, not below the rank of Chief
18 Superintendent of Police, to be nominated by the Inspector-General of Police;
- 19 (c) a representative of the State Commissioner for Health;
- 20 (d) a principal officer nominated by the State Office of the
21 Pharmacists Council of Nigeria; and
- 22 (e) the officer-in-charge of the State Command of the Nigerian
23 Customs Service.

Operations of the
National and State
Committees on
Counterfeit Medical
Products, Fake
Drugs and
Unwholesome
processed Food

24 **10.-(1)** A Committee constituted under this Act shall assist and advise
25 the Agency in the discharge of the Agency's functions under this Act and shall:

- 26 (a) in the case of the National Committee:
- 27 (i) meet at least twice yearly, and
- 28 (ii) supervise the State Committees.
- 29 (b) in the case of a State Committee:
- 30 (i) meet bi-monthly;

1 (ii) be concerned with the Agency's State or Zonal Offices; and
2 (iii) work under the supervision of, and submit quarterly reports to,
3 the National Committee.

4 (2) The Agency is responsible for the administration of the
5 secretariats of the National and State Committees.

6 (3) The Members of the National and State Committees shall be
7 paid such allowances as the Agency may from time to time approve.

8 **11.** The Agency shall have powers to:

Powers of the
Agency

9 (a) enter any premises at any reasonable time, with reasonable
10 force, and examine any article found in the premises if there is reason to
11 believe that the provisions of this Act or related legislation are being
12 contravened;

13 (b) take samples or specimen of any article and where
14 practicable, open and examine any container or package while on the
15 premises.

16 (c) examine a book, document or record found on the premises,
17 which is reasonably believed to contain an information relevant to the
18 enforcement of this Act or related legislation and cause copies or extracts to
19 be made of or from them;

20 (d) seize a counterfeit medical product, a banned, fake,
21 substandard or an expired medical product including drugs, or an
22 adulterated or a mislabeled chemical product or packaged water, an
23 adulterated cosmetic or a counterfeit medical product or a drug or poison or
24 an unwholesome processed food product;

25 (e) seize a document, an item or article which is the subject matter
26 or constitutes evidence of an offence under this Act or related legislation;

27 (f) arrest a person suspected of committing an offence under this
28 Act or related legislation and detain the person on the premises of the
29 Agency or any other premises designated by it;

30 (g) seal any premises that is used or is being used in connection

1 with an offence under this Act until the medical product, processed food,
2 packaged water, cosmetic, chemical, drug or poison, as the case may be, on the
3 premises has been removed by the Agency or until such reasonable time as is
4 necessary for proper investigation and prosecution of suspects; and

5 (h) establish and maintain designated inspection points at all ports of
6 entry in Nigeria for the purpose of examining all products regulated and
7 controlled by the Agency.

Nigeria Police
Squad on
Counterfeit Medical
Products, Fake
Drugs and
Unwholesome
processed Food

8 **12.-(1)** There is established, a Nigeria Police Squad on Counterfeit
9 Medical Products, Fake Drugs and Unwholesome processed Food (in this Act
10 referred to as "the Squad") which shall consist of:

11 (a) a Deputy Superintendent of Police; and

12 (b) such number of Police Officers, to be appointed by the Inspector-
13 General of Police.

14 (2) The Squad shall:

15 (a) assist the Agency in the lawful execution of the Agency's functions
16 under this Act and Related Legislations;

17 (b) arrest any person suspected of committing an offence under this
18 Act and Related Legislations; and

19 (c) assist in conducting investigation into matters arising under the
20 Act and Related Legislations.

Agency not to
be obstructed t

21 **13.-(1)** A person shall not:

22 (a) obstruct or resist a member of the Agency or a person authorised
23 by it in the exercise of its powers under this Act; or

24 (b) without the authority of the Agency, remove, alter or interfere in
25 any way with a drug, poison, processed food product, medical product,
26 chemical, cosmetic, packaged water or any other thing seized under this Act.

27 (2) A person who contravenes the provision of this section commits an
28 offence and liable on conviction to a term of imprisonment of two years or to a
29 fine of One Million Naira or to both fine and imprisonment.

PART III - FORFEITURE OF PROCEEDS AND DESTRUCTION OF

SEIZED PROPERTY

14.-(1) A property:

Property liable to
forfeiture and
destruction of
seized property

(a) whether real or personal, which is used for the commission of an offence or represents the proceeds of an offence under this Act;

(b) within Nigeria, which represents the proceeds of an offence under the laws of a foreign country within whose jurisdiction the offence or activity would be punishable by imprisonment or fine and which would be punishable by imprisonment or fine under this Act if the act or activity had occurred within Nigeria;

(c) in the form of a book, record, research material and data used or intended to be used in violation of this Act;

(d) in the form of money, negotiable instrument, security or other thing of value furnished or intended to be furnished by a person in exchange for an act to further the commission of an offence under this Act or all proceeds traceable to the exchange, and any money, negotiable instrument and security used or intended to be used to facilitate a violation of this Act; and

(e) in the form of real property, including a right, title and an interest (including a leasehold interest) in the whole or part of a piece or parcel of land and an improvement or appurtenances on or to the land, which is used or intended to be used, in any manner or part to commit, or facilitate the commission of an offence under this Act, is liable to forfeiture to the Federal Government and no other property rights shall exist on it.

(2) Without prejudice to subsection (1) of this section, a means of transportation or carriage, including an aircraft, a vehicle, and a vessel used or intended for use to transport or in any manner, to facilitate or conceal an offence under this Act is liable to forfeiture, but a means of transportation:

(a) used by a person as a common carrier in the transaction of business shall not be forfeited under this section unless it is proved that the

1 owner or other person in charge of the means of transportation was a
 2 consenting party or privy to a violation of this Act;

3 (b) shall not be forfeited under this section by reason of an act
 4 established by the owner to have been committed by a person other than the
 5 owner while the means of transportation was unlawfully in the possession of a
 6 person, other than the owner, in violation of the criminal laws of Nigeria or a
 7 part of Nigeria; and

8 (c) shall not be forfeited under this section to the extent of the interest
 9 of an owner, by reason of an act established by that owner to have been
 10 committed without the knowledge, consent or connivance of that owner.

11 (3) The Agency shall destroy an article or a property, other than real
 12 property seized under subsection (1) of this section, where:

13 (a) the court on the conviction of the person in respect of which the
 14 article or property, other than real property, was seized orders its destruction; or

15 (b) the owner of the article or property consents in writing to its
 16 seizure and destruction.

17 (4) Where the Agency destroys an article or a property under
 18 subsection (3) of this section, the person convicted or the owner of the article or
 19 property, as the case may be, shall bear the cost of its destruction.

Laundering,
 concealment and
 related offences

20 **15.-(1)** A person who:

21 (a) converts or transfers property, knowing the property to represent
 22 proceeds of an offence under this Act; or

23 (b) conceals or disguises the true nature, source, location, disposition
 24 or movement of the property or rights of ownership in respect of property,
 25 knowing the property to represent proceeds of an offence under this Act or
 26 related Acts, commits an offence and shall be liable on conviction to
 27 imprisonment for a term of five years or payment of a fine five times the value
 28 of the property or to both the imprisonment and fine.

29 (2) A person who:

30 (a) whether by concealment, removal from jurisdiction, transfer to

1 nominees or otherwise retains property constituting the proceeds of an
 2 offence under this Act on behalf of another person with knowledge that the
 3 other person is engaged in or has benefited from conduct constituting an
 4 offence under this Act; or

5 (b) unlawfully acquires, is in possession of or uses property
 6 constituting the proceeds of an offence under this Act knowing that the
 7 property directly or indirectly represents proceeds of an offence; commits an
 8 offence and shall be liable on conviction to imprisonment for a term of five
 9 years or payment of a fine five times the value of the property or to both the
 10 imprisonment and fine.

11 **16.-(1)** Where a person is convicted of an offence under this Act, a
 12 property or an asset in a foreign country belonging to the person which
 13 constitutes proceeds of the offence shall, subject to a treaty or an
 14 arrangement with that foreign country, be forfeited to the Government of the
 15 Federation.

Foreign properties
and assets

16 (2) The Agency shall, through the Office of the Attorney-General
 17 of the Federation, ensure that the forfeited asset or property is transferred
 18 and vested in the Government of the Federation.

19 **17.-(1)** Where a person is arrested for committing an offence under
 20 this Act, the person shall make full disclosure of all his assets and properties
 21 by completing the Declaration of Assets Form as specified in Form A set out
 22 in the Schedule to this Act.

Disclosure of
assets and
properties by an
arrested person

23 (2) The completed Declaration of Assets Form shall be
 24 investigated by the Agency.

25 (3) A person who:

26 (a) knowingly fails to make full disclosure of his assets and
 27 properties;

28 (b) knowingly makes a declaration that is false; or

29 (c) fails, neglects or refuses to make a declaration or furnish an
 30 information required, in the Declaration of Assets Form commits an offence

1 under this Act and shall be liable on conviction to imprisonment for a term of
 2 five years.

3 (4) Except for the purpose of prosecution for an offence under
 4 subsection (3) of this section, evidence of a declaration by a suspect made
 5 under this section is inadmissible in the trial of the suspect or proceedings for
 6 the interim attachment of a property subject to forfeiture.

7 (5) The Director - General may modify or alter the Declaration of
 8 Assets Form specified in Form A set out in the Schedule to this Act as may be
 9 necessary in order to give effect to the provisions of this Act.

Seizure of property 10 **18.**-(1) An officer of the Agency may, in the course of investigation or
 11 search, seize a property where the officer reasonably believes that the property
 12 is liable to forfeiture under this Act.

13 (2) Where a person is arrested for an offence under this Act, the
 14 Agency shall immediately trace and seize all the assets and properties of the
 15 person used for or constituting proceeds of an offence under this Act.

16 (3) Whenever property is seized under this section, the Agency may:

17 (a) place the property under seal; or

18 (b) remove the property to a place designated by the Agency.

19 (4) A property taken or detained under this section is deemed to be in
 20 the custody of the Agency, subject only to an order of Court.

Interim order
 of forfeiture 21 **19.**-(1) Where the Agency has seized an asset or a property under
 22 section 18 of this Act, it shall, not more than one week after the seizure, apply to
 23 the Court for an interim order of forfeiture of the property concerned to the
 24 Government of the Federation and the Court shall, if satisfied that there is
 25 prima facie evidence that the property concerned is subject to forfeiture under
 26 this Act, make an interim order forfeiting the property to the Government of the
 27 Federation.

28 (2) Where the Court declines to make an interim order of forfeiture
 29 under subsection (1) of this section, the Court shall order the Agency to

1 forthwith return the property seized to the person from whose custody it was
 2 removed.

3 **20.**-(1) A person convicted of an offence under this Act shall forfeit Forfeiture order
 4 to the Government of the Federation: after conviction

5 (a) all the assets and properties which are the subject of an order of
 6 attachment of Court made under section 19 of this Act;

7 (b) an asset or a property, not falling under paragraph (a) of this
 8 subsection, proved to have been derived from the proceeds of an offence
 9 under this Act, notwithstanding that the person convicted did not disclose
 10 the asset or property in the Declaration of Assets Form specified in Form A
 11 set out in the Schedule to this Act; and

12 (c) a property not falling under paragraph (a) of this subsection,
 13 used in any manner to commit or to facilitate the commission of an offence
 14 under this Act, notwithstanding that the person convicted did not disclose
 15 the property in the Declaration of Assets Form specified in Form A set out in
 16 the Schedule to this Act.

17 (2) The Court in imposing a sentence on a person under this section
 18 shall, in addition to any other sentence imposed pursuant to any other
 19 provisions in this Act, order that the person forfeit to the Government of the
 20 Federation all properties described in subsection (1) of this section.

21 **21.**-(1) The Agency shall apply for the forfeiture order from the Disposal of
 22 court upon conviction of the Defendant(s) forfeited property

23 (2) On receipt of the forfeiture order pursuant to this section, the
 24 Agency shall take steps to dispose of the property concerned by sale or
 25 otherwise and where the property is sold, the net proceeds shall be paid into
 26 the Asset Recovery Fund established under section 37 of this Act.

27 (3) Where a part of the property included in a forfeiture order is
 28 money in a bank account or in the possession of a person, the Agency shall
 29 cause a copy of the order to be produced and served on the person, manager

1 of the bank or a person in control of the head office or branch of the bank
 2 concerned.

3 (4) The bank or person, on receiving a copy of an order under
 4 subsection (3) of this section, shall forthwith pay over the money to the Agency
 5 without any further assurances than this Act and, subject to subsection (2) of
 6 this section; the Agency shall pay the money received into the Consolidated
 7 Revenue Fund of the Federation.

Forfeiture of
 property where
 there is no
 prosecution of
 conviction for
 an offence

8 **22.**-(1) Where a property has been seized under this Act and there has
 9 been no prosecution or conviction for an offence, the Agency may, before the
 10 expiration of twelve months from the date of the seizure, apply to the Court for
 11 an order of forfeiture of that property on the ground that the property
 12 constitutes proceeds of an offence under this Act.

