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NATIONAL INSTITUTE FOR HEPATITIS RESEARCH AND TREATMENT
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF SECTIONS

Sections:

1. Establishment of National Institute For Hepatitis Research and Treatment and its functions
2. Establishment and Membership of the Board
3. Tenure of Office of members
4. Powers of the Board
5. Directors of the Institute
6. Appointment of secretary and other staff
7. Pensionable service
8. Financial Provisions
9. Accounts and Audit
10. Annual estimates
11. Annual report
12. Power to give directives
13. Regulations
14. Interpretation
15. Citation

A BILL

FOR

AN ACT TO ESTABLISH NATIONAL INSTITUTE FOR HEPATITIS TREATMENT
AND CONTROL AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Gabriel Saleh Zock

[] Commencement

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

- 1 1.-(1) There is established the National Institute for Hepatitis
2 Research and Treatment (in this Act referred to as the Institute).
3 (2.) The Institute:
4 (a) Shall be a body corporate with perpetual succession and a
5 common seal; and
6 (b) may sue and be sued in its corporate name,
7 (3) The Institute shall;
8 (a) provide national leadership in Hepatitis research, control and
9 treatment;
10 (b) guide scientific improvements to hepatitis prevention,
11 treatment and care;
12 (c) coordinate and liaise between the wide range of groups and
13 health care providers with interest in hepatitis treatment;
14 (d) make recommendations to the Government policies and
15 programmes in hepatitis control;
16 (e) Oversee a dedicate budget for research into Hepatitis;
17 (f) assist with the implementation of Government policies and
18 programmes in hepatitis control;
19 (g) provide financial assistance, out of money appropriated by the
20 National Assembly, for research and treatment and for the implementation
21 of policies and programmes mentioned in paragraph (f) of this subsection.

Establishment of
National Institute
for Hepatitis
Research and
Treatment and
its functions

	1	(4) The institute may carry out such other activities as are necessary or
	2	expedient for the full performance of any of the functions of the institute under
	3	this Act.
Establishment and Membership of the Board	4	2.-(1) There is established the National Institute for Hepatitis
	5	Research and Treatment Board (in this Act referred to as (lithe Board)).
	6	(2) The board shall consist of:
	7	(a) a chairman to be appointed by the president;
	8	(b) a representative of ministry for Health;
	9	(c) a representative each of-
	10	(i) Pharmaceutical council of Nigeria;
	11	(ii) Medical and Dental council of Nigeria, and
	12	(iii) Nursing and Midwifery Council of Nigeria;
	13	(iv) and any other recognized medical Association
	14	(d) eight persons with relevant qualifications and experience each to
	15	represent:
	16	(i) Radiologist;
	17	(ii) Medical Laboratory Scientists;
	18	(iii) Physiotherapists;
	19	(iv) Nigerian Hepatitis Society;
	20	(v) Civil Society Organizations;
	21	(vi) Survivor of living free of Hepatitis for a minimum of five (5)
	22	years;
	23	(vii) National Association of Nigeria traditional Medicine
	24	Practitioners; and
	25	(e) the Director of the Institute.
Tenure of Office of Members	26	3.-(1) subject to the provision of this section, a member of the Board
	27	shall hold office for a term of five years and may be eligible for a re-
	28	appointment for further term of five years and no more.
	29	(2) Notwithstanding the provisions of subsection (1) of this section,
	30	the President may at any time remove a member from the board. If he is

1 satisfied that it is not in the interest of the Institute of the or public that a
2 member continues in office.

3 (3) A member may, in writing under his hand addressed to the
4 minister, resign at any time.

5 (4) The office of a member of the board is vacant if;

6 (a) the term of his appointment has expired;

7 (b) he absents himself without leave of the Board from three
8 consecutive meetings of the and without reasonable excuse for so doing;

9 (c) he is guilty of misconduct in his office as a member and a
10 resolution of the board approves the termination of his membership; or

11 (d) he dies, resigns or is remove from office.

12 (5) Soon after the office of a member of the Board becomes vacant,
13 the authority by whom he was appointed shall appoint another person in his
14 place in accordance with the provisions of this Act.

15 (6) Members of the Board, other than ex-officio members, shall be
16 paid, out of the money, at the disposal of the Board, such remunerations and
17 allowances as the Minister, with the approval of the President, determine.

18 (7) The provisions contained in the schedule to this Act shall have
19 effect with respect to the proceedings of the Board and other matters
20 contained in the schedule.

21 **4.** The board shall have power to-

Powers of the
Board

22 (1) (a) erect, provide, equip and maintain research centres, training
23 schools with state of the art facilities as are necessarily suitable for the, or
24 required for any of the objects of the Institute;

25 (b) encourage and provide for research at the institute;

26 (c) accept gifts, legacies and donations which are consistent with
27 the objects of this Institute;

28 (d) enter into contract;

29 (e) acquire and hold movable and immovable property;

30 (f) with the approval of the minister:

1 (i) and subject to the Provisions of Land Use Act, sell, mortgage,
2 transfer or otherwise deal with movable and immovable property,

3 (ii) borrow, at interest on the security of land or movable property of
4 the Board, such money as the Board may require for the purpose of this Act, and

5 (iii) invest the funds of the Board as it deems fit; and

6 (g) do anything which, in its opinion, may advance the objects for
7 which the institute was established.

Directors of the
Institute

8 **5.-(1)** The President shall, on the recommendations of the minister,
9 appoint a Director of the Institute,

10 (2) A person shall not be qualified to be appointed as a Director unless
11 the person is a Medical Practitioner with 10 years research experience and
12 preferably a Professor with administrative experience.

13 (3) The Board shall not exercise any disciplinary control over the
14 Director without the approval of the Minister.

15 (4) Subject to the provision of this Act and the control of the Board
16 over matters affecting finance of the institution, the Director shall be the Chief
17 Executive of the Institute and shall be charged with the general responsibility
18 for the management and administration of the affairs of the institute and, in
19 particular-

20 (a) direct and regulate the programme of work at the Institution;

21 (b) promote research within and outside the institute;

22 (c) keep safe custody of all records of the Institute;

23 (d) demand and receive, from any person attending training or
24 courses at the Institute, fees as the Board may determine;

25 (e) prepare and present to the Board annual and other reports on the
26 progress of work at the Institute and the expenditure or liabilities of the
27 Institute;

28 (f) be responsible for the day to day running and management of the
29 Institute;

30 (g) exercise such powers and discharge such duties as may be

1 determined by the President;

2 (h) create a central online data base for statistical analysis to create
3 access by both public and private individuals with a view to attracting donor
4 agencies;

5 (i) establish a department of telemedicine for collaboration with
6 peers both within and outside the country; and

7 (j) be responsible for establishing a hepatitis preventative protocol
8 according to age and family history of every Nigerian with a view to
9 carrying out a public awareness campaigns for screening right from the
10 primary health centre for everything hepatitis being the institute aimed at
11 eradicating medical tourism by theme ("operation know your health centre
12 and referral point").

13 **6.-(1)** There shall be for the Institute and administrative secretary
14 who shall be appointed by the Board to discharge such duties as may be
15 assigned to him the Board,

Appointment of
Secretary and
other staff

16 (2) The Board may appoint such other staff for the Institute as it
17 may determine and pay to its staff such remuneration and allowances
18 payable to the persons on equivalent grade in the Civil Service of the
19 Federation.

20 **7.-(1)** Service in the Institute shall be approved service for the
21 purposes of the Pension Reform Act.

Pensionable
Service Act No.4,
2014

22 (2) Officer and staff of the institute are entitled to pension,
23 gratuities and other retirement benefits as prescribed in the pension Reform
24 Act ,and nothing in this Act shall prevent the appointment of a person to any
25 office on terms which preclude the grant of a pension other retirement
26 benefit in respect of that office.

27 **8.-(1)** The Board shall establish and maintain a fund from which
28 shall be defrayed, with the general or specified approval of the minister in
29 any case, all expenditure incurred by the Board.

Financial
Provisions

	1	(2) There shall be paid and credited to the fund established under
	2	subsection (1):
	3	(a) such sums as may be provided by the federal Government or a state
	4	Government;
	5	(b) all money raised for the purposes of the Institute,
	6	(c) all money accruing to the Board on behalf of the Institute by any
	7	means, including grants-in-aid, endowments and donations; and
	8	(d) all charges, dues and fees for services rendered by the fund; and
	9	(3) The Board shall establish Public Private Partnership
	10	(PPP) wherever possible for providing clinical services using PPP model to
	11	defray costs and maximize efficiency.
Account and Audit	12	9.-(1) The Board shall keep proper accounts in respect of each year
	13	and proper records in relations to those accounts and shall cause to be prepared
	14	in each year:
	15	(a) a statement showing the income and expenditure of the Institute
	16	for immediate preceding year;
	17	(b) a statement of the assets and liabilities of the institute as at the day
	18	of the immediate preceding year.
	19	(2) The board shall cause every statement prepare under this section
	20	to be audited within six months after the end of the year to which the statement
	21	relates by auditors appointed from the list ,and in accordance with the
	22	guidelines, supplied by the Auditor-General of the Federation.
Annual Estimates	23	10. The Board shall:
	24	(a) cause to be prepared, not later than 1 st June in each Year, an
	25	estimate of the expenditure necessary to carry out the programme approved by
	26	the Board during the immediately preceding year; and
	27	(b) not later than 31 st October in each year, submit to the Minister the
	28	estimate of expenditure and that of its income during the next year.
Annual Reports	29	11. The Board shall prepare and submit to the Minister, once every
	30	year ,a report ,in such form as the Minister may direct, on the activities of the

1 Board during the immediately preceding year ,and shall includes in the
2 report a copy the audited accounts of the centre for that year and the auditor's
3 report.

4 **12.** The Minister may give directives of a general nature with Power to give
Directives
5 regard to the carrying out the objects of Bill.

6 **13.** The Board may, with the approval of the Minister, make Regulations
7 regulations generally for bringing into effect the provision of this Act and
8 due administration of the Institute.

9 **14.** In this Bill- Interpretation

10 "Board" means the National Institute for Hepatitis Research and Treatment
11 Board Established Under section 3(1) of this Act;

12 "HEPATITIS"SS:

13 (a) means the uncontrolled growth of the cells in human body and
14 the ability of these cells to migrate from the original site and spread to distant
15 sites; and

16 (b) includes skin:

17 "Director" means the Director of the Institute appointed under section 5(1)
18 of this Act.

19 "Institute" means the National Institute for Hepatitis Research and
20 Treatment Established Under Section 1 (1) of this Act;

21 "Minister" means minister of Health;

22 "Power" includes duties and functions;

23 **15.** This Bill may be cited as the National Institute for Hepatitis Citation
24 Research and Treatment (Establishment) Bill, 2021.

25 SCHEDULE

26 *Proceeding of the Board, etc*

27 (1) Subject to this Act and section 27 of the interpretation Act, the
28 Board may make standing orders to regulate proceedings or that of any
29 committee.

30 (2) The Board shall meet, at least two times in every year, for the

1 performance of its functions under this Act and at such times and places as
2 chairman may appoint'

3 (3) The chairman shall, if required to do so by notice in writing by at
4 least five other members, call a special meeting of the Board to be held within
5 28 days from the date on which the notice is given.

6 (4) Any notice given under subparagraph (2) shall state the matters to
7 be discussed at the special meeting and matter not so stated shall not be
8 discussed at the meeting.

9 (5) At every meeting of the Board, the chairman shall preside, and, in
10 his absence, the members present shall appoint one of them to preside at the
11 meeting.

12 (6) The quorum of the Board shall be four and the quorum of any
13 committee of the Board shall be determined the Board.

14 (7) Minutes of every meeting of the Board shall be regularly entered
15 in a book to be kept for the purpose and all, after approval by members, be
16 signed by the Chairman at the next meeting.

17 (8) The Board may act notwithstanding:

18 (a) any vacancy in its membership; or

19 (b) any defect in the appointment of a member; or

20 (c) that a person not entitled to do so took part in the proceedings:

21 (i) The seal of the Board shall not be used or affixed to any document
22 except in pursuance of a resolution duly passed at a properly constituted
23 meeting of the Board;

24 (ii) The fixing of the seal of the Board shall be authenticated by the
25 signature of the chairman, the Director or any other member authorized
26 generally or specifically to act for that purpose by the Board;

27 (iii) Any contract or instrument ,which if made or executed by a
28 person not being a body corporate would be required to be under seal, may be
29 made or executed on behalf of the Board by any person generally or specially
30 authorized to act for that purpose by the Board;

- 1 (iv) Any document purporting to be document duly executed under
2 the seal of the Board shall be received in evidence and shall, and unless
3 contrary is proved, be presumed to be so executed;
4 (v) members of the Board or committee who has personal interest
5 in any contract or arrangement entered to or proposed to be considered by
6 the Board or committee shall disclose his interest to the Board or committee
7 and shall not vote on any question relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish National Institute for Hepatitis Treatment and Control and to assist with the implementation of Government policies and programmes in hepatitis control.