13 (2) The Court to whom an application is made under subsection (1) of
 14 this section shall direct a notice to be published in at least two national daily
 15 newspapers calling on a person who claims to have an interest in the property to
 16 appear before that Court on a date specified in the notice, to show cause why the
 17 property should not be forfeited to the Government of the Federation.

18 (3) Where the Court to which an application is made under subsection
 19 (1) of this section is satisfied that:

20 (a) the property constitutes the proceeds of an offence under this Act
 21 or is used to further the commission of the offence; and

22 (b) there is no purchaser in good faith for valuable consideration of
 23 the property without notice, the Court shall make an order for the forfeiture of
 24 the property.

25 (4) Where in respect of a property seized under section 18 of this Act,
 26 prosecution is not commenced or an application is not made under subsection
 27 (1) of this section after the expiration of twelve months from the date of its
 28 seizure, the Agency shall release the property to the person from whom it was
 29 seized.

1 **23.**-(1) A person who, without due authorization by the Agency, Offence in relation
2 deals with, sells or otherwise disposes of a property or an asset which is the to forfeiture orders
3 subject of an attachment, interim order or final order commits an offence and
4 shall be liable on conviction to imprisonment for a term of five years without
5 option of a fine.

6 (2) A manager or person in control of the head office or branch
7 office of a bank or other financial institution who fails to pay over to the
8 Agency on the service on him of the final order made under section 21 of this
9 Act commits an offence and shall be liable on conviction to imprisonment
10 for a term of three years, without the option of a fine.

11 **24.**-(1) Without prejudice to subsection (2) of this section and Consequences of
12 where a person is discharged and acquitted by a Court of an offence under an acquittal in
13 this Act, the Court may revoke an interim order of attachment made pursuant respect of assets
14 to this Act or make a final order, as the case may be. and properties

15 (2) The Court may make an order in respect of property already
16 subject to an interim order where a discharge is merely given on technical
17 grounds.

18 (3) Where an interim order is revoked by a Court under subsection
19 (1) of this section, the Agency shall release to the person concerned all assets
20 and properties which are affected by an order of attachment.

21 **25.**-(1) Notwithstanding anything contained in any other Freezing order
22 enactment or law, the Director-General or an officer authorized by him may, on Financial
23 if satisfied that the money in the account of a person constitutes proceeds of Designated non
24 an offence under this Act, apply to the Court ex-parte for power to issue or financial
25 instruct a bank examiner or such other appropriate regulatory authority to institutions
26 issue an order as specified in Form B set out in the Schedule to this Act.

27 (2) An order issued under subsection (1) shall be addressed to the
28 manager of the financial institution or the person in control of the designated
29 non financial institution where the account is or believed by him to be or the
30 head office of the financial institution or the designated non financial

1 institution to freeze the account.

2 (3) The Agency, or an officer authorized by it may by an order issued
3 under subsection (1) of this section, or by a subsequent order, direct the
4 financial institution or designated non financial institution to:

5 (a) supply an information and produce books and documents relating
6 to the account; and

7 (b) stop all outward payments, operations or transactions (including a
8 bill of exchange) in respect of the account of the person.

9 (4) The manager or the person in control of the financial institution or
10 designated non financial institution shall on being served with the order made
11 pursuant to subsection (2) of this section shall take appropriate steps to comply
12 with the requirements of the order

13 (5) In this section:

14 (a) "bank" has the meaning given to it in the Banks and other Financial
15 Institutions Act; and

16 (b) "Designated non-financial institutions" means dealers in
17 "jewellery, cars and luxury goods, chartered accountants, audit firms, tax
18 consultants, clearing and settlement companies, legal practitioners, hotels,
19 casinos, supermarkets or such other business as the Federal Ministry of Trade
20 and Investment or appropriate regulatory authorities may from time to time
21 designate"

22 (c) "Financial Institution" means-

23 (i) anybody or institution which carries on any banking business or
24 financial transactions whether lawfully or unlawfully as defined in the Banks
25 and other Financial Institutions Act;

26 (ii) banks, body, association or group of persons whether corporate or
27 incorporate which carries the business of investments and securities, a discount
28 house, insurance institutions, debt factorization and conversion firms, bureau
29 de Change, finance Company, Money brokerage firms whose principal
30 business includes factoring, project financing equipment leasing, debt

1 administration, fund management, private ledger services, investment
2 services, local purchase order financing, export finance, project consultancy
3 , pension funds management and other business as the Central Bank or other
4 appropriate regulatory authorities may from time to time designate;

5 (c) Reference to an order issued Reference to an order issued,
6 includes a reference to an order, a direction or requirement addressed to the
7 manager of a bank or other officer of a bank which directs the manager or
8 other officer to stop all outward payments, operations or transactions in
9 respect of an account with that bank.

10 **PART IV - PROCEEDINGS AND EVIDENCE**

11 **26.**-(1) The Federal High Court shall have exclusive jurisdiction to Jurisdiction and
12 try any offence under this Act and deal with all matters arising from or special powers
13 relating to the provisions of this Act. of the Court

14 (2) The Court has power, notwithstanding anything to the contrary
15 in any other Act to:

16 (a) ensure that all matters brought before the Court by the Agency
17 against a person, body or an authority shall be conducted with dispatch and
18 given accelerated hearing; and

19 (b) adopt all lawful measures necessary to avoid unnecessary
20 delays and abuse in the conduct of matters brought by the Agency before it
21 or against a person, body or an authority.

22 (3) The Chief Judge of the Federal High Court may designate a
23 Court or Judge as he deems appropriate to hear and determine all cases under
24 this Act or other related offences under this Act.

25 **27.** In proceedings under this Act, a statement contained in a Admissibility of
26 document reproduced by means of a computer or other electronic media is Statements in
27 admissible as evidence of a fact stated in it in any circumstance where oral Document produced
28 evidence would be admissible. from Computers

29 **28.**-(1) Subject to the provisions of section 174 of the Constitution Conduct of
30 of the Federal Republic of Nigeria 1999, a legal officer or legal practitioner Proceedings

1 appointed by the Agency shall conduct criminal proceedings in respect of
 2 offences under this Act or regulations made under this Act and related
 3 legislation.

4 (2) In judicial proceedings for an offence under this Act or regulations
 5 made under it, the provisions of the Administration of Criminal Justice Act
 6 apply in respect of the matter.

Presumption of
source of proceeds

7 **29.** Where, in a case involving the proceeds of an offence under this
 8 Act:

9 (a) the property or money was acquired during or within a reasonable
 10 time after the commission of an offence; and

11 (b) there is no other source of the property or money other than the
 12 offence, the Court shall, subject to any contrary evidence, presume that the
 13 property or money constitutes the proceeds of that offence.

Appeals against
interlocutory
rulings

14 **30.** Subject to the provisions of the Constitution of the Federal
 15 Republic of Nigeria, 1999, an application for stay of proceedings, in respect of
 16 a criminal matter brought or commenced by the Agency before the Court, shall
 17 not be entertained by any court until final judgment is delivered by the Court in
 18 the substantive criminal matter.

Evidence of
Accomplice
and provocateur

19 **31.-(1)** Notwithstanding a written law or rule of law to the contrary, in
 20 any proceedings against a person for an offence under this Act:

21 (a) a witness is not regarded as an accomplice by reason only that the
 22 witness is in any manner concerned with the commission of the offence, or that
 23 he had knowledge of the commission of the offence if, before the completion of
 24 the act or acts constituting the offence, the witness had reported his knowledge
 25 of his participation to the Agency;

26 (b) an agent provocateur, whether he is an officer of the Agency or not,
 27 is not presumed to be unworthy of credit by reason only of his having attempted
 28 to commit, or abet or having abetted or engaged in a criminal conspiracy to
 29 commit the offence, if the main purpose of the attempt, abetment or

1 engagement was to secure evidence of the commission of the offence
 2 against the person; and

3 (c) a statement, whether oral or written, made to an agent
 4 provocateur by the person is admissible as evidence at his trial.

5 **32.**-(1) Where a person is arrested for, or charged with an offence Bail
 6 under this Act, the Court may on an application by the person grant bail
 7 unless there is reasonable ground to believe that if that person is released on
 8 bail he may-

9 (a) commit another offence under this Act;

10 (b) evade trial;

11 (c) influence, interfere with or intimidate witnesses;

12 (d) conceal or destroy evidence; or

13 (e) interfere with the investigation of the case.

14 (2) In addition to any other condition prescribed under any other
 15 law, the Court may require the deposit of a sum of money or other security as
 16 the Court may specify from the person applying for bail or the surety before
 17 bail is granted.

18 **33.**-(1) The Agency shall seek and receive information from a Power to receive
information without
hindrance
 19 person, authority, a corporation or company without let or hindrance in
 20 respect of an offence under this act.

21 (2) An officer of the Agency shall not be compelled to disclose the
 22 source of information or identity of an informant except by order of court.

23 **34.**-(1) A person who makes or causes another person to make to an Penalty for false
information
 24 officer of the Agency in the course of the exercise by the officer of his duties,
 25 a statement which to the knowledge of the person making the statement, or
 26 causing the statement to be made:

27 (a) is false, or intended to mislead or is untrue in any material
 28 particular; or

29 (b) is inconsistent with another statement previously made by the
 30 person to another person who had authority or power under any law to

1 receive, or require to be made that other statement, notwithstanding that the
2 person making the statement is not under any legal or other obligation to tell the
3 truth; commits an offence and shall be liable on conviction to imprisonment for
4 a term of five years or to a fine not exceeding One Hundred Thousand Naira or
5 to both the fine and imprisonment.

6 (2) For the purposes of subsection (1) of this section, a statement
7 criminal, or a statement made by a person in the course of disciplinary
8 proceedings, whether the legal or disciplinary proceedings are against the
9 person making the statement or against another person, is deemed to be a
10 statement made to a person having authority or power under the law to receive
11 the statement so made.

12 PART V - ESTABLISHMENT OF SPECIAL ADMINISTRATIVE AND
13 INTERVENTION FUNDS

Special Regulated
Product Levy

14 **35.-(1)** There is established under this Act a Special Regulated
15 Products Levy Fund.

16 (2) The Agency shall collect a two percent levy ("the Levy") from
17 importers and manufacturers of Special Regulated Products and pay the
18 proceeds of the Levy collected into the Special Regulated Products Fund
19 established under sub-section (1) of this section.

20 (3) For the purpose of this Part, "Special Regulated Products" include
21 alcoholic beverage, tobacco and tobacco products, energy drinks, and any
22 health or health product as may be designated by the Minister and published in
23 the Official Gazette of the Federal Government.

24 (4) The monies accruing into the Special Regulated Products Levy
25 Fund established under sub-section (1) of this section shall be disbursed as
26 follows:

27 (a) fifty percent into the Consolidated Revenue Fund of the
28 Federation;

29 (b) thirty percent to meet part of the running costs of the Agency for
30 the implementation and enforcement of the provisions of this Act and its other

1 statutory functions;

2 (c) ten percent to the Bank of the Industry as part of the Food and
 3 Drug Intervention Fund for the establishment and development of the food
 4 and drug Industries;

5 (d) five percent to the National Health Insurance Fund to meet part
 6 of its running costs; and

7 (e) five percent into the Research and Development Account of the
 8 National Institute for Pharmaceutical Research and Development for
 9 purposes of research and development to implement policies, plans and
 10 programmes under the National Health Policy.

11 (5) To enable the Agency assess and collect the Levy imposed
 12 under subsection (1) of this section from an importer or a manufacturer, the
 13 Agency shall:

14 (a) examine all Special Regulated Products at all ports of entry,
 15 manufacturing, establishments and points of sale;

16 (ii) device appropriate forms and documents necessary for the
 17 assessments and collection of the Levy.

18 **36.-(1)** There is established for the Agency under this Act an Asset Establishment
 19 Recovery Fund into which shall be paid a percentage of proceeds of assets of an Asset Recovery
 20 recovered from crimes committed under this Act. Fund

21 (2) The percentage referred to in sub-section (1) of this section to
 22 be paid to the Agency, shall be as may be determined by the President of the
 23 Federal Republic of Nigeria from time to time.

24 (3) The Agency shall, subject to regulations made by the Minister
 25 under section 38 of this Act, administer the monies in the Assets Recovery
 26 Fund solely for the purpose of:

27 (a) strengthening the activities of the Agency; and

28 (b) exercising the other related powers of the Agency.

29 **37.-(1)** Subject to the other provisions of this Act, the Agency with Power to make
 30 the approval of the Minister may make regulations: Regulations

1 (a) for the disposal or sale of any property or assets forfeited pursuant
2 to this Act;

3 (b) to prescribe the obligation and responsibilities of retailers,
4 distributors or manufacturers in the eradication of counterfeit medical
5 products; and

6 (c) generally for purposes of this Act and its due administration.

7 (2) The Agency may prescribe, subject to the approval of the Minister,
8 payment of such monetary reward to a person who gives vital and genuine
9 information that leads to the arrest and prosecution of a person who has
10 committed an offence under the provisions of this Act and of the recovery of an
11 article or item connected with the commission of the offence.

Repeal of
Cap. C34, LFN
2004 and savings

12 **38.**-(1) The Counterfeit and Fake Drugs and Unwholesome Processed
13 Foods (Miscellaneous Provisions) Act CAP C34, LFN, 2004 is hereby
14 repealed.

15 (2) The repeal of the Act specified in subsection (1) of this section
16 shall not affect a thing done or purported to be done under the repealed Act.

Interpretation

17 **39.** In this Act, unless the context otherwise requires:
18 "adulterated" when used in relation to medical product, chemical or cosmetic,
19 refers to a situation when:

20 (a) the method used in, or the facilities or controls used for, its
21 manufacture, processing, packing, or holding do not conform to, or are not
22 operated or administered in conformity with, current good manufacturing
23 practice to ensure that the product meets-

24 (i) the requirements of the Food and Drugs Act CAP. F32 LFN 2004 or
25 any other standard prescribed by any other legislation as to safety, identity and
26 strength, and

27 (ii) the quality and purity characteristics, which it purports or it
28 represents to possess; or

29 (b) it purports to be or is represented as a product, the name of which is
30 recognized in an official compendium or in a legislation and has its strength

1 differing from, or its quality or purity falling below the standard set forth in
2 the compendium or legislation;

3 "Agency" means the National Agency for Food and Drug Administration
4 and Control Agency established under the National Agency for Food and
5 Drug Administration and Control Act;

6 "banned medical product" means a medical product prohibited under the
7 provisions of a legislation or notice issued by the Minister;

8 "chemical" means a substance or reagent that is produced or used in a
9 process to produce a chemical effect and it includes dusts, mixtures and
10 common materials such as paints, fuels, solvents and fertilizers;

11 "cosmetic" includes a substance or mixture intended to be rubbed, poured or
12 sprinkled or sprayed, introduced into or otherwise applied to the human
13 body or any part of it for cleansing, beautifying, promoting attractiveness,
14 altering the complexion, skin, hair or teeth and include deodorants and
15 detergent powder;

16 "Council" means the Governing Council of the Agency;

17 "counterfeit medical product" means a product whether branded or generic
18 that is falsely labeled with respect to identity or source and includes a
19 medical product without the correct active ingredients or with insufficient
20 quantity of active ingredients or with fake packaging;

21 "Director-General" means the Director General of the Agency;

22 "drug and drug product" includes any product containing an active
23 medicinal ingredient, packaging materials, labels, wrappers, containers,
24 instruments, apparatus, or equipment used in the manufacture, processing,
25 storing, dispensing or packaging of drugs";

26 "fake medical product" means:

27 (a) a medical product:

28 (i) which is not what it purports to be,

29 (ii) which is so coloured, coated, powdered or polished that the
30 damage is concealed,

1 (iii) which is made to appear to be better or of greater therapeutic
2 value than it really is,

3 (iv) which is not labeled in the prescribed manner or which label or
4 container or anything accompanying a drug bears any statement, design or
5 device which makes a false claim for a drug or which is false or misleading,

6 (v) the container of which is so made, formed or filled as to be
7 misleading; or

8 (b) a drug or drug product the label of which does not bear adequate
9 directions for use and such adequate warning against use in those pathological
10 conditions or by children where its use may be dangerous to health or against
11 unsafe dosage or method or duration of use;

12 "medical product" include drug, medical device and their accessories, active
13 pharmaceutical ingredient, excipients, biologics, vaccines, toxins, venoms,
14 blood and blood products and tissues;

15 "medical device" includes packaging material, label, wrapper, container,
16 instrument, apparatus, or equipment used in the manufacture, processing,
17 storing, dispensing or packaging of a medical product;

18 "market" includes a place of commercial activities where drugs and drug
19 products are sold, bought, displayed for sale or offered for sale; and this
20 includes cyber sale;

21 "Minister" means the Minister charged with the responsibility for matters
22 relating to health;

23 "National Committee" means the National Committee established under
24 section 8 of this Act;

25 "On line" includes the internet, web retailing, on-line market places or e.
26 commerce service provider;

27 "poison" includes the substances enumerated in the Poison and Pharmacy Act,
28 Cap 152 L & F 1958 which shall, whether natural or synthetic, be deemed
29 poisons whether mixed with other ingredients or not and whatever restrictions
30 placed on any particular poison shall apply to it whether it is unmixed or is

1 contained as an ingredient in some preparation, unless it is contained in one
2 of the preparations specifically exempted from such provision;

3 "proceeds" means, subject to section 26 of this Act, property or money
4 derived or obtained directly or indirectly, from the commission of an offence
5 under this Act;

6 "property" means any property, whether real or personal which is capable of
7 being owned by a person;

8 "related legislations" include the:

9 (i) National Agency for Food and Drug Administration and Control
10 Act CAP. N1 LFN 2004 and related regulations;

11 (ii) Food Drugs and related Products (Registration etc) Act, CAP
12 F33 LFN 2004 and related agencies;

13 (iii) Marketing Breast Milk Substitute Act CAP M5 LFN 2004 or
14 regulations made there under;

15 (iv) Import Prohibition Act CAP 13 LFN 2004 and related
16 regulations;

17 (v) section 1 (18) and (19), 2 and 3 of the Miscellaneous Offences
18 Act CAP M 17 LFN 2004;

19 (vi) section 243 of the Criminal Code Act, CAP C38 LFN 2004;
20 and

21 (vii) National Drug Formulary and Essential Drugs List Act CAP
22 N29 LFN 2004 or regulations made there under.

23 "State Committee" means a State Committee established under section 9 of
24 this Act;

25 "substandard drug" means a drug which has in its preparation or
26 manufacture an ingredient that falls below the specification contained in the
27 official compendium, namely, the British Pharmacopoeia, British
28 Pharmaceutical Codex, United States Pharmacopoeia, European
29 Pharmacopoeia or any official compendium recognized by the Agency;

30 "the Act" means the National Agency for Food and Drug Administration and

- 1 Control Act, CAPN1 2004;
- 2 "unwholesome processed food product" means any food product which:
- 3 (a) consists in whole or in part, of any filthy, putrid or decomposed
- 4 substance;
- 5 (b) has been prepared, transported, marketed, packaged or stored
- 6 under unsanitary conditions where it may have been contaminated with filth or
- 7 whereby it may have been rendered injurious to health;
- 8 (c) is packed in a container composed in whole or in part of any
- 9 injurious or deleterious substance which may render the content injurious to
- 10 health;
- 11 (d) bears or contains for the purposes of colouring only a colour other
- 12 than one which is prescribed;
- 13 (e) contains any harmful or toxic substance which may render it
- 14 injurious to health or has been mixed with some other substance which may
- 15 render it injurious to health or has been mixed with some other substance so as
- 16 to reduce its quality or strength;
- 17 (f) the "best before" date, batch number, ingredients list, information
- 18 as prescribed by the Agency or date of expiry on the label of the food article has
- 19 been revalidated";
- 20 (g) is a food article beyond the shelf-life stated on the label, packaging
- 21 material or beyond the Best Before Date prescribed by the National Agency for
- 22 Food and Drug Administration and Control for that food article;
- 23 (h) is labeled, presented or advertised in a manner that is false,
- 24 deceptive or misleading; or
- 25 (i) has an expired best before date; or
- 26 (j) when imported does not leave sufficient time as prescribed by the
- 27 Agency for distribution before the best before date;
- 28 "victim" means a person who has suffered a disability or an adverse
- 29 consequence as a result of using or consuming a counterfeit medical product,
- 30 an adulterated, banned or fake, substandard or an expired medical product or

1 unwholesome processed foods or a packaged water, adulterated cosmetic or
 2 adulterated or mislabeled chemical in any form.

3 **40.** This Bill may be cited as the Counterfeit Medical Products, Short title
 4 Fake Drugs and Unwholesome Processed Foods (Prohibition and Control)
 5 Bill, 2021.

6 SCHEDULE

7 FORM A (Sections 17, 20)

8 COUNTERFEIT MEDICAL PRODUCTS, FAKE DRUGS AND UNWHOLESOME
 9 PROCESSED FOODS (PROHIBITION AND CONTROL) ACT, 2012

10 DECLARATION OF ASSETS FORM

11 To be completed in TRIPLICATE and in BLOCK LETTERS or typed.

12 All available information should be included

13 Important:

14 (A) It is an offence punishable by up to a maximum of 5 years imprisonment
 15 under the Act to:

16 (i) knowingly fail to make full disclosure of your assets and
 17 liabilities

18 (ii) knowingly make a declaration that is false, or

19 (iii) fail, neglect or refuse to make a declaration or furnish any
 20 information required

21 (B)

22 (i) Each item is to be completed. If it does not apply, the person
 23 affected must write 'nil' or 'none' in the space. Where necessary, an extra
 24 sheet or sheets may be used and attached
 25 to this form by the person affected.

26 (ii) The Form shall be addressed to the Director General or any
 27 other officer authorized by him

28 I.....being accused of the offence.....
 29 under the Counterfeit Medical Products, Fake Drugs And Unwholesome

Processed Foods (Prohibition And Control) Bill, 2012 declare my assets as follows:

SURNAME	Other Names	Date of Birth	If dead State the date of Death	Place of Birth	Nationality	State of Origin	Local Government	Occupation	Present Address	Home Address
a) Now b) at birth if different			(a) Now (b) at birth							
I, Declarant										

Spouse If married, state date and place					
Father Mother Brothers)) i) Sisters)) i) Children)) i) Dependants, relatives, ncle, Aunt, ext of Kin Associated Persons (i).....)..... ii).....					
Names in full		Address		Occupation	Nationality
0. Aliens: a) Nationality b) If Naturalized Alien provide Registration No. Certificate 1. Schools attended with dates: Primary School: Post Primary School or Secondary: University, etc. Qualifications attained.					

12. Amount held in own account
 - i. Cash in hand
 - ii. Cash at bank
 - iii. Outside Nigeria (Countries/Banks to be named)
13. Amount held on behalf of or as trustee for any person other than your spouse

- 1 10. Aliens:
- 2 (a) Nationality
- 3 (b) If Naturalized Alien provide Registration No. Certificate
- 4 11. Schools attended with dates: Primary School:
- 5 Post Primary School
- 6 Secondary:
- 7 University, etc.
- 8 Qualifications attained.
- 9 12. Amount held in own account
- 10 (i) Cash in hand
- 11 (ii) Cash at bank.
- 12 (iii) Outside Nigeria (Countries/Banks to be named) .
- 13 13. Amount held on behalf of or as trustee for any person other than your
- 14 spouse:
- 15 (i) Cash in hand
- 16 (ii) Cash at bank
- 17 (iii) Outside Nigeria (Countries/Banks to be named) .
- 18 14. Loans or advances made.
- 19 15. Loans or advances received
- 20 16. Amount held on behalf of or as trustee of spouse:
- 21 (i) Cash in hand
- 22 (ii) Cash at bank
- 23 (iii) Outside Nigeria (Countries/Banks to be named)
- 24 17. Spouse/children's account held (beneficial or otherwise):
- 25 (i) Cash in hand
- 26 (ii) Cash at bank
- 27 (iii) Outside Nigeria (Countries/Banks to be named).
- 28 18. Government securities including premium bonds and other interests
- 29 held in companies, firms or partnerships (giving names of companies, firms
- 30 and partnerships):

- 1 (a) By you (here state the bonds, etc)
- 2 (b) By spouse (here state the bonds, etc)
- 3 (c) By children (here state the bonds, etc)
- 4 19. Property in Nigeria in which you are interested in giving date when
- 5 acquired:
- 6 (i) Land:
- 7 (ii) Buildings:
- 8 (iii) Other property, (if any).
- 9 20. Membership, ownership, directorship, shareholding, or other related
- 10 interest in:
- 11 (i) A Company incorporated in Nigeria
- 12 (ii) A Company incorporated outside Nigeria
- 13 (iii) A Partnership or sole proprietorship
- 14 21. Property outside Nigeria in which you are interested in giving date when
- 15 acquired:
- 16 (i) Land:
- 17 (ii) Buildings:
- 18 (iii) Other property, (if any)
- 19 22. Property outside Nigeria in which any spouse is interested in giving date
- 20 when acquired-
- 21 (i) Land:
- 22 (ii) Buildings:
- 23 (iii) Other property, (if any):
- 24 23. Property in Nigeria in which any spouse is interested in giving a date when
- 25 acquired:
- 26 (i) Land
- 27 (ii) Buildings
- 28 (iii) Other Property, (if any):
- 29 24. Property in Nigeria in which any child of yours is interested in giving date
- 30 when acquired-

1 (i) Land:
2 (ii) Buildings:
3 iii. Other property, (if any).
4 25. Property outside Nigeria in which any child of yours is interested in
5 giving date when acquired-
6 (i) Land:
7 (ii) Buildings
8 (iii) Other property, (if any).
9 26. Names of other dependent relatives:
10 27. Estate in which you are interested as trustee or beneficially interested
11 (Name of deceased or trustee).
12 28. Property held by any person on your behalf- (in or outside Nigeria):
13 (i) Cash in hand;
14 (ii) Cash at bank;
15 (iii) Land:
16 (iv) Buildings
17 (v) Other Properties
18 If outside Nigeria, insert names of countries and banks.....
19 Signature of Suspect/Accused Person.....
20 Signature and Address of Witness

21 FORM B
22 Section 26 (1)
23 COUNTERFEIT MEDICAL PRODUCTS, FAKE DRUGS AND UNWHOLESOME
24 PROCESSED FOODS (PROHIBITION AND CONTROL) ACT, 2012.
25 FREEZING ORDER

26 (This form may be amended according to circumstances)

27 1. To the Manager

28

29 (Here insert name and branch of bank)

30 Under the authority conferred on me by section 22 of the Counterfeit and

1 Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions)
2 Act 2012, you are hereby ordered to-
3 (a) supply the following information relating to the under mentioned accounts,
4 that is to say-
5
6 (Here set out the information required in respect of named accounts)
7 (b) produce the books and documents relating to the under mentioned
8 accounts, that is to say-
9
10 (Here set out the books and documents to be produced in respect of the named
11 accounts)
12 (c) stop all outward payments, operations or transactions (including bills of
13 exchange) as far as possible in the ordinary cause of banking in respect of the
14 following accounts-
15
16 (Here indicate the accounts)
17 2. This order shall remain in force until revoked
18 DATED atthisday of20
19
20 Director- General/Authorised Officer

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act Cap C34, Laws of the Federation of Nigeria, 2004 and to make comprehensive provisions for the Prohibition and Control of Counterfeit Medical Products, Fake Drugs and Unwholesome Processed Foods.