NATIONAL GINGER COMMISSION BILL, 2021

ARRANGEMENT OF CLAUSES

Clause:

PART I - BOARD

1. Establishment and membership of the Board
2. Allowances of Members
3. Functions of the Board
4. Powers of the Board

PART II - APPOINTMENT OF THE MANAGING DIRECTOR AND

OTHER STAFF

5. The Managing Director
6. Resignation of the Managing Director
7. Staff of the Board
8. Staff Regulation
9. Service in the Board

PART III - FINANCIAL PROVISIONS ETC

10. Financial Provisions
11. Powers to Accept Gifts
12. Power to Borrow
13. Accounts and Records
14. Annual Reports

PART IV - REGISTRATION OF EXPORTERS, PROCESSORS ETC

15. Restriction on export and sale of ginger
16. Board May Register, Buyers, Processors and Exporters
17. Application for Registration
18. Board to consider Application, etc.
19. Certificate of Registration
20. Cancellation of Registration
21. Appeal Committee
22. Appeal

PART V - ENFORCEMENT PROVISIONS

- 23. Appointment and function of inspectors
- 24. Powers of entry
- 25. Obstruction of inspectors
- 26. Offences by bodies corporate
- 27. Cognizable offences
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PART VI - MISCELLANEOUS PROVISIONS

- 29. Infected areas
- 30. Regulations
- 31. Interpretation
- 32. Short Title
- Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN GINGER BOARD AND TO PROVIDE
FOR THE PROMOTION AND REGULATION OF GINGER INDUSTRY AND FOR
RELATED MATTERS, 2021

Sponsored by Hon. Gabriel Saleh lock

[] Commencement

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

1 PART I - NATIONAL GINGER DEVELOPMENT BOARD

2 1.-(1) There is hereby established a body to be known as the
3 National Ginger Development Board (in this Bill referred to as "the Board" Establishment
and membership
of the Board

4 (2) The Board shall be:

5 (a) a body corporate with perpetual succession and a common seal;

6 and

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

8 (3) (a) The Board shall consist of a Chairman and six other
9 members to be appointed by the President;

10 (b) The appointment of the six members shall be made from the six
11 geo- political zones in the state;

12 (c) The following are ex officio members of the Board:

13 (i) the Minister responsible for agriculture or his representative
14 who shall not be below the rank of a Director;

15 (ii) the Minister responsible for trade and/or industries or his
16 representative who shall not be below the rank of a Director;

17 (iii) the Minister responsible for National planning or his
18 representative who shall not be below the rank of a Director;

19 (iv) the Minister responsible for finance or his representative who
20 shall not be below the rank of a Director

1 (vi) six representatives of ginger farmers, from the major ginger
2 producing state, which shall be determined by the board from time to time four
3 of whom shall be elected on a zonal basis to represent ginger farmers' co-
4 operative societies and two of whom shall be appointed by the commissioner to
5 represent ginger marketers who are not members of any ginger farmers' co-
6 operative society;

7 (vii) the managing director.

8 (4) Subject to subsection (5) of this section, a person appointed as a
9 member of the board shall hold office for 4 years and shall be eligible for re-
10 appointment for one further period of 4 years.

11 (5) The President. may upon ratification by a simple majority of the
12 National assembly, terminate the appointment of a member on grounds of
13 misbehaviour or inability to discharge the duties of his office by reason of
14 physical or mental incapacity.

15 (6) The supplementary provisions contained in the Schedule to this
16 Bill shall have effect with respect to the proceedings of the board and other
17 matters therein mentioned.

18 (7) Notwithstanding the provisions of subsection (5) of this Section, a
19 person shall cease to hold office as a member of the board on the occurrence of
20 any of the following:

21 (a) he becomes bankrupt. suspends payment or compounds with his
22 creditors;

23 (b) he is convicted of a felony or any offence involving dishonesty or
24 fraud;

25 (c) he becomes of unsound mind or is incapable of carrying out his
26 duties;

27 (d) he is guilty of a serious misconduct in relation to his duties; or

28 (e) he resigns his appointment by a letter addressed to the Chairman of
29 the board and in the case of the chairman's resignation he shall address to the
30 President.

1 (8) A member of the board shall not while holding office hold any
2 other office of emolument whether in the Federal or State public service.

3 2. Members of the board shall be paid such allowances and Allowances of
4 expenses as the Government may direct from time to time. Members

5 3 -(1) The main object of the Board is to promote the ginger Functions of the
6 industry in Nigeria. Board

7 (2) The functions of the Board include carrying on activities and
8 doing things to further its main object and without prejudice to those general
9 functions, the particular functions of the Board are:

10 (a) to plan, monitor and regulate ginger growing and marketing;

11 (b) to maintain a register of ginger growers and persons dealing
12 with ginger;

13 (c) to regulate and carry out quality control of ginger;

14 (d) to regulate the ginger industry;

15 (e) to advise the government on the pricing of ginger;

16 (f) to regulate and control the quality and supply of ginger roots or
17 rhizomes;

18 (g) to carry out and promote research and development in ginger
19 production and processing technology;

20 (h) to provide training, either on payment or without charge, or co-
21 ordinate training for any sector of the ginger industry; and

22 (I) to render any service prescribed by regulations made by the
23 minister of Agriculture.

24 (3) The Board shall, if the minister of Agriculture so directs, be the
25 agent of the government for all matter concerning agreements made or to be
26 made in relation to ginger.

27 (4) In carrying out its functions, the Board shall comply with any
28 general or special directions which the minister may give to it in writing.

29 (5) Notwithstanding any other provisions of this Bill, the Board
30 may, during such period as may be determined by the minister, own and

Powers of the
Board

1 operate ginger farms and for that purpose may purchase ginger roots and sell
2 ginger as well as do all other things necessary for the effective operation of the
3 ginger industry.

4 4.-(1) The Board shall have the powers to:

5 (a) enter into contracts, arrangements or guarantees which are, in the
6 opinion of the Board, necessary or expedient for carrying out its functions;

7 (b) acquire, buy, sell, dispose off, rent or hire, pledge or mortgage any
8 movable or immovable property or interest therein;

9 (c) subject to the prior approval of the minister in consultation with
10 minister responsible for finance, borrow money;

11 (d) accept gifts and donations;

12 (e) make such investments of money as are allowed by law for the
13 investment of funds or as are approved by the Minister;

14 (f) fix such charges for its services under this Bill as it thinks fit;

15 (g) appoint and employ agents to perform any of its functions or
16 exercise any of its powers;

17 (h) appoint committees, whether of its own members or otherwise, to
18 carry out general or particular functions as specified by the Board;

19 (i) by resolution delegate to any member, officer or employee of the
20 Board or to a committee appointed under paragraph (h) the performance of any
21 of its functions or the exercise of any of its powers, either generally or in any
22 particular case;

23 (j) do anything required under this or any other written law to be done
24 by the Board; and

25 (k) do anything incidental to any of its powers.

26 PART II - APPOINTMENT OF THE MANAGING DIRECTOR AND

27 OTHER STAFF

The Managing
Director

28 5.-(1) There shall be a Managing Director of the Board who shall be
29 appointed by the President.

30 (2) The Managing Director shall:

- 1 (a) be a person who has distinguished himself in the area of
2 agriculture and business management/administration;
3 (b) be subject to the supervision and control of the Board;
4 (c) be the Chief Executive and Accounting Officer of the Board;
5 and
6 (d) be responsible for the execution of the policies and the
7 administration of the board.
8 (e) be paid such remuneration as may be prescribed in his letter of
9 appointment; and
10 (f) ensure and perform any other function in compliance with the
11 provision of this Bill.

12 **6.** The Managing Director may resign his appointment by writing
13 under his hand and delivered to the President.

Resignation of
the Managing
Director

14 **7.** The Board shall have power to appoint or accept on transfer or
15 on secondment from any public service of the Federation. such other staff as
16 may be in the opinion of the Board be required to assist the Managing
17 Director in the discharge of any of his functions under this Bill and shall
18 have power to pay persons so appointed such remunerations (including
19 allowances) as it may. from time to time determine.

Staff of the Board

20 **8.-(1)** The Board may. subject to the provisions of this Bill. make
21 regulations generally relating to the conditions of service of the staff of the
22 Board and without prejudice to the generality of the foregoing. such
23 regulations may provide for:

Staff Regulations

24 (a) appointment, promotion and discipline (including dismissal) of
25 staff;

26 (b) appeals by such staff against dismissal or other disciplinary
27 measures and until such regulations are made. any instrument relating to the
28 conditions of service of officers in the civil service of Nigeria shall be
29 applicable with such modifications as may be necessary.

30 (2) Staff regulations made under subsection (1) of this section shall

	1	not have effect until approved by the Board and when so approved. the Board
	2	shall cause them to be brought to the notice of all affected persons in such
	3	manner as it may from time to time. determine.
Service in the Board	4	9.-(1) Service in the Board shall be the federal civil service for the
	5	purpose of the Pensions Act and accordingly officers and other persons
	6	employed in the Board shall in respect of their service in the Board. be entitled
	7	to pensions. gratuities and other retirement benefits as prescribed under the
	8	Pension Act.
	9	(2) Nothing in this Bill shall prevent the appointment of a person to
	10	any office on terms which may preclude the grant of a pension or gratuity in
	11	respect of that office.
	12	PART III - FINANCIAL PROVISIONS ETC
Financial Provisions	13	10.-(1) The Board shall establish and maintain a fund which shall be
	14	applied towards the promotion of the object specified in this Bill.
	15	(2) There shall be paid and credited to the fund established pursuant to
	16	subsection (1) of this section:
	17	(a) such sums as may be provided in each financial year to the Board
	18	by the Federal Government;
	19	(b) fees charged for services rendered by the Board; and
	20	(c) subject to section 11(2) of this Bill. all sums accruing to the Board
	21	by way of gifts testamentary disposition endowment or contributions from
	22	philanthropic persons or organizations or otherwise howsoever.
Power to accept gifts	23	11.-(1) The Board may accept gifts of any land. money. loan. building.
	24	or other property connected with its functions under or pursuant to this Bill
	25	upon such Boards and conditions if any as may be specified by the person or
	26	organization making the gift.
	27	(2) The Board shall not accept any gift if the conditions attached by
	28	the person or organization making the gift to the acceptance thereof are
	29	inconsistent with the functions of the Board.

1 **12.**-(1) The Board may with the consent of the minister or in Power to borrow
2 accordance with any general authority given in that behalf by the Federal
3 Government. borrow by way of loan or overdraft from any source any sums
4 required by the Board for meeting its obligations and discharging its
5 functions under this Bill.

6 (2) The Board may subject to the provisions of the Bill and the
7 conditions of any Board created in respect of any property. invest all or any
8 of its funds with the like consent or general authority.

9 (3) The Board may invest any surplus funds of the Board in such
10 specified as may be approved by the Commissioner.

11 **13.**-(1) The Board shall cause to be prepared not later than 31st Accounts and
12 December in each year. an estimate of the expenditure and income of the records
13 Board during the next seceding financial year and when so prepared. it shall
14 be submitted to the commissioner for approval.

15 (2) The Board shall cause to be kept proper accounts of the Board
16 and proper records in relation thereto and when certified by the proper
17 records in relation thereto and when certified by the Board such accounts
18 shall be audited as provided in subsection (3) of this section.

19 (3) The accounts of the Board shall be audited after end of each
20 financial year by auditors appointed by the Board with the approval of the
21 Federal Executive Council and the fees of the auditors and the expenses of
22 the audit generally shall be paid from the funds of the Board.

23 (4) Before appointing auditors as provided in subsection (3) of this
24 section. the Board shall consult the minister charged with the responsibility
25 of Finance;

26 **14.** The Board shall. not later than six months after the end of each Annual Reports
27 year submit, through the minister. to the President and the National
28 Assembly a report on the activities of the Board during the immediately
29 preceding year and shall include in such report the audited accounts of
30 Board and the auditor's comments thereon.