A BILL

FOR

AN ACT TO AMEND SECTION 16(1) OF THE NATIONAL HEALTH INSURANCE
SCHEME ACT CAP. N35 LAWS OF THE FEDERATION OF NIGERIA TO MAKE
HEALTH INSURANCE MANDATORY TO ALL NIGERIANS AND FOR RELATED
MATTERS

Sponsored by Hon. Kabiru Amadu

[] Commencement

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

- | | | |
|----------------------------------|--|---|
| 1
2
3 | 1. The National Health Insurance Act Cap. N35, Laws of the
Federation, 2004 (in this Bill referred to as the Principal Act) is amended as
set out in this Bill. | Amendment of
the National Health
Insurance Act
Cap. N35 LFN,
2004 |
| 4
5
6
7
8
9
10 | 2. Section 16(1) of the National Health Insurance Scheme Act (in
this Bill referred to as the "Principal Act") is hereby amended by substituting
the word 'ten' for 'five' and including the word 'shall' to read thus:
"An employer who has a minimum of five (5) employees shall
together with every person in his employment pay contributions under the
scheme at such rate and in such manner as may be determined from time to
time by the Council." | Amendment of
section 16(1) of
the National Health
Insurance Scheme |
| 11
12 | 3. This Bill may be cited as National Health Insurance Scheme
(Amendment) Bill, 2021. | Citation |

EXPLANATORY MEMORANDUM

This Bill seeks to amend National Health Insurance Scheme Act Cap. N35
Laws of the Federation of Nigeria 2004 to make health insurance mandatory
for all citizens.

A BILL

FOR

AN ACT TO ESTABLISH THE BUREAU OF DEFENSE LOGISTICS CHARGED WITH THE RESPONSIBILITY OF PROVIDING LOGISTICS, ACQUISITION AND TECHNICAL SUPPORT FOR THE ARMY, NAVY, AIR FORCE AND SIMILAR MILITARY FORMATIONS AND FOR RELATED MATTERS

Sponsored Hon. Sulaiman Abubakar Gumi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE BUREAU OF DEFENSE LOGISTICS

2 1.-(1) There is hereby established a body to be known as the Bureau Establishment
3 of Defense Logistics (hereafter in this Bill referred to as the Bureau"), of the Bureau
4 of Defense Logistics

5 (2) The Bureau shall be a body corporate with perpetual succession
6 and a common seal and may sue and be sued in its corporate name.

7 2. The objectives of the Bureau are:

8 (a) Restore and strengthen the armed forces and military Objects, etc. of
9 formations readiness and lethality; the Bureau

10 (b) Provide immediate action in supporting troops engaged in any possible operation;

11 (c) Strengthen alliances and attract new partnerships through
12 leveraging on joint logistics enterprise, inter-agency, industry, partners and
13 allied nations;

14 (d) Enhance supply chain including financial and process
15 excellence;

16 (e) Anticipate and position solutions for troop's requirements by
17 combining big data, predictive analytics, automation, artificial intelligence,
18 sustained supply chain visibility and continuous communication.

17 4.-(1) There is established the National Council on Defense Logistics
18 (hereafter in this Bill referred to as "the Council") consisting of:

19 (a) a chairman who shall be the Minister responsible for Defense;
20 (b) National Security Adviser;
21 (c) the Director General of the Department of State Security;
22 (d) The Director General I of the National Intelligence Agency;
23 (e) The Director General Defence Intelligence Agency;
24 (f) the Director General of the Bureau of Public Procurement;
25 (g) The Minister responsible for Finance;
26 (h) The Central Bank Governor;
27 (i) Representatives of:
28 (i) the Nigeria Army not below the rank of Major General;
29 (ii) the Nigeria Air force not below the rank of Air Vice Marshal;
30 (iii) the Nigeria Navy not below the rank of Rear Admiral;

1 (j) the Director-General of the Bureau.

2 (2) The Bureau shall provide the Secretariat for the Council.

3 (3) Notwithstanding the provisions of sub-clause (1) of this clause,
4 the Council may co-opt any person to attend its meeting but the person so
5 co-opted shall not have a casting vote or be counted towards quorum.

6 (4) The Chairman and other members of the Council shall be
7 appointed by the President.

8 (5) Subject to sub-clause (1) of this clause, a member of the
9 Council being:

10 (a) the holder of an elective office under the Constitution of
11 Nigeria, shall hold office for a period he remains so elected and no more; and

12 (b) the Director-General of the Bureau, shall hold office on such
13 terms and conditions as may be specified in his letter of appointment.

14 **5.** The Council shall:

Functions of the
Council

15 (a) subject to clause 2, consider and approve the activities of the
16 Bureau;

17 (b) consider and approve policies on defense logistics;

18 (c) approve the appointment of the Directors of the Bureau;

19 (d) receive and consider, for approval, the audited accounts of the
20 Bureau of Defense Logistics; and

21 (e) approve changes associated with defense logistics to adapt to
22 improvements in modern technology;

23 (f) give such other directives and perform such other functions as
24 may be necessary to achieve the objectives of this Bill.

25 **PART III - STAFF OF THE BUREAU**

26 **6.-(1)** There shall be for the Bureau, a Director-General who shall
27 be appointed by the President, on the recommendation of the Council after
28 competitive selections.

Director General
and staff of the
Bureau

29 (2) The Director-General shall be:

30 (a) a serving or retired military personnel not below the rank of a

1 Brigadier General or its equivalent in the armed forces;
2 (b) the Chief Executive and accounting officer of the Bureau;
3 (c) responsible for the execution of the policy and day to day
4 administration of the affairs of the Bureau; and

5 (3) The Director-General shall hold office:

6 (a) for a term of 4 years in the first instance and may be re-appointed
7 for a further term of 4 years and no more; and

8 (b) on such terms and conditions as may be specified in his letter of
9 appointment.

10 (4) Without prejudice to the provisions of this Bill, the Director-
11 General of the Bureau may be removed from office at the instance of the
12 President on the basis of gross misconduct of financial impropriety, fraud, and
13 manifested incompetence proven by the Council.

Principal Officers
of the Bureau

14 7.-(1) The Council shall appoint the principal officers for the Bureau
15 after competitive selection process.

16 (2) The principal officers appointed under clause 9 (1) shall each have
17 the requisite qualification and experience required for the effective
18 performance of the functions of their respective Departments and the Bureau as
19 specified under this Bill.

20 (3) The Council shall have power to modify the operational structure
21 of the Bureau as may be necessary to enhance the Bureau's duties and functions
22 under this Bill.

Other Staff of
the Bureau

23 8.-(1) The Council may appoint such officers and other employees as
24 may, from time to time, deem necessary for the purposes of the Bureau.

25 (2) Subject to the Pension Reform Act, the terms and conditions of
26 service (including remuneration, allowances, benefits and pensions) of
27 officers and employees of the Bureau shall be as determined by the Council.

28 (3) Without prejudice to the generality of sub-section of this clause,
29 the Council shall have power to appoint either on transfer or on secondment
30 from any public service in the Federation, such number of employees as may,

1 be required to assist the Bureau in the discharge of any of its functions under
2 the Bill and persons so employed, shall be enumerated (including
3 allowances) as the Council may consider appropriate.

4 **9.**-(1) The Council may, subject to the provisions of this Bill and Staff Regulations
5 within six months of the inauguration, make staff regulations relating
6 generally to the conditions of service of the employees of the Bureau and
7 without prejudice to the foregoing, such regulations may provide for:

8 (a) the appointment, promotion and disciplinary control (including
9 dismissal) of employees of the Bureau; and

10 (b) appeals by such employees against dismissal or other
11 disciplinary measures.

12 (2) Until such regulations are made, any instrument relating to the
13 conditions of service of officers in the civil service of the federation shall be
14 applicable.

15 **10.** Employees of the Bureau shall be entitled to pensions, and Pension
16 other retirement benefits as prescribed under the Pension Act. Provisions

17 **11.**-(1) The Bureau shall establish and maintain a Fund, to be Funds of the
18 approved by the Council into which shall be paid and credited: Bureau

19 (a) the sums appropriated by the National Assembly for the
20 running of the Bureau;

21 (b) all subventions, fees and charges for services rendered or
22 publications made by the Bureau; and

23 (c) all other assets which may, from time to time, accrue to the
24 Bureau.

25 (2) The Bureau shall charge its fund to meet all its expenditure.

26 (3) The Council may make regulations for the Bureau:

27 (a) specifying the manner in which assets or the fund of the Bureau
28 are to be held, and regulating the making of payment into and out of the fund;
29 and

30 (b) requiring the keeping of proper accounts and records for the

1 purposes of the fund in such form as may be specified in the rules.

2 (4) The Bureau may, from time to time, apply the proceeds of the fund
3 for:

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

5 (b) the payments of salaries, fees and other remuneration, employees
6 of the Bureau or experts or professionals appointed by the Bureau;

7 (c) the maintenance of any property acquired by or vested in the
8 Bureau; and

9 (d) any matter connected with all or any of the functions of the Bureau
10 under this Bill; and

11 (f) any expenditure connected with all or any of the functions of the
12 Bureau under this Bill.

Financial Year
Budgeting and
Annual Report

13 **12.-(1)** The financial year of the Bureau shall be the same as that of the
14 Federal Government.

15 (2) Not later than 6 months before the end of the financial year, the
16 Bureau shall submit to the Council an estimate of its expenditure and projected
17 income during the next succeeding year.

18 (3) The Bureau shall keep proper accounts and records of its receipts,
19 payments, assets and liabilities and shall in respect of each financial year
20 prepare a statement of account in such form as the Council may direct.

21 (4) The Bureau shall within 6 months after the end of the financial
22 year to which the accounts relate cause the accounts to be audited in accordance
23 with guidelines supplied by the Auditor-General of the Federation.

24 (5) The Bureau shall at the end of each financial year, prepare and
25 submit to the Council a report in such form as shall accurately capture all the
26 activities of the Bureau during the preceding year and shall include in the report
27 a copy of the audited accounts of the Bureau of that year.

Legal Proceedings

28 **13.-(1)** Subject to the provisions of this Bill, no suit shall be
29 commenced against the Bureau before the expiration of 30 days after written
30 notice of an intention to commence the suit shall have been served upon the

1 Bureau by the intending plaintiff or his agent; and the notice shall clearly and
2 explicitly state:

- 3 (a) the cause of action;
4 (b) the particulars of the claim;
5 (c) the name and address of legal practitioner of the intending
6 plaintiff; and
7 (d) the relief being sought.

8 (2) The Director-General of the Bureau, its officers, employees or
9 agents shall not personally be subject to any action, claim or demand by, or
10 liable to any person in respect of anything done or omitted to be done in
11 exercise of any functions or power conferred by this Act upon the Bureau, its
12 Director-General, officers, employees or agents.

13 (3) A member of the Bureau or the Director-General or any officer
14 or employee of the Bureau shall be indemnified out of the assets of the
15 Bureau against any liability incurred by him in defending any proceeding,
16 whether civil or criminal, if the proceeding is brought against him in his
17 capacity as a member, Director-General, officer or other employee of the
18 Bureau.

19 (4) A notice, summons or other documents required or authorized
20 to be served upon the Bureau under the provisions of this Bill or any other
21 law or enactment may be served by delivering it to the Director-General or
22 by sending it by registered post and addresses to the Director-General at the
23 principal office of the Bureau.

24 PART IV - MISCELLANEOUS

25 **14.** The Minister may give the Bureau or the Director General such
26 directives of a general nature or relating generally to matters of policy with
27 regards to the exercise of its of his functions as he may consider necessary
28 and it shall be the duty of the Bureau or the Director General to comply with
29 the directives or cause them to be complied with.

Directives by
the Minister etc.

Regulations by the Council	1	15. The Council may make such regulations as in its opinion are
	2	necessary or expedient for giving full effect to the provisions of the Bill and for
	3	the due administration of its provision.
Interpretation	4	16. In this Bill:
	5	"Armed Forces" means the Air force, Army and Navy;
	6	"Bureau" means the Bureau of Defense Logistics established in clause 1 under
	7	this Bill;
	8	"Council" means the National Council on Defense Logistics established in
	9	clause 4 under this Bill;
	10	"Director General" means the Director General of the Bureau appointed in
	11	clause 6 under this Bill;
	12	"Military formation" means any combatant force or formation established
	13	under or jointly between the Air force, Army and Navy;
	14	"Minister" means the Minister responsible for Defense.
Citation	15	17. This Bill may be cited as the Defense Logistics Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Bureau of Defense Logistics charged with the responsibility of providing logistics, acquisition and technical support for the Army, Navy, Air Force and similar Military formations.

A BILL

FOR

AN ACT TO AMEND THE COPY RIGHT ACT, ALTER THE LONG TITLE OF THE ACT, MAKE PROVISION FOR THE DEFINITION OF PIRACY AND INCLUDE DIGITAL WORKS IN THE LIST OF WORKS ELIGIBLE FOR COPY RIGHT UNDER THE ACT AND FOR RELATED MATTERS

Sponsored by Hon. Sergius Ogun

[] Commencement

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

- | | | |
|--|--|---|
| 1
2
3 | 1. The Copy Right Act, Cap. C28, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as the Principal Act) is hereby amended as set out in this Bill. | Amendment of Copy Right Act Cap. C28, LFN, 2004 |
| 4
5
6
7
8
9 | 2. The long title of the Act is amended by inserting the word "Digital works" immediately after the word "broadcast" as follows:
"An Act to make provisions for the definition, protection, transfer, infringement of and remedy and penalty thereof of the copyright in literary works, musical works, artistic works, cinematograph films, sound recordings, broadcast, digital works and other ancillary matters." | Insertion of a new section 1 |
| 10
11
12
13
14
15
16 | 3. Insertion of a new section 1 (defining piracy) and renumbering the extant sections of the Act to reflect this change as follows:
"Piracy shall mean the act of making copies of goods without the consent of the copyright holder of those goods or a person duly authorized by the copyright holder of those goods and which are made directly or indirectly from an article, where the making of that copy constitutes an infringement of this Act." | |
| 17
18
19 | 4. The extant section 1(1) of the Act is amended by inserting a new paragraph (g) after the subsisting paragraph (f) as follows:
"(f) Digital works" | Amendment of extant section 1 |

Citation 1 **5.** This Bill may be cited as the Copy Right Act (Amendment) Bill,
 2 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Copy Right Act Cap C28, Laws of the Federation of Nigeria, 2004, to make provision for the definition of piracy under the Act and make provision for digital works in the list of intellectual property works eligible for copyright under the Act.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL YOUTH SERVICE CORPS ACT CAP N84
2004 TO GRANT WAIVER OF CERTIFICATE OF NATIONAL SERVICE FOR
APPOINTMENT OF SKILLED TECHNICAL WORKERS AND FOR RELATED
MATTERS

Sponsored by Hon. Kayode Moshood Akiolu

[] Commencement

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

- | | | |
|----|---|--|
| 1 | 1. The National Youth Service Corps Act Cap N84, 2004 herein | Amendment of
the National Youth
Service Corps Act
Cap N84, 2004 |
| 2 | referred to as "The Principal Act" is amended as set out. | |
| 3 | 2. Section 12 (1) is amended by inserting paragraph (d) as follows; | Amendment of
Section 12 (1) |
| 4 | (d) Exemption; For Skilled/Technical Workers. | |
| 5 | In the case of skilled technical workers nominated for political appointment, | |
| 6 | the requirement for service or exemption certificate shall be waived at the | |
| 7 | pleasure of the employer. | |
| 8 | 3. Section 17(4) A Governor/President May waive the | |
| 9 | requirement of NYSC for appointees whose expertise are needed in service. | |
| 10 | 4. The Bill may be cited as the National Youth Service Corps Act | Citation |
| 11 | (Amendment) Bill, 2021. | |

EXPLANATORY MEMORANDUM

The Bill seeks to amend the National Youth Service Corps Act Cap N84 2004 to provide a waiver on the requirement of Certificate of National Service or Discharge Certificate by employers for a certain class of employees.

This became necessary as some foreign trained Nigerian technocrats got employed immediately after graduation overseas and never got the chance to come to Nigeria to participate in the National Service Scheme.

Furthermore, there are certain professionals whose expertise maybe required by the government and are encumbered by this requirement to have done the mandatory NYSC, thereby preventing the government from utilizing their skills where required.

This group of persons should be accommodated by this exemption as a result of their circumstances if the Governor or President deems them fit for an appointment.

A BILL

FOR

AN ACT TO AMEND NIGERIAN INVESTMENT PROMOTION COMMISSION ACT
CAP. N117, LAWS OF THE FEDERATION OF NIGERIA, 2004 IN ORDER TO
RESERVE CERTAIN KINDS OF RETAIL BUSINESSES FOR NIGERIANS AND'
STIPULATE CONDITIONS FOR FOREIGNER'S PARTICIPATION SO AS TO
ENHANCE WEALTH CREATION AND EMPLOYMENT GENERATION FOR
NIGERIANS AND FOR RELATED MATTERS

Sponsored by Hon. Kolapo Korede Osunsanya

[] Commencement

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

- | | | |
|----|---|-------------------|
| 1 | 1. The Nigerian Investment Promotion Commission Act, Cap. 117 | Amendment of |
| 2 | Laws of the Federation of Nigeria, 2004 (in this Bill referred to as lithe | the Principal Act |
| 3 | Principal Act") is amended as set out in this Bill | |
| 4 | 2. Section 17 of the Principal Act is amended by substituting for | Substitution of |
| 5 | the existing Section 17 a new Section "17": | Section 17 |
| 6 | "17. The enterprises specified in the Second Schedule are reserved | |
| 7 | for Nigerians and shall not be undertaken by a person who is not a Nigerian." | |
| 8 | 3. Section 19 of the Principal Act is amended by substituting for | Substitution of |
| 9 | the existing Section 19 a new Section "19": | Section 19 |
| 10 | "19 (1) subject to the provision of section 17, 18 and any other law, | |
| 11 | a non- Nigerian may invest and participate in the operation of any enterprise | |
| 12 | in Nigeria. | |
| 13 | (2) An enterprise in which foreign participation is permitted in Sub | |
| 14 | clause (1) of this Clause, shall not commence business, except: | |
| 15 | (a) It is incorporated or registered under the Companies and Allied | |
| 16 | Matters Act; | |
| 17 | (b) Obtained such licence, lease, permit or any other approval as | |

1 flay be required for the establishment or operation of the enterprise;

2 (c) In case of a joint enterprise with a Nigerian partner, there is
3 investment by the foreign partner of a capital of not less than N10,000,000 (Ten
4 Million Naira) or its equivalent worth in capital goods by way of equity
5 participation; or

6 (d) If the enterprise is wholly owned by a foreigner there is an
7 investment of a capital of not less than N20,000.000 (Twenty Million Naira) or
8 its equivalent worth in capital goods.

9 (3) Notwithstanding the provisions of sub clause (2) of this Clause, in
10 case of a trading enterprise involving only the purchasing and selling of goods
11 which is wholly or partly owned by a person who is not a Nigerian, there shall
12 be:

13 (a) an investment of foreign capital or its equivalent in goods worth at
14 least US\$500,000.00 by way of equity capital; and

15 (b) at least fifteen Nigerians under the employment of the enterprise
16 amongst which shall be at least 30% Senior and Management Staff."

Insertion of
Second Schedule

17 4. The Principal Act is amended by inserting a Second Schedule after
18 paragraph 5 of the existing Schedule:

19 "SECOND SCHEDULE

20 *[Section 17]*

21 *Enterprises Wholly Reserved for Nigerians*

22 1. The sale of anything whatsoever in an open market, petty trading,
23 hawking or selling from a kiosk.

24 2. Operation of taxi services and car hire service. (A non- Nigerian
25 may undertake this service where there is a minimum fleet of new vehicles).

26 3. Services of Artisans, Masons, Bricklayers, Iron benders, welders
27 and Fabricators.

28 4. Operation of beauty salons and barber shops

29 5. Bakeries."

- 1 **5.** This Bill may be cited as Nigerian Investment Promotion Citation
2 Commission Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend Nigerian Investment Promotion Commission Act Cap. N117, Laws of the Federation of Nigeria, 2004 in order to reserve certain kinds, of retail businesses for Nigerians and stipulate conditions for foreigner's participation so as to enhance wealth creation and employment generation for Nigerians.

FEDERAL MEDICAL CENTRE, ILESA, OSUN STATE (ESTABLISHMENT)

BILL, 2021

ARRANGEMENT OF SECTIONS

Sections:

PART I - ESTABLISHMENT OF FEDERAL MEDICAL CENTRE, ILESA

1. Establishment of Federal Medical Centre, Ilesa
2. Establishment of the Board of Management of the Medical Centre
3. Membership of the Board
4. Tenure of Office
5. Cessation of Membership
6. Allowance of Membership

PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC

7. Functions of the Board
8. Powers of the Board

PART III - STAFF OF THE MEDICAL CENTRE

9. Medical Director of the Medical Centre
10. Appointment of Directors and other Staff of the Medical Centre
11. Service in the Medical Centre to be pensionable
12. Establishment of the Medical Advisory Committee, Etc

PART IV - FINANCIAL PROVISIONS

13. Fund of the Medical Centre
14. Expenditure of the Medical Centre
15. Power to accept gifts
16. Annual Estimates and Expenditure
17. Annual Report
18. Power to borrow
19. Exemption from tax
20. Exemption from Customs Duties Etc

PART V - GENERAL

21. Discipline of Students

22. Removal and discipline of Clinical, Administrative and Technical Staff

23. Discipline of Junior Staff

PART VI - MISCELLANEOUS

24. Regulations

25. Power to give Directives

26. Transition and Savings Provisions

27. Interpretation

28. Short Title

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAME WORK FOR THE UPGRADE AND
CONVERSION OF WESLEY GUILD HOSPITAL, ILESA TO FEDERAL MEDICAL
CENTRE ILESA, OSUN STATE AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Ayeni Babatunde

Co-Sponsor: Hon. Ajilesoro Taofeek Abimbola

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE, ILESA

2 1.-(1) There is established Federal Medical Centre, Ilesa through
3 the upgrade and conversion of existing Wesley Guild Hospital Ilesa (in this
4 Act referred as Federal Medical Centre") and the Medical Centre shall serve
5 as the Medical Centre subject to the provision of this Act.

Establishment
of Federal Medical
Centre, Ilesa

6 (2) The Hospital:

7 (a) Shall be a body corporate;

8 (b) May sue and be sued in its corporate name;

9 (c) Shall have perpetual succession and a common seal;

10 (d) May acquire, hold, invest unused fund, or dispose of any
11 property, movable or immovable for the purpose of performing any of its
12 functions under this Act.

13 2. There is hereby established for the Management of the Medical
14 Centre a Board of Management (in this Act referred to as "Board") which
15 shall be constituted and have the functions and powers set out in this Act.

Establishment
of the Board of
Management of
the Medical Centre

16 3.-(1).The Board shall consist of:

Membership of
the Board

17 (a) A Chairman,

18 (b) The chief Medical Director of the Medical Centre,

19 (c) The Director of Clinical Services,

20 (d) The Director of Administration,

- 1 (e) The Director of Finance,
- 2 (f) The Director of Maintenance,
- 3 (g) A Representative of the President,
- 4 (h) The Federal Ministry of Health,
- 5 (i) The National Planning Commission,
- 6 (j) The Pediatric Association of Nigeria,
- 7 (k) The Pharmaceutical Society of Nigeria,
- 8 (l) The Society of Gynecology and Obstetrics of Nigeria,
- 9 (m) National Association of Nigerian Nurses and Midwives,
- 10 (n) One person to represent the Methodist Missionary,
- 11 (o) One person to represent Public Interest.

12 (2). The chairman and members of the Board other than ex-officio
13 members, shall be:

- 14 (a) Appointed by the President, and
- 15 (b) Persons of Proven Integrity and ability.
- 16 (3) The supplementary provisions set out in the schedule to this Act
17 shall have effect with respect to the proceedings of the Board and the other
18 matters contained therein.