	1	PART V - REGISTRATION OF EXPORTERS, PROCESSORS ETC
Restriction on export and sale of ginger	2	15. -(1) Subject to this Bill, no person shall:
	3	(a) sell ginger or ginger roots to any person unless such person has
	4	been registered by the Board in respect of ginger or ginger roots to the extent
	5	and subject to the conditions considered necessary by the Board; or
	6	(b) carry out the marketing of ginger unless he holds a certificate of
	7	registration under section 19.
	8	(2) The minister may from time to time, after consultation with the
	9	Board fix prices at which purchasers of ginger or ginger roots or rhizomes may
	10	buy.
	11	(3) Any person who contravenes subsection (1) shall be guilty of an
	12	offence and liable to a fine not exceeding N100,000.00 thousand naira or to
	13	imprisonment for a term not exceeding two years or to both.
Board may register Buyers, Processors and Exporters	14	16. -(1) The Board may, on application, register a person as a buyer,
	15	processor or exporter of ginger.
	16	(2) Registration under Subsection (1):
	17	(a) may be subject to such conditions and restrictions as the Board
	18	thinks fit;
	19	(b) shall remain in force unless cancelled in accordance with this Bill
	20	for such period (not exceeding three years) as is determined by the Board; and
	21	(c) may be renewed for such period (not exceeding three years) as is
	22	determined by the Board.
	23	17. -(1) A person may apply to the Board for registration as a buyer,
Application for Registration	24	processor or exporter of ginger.
	25	(2) An application under Subsection (1) shall:
	26	(a) be in the prescribed form;
	27	(b) contain particulars of the applicant's financial position and of his
	28	proposals relating to the facilities or organization for the storage, control of
	29	quality, handling and marketing of ginger;
	30	(c) contain such other particulars as are prescribed; and

1 (d) be accompanied by the prescribed fee Board to consider
2 Application, etc.

3 **18.**-(1) Where an application is made to the Board under Section
4 17, the Board shall consider the application and may, in its discretion:

5 (a) grant the application and register the applicant as a buyer.
6 processor or exporter of ginger subject to such conditions and restrictions (if
7 any) as the Board thinks fit;

8 (b) refuse the application.

9 (2) Without prejudice to or limiting the Board's discretion under
10 Subsection (1), the Board may refuse an application where, in the opinion of
11 the Board, the applicant has no adequate finance, facilities or organization
12 for the storage, control of quality, handling or marketing of ginger.

13 **19.** Where the Board registers a person under Section 18(1)(a) it
14 shall issue to him a certificate of registration in the prescribed form and shall
15 endorse on the certificate of registration any conditions referred to in
16 Section 17(1)(a).

Certificate of
Registration

17 **20.** The Board may cancel the registration of a person as a
18 registered buyer, processor or exporter under Subsection (1) if the Board is
19 satisfied that:

Cancellation of
Registration

20 (a) registration was obtained by:

21 (i) means of a false or misleading statement; or

22 (ii) partly by means of a false or misleading statement; or

23 (iii) fraud; or

24 (iv) by other improper means; or

25 (b) the person has been convicted of an offence under this Act; or

26 (c) the person has not, in the Board's opinion, adequate finance,
27 facilities or organisation for the storage, control of quality, handling or
28 marketing of ginger.

29 **21.**-(1) For the purpose of appeals under Section 22 there is
30 established an Appeal Committee.

Appeal Committee

	1	(2) The Appeal Committee shall consist of:
	2	(a) an officer nominated by the minister, who shall be Chairman; and
	3	(b) two other persons, other than officers of the Public Service, who
	4	shall be representatives of the ginger industry, appointed by the minister by
	5	notice in the Gazette.
	6	(3) The Chairman of the Appeal Committee shall determine:
	7	(a) the time and place of; and
	8	(b) subject to Section 22(3), the procedure to be followed at meetings
	9	of the Appeal Committee.
Appeals	10	22. -(1) A person, aggrieved by a decision of the Board:
	11	(a) to refuse under Section 18(1)(b) to grant his application; or
	12	(b) in relation to any conditions or limitations to which his registration
	13	is made subject; or
	14	(c) to cancel his registration under Section 20, may appeal in writing
	15	to the Appeal Committee.
	16	(2) As soon as practicable after receipt of an appeal under subsection
	17	(1) the Appeal Committee shall meet and consider the appeal.
	18	(3) The procedure during the consideration of an appeal shall be
	19	informal but regard shall be had at all times to natural justice.
	20	(4) The decision of the Appeal Committee is final and shall be
	21	implemented as if it were a decision of the Board.
	22	PART VI - ENFORCEMENT PROVISIONS
Appointment and function of Inspectors	23	23. -(1) For the purposes of this Bill. the Board may. by notice in the
	24	Gazette. appoint such number of inspectors as it may consider necessary.
	25	(2) The functions of an inspector shall be:
	26	(a) to monitor ginger growing and marketing;
	27	(b) to inspect ginger plants for disease and pests;
	28	(c) to carry out quality control of planting growing and marketing;
	29	(d) to take samples and grade raw ginger. ginger roots or rhizomes;
	30	and

1 (e) to certify weights and qualities of raw ginger, ginger root or
2 rhizomes.

3 **24.**-(1) For the purposes of this Bill, where an inspector has Powers of entry
4 reasonable grounds for doing so he may at any reasonable time enter upon
5 any land, premises or vehicle and may take with him such persons and things
6 as he considers necessary for those purposes and may:

7 (a) exercise his functions under section 23 (2);

8 (b) search for ginger roots or rhizomes, or ginger varieties;

9 (c) make enquiries or carry out a search to ascertain if this Bill is
10 being complied with;

11 (d) demand the production by a certificate holder of such certificate
12 for examination;

13 (e) seize and remove any ginger roots or ginger or any other article
14 or thing in respect of which he has reasonable grounds for believing that an
15 offence under this Bill is being or has been committed; or

16 (f) do any other thing authorized under this Bill.

17 (2) The owner or occupier of or any person on land or in premises
18 or a vehicle which is entered under subsection (1) shall render such
19 reasonable assistance as may be required of him by the inspector.

20 (3) A person who refuses or delays or fails to comply with a
21 requirement under subsection (2) shall be guilty of an offence and liable to
22 imprisonment for a term not exceeding twelve months or to a fine not
23 exceeding fifty thousand naira or to both.

24 **25.**-(1) No person shall prevent, hinder or obstruct an inspector in Obstruction of
25 performance of his functions, powers or duties under this Bill. inspectors

26 (2) A person who contravenes subsection (1) shall be guilty of an offence and
27 liable to imprisonment for a term not exceeding twelve months or to a fine
28 not exceeding fifty thousand naira or to both.

29 **26.** Where a body corporate is guilty of an offence under this Bill, Offences by bodies
30 every person who at the time of the offence was a director or officer or was corporate

	1	concerned in the management of the body corporate, or was acting, or
	2	purporting to act. in such a capacity, shall also be guilty of an offence unless he
	3	proves:
	4	(a) that. through no act or omission on his part, he did not know that
	5	the contravention was intended or about to take place or was taking place; or
	6	(b) that he took all reasonable steps to prevent the contravention take
	7	place.
Cognizable	8	27. Offences under this Bill are cognizable offences.
Offences	9	28. In any conviction for an offence under this Bill, the Court may, in
Forfeiture	10	addition to or instead of any other penalty, order that any ginger root or ginger,
	11	implement. machine, vehicle or other thing in respect of which the offence was
	12	committed shall be forfeited to the Government.
	13	PART VII - MISCELLANEOUS PROVISIONS
Infected areas	14	29.- (1) The minister may, after consultation with the Board, by order
	15	published in the Gazette:
	16	(a) declare an area, ginger farm or processing company which is
	17	infected with ginger disease or pest to be an infected area;
	18	(b) prohibit the use of an infected area for planting, growing,
	19	collecting, storing, processing or other dealing with planting seed, raw cotton,
	20	cotton lint or cotton seed or for any purpose connected with those activities;
	21	(c) for the purpose of preventing cotton disease or pest or the spread of
	22	cotton disease or pest, either in the crop or otherwise, prohibit the movement of
	23	ginger roots or rhizomes or ginger from, to, through or within an infected area
	24	or another specified area(s);
	25	(d) extend, diminish or otherwise alter an infected area; and
	26	(e) where it is no longer infected with ginger disease or pest, revoke
	27	the declaration of an infected area.
	28	(2) The minister may by regulations make further provisions for the
	29	control of infected areas.

- 1 **30.** The minister may, after consultation with the Board, make Regulations
2 regulations generally for the better carrying out of the objects and purposes
3 of this Bill, including:
- 4 (a) prescribing the kind and quality of ginger root or rhizomes and
5 prohibiting the use of any other kind and quality of root or rhizomes for
6 growing ginger;
- 7 (b) regulating the method of purchase, collection, transport,
8 movement, storage, processing, or otherwise preparing, sale or disposal of
9 any particular kind or quality of ginger roots or rhizomes or ginger;
- 10 (c) regulating the distribution of ginger roots or rhizomes to
11 persons requiring it for planting;
- 12 (d) providing for the requisition of ginger roots or rhizomes;
- 13 (e) regulating and controlling the method, time and place of
14 planting and growing ginger and the acreage which may be planted by any
15 person;
- 16 (f) providing for the inspection of ginger roots or rhizomes or
17 ginger plantations, stores and processing companies and prescribing the
18 class and standard of premises which may be used in the processing and
19 storage of ginger;
- 20 (g) prescribing either or both maximum or minimum prices to be
21 paid to growers of ginger in any area; and different prices may be prescribed
22 for different types of grades of ginger;
- 23 (h) limiting the number of certificates to be issued in any area and
24 prescribing the procedure to be followed in cases where there are more
25 applicants than one for a certificate for any particular area;
- 26 (i) providing for the establishment, organization and
27 administration of ginger buying centres;
- 28 (j) providing for the controlling of the weighing, sales and
29 purchase of ginger or ginger roots; and for their classification and for the
30 provision to the Board free of charge of samples for classification;

1 (k) providing for the destruction or removal, in either case with or
2 without compensation, of any soil, ginger root, ginger plant, rhizomes or
3 ginger residues;

4 (l) controlling diseases and pests in ginger plants and ginger roots;

5 (m) requiring ginger growers to supply to the Board free of charge
6 samples of ginger for experimental purposes or scientific investigation;

7 (n) prohibiting or otherwise controlling the use of ginger sales centres
8 for purposes other than the processing and buying of ginger;

9 (o) providing for the exhibition of certificates issued under this Bill;

10 (p) prescribing the books, accounts, vouchers and records to be kept
11 by certificate holders under this Bill;

12 (q) prescribing fees or charges to be paid for anything done under this
13 Bill;

14 (r) regulating and prescribing the charges, if any, for services
15 rendered under the Bill including handling and processing commissions;

16 (s) providing for the enforcement, method of payment and regulation
17 of levies imposed by the Board;

18 (t) prescribing any matter or thing which is to be or may be prescribed
19 under this Bill;

20 (u) prescribing any forms to be used in connection with this Bill;

21 (v) prescribing the manner in which representatives of ginger
22 growing co-operative societies for the purposes of this Bill may be elected;

Interpretation

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

24 "application" means an application for the first issue of a certificate or for the
25 renewal of or variation of a certificate, as the case may be;

26 "Board" means the National Ginger Development Board established under
27 section 1;

28 "Minister" means minister charged with the responsibility of agriculture;

29 "co-operative society" means a co-operative society registered or deemed to be
30 registered under the co-operative societies laws;

1 "ginger root" means ginger planting portion produced from raw ginger;
2 "infected area" means an area. declared to be an infected area under section
3 30 (1);
4 "inspector" means a person appointed as an inspector in terms of section 23
5 (1);
6 "managing director" means the person for the time being appointed as
7 managing director under section 5 (1);
8 "premises" includes any building or structure;
9 "raw ginger" includes unprocessed ginger or ginger root;
10 "rhizomes" means group of stems or roots for or intended for use for
11 growing ginger;
12 "staff" means the managing director. secretary. officers and employees of
13 the Board.

14 **33.** This Bill may be cited as the National Ginger Development Bill. 2021. Short title
15

16 SCHEDULE

17 *[Section 1 (6).]*

18 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

19 *Proceedings of the Board*

20 1. Subject to this Bill and Section 27 of the Interpretation Act
21 (which provides for decisions of a statutory body to be taken by a majority of
22 its members and for the chairman to have a second or casting vote). the
23 Board may make standing orders regulating the proceedings of the Board
24 and any of its ad-hoc committees.

25 2. A meeting of the Board shall be presided over by the chairman
26 or if the chairman is unable to attend a particular meeting. the deputy
27 chairman or the members present at the meeting shall elect one of their
28 number to preside at that meeting.

29 3. The quorum at a meeting of the Board shall consist of the
30 chairman (or. in an appropriate case. the person presiding at the meeting

1 pursuant to paragraph 2 of this Schedule) the Managing Director and five other
2 members.

3 4. Where on a special occasion. the Board desires to obtain the advice
4 of a person on a particular matter. the Board may co-opt that person to be a
5 member for as many meeting as may be necessary, and that person while so co-
6 opted, shall have all the rights and privileges of a member, except that he shall
7 not be entitled to vote or count towards a quorum.

8 *Ad-hoc and Special Committees*

9 5.-(1) Subject to its standing order, the Board may appoint such
10 number of ad-hoc and special committees as it thinks fit to consider and report
11 on any matter with which the Committee is concerned.