Tenure of Office

19 **4.-(1)** Subject to the provisions of section 5 of this Act, a member of
20 the Board, other than Ex-officio members shall each hold office:

- 21 (a). For a term of three years in the first instance and may be
22 reappointed for a further term of three years and no more, and
- 23 (b). On such terms and conditions as may be specified in his letter of
24 appointment.

Cessation of
Membership

25 **5.-(1)** Notwithstanding the provisions of section 4 of this Act, a
26 person shall cease to hold office as a member of the Board if:

- 27 (a). He becomes bankrupt, suspends payment principal loan with his
28 creditors;
- 29 (b). He is convicted of a felony or any offense involving dishonesty or
30 fraud;

1 (c). He becomes of unsound mind or is incapable of carrying of his
2 duties;

3 (d). He is guilty of serious misconduct in relation to his duties;

4 (e). In the case of a person possessed of professional qualifications,
5 he is disqualified or suspended, other than at his own request, from
6 practicing his profession in any part of the world by an order of a competent
7 authority made in respect of that member, or

8 (f). He resigns his appointment by a letter addressed to the
9 president.

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

14 (3). A member of the Board may be removed by the president if he
15 is satisfied that it is not in the interest of the Medical Centre or interest of the
16 public that the member continues in office.

17 **6.** There shall be paid to every member of the Board such Allowances of
18 allowances and expenses as the Revenues, Mobilization Allocation and Members
19 Fiscal Commission may, from time to time, direct.

20 **PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.**

21 **7.-(1)** The Board shall:

22 (a) Equip, maintain and operate the Medical Centre to provide Functions of
23 facilities for diagnosis, curative, promotive and rehabilitative services in the Board
24 medical treatment;

25 (b) Construct, equip, maintain and operate such training schools
26 and similar institutions as the Board considers necessary for providing the
27 Medical Centre at all times with a proper staff of the Medical Centre
28 technicians and nurses;

29 (c) Construct, equip, maintain and operate such clinics, out-patient
30 departments, laboratories, research or experimental stations and other like

1 institutions as the Board considers necessary for efficient functioning of the
2 Medical Centre.

3 (2). The Board shall ensure that the standards of teaching provided at
4 all establishments under its control and the standards of treatment and care
5 provided for patients at those establishments do not fall below those usually
6 provided by similar establishments of international repute.

7 (3). Subject to this Act, the Board shall perform such other functions
8 which in its opinion are calculated to facilitate the carrying out of its functions
9 under this Act.

Powers of the
Board

10 **8.** The Board shall have power to:

11 (a) Provide the general policies and guidelines relating to major
12 expansion programs of the Medical Centre;

13 (b) Provide facilities for the training of medical students of associate
14 universities;

15 (c) Manage and superintend the affairs of the Medical Centre;

16 (d) Subject to the provisions of this Act, may alter and revoke rules
17 and regulations for carrying on functions of the Medical Centre;

18 (e) Fix terms and conditions of services, including remuneration of
19 the employees of the Medical Centre subject to the approval of National
20 Salaries Incomes and Wages Commission;

21 (f) Do such other things which in the opinion of the Board as
22 necessary to ensure the efficient performance of the functions of the Medical
23 Centre.

24 **PART III - STAFF OF THE MEDICAL CENTRE**

Medical Director
of the Medical
Centre

25 **9.-(1)** There shall be for Medical Centre a Chief Medical Director,
26 who shall be appointed by President on the recommendation of the Board and
27 on such terms and conditions as may be specified in his letter of appointment or
28 as may be determined from time to time by the National Salaries Income and
29 Wages Commission.

30 (2) The Chief Medical Director shall:

1 (a) be the chief executive and accounting officer of the Medical
2 Centre;

3 (b) be responsible to the Board for the day-to-day administration of
4 the Medical Centre;

5 (c) be appointed for a term of four years in the first instance and be
6 reappointed for a further term of four years' subject to satisfactory
7 performance;

8 (d) be a person who is a medical practitioner and shall have been so
9 qualified for a period of not less than 15 years;

10 (e) have considerable administrative experience in matters of
11 health;

12 (f) hold a post-graduate specialist qualification obtained not less
13 than ten years prior to the appointment as Chief Medical Centre;

14 **10.-(1)** The Board shall appoint for the Medical Centre:

15 (a) a Director of Administration who shall:

16 (i) be responsible to the chief Medical Director for the effective
17 functioning of all the administrative divisions of the Medical Centre;

18 (ii) conduct the correspondence of the Board and keep the records
19 of the Medical Centre; and

20 (iii) perform such other functions as the Board or the Chief Medical
21 Director, as the case may be, from time to time, assign to him;

22 (b) a Director of Clinical Services;

23 (c) a Director of Finance;

24 (d) a Director of Maintenance;

25 (2) The Directors appointed under paragraphs (b), (c) and (d) of
26 subsection (1) of this section shall each be responsible to the Chief Medical
27 Director for the effective running of the clinical services, the finance and
28 accounts and the co-ordination of the maintenance of the Medical Centre, as
29 the case may be.

30 (3) The Board shall appoint for the Medical Centre such number of

Appointment of
Directors and other
staff of the Medical
Centre

1 employees as may in the opinion of the Board be expedient and necessary for
2 the proper and efficient performance of the functions of the Medical Centre.

3 (4) Notwithstanding the provisions of subsections (1) and (2) of this
4 section the Board shall have power to appoint for the Medical Center either
5 directly or on secondment from any public service in the Federation, such
6 number of employees as may, in the opinion of the Board, required to assist the
7 Medical Centre in the discharge of any of its functions under this Act.

8 (5) Nothing in subsection (4) of this section shall preclude the Board
9 from outside the public service of the Federation or of State whenever it deems
10 it necessary so to do.

11 (6) The terms and conditions of services (including remuneration,
12 allowances, benefits and pensions) of the employees of the Medical Centre
13 shall be as determined by the National Salaries Income and Wages
14 Commission.

Service in the
Medical Centre
to be pensionable

15 **11.**-(1) Service in the Medical Centre shall be approved service for the
16 purposes of the Pensions Reforms Act.

17 (2) The officers and other persons employed in the Medical Centre
18 shall be entitled to pensions, gratuities and other retirement benefits as are
19 enjoyed by persons holding equivalent grades in the civil service of the
20 Federation.

21 (3) Nothing in subsection (1) and (2) of this section shall prevent the
22 appointment of a person to any office on terms which preclude the grant of
23 pension and gratuity in respect of that office.

Establishment
for the Medical
Advisory
Committee, etc.

24 **12.**-(1) There shall be for the Medical Centre Advisory Committee
25 which shall:

26 (a) consist of a chairman who shall be the Director, Clinical Services
27 and such number of other members as may be determined from time to time;

28 (b) be responsible to the Chief Medical Director for all the clinical and
29 training activities of the Medical Center; and

30 (c) be appointed by the Board.

1 (2) Subject to this Act, the Board shall have power to appoint either
2 directly or on secondment and discipline consultants holding or acting in
3 any office in the hospital; and any such appointment shall be made having
4 regard to the approved personnel establishment of the Medical Centre.

5 (3) Notwithstanding anything to the contrary, the Board may, from
6 time to time, appoint consultants outside the hospital to perform such
7 medical duties as the Board or the Chief Medical Director may assign to
8 such consultants.

9 PART IV - FINANCIAL PROVISIONS

10 **13.** There shall be established and maintained for the Medical Fund of the
11 Centre a fund into which shall be paid and credited: Medical Centre

12 (a) all subventions and budgetary allocation from the Government
13 of the Federation;

14 (b) all fees and funds accruing from the sale of drugs and other
15 services;

16 (c) all sums accruing to the Medical Centre by way of gifts,
17 endowments, bequest, grants or other contributions by persons and
18 organization;

19 (d) foreign aid and assistance from bilateral agencies; and

20 (e) all others sum which may, from time to time, accrue to the
21 Medical Centre.

22 **14.** The hospital shall, from time to time, apply the funds at its Expenditure of
23 disposal to: the Medical Centre

24 (a) The cost of administration and maintenance of the Medical
25 Centre;

26 (b) Publicize and promote the activities of the Medical Centre;

27 (c) pay allowances, expenses and other benefits of members of the
28 Board and committees of the Board;

29 (d) pay the salaries, allowances and benefits of employees of the
30 Medical Centre;

	1	(e) pay other overhead allowances, benefits and other administrative
	2	costs of the Medical Centre; and
	3	(f) undertake such other activities as are connected with all or any of
	4	the functions of the Medical Centre under this Act;
Power to accept gifts	5	15. -(1) The Medical Centre may accept gifts of land, money or other
	6	property on such terms and conditions, if any, as may be specified by the person
	7	or organization making the gift.
	8	(2) The Medical Centre shall not accept any gift if the conditions
	9	attached by the person or organization making the gift are inconsistent with the
	10	functions of the Medical Centre under this Act.
Annual estimates and expenditure	11	16. -(1) The Board shall not later than 30 September in each year,
	12	submit to the President through the Secretary to the Government of the
	13	Federation as estimate of the expenditure and income of the Medical Centre
	14	during the next succeeding year.
	15	(2) The Board shall cause to be kept proper accounts of the Medical
	16	Centre in respect of each year and proper records in relation thereto and shall
	17	cause the accounts to be audited not later than six months after the end of each
	18	year by auditors appointed from the list and in accordance with the guidelines
	19	supplied by the Auditor-General for the Federation.
Annual report	20	17. The Board shall prepare and submit to President, not later than 30
	21	June in each year, a report in such form as the President may direct on the
	22	activities of the Medical Centre during the immediately preceding year, and
	23	shall include in the report a copy of the audited accounts of the Federal Medical
	24	Centre for that year and the auditor's report thereon.
Power to borrow	25	18. -(1) The Medical Centre may, from time to time, borrow by
	26	overdraft or otherwise such sum as it may require for the performance of its
	27	functions under this Act.
	28	(2) The Medical Centre shall not, without the approval of the
	29	President borrow money which exceeds, at any time, the limit set by the
	30	President.

1 (3) Notwithstanding subsection (1) of this section, where the sum
2 to be borrowed is in foreign currency, the Medical Centre shall not borrow
3 the sum without the prior approval of the President.

4 **19.**-(1) The Medical Centre shall not pay income tax on any income
5 derived by the Federal Medical Centre under this Act or Accruing to it from
6 any of its investments. Exemption from tax

7 (2) Accordingly, the provisions of any enactment relating to the
8 taxation of companies or trust funds shall not apply to the Board of the
9 Federal Medical Centre.

10 **20.** The Medical Centre shall not pay customs duty on or be
11 restricted or prohibited from importing any equipment, material, supply and
12 any other thing required by Medical Centre for the purposes of this Bill. Exemption from customs duties

13 PART V - GENERAL

14 **21.**-(1) Notwithstanding anything to the contrary contained in any
15 other enactment, where it appears to the Board that any student of the
16 Medical Centre has been guilty of misconduct, the Board may, without
17 prejudice to any other disciplinary powers conferred on it by regulations,
18 direct: Discipline of students

19 (a) that the students shall not, during such period as may be
20 specified in the direction, participate in such activities of the Medical
21 Centre, or make use of such facilities of the Medical Centre as may be so
22 specified;

23 (b) that the activities of the student shall, during such period as may
24 be specified in the direction, be restricted in such manner as may be so
25 specified;

26 (c) that the student be rusticated for such period as may be specified
27 in the direction; or

28 (d) that the student be expelled from the Medical Centre.

29 (2) The fact that an appeal from a direction is brought in pursuance
30 of subsection (1) of this section shall not affect the operation of the direction

1 while the appeal is pending.

2 (3) The Board may delegate its powers under this section to a
3 disciplinary committee consisting of such members of the Medical Centre as
4 the Board may nominate.

5 (4) Nothing in this section shall be construed as preventing the
6 restriction or termination of student's activities at the Medical Centre otherwise
7 than on the ground of misconduct.

8 (5) A direction issued under subsection (1)(a) of this section may be
9 combined with a direction issued under subsection (1)(b) of this section.

10 (6) Nothing in this Act shall affect the provisions of any enactment
11 relating to the discipline of medical practitioners, pharmacist, midwives,
12 nurses or members of any other profession or calling.

Removal and
discipline of
clinical,
administrative
technical staff

13 **22.-(1)** If it appears to the Board that there are reasons for believing
14 that any person employed as a member of the clinical, administrative or
15 technical staff of the Medical Centre, other than the Chief Medical Director,
16 should be removed from his office or employment, the Board shall require the
17 Director of Administration to:

18 (a) give notice of those reasons to the person in question;

19 (b) afford him an opportunity of making representations in person on
20 the matter to the Board; and

21 (c) if the person in question so request within a period of one month
22 beginning with the date of the notice, make arrangements for:

23 (i) a committee to investigate the matter and report on it to the Board;

24 and

25 (ii) the person in question to be afforded an opportunity of appearing
26 before and being heard by an investigating committee set up with respect to the
27 matter,

28 and if the Board, after considering the report of the investigating committee, is
29 satisfied that the person in question should be removed as aforesaid, the Board
30 may so remove him by a letter signed on the direction of the Board.