12 (2) Every committee appointed under the provisions of sub-
13 paragraph (1) of this paragraph, shall be presided over by a member of the
14 Board and shall be made up of such number of persons, not necessarily
15 members of the Board, as the Board may determine in each case.

16 6. The decision of a committee shall be of no effect, until it is
17 confirmed by the Board.

18 *Miscellaneous*

19 7. The validity of proceedings of the Board or of its committee shall
20 not be adversely affected by:

21 (a) Vacancy in the membership of the Board; or

22 (b) by a defect in the appointment of a member of the Board or
23 committee: or

24 (c) by reason that a person not entitle to do so, took part in the
25 proceedings

26 8. A member of the Board or of its committee, who has a personal
27 interest in any arrangement or agreement entered into or proposed to be
28 considered by the Committee or committee, shall forthwith disclose his
29 interest to the Board or committee and shall not vote on any question relating to
30 the arrangement or agreement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Ginger Board and to provide for the promotion and regulation of the Ginger industry in Nigeria.

NATIONAL ESTATE AGENCY REGULATORY COMMISSION BILL, 2021

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE NATIONAL ESTATE AGENCY

REGULATORY COMMISSION AND THE GOVERNING BOARD

1. Establishment of the National Estate Agency Regulatory Commission
2. Objectives of the Commission
3. Functions of the Commission

PART II - ESTABLISHMENT OF THE GOVERNING BOARD

4. Establishment and Constitution of Governing Board of the Commission
5. Resignation, cessation or removal from membership of the Board
6. Powers of the Board

PART III - STAFF OF THE COMMISSION

7. Appointment of the Director General
8. Cessation/Removal/Resignation of the Director General
9. Duties of the Director General
10. Other staff of the Commission
11. Pension

PART IV - STRUCTURE OF THE COMMISSION

12. Structure of the Commission

PART V - FINANCIAL PROVISIONS

13. Fund of the Commission
14. Expenditure of the Commission
15. Power to accept gifts
16. Power to borrow
17. Annual Estimates and Expenditure
18. Annual Report

PART VI - LICENCES

19. Requirement for Licence

20. Application for License.

PART VII - MISCELLANEOUS PROVISIONS

21. Pre-action notice

22. Limitation of suits against the Commission

23. Service of documents

24. Restriction of execution against property of the Board

25. Indemnity of Officers

26. Regulations

27. Power to give Directives

28. Interpretation

29. Citation

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL ESTATE AGENCY REGULATORY
COMMISSION AS AN INDEPENDENT REGULATOR FOR ESTATE AGENTS AND
FOR RELATED MATTERS

Sponsored by Hon. Uju Kingsley Chima

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL ESTATE AGENCY

2 REGULATORY COMMISSION AND THE GOVERNING BOARD

3 1.-(1) There is established a Commission to be known as the Establishment of
4 National Estate Agency Regulatory Commission (in this Bill referred to as the National Estate
5 "the Commission"). Agency Regulatory
Commission

6 (2) The Commission:

7 (a) shall be a body Corporate with perpetual succession and a
8 common seal and may sue and be sued in its corporate name; and

9 (b) may acquire, hold, mortgage, purchase and deal with property,
10 whether movable or immovable.

11 2 .The Commission shall:

12 (a) act as an independent regulator for Estate Agents; Objectives of the
Commission

13 (b) ensure the protection and enhancement of the stability of the
14 Real Estate Market;

15 (c) secure a certain level of protection for property seekers;

16 (d) ensure that property transaction process are transparent;

17 (e) ensure eradication of quackery in Real Estate/Estate Agency
18 industry with an attempt to eliminate any type of property frauds.

19 (f) provide a mechanism for monitoring and providing advice to
20 the Federal Government on matters relating to the real estate industry, and

Functions of the
Commission

1 (g) provide efficient operation and regulation of the real estate
2 industry.

3 **3.** The Commission shall:

4 (a) formulate policies, principles and guidelines for Estate Agency
5 activities consistent with national development priorities;

6 (b) identify persons eligible to be licensed as Estate Agents;

7 (c) issue and renew licences annually;

8 (d) maintain a register of licensed Estate Agents;

9 (e) investigate complaints and petitions against Licensed Estate
10 Agency practitioners;

11 (f) sanction unlicensed Estate Agency practitioners;

12 (g) organise monitoring teams and conduct inspections in order to
13 ensure compliance with the Law;

14 (h) investigate complaints and petitions against Licensed Estate
15 Agency practitioners;

16 (i) collate data on property transactions;

17 (j) ensure and confirm the payment of fees, taxes or charges on
18 property transactions, i.e. Withholding Tax, Value Added Tax, Estate Duty,
19 Tenement Rate, and Outgoings as shall be imposed or charged by the
20 Commission or any other Government Agency;

21 (k) organise seminars, symposia/workshops or other training sessions
22 for Licensed Estate Agency Practitioners, Registered Property Developers and
23 other Stakeholders;

24 (l) liaise with other inter-related bodies for the purpose of collecting
25 and collating data on newly approved developments;

26 (m) provide consultancy services on housing data and connected
27 matters to stakeholders, e.g. Students, Engineers, Property Developers, Estate
28 Surveyors and Valuers, Town Planners, Land Surveyors, Estate Agency
29 practitioners, Builders, etc.

30 (n) make such regulations as may be necessary under this Bill to give

1 full force and effect to the provisions of the Bill and the enforcement of such
2 regulations and the provisions of this Bill generally;

3 (o) ensure that overlap or conflict between existing and proposed
4 schemes is avoided;

5 (p) perform such other functions as may be conferred on the
6 Commission by any other Act or the Government, and

7 (q) do all things necessary and incidental to the performance of its
8 functions.

9 PART II - ESTABLISHMENT OF THE GOVERNING BOARD

10 4.-(1) There is established for the management of the affairs of the
11 Commission a Governing Board (in this Bill referred to as "the Board").

Establishment
and Constitution
of Governing Board
of the Commission

12 (2) The Board shall consist of:

13 (a) a Chairman, who shall:

14 (i) have requisite qualifications and experience required to perform
15 the functions of the office;

16 (ii) 2 representatives not below the rank of a Director of the
17 Ministries in charge of:

18 (i) Works and Housing;

19 (ii) Budget and National Planning;

20 (iii) Justice;

21 (iii) a registered Architect;

22 (iv) a registered Engineer;

23 (v) a registered Town Planner;

24 (vi) a registered Quantity Surveyor;

25 (vii) a professional Accountant/Economist; and

26 (viii) 2 representatives of the Association of Estate Agents in
27 Nigeria.

28 (3) The members of the Board shall:

29 (a) be persons of recognized expert knowledge, qualification and
30 experience in the real estate sector;

1 (b) be appointed by the President on recommendation of the Minister
2 and subject to confirmation by the Senate;

3 (c) each member of the Board shall hold office for a term of 4 years in
4 the first instance and may be eligible for reappointment for a further term of 4
5 years and no more, and

6 (d) be paid such remuneration and allowances as the Revenue
7 Mobilization and Fiscal Commission may, from time to time determine.

8 (4) The Board shall from time to time elect from among its members a
9 vice-chairman, who shall in the absence of the chairman have all the powers
10 and duties of the chairman, and if neither the chairman nor the vice-chairman is
11 available, shall nominate a person from their own ranks to preside at that
12 meeting.

13 (5) The Board shall meet for the conduct of its ordinary meetings at
14 least 4 times in a calendar year.

15 (6) Notwithstanding the provision of sub clause (5) of this clause, the
16 Board may meet to conduct such other business as exigency demands.

17 (7) The supplementary provision set out in the schedule to this Bill
18 shall have effect with respect to the proceeding of the Board and other related
19 matters.

Resignation,
cessation or
removal from
membership of
the Board

20 **5.-(1)** A member of the Board appointed by the President may resign
21 his appointment by notice in writing addressed to the President.

22 (2) A member of the Board shall cease membership if the member:

23 (a) lacks physical or mental capacity to perform their functions;

24 (b) becomes of unsound mind;

25 (c) becomes bankrupt, and

26 (d) is convicted of a felony, misconduct or of any offence involving
27 dishonesty.

28 (3) A member of the Board may be removed from office by the
29 President if he is satisfied that it is not in the interest of the Commission or
30 public that the member should continue in that office.

1 (4) Where a vacancy occurs in the membership of the Board, it
2 shall be filled by the appointment of a successor to hold office for the
3 remainder of the term of office of the predecessor.

4 6. The Board shall have powers to:

Powers of the
Board

5 (a) manage and superintend the affairs of the Agency;

6 (b) formulate general policies for the regulation and development
7 of the Commission;

8 (c) coordinate the formulation of rules and regulations for the
9 practice of Estate Agency;

10 (d) employ best social protection standards for the management
11 and co-ordination of activities of the Commission as it relates to the
12 citizenry;

13 (e) conduct overall monitoring, evaluation and review of the Estate
14 Agency and Real Estate Sector;

15 (f) employ either directly or on transfer or secondment from any
16 private or public service in the Federation such number of advisors, experts,
17 consultants and employees as may, in the opinion of the Board, be required
18 to assist the Board in the discharge of their functions;

19 (g) pay to persons so employed such remuneration including
20 allowance as the Board may determine from time to time, with the approval
21 of the National Salaries, Incomes and Wages Commission;

22 (h) subject to the provisions of this Bill, make, alter, and revoke
23 rules and regulations for carrying out the functions of the Commission;

24 (i) subject to the provisions of this Bill, by general or special order
25 in writing, delegate to any member or officer of the Commission or any other
26 person subject to such conditions, if any, as may be specified in the order,
27 such of its powers and functions under this Bill as it may deem necessary;
28 and

29 (j) do such other thing which in the opinion of the Board are

	1	necessary and expedient to ensure the efficient discharge of the functions of the
	2	Commission.
	3	PART III - STAFF OF THE COMMISSION
Appointment of the Director General	4	7. There shall be for the Commission a Director General who shall:
	5	(a) be appointed by the President on the recommendation of the
	6	Senate;
	7	(b) be the Chief Executive and Accounting Officer of the
	8	Commission;
	9	(c) be a person with good knowledge and cognate academic and
	10	administrative experience;
	11	(d) have qualifications and experience as are appropriate for a person
	12	required to perform the functions of that office under this Bill;
	13	(e) hold office for a period of 4 years in the first instance and may be
	14	eligible for reappointment for a further term of 4 years and no more, and
	15	(f) hold office on such terms and conditions as to emoluments, and
	16	conditions of service as may be specified in his letter of appointment.
Cessation/Removal/ Resignation of the Director General	17	8. The Director General shall cease to hold office, if the person:
	18	(a) lacks physical or mental capacity to perform his functions;
	19	(b) becomes of unsound mind;
	20	(c) becomes bankrupt, and
	21	(d) is convicted of a felony, misconduct or of any offence involving
	22	dishonesty.
	23	(2) The Director General may be removed from office by the
	24	President if satisfied that it is not in the interest of the Commission or public
	25	that the person should continue in that office.
	26	(3) The Director General appointed by the President may resign his
	27	appointment by notice in writing addressed to the President.
Duties of the Director General	28	9.-(1) The Director General shall, subject to the general direction of
	29	the Board, be responsible for:
	30	(a) the execution of the policies and decisions of the Board;

1 (b) implementation of the Commission's regulatory and control
2 functions;
3 (c) the day to day administration of the Commission;
4 (d) keeping the books and proper records of the proceedings of the
5 Board;
6 (e) the administration of the secretariat of the Board, and
7 (f) the general direction and control of all other employees of the
8 Commission.

9 (2) The Director General may delegate the powers and duties, with
10 the prior approval of the Board, and on such terms and conditions, as may be
11 determined by the Board.

12 **10.**-(1) The Board shall appoint for the Commission such number
13 of employees as may in the opinion of the Board be expedient and necessary
14 for the proper and efficient performance of the functions of the Commission.

Other staff of
the Commission

15 (2) Nothing in this Bill shall preclude the Board from appointing
16 persons from outside the public service of the Federation or of the State
17 whenever it deems it necessary so to do.

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

21 **11.**-(1) Service in the Commission shall be approved service for
22 purposes of Pension.

Commencement

23 (2) Employees of the Commission shall be entitled to pension,
24 gratuity and other retirement benefits as are enjoyed by persons holding
25 equivalent grades in the Civil Service of the Federation.

26 (3) Notwithstanding the provisions of sub clause (1) or (2) of this
27 clause, nothing in this Bill shall prevent the appointment of a person to any
28 office on terms which preclude the grant of pension and gratuity in respect of
29 that office.

30 (4) For the purposes of the application of the provisions of the

1 Pension Reform Act, any power exercisable by a Minister or other authority of
2 the Government of the Federation, other than the power to make regulations
3 under section 23 thereof, is vested in and shall be exercisable by the Board.

4 PART IV - STRUCTURE OF THE COMMISSION

Structure of the
Commission

5 **12.-(1)** For the purposes of effective administration, the Commission
6 shall be structured into five operational departments as follows:

7 (a) Investigation, Monitoring and Enforcement;

8 (b) Licensing;

9 (c) Control and Monitoring;

10 (d) Research and Training; and

11 (e) Finance and Administration;

12 (2) The Board may create additional Departments and Committees
13 based on management recommendation and prevailing circumstances.

14 (3) Each Department shall be managed by a Director who is charged
15 with the responsibility of coordinating the functions of such department as
16 spelt out in the Administrative manual of the Commission.

17 PART V - FINANCIAL PROVISIONS

Fund of the
Commission

18 **13.-(1)** There shall be established and maintained by the Commission,
19 a Fund into which shall be paid:

20 (a) all allocations from the Federal Government;

21 (b) such monies as may, from time to time, be lent, deposited or
22 granted to the Commission by the Government of the Federation or of a State;

23 (c) all donations and Grants received from both local and
24 international organizations;

25 (d) fees, penalties, charges, administrative costs of proceedings, and
26 other moneys payable to the Commission in pursuance of this Bill;

27 (e) all monies received by the Commission as gifts, endowments,
28 loans, contributions, testamentary deposition or donations; and

29 (f) all other monies and assets which may accrue to the Fund from
30 time to time.

1 (2) The Fund shall be managed in accordance with rules made by
2 the Board and without prejudice to the generality of the power to make rules
3 under this sub clause, the rules shall in particular contain provisions:

4 (a) specifying the manner in which the assets of the Fund are to be
5 held and regulating the making payments into and out of the Fund; and

6 (b) requiring the keeping of proper accounts and records for the
7 purposes of the Fund in such form as may be specified in the rules.

8 **14.** The Commission shall apply the proceeds of the Fund
9 established pursuant to clause 12 of this Bill to:

Expenditure of
the Commission

10 (a) cost of administration of the Commission;

11 (b) publicizing and promoting the activities of the Commission;

12 (c) payment of official expenses of members of the Board and
13 committees of the Board;

14 (d) payment of salaries, allowances and benefits of employees of
15 the Commission;

16 (e) cost of maintenance of any property acquired or vested in the
17 Commission;

18 (f) capital expenditure approved by the Commission;

19 (g) the payment for all contracts, including mobilization,
20 fluctuations, variations, legal fees and cost on contract administration, and

21 (h) to undertaking such other expenses and activities as are
22 connected with all or any of the functions of the Commission under this Bill.

23 **15.-(1)** The Commission may accept gifts of land, money or other
24 property on such terms and conditions considered lawful.

Power to accept
gifts

25 (2) The Commission shall not accept any gift if the conditions
26 attached by the person or organization making the gift are inconsistent with
27 the functions of the Commission under this Bill.

28 **16.** The Commission may, with the approval of the Board, borrow,
29 on such terms and conditions as the Commission may require in the exercise
30 of its functions under this Bill.

Power to borrow

Annual Estimates
and Expenditure

1 **17.**-(1) The Director General shall, not later than 30th September of
2 each year, submit to the Board, an estimate of the expenditure and income for
3 the next succeeding year.

4 (2) The Board shall cause to be kept proper accounts of the
5 Commission in respect of each year and proper records in relation thereto and
6 shall cause the accounts to be audited not later than 6 months after the end of
7 each year by auditors appointed from the list in accordance with the guidelines
8 supplied by the Auditor-General of the Federation.

Annual Report

9 **18.**-(1) The Board shall prepare and submit to the President, not later
10 than 30th June in each year, a report in such form as the President may direct on
11 the activities of the Commission during the immediately preceding year, and
12 shall include in the report a copy of the audited accounts of the Commission for
13 that year and auditor's report thereon.

14 (2) The President shall, upon receipt of the report referred to in sub
15 clause (1) of this clause, cause a copy of the report and the audited accounts of
16 the Commission and the auditor's report thereon to be submitted to each House
17 of the National Assembly.

18 PART VI - LICENCES

Requirement
for Licence

19 **19.**-(1) No person shall operate an Estate Agency unless the person is
20 a holder of a license granted by Commission.

21 (2) The license under this clause may be issued to a person or class of
22 persons and every license shall be in such form and for such period and may
23 contain such conditions as the Commission may determine.

24 (3) The Commission may grant license to any Estate Agent subject to
25 such condition as may be imposed.

26 (4) Any person who acts in breach of sub clause (1) shall on
27 conviction be liable to:

28 (a) imprisonment for a term not exceeding one year or a fine not
29 exceeding ten times the initial fee for the relevant license or to both fine and
30 imprisonment; and

1 (b) forfeiture to the Commission of the property, facilities,
2 installations and equipment's used by such person for the provision and
3 operation of the unlicensed service.

4 (5) The Commission shall from time to time publish for the general
5 public, licensed Estate Agencies.

6 (6) Notwithstanding the provisions of any other law, the provisions
7 of this Part shall apply to existing Estate Agencies in Nigeria.

8 **20.**-(1) Any person may, subject to the provisions of this Bill, apply
9 to the Commission for a license. (2) Any application for registration must be
10 lodged in the prescribed manner and in accordance with the guidelines
11 published by the Commission.

Application for
License

12 (3) The Commission shall in the guidelines, specify the:

13 (a) kind of service in respect of which applications are invited;

14 (b) form in which applications may be submitted, including any fee
15 payable upon submission of an application;

16 (c) manner in which the service must be provided;

17 (d) place where and times when any application form or relevant
18 document may be obtained from the Commission, and

19 (e) period within which such applications must be submitted.

20 (4) The Commission may require an applicant for licence to submit
21 to the Commission within the period specified by it and at the applicant's
22 expense, such further information as may be necessary to consider the
23 application.

24 (5) The Commission shall within a period of six weeks after
25 receiving an application in accordance with sub clause (1) of this clause:

26 (a) issue a license subject to specified terms and conditions; or

27 (b) refuse to issue a license and give reasons in writing for such
28 refusal.

29 (6) The Commission shall from time to time issue guidelines and
30 regulations for granting of licenses for the purses of Estate Agency activities

1 (7) The Commission shall in granting licenses, be guided by the
2 principles of and consideration for:

3 (a) transparency, fairness and non-discrimination;

4 (b) the need to promote fair competition and investment in the
5 industry;

6 (c) the need to provide modern, qualitative, and competitive services
7 in Nigeria, and

8 (d) such other principles and considerations as the Commission may
9 from time to time consider necessary and in the national interest.

10 PART VII - MISCELLANEOUS PROVISIONS

Pre-action notice

11 **21.**-(1) A person aggrieved by any action or decision of the
12 Commission under this Bill, including such action or decision taken on the
13 basis of the Commission's power under this Bill may bring an action in the
14 Federal High Court provided that the aggrieved person shall give the
15 Commission 21 days' notice in writing of his intention to bring an action
16 against such action or decision.

17 (2) The intending Plaintiff shall serve on the Commission a formal
18 written notice which shall clearly and explicitly state:

19 (a) the cause of action;

20 (b) the particulars of the claim;

21 (c) the name and place of abode of the intending plaintiff; and

22 (d) the reliefs which the Plaintiff intends to claim.

23 (3) The notice of intention to initiate an action against the
24 Commission referred to in sub clauses (1) and (2) may be addressed to and
25 delivered to the office of the Director General.

Limitation of
suits against the
Commission

26 **22.**-(1) Subject to the provisions of this Bill, the provisions of the
27 Public Officers Protection Act shall apply in relation to any suit against any
28 member or Officer or employee of the Commission.

29 (2) Notwithstanding anything contained in any other law or
30 enactment, no suit shall lie against any member of the Board, the chairman or

1 any other officer or employee of the Commission for any act done in
2 pursuance or execution of this Bill or any other law or enactment, or any
3 alleged neglect or default in the execution of this Bill or such law or
4 enactment, duty or authority, shall lie or be against the Commission in any
5 court unless:

6 (a) it is commenced within three months after the act, neglect or
7 default complained of; or

8 (b) in the case of a continuation of damage or injury, within six
9 months next after the leasing thereof.

10 **23.** A notice, summons or other document required or authorized
11 to be served upon the Commission under the provisions of this Bill or any
12 other law or enactment may be served by delivering it to the Director
13 General.

Service of
documents

14 **24.** In any action or suit against the Commission, no execution or
15 attachment of process shall be made against the Commission, unless not less
16 than three months' notice of the intention to execute or attach has been given
17 to the Commission.

Restriction of
execution against
property of the
Board

18 **25.** A member of the Board, the Director General, any officer or
19 employee of the Commission, shall be indemnified out of the assets of the
20 Commission against any proceeding, whether civil or criminal, in which
21 judgment is given in their favor, or in which the person is acquitted, if any
22 such proceeding is brought against the person in their capacity as a member
23 of the Board, the Director General, officer or employee of the Commission.

Indemnity of
Officers

24 **26.** The Board may, with the approval of the Minister, make
25 regulations as may be necessary or expedient for giving full effect to the
26 provisions of this Bill and for its administration thereof.

Regulations

27 **27.** The President may give to the Board directions of a general
28 character or relating generally to particular matters (but not to any individual
29 person or case) with regard to the exercise by the Board of its functions
30 under this Bill, and it shall be the duty of the Board to comply with the

Power to give
Directives

	<p>1 directions; but no direction shall be given which is inconsistent with the duties</p> <p>2 of the Board under this Bill.</p> <p>3 (3) Notwithstanding any other provision in this Bill, the Commission</p> <p>4 shall prescribe and enforce appropriate penalties on any transport service</p> <p>5 provider who exceeds the tariff duly approved by the Commission for the</p> <p>6 provision of any of its services.</p>
Interpretation	<p>7 28. In this Bill, unless the context otherwise requires:</p> <p>8 "Board" means the National Estate Agency Regulatory Commission;</p> <p>9 "Chairman" means the chairman of the Board;</p> <p>10 "Minister" means the Minister charged with responsibility for matters relating</p> <p>11 to Works and Housing.</p>
Citation	<p>12 29. This Bill may be cited as National Estate Agency Regulatory</p> <p>13 Commission, Bill, 2021.</p>
	<p>14 SCHEDULE</p> <p>15 <i>Clause 4 (7)</i></p> <p>16 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD</p> <p>17 1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the</p> <p>18 Board may make standing orders regulating its proceedings or those of any of</p> <p>19 its committees.</p> <p>20 (2) The quorum of the Board shall be 5 members and the quorum of</p> <p>21 any committee of the Board shall be determined by the Board.</p> <p>22 2.-(1) The Board shall meet not less than 4 times in each year and</p> <p>23 subject thereto, the Board shall meet whenever it is summoned by the</p> <p>24 Chairman, and if the Chairman is required to do so by notice given to him by</p> <p>25 not less than 3 other members, he shall summon a meeting of the Board to be</p> <p>26 held within 14 days from the date on which the notice is given.</p> <p>27 (2) At any meeting of the Board, the Chairman shall preside but if he is</p> <p>28 absent, the members present at the meeting shall appoint one of them to preside</p> <p>29 at that meeting.</p> <p>30 (3) Where the Board desires to obtain the advice of any person on a</p>

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

5 3.-(1) The Board may constitute one or more Committees to carry
6 out, on behalf of the Board, such of its functions or the functions of the
7 Commission as the Board may determine.

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

13 (3) Subject to the provisions of this Bill and the decision of the
14 Board, a committee constituted under this Bill may regulate its own
15 proceedings and business.

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

18 4.-(1) The fixing of the seal of the Fund shall be authenticated by
19 the signature of the Chairman and any other person authorized generally or
20 specially to act for that purpose by the Board.

21 (2) Any contract or instrument which, if made or executed by a
22 person not being a body corporate, would not be required to be under seal
23 may be made or executed on behalf of the Fund by the Director General or
24 any person generally or specially authorized to act for that purpose by the
25 Board.

26 (3) Any document purporting to be a document duly executed
27 under the seal of the Fund shall be received in evidence and shall, unless and
28 until the contrary is proved, be presumed to be so executed.