1 (2) The Chief Medical Director may, in a case of misconduct by a
2 member of the staff which in the opinion of the Chief Medical Director is
3 prejudicial to the interest of the Medical Centre, suspend any such member
4 and any such suspension shall forth with be reported to the Board.

5 (3) For good cause, any member of staff may be suspended from
6 his duties or his appointment may be terminated or he may be dismissed by
7 the Board and for the purposes of this section, "good cause" means:

8 (a) a conviction for any offence which the Board considers to be
9 such as to render the person concerned unfit for the discharge of the
10 functions of his office;

11 (b) any physical or mental incapacity which the Board, after
12 obtaining medical advice, considers to be such as to render the person
13 concerned unfit to continue to hold his office;

14 (c) conduct of a scandalous or other disgraceful nature which the
15 Board considers to be such as to render the person concerned unfit to
16 continue to hold his office; or

17 (d) conduct which the Board considers to be such as to constitute a
18 failure or inability of the person concerned to discharge the functions of his
19 office or comply with the terms and conditions of his service.

20 (4) Any person suspended shall, subject to subsections (2) and (3)
21 of this section be on half pay and the Board shall before the expiration of a
22 period of three months after the date of such suspension consider the case
23 against that person and come to a decision as to:

24 (a) whether to continue the person's suspension and if so, on what
25 terms (Including the proportion of his emoluments to be paid to him);

26 (b) whether to reinstate the person, in which case the Board shall
27 restore his full emoluments to him with effect from the date of suspension;

28 (c) whether to terminate the appointment of the person concerned,
29 in which case he shall not be entitled to the proportion of his emoluments
30 withheld during the period of suspension; or

1 (d) whether to take such lesser disciplinary action against the person
2 (including the restoration of his emoluments that might have been withheld), as
3 the Board may determine, and in any case where the Board, pursuant to this
4 section, decides to continue a person's suspension or decides to take further
5 disciplinary action against a person, the Board shall before the expiration of a
6 period of three months from such decision come to a final determination in
7 respect of the case concerning any such person.

8 (5) It shall be the duty of the person by whom a letter of removal is
9 signed in pursuance of subsection (1) of this section to use his best endeavors to
10 cause a copy of the letter to be served as soon as reasonably practicable on the
11 person to whom it relates.

12 (6) Nothing in the foregoing provisions of this section shall preclude
13 the Board from making such regulations not inconsistent with the provisions of
14 this Act for the discipline of students and all other categories of employees of
15 the hospital. as the Board may prescribe.

16 (7) Regulations made under subsection (6) of this section need not be
17 published in the Gazette but the Board shall cause them to be brought to the
18 notice of all affected persons in such manner as it may from, time to time
19 determine.

Discipline of
junior staff

20 **23.-(1)** If any junior staff is accused of misconduct or inefficiency, the
21 Chief Medical Director may suspend him for not more than a period of 3
22 months and shall direct a committee to:

23 (a) Consider the case; and

24 (b) Make recommendations as to the appropriate action to be taken by
25 the Chief Medical Director.

26 (2) In all cases under this section of this Act, the officer shall be
27 informed of the charge against him and given a reasonable opportunity to
28 defend himself.

29 (3) The Chief Medical Director may after considering the
30 recommendation made pursuant to subsection (1) (b) of this section, dismiss,

1 or take such other disciplinary action against the officer concerned.

2 (4) Any person aggrieved by a decision of the Chief Medical
3 Director made under subsection (3) of this section may within a period of 21
4 days from the date of the letter communicating the decision to him, address a
5 petition to the Board to reconsider his case.

6 PART VI - MISCELLANEOUS

7 **24.**-(1) The Board may, with the approval of the President, make Regulations
8 regulations:

9 (a) as to the access of members of the public either generally or of a
10 particular class, to premises under the control of the Board and as to the
11 orderly conduct of members of the public on those premises; and

12 (b) For safeguarding any property belonging to or controlled by the
13 Board from damage by members of the public.

14 (2) Bye-laws under this section shall not come into force until they
15 are confirmed (with or without modification) by the National Assembly and
16 published in such manner as he may direct.

17 **25.** The President may give to the Board directions of a general Power to give
18 character or relating generally to particular matters (but not to any individual directives
19 person or case) with regard to exercise by the Board of its functions under
20 this Act, and it shall be the duty of the Board to comply with the directions;
21 but no direction shall be given which is inconsistent with the duties of the
22 Board under this Act.

23 **26.**-(1) On the commencement of this Act, any person employed by Transition and
24 or serving in the Medical Centre shall be deemed to have been employed or saving provisions
25 serving in the Medical Centre established under this Act.

26 (2) All Assets or liabilities belonging to the Medical Centre shall be
27 deemed to belong to the Medical Centre established under this Act.

28 **27.** In this Act, unless the context otherwise requires; Interpretation
29 "Associate universities" means the universities whose medical students
30 receive aspects of their training from the Medical Centre;

- 1 "Board" means the Board of Management of the Medical Centre;
2 "Chairman" means the chairman of the Board;
3 "Function" include powers and duties;
4 "Federal Medical Centre" means the Medical Centre Ilesa;
5 "Junior staff" means staff of such grade as may be determined, from time to
6 time, by the Board;
7 "Medical student" means a student whose course of instruction is:
8 (a) designed (either alone or in conjunction with other courses) to
9 enable him to qualify as a medical practitioner; or
10 (b) designed for the further training of medical practitioners;
11 "Minister" means the Minister charged with responsibility for matters relating
12 to health and "Ministry" shall be construed accordingly;
13 "Student" means a person enrolled at an institution controlled by the Board for
14 the purpose of pursuing a course of instruction at the institution.
- 15 **28.** The Bill may be cited as the Federal Medical Centre Ilesa
16 (Establishment) Bill, 2021.

Short title

1 SCHEDULE

2 [Section 3(3).]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

5 1.-(1) Subject to this Act and section 27 of the interpretation Act,
6 the Board may make standing orders regulating its proceedings or those of
7 any of its committees.

8 (2) The quorum of the Board shall be the chairman or the person
9 presiding at the meeting and 5 other members of the Board, 2 of whom shall
10 be ex-officio members, and the quorum of any Committee of the Board shall
11 be as determined by the Board.

12 2.-(1) The Board shall meet whenever it is summoned by the
13 chairman and if the chairman required to do so by notice given to him by not
14 less than 8 other members, he shall summon a meeting of the Board to be
15 held within 14 days from the date on which the notice is given.

16 (2) At any meeting of the Board, the chairman shall preside but if he
17 is absent, the members present at the meeting shall appoint one of their
18 number to preside at the meeting.

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

24 *Committees*

25 3.-(1) The Board may appoint one or more committees to carry out,
26 on behalf of the Board, such functions as the Board may determine.

27 (2) A committee appointed under this paragraph shall consist of
28 such number of persons as may be determined by the Board and a person
29 shall hold office on the committee in accordance with the terms of his
30 appointment.

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

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Medical Centre shall be
5 authenticated by the signatures of the Chairman, the Chief Medical Director or
6 any person generally or specifically authorized by the Board to act for that
7 purpose.

8 (2) Any contract or instrument which, if made or executed by a person
9 not being a body corporate, would not be required to be under seal may be made
10 or executed on behalf of the Medical Centre by the Chief Medical Director or
11 any person generally or specially authorized by the Board to act for that
12 purpose.

13 (3) A document purporting to be a document duly executed under the
14 seal of the Medical Centre shall be received in evidence and shall, unless and
15 until the contrary is proved, be presumed to be executed.

16 5. The validity of any proceedings of the Board or of a committee shall
17 not be adversely by:

18 (a) a vacancy in the membership of the Board or committee;

19 (b) a defect in the appointment of a member of the Board or
20 committee; or

21 (c) Reason that a person not entitled to do so took part in the
22 proceeding of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide the legal framework for the upgrade and conversion of Wesley Guild Hospital, Ilesa to Federal Medical Centre, Ilesa and to equip, maintain and operate the Medical Center to deliver health care services.

NATIONAL INDUSTRIAL CENTRE FOR THE MANUFACTURE, EXHIBITION
AND SALE OF FURNITURE AND OTHER TIMBER PRODUCTS
IFETEDO, OSUN STATE (ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

PART I - ESTABLISHMENT OF THE NATIONAL INDUSTRIAL CENTRE
FOR THE MANUFACTURE, EXHIBITION AND SALE OF
FURNITURE AND OTHER TIMBER PRODUCTS, IFETEDO, OSUN STATE

1. Establishment of the Centre Ifetedo, Osun State
2. Objectives of the Centre
3. Establishment of the Centre Management Board
4. Membership of the Board
5. Tenure of office of members
6. Proceedings of the Board

PART II - POWERS OF THE BOARD

7. Powers of the Board
8. Power to use of land
9. Delegation of power
10. Power to co-opt members

PART III - DIRECTOR AND OTHER STAFF OF THE
NATIONAL INDUSTRIAL CENTRE

11. Appointment, etc., of the Director
12. Appointment of Deputy Director and the Secretary
13. Appointment of other staff
14. Pensions

PART IV - FINANCIAL PROVISIONS

15. Fund of the Board
16. Accounts and audit
17. Annual estimates
18. Annual report.

PART V - MISCELLANEOUS

19. Power of Minister to give directives to the Board
20. Regulations
21. Interpretation
22. Short title

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL INDUSTRIAL CENTRE FOR THE
MANUFACTURE, EXHIBITION AND SALE OF FURNITURE AND OTHER
TIMBER PRODUCTS IFETEDO, IFE - SOUTH, OSUN STATE AND FOR
RELATED MATTERS

Sponsored by Hon. Abimbola Taofeek Ajilesoro

[] Commencement

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

Establishment
of the National
Industrial Centre
for the Manufacture,
Exhibition and
Sale of Furniture
and other Timber
Products Ifetedo,
Osun State

1 **1.** There is established the National Industrial Centre for the
2 Manufacture, Exhibition and Sale of Furniture and other Timber Products
3 Ifetedo, Osun State (in this Bill referred to as "the Centre").

Objectives of
the Centre

4 **2.-(1)** The Centre shall have the general objective of
5 manufacturing, exhibiting and selling furniture and other timber products in
6 order to bring about growth and development of the timber industry in
7 Nigeria.

8 (2) For the purposes of subsection (1) of this section, the Centre
9 shall-

10 (a) encourage and engage in adaptive and innovative technology
11 for the manufacture of timber products in Nigeria;

12 (b) design and develop furniture and other timber products for a
13 wide range of use from the large deposit of timber in the country;

14 (c) standardise and certify in collaboration with the Standards
15 Organisation of Nigeria, furniture and other timber products in use in
16 Nigeria;

17 (d) bring into focus timber products developed by various
18 institutions or bodies and evaluate their suitability for use;

19 (e) assist in the commercialisation of proven timber products tools
20 and techniques;

1 (f) disseminate information on methods for achieving development in
2 timber industry;

3 (g) provide training facilities by organising courses and seminars
4 specially designed to ensure sufficient trained manpower for manufacture of
5 timber products;

6 (h) promote understanding and co-operation in the development of
7 timber products with similar centres in and outside Nigeria and with
8 international bodies.

9 (3) The Centre may carry out such other activities as are necessary or
10 expedient for the full discharge of any of the functions of the Centre under this
11 Act.

Establishment
of the National
Industrial Centre
for the Manufacture,
Exhibition and
Sale of Furniture
and other Timber
Products Ifetedo,
Osun State
Management Board

12 **3.-(1)** There is hereby established a Board to be known as the National
13 Industrial Centre for the Manufacture, Exhibition and Sale of Furniture and
14 other Timber Products Ifetedo, Osun State Management Board (in this Act
15 referred to as "the Board") which, subject to the provisions of this Act, shall be
16 charged with the general management and control of the Centre.

17 (2) The Board shall be a body corporate with perpetual succession and
18 a common seal and may be sued in its corporate name.

Membership
of the Board

19 **4.** The Board shall consist of-

20 (a) a Chairman to be appointed by the President;

21 (b) a Director, Federal Ministry of Trade and Investment;

22 (c) one Representative from a Federal University appointed, on
23 rotation;

24 (d) a Representative each of-

25 (i) the Federal Ministry of Science and Technology (Industrial
26 Research Department);

27 (ii) the timber products manufacturers;

28 (iii) the timber traders organisation;

29 (iv) the Standards Organisation of Nigeria; and

30 (e) the Director of the Centre.