29 5. The validity of any proceeding of the Board or of a committee
30 thereof shall not be adversely affected by any vacancy in the membership of

- 1 the Board or committee, or by any defect in the appointment of a member of the
- 2 Board or of a committee, or by reason that a person not entitled to do so took
- 3 part in the proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Estate Agency Regulatory Commission as an independent regulator for Estate Agents.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL GAS MANAGEMENT COMMISSION,
TO BE SADDLED WITH THE RESPONSIBILITY OF COORDINATING AND
REGULATING ALL FORMS OF GAS PRODUCTION ASSESSMENT AND SUPPLY,
LOCALLY AND INTERNATIONALLY TO EARN FOREIGN AND LOCAL
CURRENCIES FOR THE COUNTRY, ESPECIALLY, ENSURING AVAILABILITY
AND AFFORDABILITY TO BOTH LOW INCOME EARNERS IN URBAN AND
RURAL AREAS, AS TO CONTROL GAS WASTAGES AND FOR RELATED
MATTERS

Sponsored by Hon. Uju Kingsley Chima

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL GAS
2 MANAGEMENT COMMISSION

3	1.-(1) There is established a Commission to be known as the	Establishment
4	National Gas Management Commission (in this Bill referred to as “the	of the National
5	Commission).	Gas Management
		Commission

(2) The Commission shall be a corporate body with a perpetual succession and a common seal, may sue and be sued in its corporate name and shall operate under the presidency.

9	2.-(1) There is established for the Commission a Governing, Board	Establishment
10	("in this Bill referred to as "the Board").	of the Governing Board of the Commission

11 (2) The Board shall consist of:

(a) chairman, who shall be an experienced person(s) In oil
Exploration Expert and Administration, shall be appointed by the president
of the Federal Republic of Nigeria (FRN);

15 (b) A representative of:

	1	(i) Ministry responsible for Petroleum and Natural Resources;
	2	(ii) Ministry responsible for Finance, budget and National planning;
	3	(iii) CBN;
	4	(iv) EFCC;
	5	(v) NGO;
	6	(vi) Ministry Responsible for Environment; and
	7	(vii) IGPO Office.
	8	(c) the Chairman of the Commission, who shall serve as a member
	9	and secretary of the Board.
	10	(3) Members of the Board shall not be below the rank of a Director.
	11	(4) The supplementary provisions contained in the schedule to this
	12	Bill, shall have effect with respect to the proceedings of the board and other
	13	Matters.
Tenure of Members of the Board	14	3.-(1) The Commission and members of the Board, shall hold office
	15	for the four "4" years and renewable, subject to satisfactory performances, for
	16	further term of four "4" years and no more.
	17	(2) The members of the Board shall be paid such remunerations
	18	allowances as the President of the FRN, on recommendation of salaries and
	19	wages commission may from time to time determine.
Resignation, Cessation or removal of some members of the Board	20	4.-(1) The members of the Board may resign the appointment, by
	21	notice in writing addressed to the chairman, while the chairman shall address
	22	his/her letter of resignation to the President of the FRN.
	23	(2) A member of the Board, may cease membership if the member;
	24	(a) dies or becomes of unsound mind;
	25	(b) becomes bankrupt;
	26	(c) is convicted of a felony or of any offence involving dishonesty;
	27	(d) is guilty of serious misconduct in relation to the office;
	28	(e) in the case of a holding professional qualification, if the person(s)
	29	is disqualified or suspended from practicing the profession; or
	30	(f) cease to be a staff of the commission he is representing.

1 (3) A member of the Board may be removed, at any time, from the
2 office by the president of the "FRN", if the President of the "FRN" is
3 satisfied that it is not in the interest of the commission or the public that the
4 member should continue to hold office.

5 PART II - FUNCTIONS OF THE BOARD

6 5. The commission shall be responsible for:

Functions of the
Commission

7 (a) Coordinate and regulate all forms of Gas supply and
8 distribution from the oil sector to the public domain in Nigeria;

9 (b) Control Gas commercialization for the domestic and foreign
10 consumption with a view to earning both local and foreign currencies for the
11 country;

12 (c) Control Gas exploration and penetration in order to apprehend
13 and remedy environmental degradation and its hazard effects;

14 (d) Ensuring Gas flaring and control mechanism for better efficient
15 and effective management in the sector;

16 (e) Ensuring Gas availability to the urban and rural Areas to
17 affordable price for the low income earners consumption;

18 (f) Control and manage Gas wastages at the various rural
19 communities across Nigeria;

20 (g) Monitor and evaluate price of the Gas supply to the public
21 domain for the benefit of Nigerians;

22 (h) do any other function that maybe assigned to it by the President
23 of the Federal Republic of Nigeria that is incidental to the objectives of this
24 Bill.

25 6. The Board shall have powers to:

Powers of the
Board

26 (a) superintended smooth implementation of the functions of the
27 commission;

28 (b) approve guidelines in which Gas exploration, supply and
29 distribution within the Urban and Rural Areas are sustained for economic
30 developmental Growth in the Nation;

1 (c) approve appointment, discipline and promotion of staff of the
2 commission;

3 (d) approve creation of additional departments, divisions and units as
4 may deem necessary to achieve the objectives of the commission;

5 (e) perform any other function that may be assigned to it by the
6 President of the "FRN" from time to time; and

7 (f) do other thing that is incidental to the objectives of this Bill.

8 PART III- STAFF OF THE COMMISSION

Chairman and
Secretary of the
Commission

9 7.-(1) There shall be appointed for the commission a chairman, by the
10 president of the FRN, who shall possess cognate experience and qualification
11 in oil Exploration Expert and Administration, for a period of not less than 10
12 years.

13 (2) The chairman shall:

14 (a) be the Chief-Executive and accounting officer of the commission
15 and shall be" charged with:

16 (i) matters relating today-to-day management, and operations of the
17 commission; and

18 (ii) determining structure of ranks, for staff of the commission.

19 (b) hold office for a term of four "4" years and renewable, subject to
20 satisfactory performance, for further term of four "4" years, and no more; and

21 (c) be answerable to the Board.

22 (3) There shall be appointed for the commission, by the Board on the
23 recommendation of the chairman, a Secretary for the commission, who shall
24 qualify as a legal practitioner and was so qualified for a period of 10 years.

25 (4) The Secretary shall be:

26 (a) a legal adviser of the commission;

27 (b) a secretary of all the committees to be established by the
28 management committee; and

29 (c) answerable to the chairman of the commission.

- 1 **8.**-(1) The staff of the commission other than those, mentioned in Other Staff of
2 this Bill, shall be employed according to the procedure stipulated by the the Commission
3 Board.
- 4 (2) The staff can be on permanent or temporary appointment on the
5 terms which precludes the grants of pension and gratuity.
- 6 (3) The staff of the Commission who qualify as a legal practitioner, Cap. L11 LFN,
7 within the meaning of legal practitioners Act, shall in addition to other 2004
8 function, enter appearance to prosecute or defend any civil matters in any
9 court involving the commission.
- 10 **9.**-(1) The commission may subject to the provision of this Bill, Staff regulations
11 with the approval of the Board, make staff regulations, relating generally to
12 the condition of service in the commission such regulation may provide for
13 the appointment, promotion, discipline and appeals for the staff of the
14 commission;
- 15 (2) The staff of the commission shall be paid such salary and
16 allowances as may be determined by the president on recommendation of
17 the Board.
- 18 PART IV - STRUCTURE OF THE COMMISSION
- 19 **10.**-(1) There shall be establish for the commission, such number Departments of
20 of Departments, Divisions, and units as the commission, may with the the Commission
21 approval of the Board deem necessary.
- 22 (2) Each Department shall be headed by a Director who shall be
23 professionally qualified to hold the office appointed through a competitive
24 process.
- 25 (3) Subject to the approval of the Board, of the commission may
26 create additional departments, divisions and units as it may deem necessary
27 to achieve the objective of the commission.
- 28 **11.** The commission shall: Zonal offices of
29 (a) divide the federation into such number of zones as it may from the Commission
30 time to time, determine for effective organization of the commission; and

	1	(b) establish in each zone, a zonal office.
Establishment of Management and other Committees of the Commission	2	12.-(1) There is established for the commission, a management,
	3	committee comprising of all the Directors and the chairman of the commission,
	4	who shall be the chairperson of the committee.
	5	(2) The committee may create additional standing or Ad-Hoc
	6	committees and give them specific function.
	7	PART V - FINANCIAL PROVISIONS
Establishment of fund for the Commission	8	13. The commission shall establish and maintain a fund, which shall
	9	be paid and credited-
	10	(a) all subventions and budgetary allocation from the Federal
	11	Government;
	12	(b)all sums accruing to the commission by the way of gifts,
	13	endowments, bequests, grants or other social contributions, by person(s) and
	14	organizations;
	15	(c) returns of investments;
	16	(d) foreign donations or aid;
	17	(e) all local donations or aid and assistances; and
	18	(f) all other sums which may from time to time, accrued to the
	19	commission.
Application and management of the fund	20	14. The commission shall manage and apply its fund, in accordance
	21	with the general guidelines made by the management committees, particularly
	22	on:
	23	(a) general operations of the commission;
	24	(b) cost of payment of allowances to the members of the board;
	25	(c) payment of salaries and other allowances for the staff of the
	26	commission;
	27	(d) maintenance of any property vested In the commission; and
	28	(e) cost of procurement of goods and consultancy, services for the
	29	benefits of the commission.

1	15. The commission shall not later than so" September each year	Annual Budget
2	or other date stipulated by law or policy, submit to the president an	of the Commission
3	expenditure estimate or income of the commission as approved by the Board	
4	for the next fiscal year, for incorporation into the Federation budget.	
5	16. The commission shall submit to the Board quarterly report of	Reports
6	the activities of the commission and the Board shall submit annual report of	
7	its activities to the president of FRN.	
8	PART VI - MISCELLANEOUS PROVISIONS	
9	17. A person who has a cause of action against the commission	Procedure and
10	shall:	Limitation of suit
11	(a) give the commission three months' notice, in writing, of	against the
12	intention to commence an action, and the relief sought to be served on the	Commission
13	commission at its head office; and	
14	(b) commence the legal action within one 'l' month from the date of	
15	the cause arose.	
16	18. Any document, summons, notices, process or any other thing	Services of
17	required or authorized to be served to the commission, shall be served by	process
18	delivering same to the office of the chairman of the commission.	
19	19. Every member of the commission, agents or employees of the	Indemnity of
20	commission, shall be indemnified from the fund of the commission, against	members etc.
21	any liability incurred In defending any proceeding brought against the	
22	person(s) under this clause, in the person's capacity as member or employee	
23	of the commission.	
24	20. The commission may subject to the provisions of, Land Use	Acquisition of
25	Act and any other applicable law, have powers to lease, rent or acquire an	property. Cap. L40
26	interest in land and other properties.	LFN 2004
27	21. The commission with approval of the Board shall have power	Regulations
28	to make regulations for-effective implementation of the provisions of this	
29	Bill.	

Directives by the President	1	22. The President may give to the commission such, directives
	2	dealing with matters of general policy and maintenance of public safety and
	3	peace in Nigeria.
Power to obtain information	4	23. For purpose of carrying out the functions of the commission under
	5	this Bill, the chairman, or any officer of the commission shall:
	6	(a) have powers of access to any premises or record, within a
	7	reasonable time to obtain information of record of person affected by this Bill;
	8	and
	9	(b)by notice in writing served on person to provide an information
	10	required for carrying out the functions of the commission.
Citation	11	24. This Bill may be cited as the National Gas Management
	12	Commission Bill, 2021.

1 SCHEDULE

2 *Clause 2(3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 PART I - PROCEEDINGS OF THE BOARD

5 1.-(1) Subject to the Provisions of this Bill and other applicable
6 laws, the Board may make Standing orders regulating its proceedings.7 (2) The Board shall meet whenever summoned by the Chairman, or
8 if required to do so, by at least five '5' members out of '10' ten members of the
9 Board, and shall meet for a minimum of 4 times in each Fiscal year.10 (3) The Chairman shall preside over the meetings of the
11 commission and in his/her absence, the Secretary of the commission, may
12 act and report back to the Chairman.13 (4) The quorum of the Board shall be formed by the Chairman or a
14 person sitting (secretary) in his/her place as chairman and five "5" other
15 members of the Board or more.

16 PART II - COMMITTEES

17 2.-(1) The Board may appoint committees and sub-committees to
18 carry out, on its behalf, such functions that Board shall do.19 (2) The decision of the sub-committee appointed under paragraph. 2(1) shall
20 have no effect until it is approved by the committee and the Board.

21

22 PART III - MISCELLANEOUS

23 1.-(1) The Secretary of the Board shall be the custodian of the seal
24 of the Board.25 (2) Fixing of the common seal of the commission shall be
26 authenticated by the signature of the chairman 'of the Board or some other
27 person(s) authorized to do so.28 (3) Any contract or instrument, which if made or executed by a
29 person(s) not being a corporate body, shall not require to be made under seal,
30 shall be executed on behalf of the commission by the chairman or any other

1 person authorized to do so.

2 (4) Where the Board desires to obtain an expert opinion from a person
3 not being a member of the board, the Board may co-opt such person for such
4 period the Board may determine but the co-opted person shall not have the right
5 to vote or to count in forming a quorum.

6 (5) The validity of any proceeding of the Board or of a committee
7 shall not be adversely affected by any vacancy in the membership of the Board
8 or committee or by any defect in the appointment of a member of the Board or
9 committee or by reason that a person not entitled to take part in the proceedings
10 of the Board or the committee took part.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Gas Management Commission, to be saddled with the responsibility of coordinating and regulating all forms of Gas production assessment and supply, locally and internationally to earn foreign and local currencies for the country, especially, ensuring availability and affordability price to both low income earners in Urban and Rural Areas, as to control Gas wastages.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO CHANGE THE NAME OF KUNCHI
LOCAL GOVERNMENT AREA TO GHARI LOCAL GOVERNMENT AREA IN
KANO STATE AND FOR RELATED MATTERS

Sponsored by Hon. Sani Umar Bala

[] Commencement

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

- | | | |
|---|--|--|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the
Constitution |
| 2 | this Bill referred to as the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. Part 1 of the First Schedule to the Principal Act is altered by | Alteration of
Part 1 of the First
Schedule |
| 4 | substituting for the word "Kunchi" in paragraph 19 line 8 with the word | |
| 5 | "Ghari" | |
| 6 | 3. This Bill may be cited as Constitution Alteration Bill, 2021. | Citation |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal
Republic of Nigeria, 1999 to change the name of Kunchi Local Government
Area to Chari Local Government Area in Kano State.

A BILL

FOR

AN ACT TO AMEND THE ORTHOPAEDIC HOSPITALS MANAGEMENT BOARD
ACT TO ESTABLISH THE NATIONAL HOSPITAL ABUJA, IN THE FEDERAL
CAPITAL TERRITORY AND FOR RELATED MATTERS

Sponsored by Hon. Ademorin A. Kuye

[] Commencement

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

1 **1. The Orthopaedic Hospital Management Board Act, Cap O10**
2 **LFN 2004 (hereinafter called "the Principal Act") is amended as set out**
3 **below.**

Amendment of
the Orthopaedic
Hospital
Management
Board Act,
Cap. O10 LFN
2004

4 2. The Second Schedule of the Principal Act is amended to
5 establish the National Orthopaedic Hospital Abuja, FCT (in this bill referred
6 to as "the Orthopaedic Hospital Abuja") and the Orthopaedic Hospital shall
7 serve subject to the provision of this Bill.

Amendment of the Second Schedule

8 3. The Second Schedule to the Principal Act is further amended to
9 insert the Orthopaedic Hospital Abuja in line four of the Second Schedule
10 immediately after Orthopaedic Hospital Kano, under the Control and
11 Management of the Board

Amendment of the Second Schedule

12 **4.** The Third Schedule of the Principal Act is amended by inserting
13 the Orthopaedic Hospital Abuja, and The University of Abuja Teaching
14 Hospital as an affiliate Teaching Hospital.

Amendment of the Third Schedule

15 **5.** This Bill may be cited as the Orthopaedic Hospitals
16 Management Board Act (Amendment) Bill, 2021.

Citation

EXPLANATORY NOTES

This Bill seeks to amend the Orthopaedic Hospitals Management Board Act Cap O10 LFN 2004 to establish the National Orthopaedic Hospital Abuja, FCT to be under the control of the Orthopaedic Hospitals Management Board and affiliated with the University of Abuja Teaching Hospital to provide specialized orthopaedic treatment and medical services.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF MEDICAL LABORATORY SCIENCE AND TECHNOLOGY JOS AND TO PROVIDE FOR COURSES LEADING TO THE AWARD OF DIPLOMAS AND CERTIFICATES IN MEDICAL LABORATORY TECHNOLOGY AND OTHER RELATED COURSES AND FOR RELATED MATTERS

Sponsored by Hon. Ahmed Idris

[] Commencement

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

1 **1.**-(1) There is hereby established a Federal College of Medical
2 Laboratory Science and Technology Jos (in this Act referred to as lithe
3 College") which shall have the functions and powers conferred on it by this
4 Act.

Establishment
of the Federal
College of Medical
Laboratory Science
and Technology
Jos

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

8 **2.** The College shall consist of:

Constitution of
the College

9 (a) A Governing Board;

10 (b) An Academic Board;

11 (c) A Body to be called Congregation;

12 (d) A Body to be called Convocation.

13 **3.**-(1) there is also established for the College the Governing
14 Council of the Federal College of Medical Laboratory Science (In this Act
15 referred to as "the Council").

Establishment
and Composition
of the Governing
Council of the
College

16 (2) The Council shall consist of:

17 (a) A Chairman who is a Fellow of Medical Laboratory Science

18 Council of Nigeria and shall be appointed by the President; and

	1	(b) A representative of each of the following Federal Ministries:
	2	(i) Health;
	3	(ii) Education.
	4	(c) A representative of the Association of Medical Laboratory
	5	Scientist of Nigeria;
	6	(d) Two persons, at least one of whom shall be a woman, selected on
	7	their personal merit based on their contribution either to the development of
	8	Medical Laboratory Science or their special interest in Medical Science
	9	education;
	10	(e) The Provost of the College; and
	11	(f) A representative of the Academic Board of the College.
Schedule	12	(3) The Supplementary Provisions set out in the Schedule to this Act
	13	shall have effect with respect to the proceedings of the Council and other
	14	matters contained therein.
Tenure Office of Members of Council	15	4.-(1) A member of the Council (other than an ex-officio member)
	16	Shall hold Office for a term of three (3) years and subject to subsection (2) of
	17	this Section shall be eligible for re-appointment for a further period of three (3)
	18	years and no more.
	19	(2) A member of Council other than an ex-officio member may by
	20	notice address to the Council resign his appointment.
	21	(3) The Ministry may, in writing with the approval of the President
	22	remove any member of the Council if he is satisfied that it is not in the interest
	23	of the College that the member concerned should continue in office.
	24	(4) Member of the Council other than ex-officio member shall be paid
	25	such remuneration and allowances as may from time to time be determined by
	26	the President.
Functions of the College	27	5. The function of the College shall be to:
	28	(a) Provide courses of instruction, training and research in:
	29	(i) Medical Laboratory Science;
	30	(ii) Such other fields of applied learning relevant to the needs of the

1 development of Nigeria in the areas of Medical Laboratory Science courses;
2 and for research in the development and adaption of techniques as the
3 Council may from time to time determine;

4 (b) Produce technical, professional and such other skilled
5 Personnel normally required for Medical Laboratory Science, (c) Arrange
6 Conferences, Seminars and Study groups relevant to the fields of learning
7 specified in subsection (a) above;

8 (c) Perform such other functions as in the opinion of the Council
9 may serve to promote the objective of the College.

10 6.-(1) subject to the provisions of this Act, the Council shall be the
11 Governing Body of the College and shall control the general management of
12 the affairs of the College and in particular, the control of the property and
13 finances; and shall also have power to do anything which in its opinion is
14 calculated to facilitate carrying out the activities of the College and promote
15 its best interests.

Functions of the
Council

16 (2) The Council may acquire and hold such movable or immovable
17 property as may be necessary or expedient for carrying into effect the
18 provisions of this Act and for the same purpose may sell, lease, mortgage or
19 otherwise alienate or dispose of any property so acquired;

20 (3) The Council may enter into such contract as may be necessary
21 or expedient for carrying into effect the provisions of this Act.

22 7. The College shall have power to:

Powers of the
College

23 (a) Award Diplomas and Certificate for courses provided by it
24 under section 5 of this Act;

25 (b) Enter into such contracts as may be necessary or expedient for
26 carrying into effect the provisions of this Act;

27 (c) Acquire, hold, lease, sell, mortgage or otherwise alienate or
28 dispose of any property, movable or immovable;

29 (d) Invest its funds in such manner and to such extent as it may
30 think necessary or expedient;

	1	(e) Establish and maintain a library, comprising such books, journals,
	2	records, reports and other publications and information systems as may be
	3	required for the discharge of the functions conferred on the College by this Act;
	4	(f) Accept gifts of land, money or other property upon such terms and
	5	conditions, if any, as may be specified by the person or Organization making
	6	the gift. Provided that the College shall not accept any gifts if the terms and
	7	conditions attached there to are inconsistent with its functions under this Act;
Directives by the Minister	8	8. The Minister may give the Council Directives of a General
	9	Character or relating generally to matters of Policy with regard to the exercise
	10	by the Council of functions under this Act and it shall be the duty of the Council
	11	to comply with such directives.
Appointment of the Provost of the College	12	9.-(1) There shall be a Provost for the College (in this Act referred to
	13	as "the Provost") who shall be a Fellow of Medical Laboratory Science Council
	14	of Nigeria and shall be appointed by the Board from a list supplied to it by the
	15	Academic Board, of three persons of high academic standing, proven
	16	administrative ability and good character, and on such terms and conditions of
	17	service as stipulated in his letter of appointment.
	18	{2} The Provost shall be the Chief Academic and Administrative
	19	Officer of the College.
Qualification for the post of Provost	20	10. A person to be appointed Provost shall possess:
	21	(a) A Post Graduate Degree in Medical Laboratory Science with
	22	evidence of publications in the relevant fields;
	23	(b) Appropriate professional qualifications in Medical Laboratory
	24	Science and be registered with the Medical Laboratory Science Council of
	25	Nigeria;
	26	(c) Not less than 10 years cognate experience in the field of Medical
	27	Laboratory Science.
Duties of the Provost	28	11. The Provost shall be responsible for:
	29	(a) The day to day administration of the College;

1 (b) The exercise of general authority over the employees of the
2 College; and

3 (c) The discipline of the students in the College.

4 **12.** The Provost shall hold office for a period of four (4) years and
5 shall be re-appointed for a further period of four (4) years and no more. Tenure of Office
of the Provost

6 **13.** The Provost shall hold office on such terms and conditions as
7 may be determined by the Minister and set out in his letter of appointment. Terms and
Conditions of office
of the Provost

8 **14.** Where the post of the Provost is vacant, the Council shall: Vacancy of Office
of Provost

9 (a) advertises the vacancy in a reputable journal and widely read
10 newspaper in Nigeria specifying:

11 (i) The qualities of a person who may apply for the position;

12 (ii) The terms and conditions of service applicable to the post and
13 thereafter, draw up a short list of suitable candidates for consideration;

14 (b) A Joint Committee of the Council and the Academic Board
15 consisting of:

16 (i) The Chairman of the Council;

17 (ii) two members of the Council not being members of the
18 Academic Board and not below the rank of Chief Lecturer shall be
19 considered the candidates on the short list drawn up under subsection (a) (ii)
20 of this section through an examination of their curriculum vitae and
21 interaction with them and recommend to the Council qualified candidates
22 for its consideration.

23 **15.-(1)** there shall be a Registrar for the College who shall be Registrar of the
College
24 Responsible to the Provost for the day-to-day administration of the College
25 and shall perform such other duties as the Council, or as the case may be, the
26 Provost may from time to time require him to do;

27 (2) The Registrar shall be the Secretary to the Council, the
28 Academic Board and any Committee of the Council and shall attend all the
29 meetings of those bodies unless excused for good cause or reason by the
30 Chairman of the Council;

Tenure of Office
of the Registrar

1 (3) Where the Registrar is absent for a meeting of the Council, the
2 Chairman of the Council may, after consultation with the Provost, appoint a
3 suitable person to act as secretary for any particular meeting the Council;

4 (4) The Secretary to the Council or a person appointed to act under
5 subsection (3) of this section shall not be entitled to vote on any question before
6 the Council or be counted towards a quorum unless such a person is so entitled
7 as a member of the Council.

8 **16.-(1)** a Registrar:

9 (a) shall hold office for a period of four years effective from the date of
10 his appointment and on such terms and conditions as may be specified in the
11 letter of his appointment; and

12 (b) May be re-appointed for one further period of four years and no
13 more (2) Where on the commencement of this Act, a Registrar has held office:

14 (a) For four (4) years or less, he shall be deemed to be serving his first
15 term of office and may be re-appointed for a further term of four years;

16 (b) for more than four (4) years but less than eight (8) years, he shall
17 complete the maximum period of eight (8) years and thereafter relinquish his
18 position and be assigned other duties in the College;

19 (c) for eight (8) years or more, the Council may allow him to serve as
20 Registrar for a further period of one year only and thereafter he shall relinquish
21 his post and be assigned other duties in the College

Appointment
of the Deputy
Provosts

22 **17.-(1)** there shall be for the College two (2) Deputy Provosts who
23 shall assist the Provost in the discharge of his functions as follows:

24 (i) Deputy Provost I – Administration;

25 (ii) Deputy Provost II – Academics.