- 1 **5.-(1)** Subject to the provisions of this section, a member of the Tenure of office
2 Board shall hold office for four years and shall be eligible for re- of members
3 appointment for a further period of four years.
- 4 (2) Notwithstanding the provisions of subsection (1) of this
5 section, the President may at any time remove a member from the Board.
- 6 (3) Any member may, in writing under his hand addressed to the
7 Minister at any time, resign his appointment.
- 8 (4) The office of a member of the Board shall become vacant if-
- 9 (a) the period of his appointment has expired;
- 10 (b) he absents himself without leave of the Board from three
11 consecutive meetings of the Board and without reasonable excuse for so
12 doing;
- 13 (c) he is guilty of misconduct in his office as a member and a
14 resolution of the Board approves the termination of his membership;
- 15 (d) he dies, resigns or is removed from office.
- 16 (5) Soon after the office of a member of the Board becomes vacant,
17 the authority by whom he was appointed shall appoint another person in his
18 place in accordance with the provisions of this Act.
- 19 (6) Members of the Board, other than ex-officio members, shall be
20 paid, out of the moneys at the disposal of the Board, such remunerations and
21 allowances as the Minister may, with the approval of the President,
22 determine.
- 23 **6.** The provisions contained in the Schedule to this Act shall have Proceedings of
24 effect with respect to the proceedings of the Board and the other matters the Board
25 contained therein.
- 26 **7.** The Board shall have power to- Powers of the
27 (a) establish an exhibition hall where indigenously produced Board t
28 furniture and other timber products can be displayed for the benefit of
29 manufacturers, research fellows, designers, traders and entrepreneurs;
30 (b) erect, provide, equip and maintain production machines, and

1 equipment, lecture halls and other facilities as are necessarily suitable for the
2 attainment of the objects of the Centre;

3 (c) encourage and provide for research at the Centre;

4 (d) accept gifts, legacies and donations that are consistent with the
5 objects of the Centre;

6 (e) enter into contracts;

7 (f) acquire and hold movable and immovable property;

8 (g) with the approval in writing of the Minister-

9 (i) subject to the Land Use Act, sell, mortgage, transfer or otherwise
10 deal with immovable property;

11 (ii) sell, mortgage, transfer or otherwise deal with movable property;

12 (h) with the approval of the Minister, borrow at interest on the security
13 of land or movable property of the Board such moneys as the Board may, from
14 time to time, require for the purposes of this Act;

15 (i) with the approval of the Minister, invest the funds of the Board as it
16 thinks fit; and

17 (j) do anything which, in its opinion, may advance the objects of
18 which the Centre was set up.

Power to use
land

19 **8.-(1)** In furtherance of the objects of the Centre, the Board or any
20 person authorised by the Board may, upon giving such notice as is specified in
21 subsection (2) of this section, use any land to do such things as are necessary or
22 incidental to the promotion of the objectives of the Centre.

23 (2) In the exercise of its powers under subsection (1) of this section,
24 the Board or the Director on behalf of the Board, as the case may be, shall give
25 notice to the occupier of any land of the Board's intention to use the said land
26 for a specific period.

27 (3) The Board shall pay reasonable compensation for any damage
28 attributable to the exercise of its powers under subsection (1) of this section.

Delegation of
power

29 **9.** The Board may appoint Committees from among its members to-

1 (a) inquire into and report to the Board on matters affecting the
2 Centre;

3 (b) deal with matters of an urgent or local nature where directed or
4 approved by the Board, subject to such conditions as the Board may, in
5 writing, specify;

6 (c) appoint staff for the Centre and exercise disciplinary control
7 over such staff.

8 **10.**-(1) The Board may, from time to time, co-opt any person or
9 persons not exceeding two in number to assist the Board in carrying out the
10 objects of the Centre under this Act. Power to co-opt
members

11 (2) Any person co-opted under subsection (1) of this section may
12 take part in the deliberations of the Board but shall not be deemed a member
13 of the Board for the purpose of voting at a meeting or forming a quorum.

14 **11.**-(1) There shall be a Director of the Centre who shall be
15 appointed by the President, on the recommendation of the Minister. Appointment,
etc., of the Director

16 (2) A person shall not be qualified to be appointed as a Director,
17 unless he is the holder of a degree in engineering with specialty in
18 production and/or manufacturing (or any other suitably related field) with at
19 least ten years' research and administrative experience in a reputable
20 establishment.

21 (3) The Board shall not exercise any disciplinary control over the
22 Director, without the approval of the Minister.

23 (4) Subject to the provisions of this Act and the control of the Board
24 over matters affecting the finance of the Centre, the Director shall be the
25 Chief Executive of the Centre and shall be charged with the general
26 responsibility of the management and administration of the affairs of the
27 Centre and in particular shall-

28 (a) direct and regulate the programme of work at the Centre;

29 (b) promote research within and outside of the Centre;

30 (c) keep safe custody of all the records of the Centre;

1 (d) demand and receive from any person attending any training or
2 courses at the Centre fees as the Board may, from time to time, determine;

3 (e) prepare and present to the Board annual and other reports on the
4 progress of work at the Centre and on the expenditure or liabilities incurred by
5 the Centre;

6 (f) be responsible for the day-to-day running and management of the
7 Centre; and

8 (g) exercise such powers and perform such duties as may, from time to
9 time, be required of him by the Board.

10 (5) The director shall hold office on such terms and conditions as may
11 be specified in his letter of appointment and on such other terms as may be
12 determined, from time to time, by the President.

Appointment
of Deputy Director
and the Secretary

13 **12.-(1)** There shall be appointed as the Deputy Director, an engineer
14 from the serving members of the staff of the Centre, not below the rank of
15 Principal Research Fellow.

16 (2) The Deputy Director shall act in the place of the Director when the
17 office of the Director is vacant or the Director is for any reason (including
18 absence from the precincts of the Centre) unable to perform his functions as the
19 Director.

20 (3) There shall be for the Centre an Administrative Secretary who
21 shall be appointed by the Board to perform such duties as may be assigned to
22 him by the Board.

Appointment
of other staff

23 **13.-(1)** Subject to section 11 of this Act, the Board may appoint such
24 other staff for the Centre as it may determine and pay to its staff such
25 remuneration and allowances as are payable to persons on equivalent grades in
26 the civil service of the Federation.

27 (2) The power of the Board under subsection (1) of this section shall
28 include the power to-

29 (a) promote and control the staff of the Centre as the Board may deem
30 fit or expedient;

1 (b) dismiss, terminate, consider the resignation or withdrawal of
2 appointment and exercise disciplinary control over the staff of the Centre,
3 other than the director.

4 (3) The Board may delegate to the Director, generally or
5 specifically, the power to appoint such categories of staff of the Centre as the
6 Board may, from time to time, specify.

7 **14.**-(1) Service in the Centre shall be approved service for the Pensions
8 purposes of the Pensions Act.

9 (2) Officers and other employees in the Centre shall be entitled to
10 pensions, gratuities and other retirement benefits as are prescribed in the
11 Pensions Act, so however that nothing in this Act shall prevent the
12 appointment of a person to any office on terms which preclude the grant of a
13 pension, gratuity or other retirement benefit in respect of that office.

14 (3) For the purposes of the application of the provisions of the
15 Pensions Act, any power exercisable thereunder by a Minister or other
16 authority of the Government of the Federation (not being the power to make
17 regulations under section 23 thereof) shall be vested in the Board and shall
18 not be exercisable by any other person or authority.

19 **15.**-(1) The Board shall establish and maintain a fund from which Fund of the
20 shall be defrayed, with the general or specific approval of the Minister, all Board
21 expenditure incurred by the Board.

22 (2) There shall be paid and credited to the fund established in
23 pursuance of subsection (1) of this section-

24 (a) all moneys raised for the general purposes of the Centre;

25 (b) all moneys accruing to the Board on behalf of the Centre by any
26 means, including grants-in-aid, endowments and donations;

27 (c) all charges, dues, fees or amounts recovered by the Board;

28 (d) all interests on moneys invested by the Board; and

29 (e) such other sum as may, from time to time, accrue to the Centre
30 or the Board.

	1	(3) All sums of money received on account of the Centre by the Board
	2	accruing to the fund shall be paid into the Central Bank of Nigeria for the credit
	3	of the Centre.
Accounts and audit	4	16. -(1) The Board shall keep proper accounts in respect of each year
	5	and proper records in relation to those accounts and shall cause to be prepared
	6	in each year-
	7	(a) a statement showing the income and expenditure of the Centre for
	8	the immediately preceding year; and
	9	(b) a statement of the assets and liabilities of the Centre as at the last
	10	day of the immediately preceding year.
	11	(2) The Board shall cause every statement prepared under this section
	12	to be audited within six months after the end of the year to which the statement
	13	relates by auditors appointed from the list and in accordance with the
	14	guidelines supplied by the Auditor- General for the Federation.
Annual estimates	15	17. The Board shall cause to be prepared not later than 1 June in each
	16	year an estimate of the expenditure necessary to carry out the programme
	17	approved by the Board for the next succeeding year and shall not later than so"
	18	September in each year, submit to the Minister the estimate of expenditure and
	19	that of its income during the next succeeding year.
Annual report	20	18. -(1) The Board shall prepare and submit to the Minister once every
	21	year a report, in such form as the Minister may direct, on the activities of the
	22	Board during the immediately preceding year, and shall include in the report a
	23	copy of the audited accounts of the Centre for that year and the auditor's report
	24	thereon.
	25	(2) The Minister shall cause a copy of each report made to him under
	26	this section to be submitted to the President.
Power of the Minister to give directives to the Board	27	19. The Minister may give to the Board directives of a general nature
	28	with regard to the carrying out of the objects of the Centre under this Act and it
	29	shall be the duty of the Board to comply with such directives.

1 **20.**-(1) The Board may, with the approval of the Minister, make Regulations
2 regulations for prescribing fees to be charged for services rendered by the
3 Centre and generally for carrying into effect the provisions of this Act and
4 the due administration of the Centre.

5 (2) Any regulations made under subsection (1) of this section shall
6 be published in the Gazette.

7 **21.** In this Bill, unless the context otherwise requires- Interpretation
8 "Board" means the National Industrial Centre for the Manufacture,
9 Exhibition and Sale of Furniture and Timber Products Management Board
10 established by section 3 of this Act;
11 "Centre" means the National Industrial Centre for the Manufacture,
12 Exhibition and Sale of Furniture and other Timber Products established by
13 section 1 of this Act;
14 "Chairman" means the Chairman of the Board;
15 "Director" means the Director of the Centre appointed under section 11 of
16 this Act;
17 "Member" means a Member of the Board and includes the Chairman;
18 "Minister" means the Minister charged with responsibility for matters
19 relating to trade and investment and technology;
20 "Powers" include duties and functions.

21 **22.** This Bill may be cited as the National Industrial Centre for the Short title
22 Manufacture, Exhibition and Sale of Furniture and Other Timber Products
23 Ifetedo, Osun State (Establishment) Bill, 2021.

1 SCHEDULE

2 [Section 6.]

3 *Proceedings of the Board, etc.*

4 1. Subject to this Act and section 27 of the Interpretation Act, the
5 Board may make standing orders to regulate the proceedings of the Board or
6 any committee thereof.

7 2.-(1) The Board shall meet not less than two times in every year for
8 the exercise of its functions under this Act and at such times and places as the
9 Chairman may, from time to time, appoint.

10 (2) The Chairman shall, if required to do so by notice in writing by not
11 less than five other members, call a special meeting of the Board to be held
12 within 28 days from the date on which the notice is given.

13 (3) Any notice given under sub-paragraph (2) of this paragraph shall
14 state the matters to be discussed at the special meeting and any matter not so
15 stated shall not be discussed at the meeting.

16 (4) At every meeting of the Board, the Chairman shall preside and in
17 his absence the members present shall appoint one of their number to preside at
18 that meeting.

19 3. The quorum of the Board shall be four and the quorum of any
20 committee of the Board shall be determined by the Board.

21 4. Minutes of every meeting of the Board shall be regularly entered in
22 a book to be kept for the purpose and shall, after approval by members, be
23 signed by the Chairman at the next ensuing meeting.

24 5. The Board may act notwithstanding any vacancy in its membership
25 or any defect in the appointment of a member or the fact that any person not
26 entitled to do so took part in the proceedings.

27 6.-(1) The seal of the Board shall not be used or affixed to any
28 document, except in pursuance of a resolution duly passed at a properly
29 constituted meeting of the Board.

30 (2) The fixing of the seal of the Board shall be authenticated by the e

1 signature of the Chairman or the Director or of some other member
2 authorised generally or specifically to act for that purpose by the Board.

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

7 (4) Any document purporting to be a document duly executed
8 under the seal of the Board shall be received in evidence and shall unless the
9 contrary is proved, be presumed to be so executed.

10 7. Members of the Board who are not public officers shall be paid
11 out of the money at the disposal of the Board such travelling and other
12 allowances in accordance with such scales as may be approved, from time to
13 time, by the Minister.

14 8. Any member of the Board or a committee thereof who has a
15 personal interest in any contract or arrangement entered into or proposed to
16 be considered by the Board or a committee thereof shall forthwith disclose
17 his interest to the Board or committee and shall not vote on any question
18 relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Industrial Centre for the Manufacture, Exhibition and Sale of Furniture and other Timber Products, Ifetedo, Osun State, to promote the development of the Timber industry in Nigeria.