26 (2) Each Deputy Provost shall be a person of high Academic and
27 moral standing and manifest administrative experience, and shall be appointed
28 by the Council on the recommendation of the Provost;

29 (3) the Council shall appoint the Deputy Provost from among the
30 Chief Lecturers in the College in one of the following ways:

1 (a) From a list of three candidates, in order of preference, submitted
2 by the Provost, or

3 (b) On the recommendation of the Selection Board constituted for
4 the College.

5 (3) The Selection Board referred to in subsection (3)(b) of this
6 section shall consist of:

7 (i) The Chairman of the Council;

8 (ii) The Provost;

9 (iii) Two members of the Council not being members of the
10 Academic Board,

11 (iv) Two members of the Academic Board, and

12 (b) Make such inquiries as it deems fit before making the
13 recommendation required under subsection (3)(b) (4) The Deputy Provosts
14 shall:

15 (a) Assist the Provost in the performance of his functions;

16 (b) Act (in the case of the Deputy Provost I) in the place of the
17 Provost when the post of the Provost is vacant or if the Provost is, for any
18 reason, absent or unable to perform his functions as Provost; and

19 (c) Perform such other functions as the Provost or the Council may
20 from time to time, assign to them;

21 (5) A Deputy Provost:

22 (a) Shall hold office for a period of four (4) years beginning from
23 the effective date of his appointment and on such terms and conditions as
24 may be specified in his letter of appointment; and

25 (b) May be re-appointed for one further period of four years and no
26 more.

27 **18.-(1)** there shall be for the College the following other Principal
28 Officers in addition to the Registrar, that is:

Other Principal
Officers of the
College

29 (a) The Bursar;

30 (b) The College Librarian;

1 (c) The Director of Works Services;

2 (d) The Director of Medical and Health Services; who shall be
3 appointed by the Council on the recommendation of the Selection Board
4 constituted under section 17 (3)(b) of this Act.

5 (2) The Bursar shall be the Chief Financial Officer of the College and
6 shall be responsible to the Provost for the day to day administration and control
7 of the financial affairs of the College.

8 (3) The College Librarian shall be responsible to the Provost for the
9 administration of the College Library and the co-ordination of the library
10 Services in the teaching units of the College.

11 (4) The Director of Works Services shall be responsible to the Provost
12 for the maintenance of the College buildings, minor works, transport and the
13 supervision of the College's constructions projects.

14 (5) The Director of Medical and Health Services shall be responsible
15 to the Provost for the supervision of the Medical and Health Services and
16 facilities of the College.

17 (6)(a) The Principal Officers mentioned in subsection (1) of this
18 section, shall hold office for a period of four (4) years in the first instance and
19 on such terms and conditions as may be specified in his letter of appointment;

20 (b) May be re-appointed for a further period of four (4) years and no
21 more;

22 (c) Any question as to the scope of the responsibilities of the aforesaid
23 Officers shall be determined by the Provost.

24 (7) Where on the commencement of this Act, a Bursar, Librarian,
25 Director of Works Services and Director of Medical and Health Services has
26 held office:

27 (a) For four (4) years or less, he shall be deemed to be serving his first
28 term of office and may be re-appointed for a further term of four (4) Years;

29 (b) For more than four (4) years but less than eight (8) years he, shall
30 complete the maximum period of eight years (8) and thereafter relinquish his

1 post and be assigned other duties in the College;

2 (c) For eight (8) years or more, he shall relinquish his post and be
3 assigned to other duties in the College.

4 **19.** Principal Officer may resign his appointment:

Resignation of
appointment by
Principal Officers

5 (a) In the case of the Provost, by notice to the Council who shall
6 forward it to the President;

7 (b) In any other case, by notice to the Provost who shall forward it
8 to the Council.

9 **20.-(1)** The Council may appoint such other persons to be
10 employees of the College as the Council may determine to assist the Provost
11 and the Principal Officers of the College in the performance of their
12 functions under this Act.

Appointment of
other employees
of the College

13 (2) The power to appoint all other Staff of the College apart from
14 the Provost and the Principal Officers shall be exercised;

15 (a) In the case of a Senior Staff, by the Council on the
16 Recommendation of the Senior Staff Appointments and Promotions
17 Committee set up under the provision of paragraph 2 (2) (a) of the Schedule
18 to this Act;

19 (b) In the case of a Junior Staff, by the Provost on the
20 Recommendation of the Junior Staff Appointments and Promotions
21 Committee set up under paragraph 2 (2) (b) of the Schedule to this Act.

22 (3) The remuneration of staff of the College shall be determined by
23 the Council with the approval of the Minister.

24 **21.-(1)** The Council may, subject to the provisions of this Act,
25 make Staff regulations relating generally to the conditions of service of the
26 staff of the College and without prejudice to the generality of the foregoing,
27 such regulations may provide for:

Staff Regulations
and Conditions
of Service

28 (a) The appointment, promotion and discipline of employees of the
29 College;

30 (b) Appeals by such employees against dismissal or other

1 disciplinary measures, and until such regulations are made, any instrument
2 relating to the Conditions of Service of Public Officers in the university system
3 shall be applicable, with such modifications as may be necessary, to employees
4 of the College;

5 (c) The rates of remunerations, scales of salary, contract conditions,
6 super-annuations arrangements and other conditions of service of members of
7 the Academic, Administrative and Technical staff shall be determined from
8 time to time by the Council; and

9 (d) The Provost/CEO and other Academic staff shall retire on
10 attainment of 65 years of age, while Non-Academic staff shall retire on
11 attainment of 60 years of age as applicable to other Training/Research
12 Institutions

13 (2) Staff regulations made under subsection (1) of this section shall
14 not have effect until approved by the Minister and when so approved, the
15 regulations need not be published in the gazette but the Council shall cause
16 them to be brought to the notice of all affected persons in such manner as it may,
17 from time to time, determine.

Establishment
of Academic
Board for the
College

18 **22.-(1)** there shall be established for the College a Board to be Known
19 as the Academic Board which shall consist of the following members:

20 (a) The Provost of the College as the Chairman;

21 (b) The Deputy Provosts of the College,

22 (c) All Heads of Departments;

23 (d) The Librarian; and

24 (e) Not more than two members of the Academic Staff other than
25 Heads of Departments who may be appointed by the Academic Board.

26 (2) The Academic Board shall be responsible for:

27 (a) The Direction and Management of Academic matters of the
28 College including the regulation of admission of students, the award of
29 certificates in Medical Laboratory Science, based on agreed quota by NUC and
30 MLSCN, scholarships, prizes and other Academic distinctions;

1 (b) Presenting to the Council of such periodic reports on such
2 Academic matters as the Academic Board may think fit or as the Council
3 may from time to time direct; and

4 (c) The discharge of any other functions which the Council may
5 delegate to it.

6 *Removal from office*

7 **23.** Where it appears to the Council that the Provost should be
8 removed from office, on the grounds of misconduct or conviction from a
9 court of competent jurisdiction and or panel of inquiry if not challenge in
10 court or inability to perform the functions of his office, the Council shall
11 make a recommendation to that effect to the President and if the President,
12 after making such inquiries as he considers necessary, approves the
13 recommendation, the President shall in writing, declare the office of the
14 Provost vacant.

Removal of the
Provost from Office

15 **24.-(1)** Where it appears to the Council that there are reasons for
16 believing that any person employed as a member of the Academic Staff,
17 Administrative or Technical staff of the College other than the Provost,
18 should be removed from office on the ground of misconduct or inability to
19 perform the functions of his office the Council shall;

Removal of Staff
of the College from
Office

20 (a) Give notice of those reasons to the person in question,

21 (b) Afford him an opportunity of making representations in person
22 on the matter to the Council; and

23 (c) If he or any three members of the Council so request within the
24 period of one month beginning with the date of the notice, make
25 arrangements:

26 (i) If he is an Academic Staff, for a joint committee of the Council
27 and the Academic Board to investigate the matter and report to the Council;

28 (ii) For a Committee of the Council to investigate the matter, where
29 it relates to any other member of staff of the College and report to the
30 Council; and

1 (iii) For the person in question to be afforded an opportunity of
2 appearing and making presentations before the Investigation Committee with
3 respect to the matter. And if the Council after considering the report of the
4 Investigating Committee, is satisfied that the person in question should be
5 removed as aforesaid, the Council may so remove him by an instrument in
6 writing signed on the directions of the Council.

7 (2) The Provost may, in the case of misconduct by a member of staff
8 which in the opinion of the Provost is prejudicial to the interests of the College,
9 suspend such member and any such suspension shall forthwith be reported to
10 the Council.

11 (3) A member of staff may be suspended from office for good cause,
12 or his appointment may be terminated by the Council. For the purpose of this
13 Subsection, "good cause" means:

14 (a) Any physical or mental incapacity which the Council, after
15 obtaining advice from a panel of two (2) Medical Experts constituted by the
16 Council, considers to be such as to render the person concerned unfit for the
17 discharge of the functions of his office;

18 (b) Any physical or mental incapacity which the Council, after
19 obtaining medical advice from a panel of two (2) Medical Experts constituted
20 by the Council, considers to be such as to render the person concerned unfit to
21 continue to hold his office;

22 (c) Conduct of a scandalous or disgraceful nature which the Council
23 considers to be such as to render the person concerned unfit to continue to hold
24 his office;

25 (d) Conduct which the Council considers to be such as to constitute
26 failure or inability of the person concerned to discharge the functions of his
27 Office or to comply with the terms and conditions of service.

28 (4) Any person suspended pursuant to subsection (2) or (3) of this
29 Section, shall be placed on half pay and the Council shall before the expiration
30 of the three months after the date of such suspension considers the case against

1 that person and come to a decision as to:

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

4 (b) Whether to reinstate such person, in which case the Council
5 shall restore his full emoluments to him with effect from the date of
6 suspension;

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

10 (d) Whether to take such lesser disciplinary action against such
11 person {including the restoration of such proportion of his emoluments that
12 might have been withheld as the Council may determine, and in any case
13 where the Council, pursuant to this section, decides to continue a person's
14 suspension or decides to take further disciplinary action against a person, the
15 Council shall before the expiration of a period of three months from such
16 decision come to a final determination in respect of the case concerning any
17 such person.

18 (5) It shall be the duty of the person by whom an instrument of
19 removal is signed in pursuance of subsection {1} above to use his best
20 endeavors to cause a copy of the instrument to be served as soon as
21 reasonably practicable on the person to whom it relates.

22 (6) Nothing in the foregoing provisions of this section shall prevent
23 the Council from making such regulations for the discipline of other
24 categories of staff and workers of the College as it may think fit.

25 *Discipline*

26 **25.-(1)** The Council may make rules providing for the Provost to
27 conduct enquiries into alleged acts of misconduct (including lack of
28 discipline) by students and such rules may make different provisions for
29 different circumstances.

Discipline of
Students

30 (2) The rules shall provide for the procedure and rules of evidence

1 to be followed at enquiries under this section.

2 (3) Subject to the provisions of this section, where it appears to the
3 Provost that any student of the College has been guilty of misconduct, the
4 Provost may without prejudice to any other disciplinary powers conferred on
5 him by this Act or regulations, made hereunder direct:

6 (a) That the student shall not, during such period as may be specified
7 in the Direction, participate in such activities of the College or make use of
8 such facilities of the College as he may specify;

9 (b) That the activities of the students shall during such period as may
10 be specified in the Direction, be restricted in such manner as may be so
11 specified:

12 (c) That the student be suspended for such period as may be specified
13 in the Directions: and

14 (d) That the student be expelled from the College.

15 (4) Where the post of the Provost is vacant or where the Provost
16 refuses to apply any disciplinary measures the Council may either directly or
17 through some other staff apply such disciplinary actions as are specified in
18 subsection (1) of this section to any Student of the College who is considered
19 guilty of misconduct.

20 (5) Where a Direction is given under subsection (3) (c) or (d) above in
21 respect of any Student, the Student may, within a period of twenty one (21)
22 days from the date of the letter communicating the decision to him appeal from
23 the Direction to the Council; and where such an appeal is brought, the Council
24 shall, after causing such inquiry to be made in the matter as the Council
25 considers just either confirm or set aside the Direction or modify it in such
26 manner as the Council may think fit.

27 (6) The fact that an appeal from a Direction is pending pursuant to
28 subsection (5) of these sections shall not affect the operation of the Direction
29 while the appeal is pending.

30 (7) The Provost may delegate his powers under this section to a

1 Disciplinary Committee of such members of the College as he may
2 nominate.

3 (8) Nothing in this section shall be construed as terminating a
4 Student's activity (ies) at the College except on the ground of misconduct.

5 (9) It is hereby declared that the Direction under subsection (3) (a)
6 of this section may be combined with a Direction under subsection (3) (b) of
7 this section.

8 (10) In all cases under this section, the decision of the Governing
9 Council shall be final.

10 *Financial provisions*

11 **26.**-(1) The Council shall keep proper records and accounts of its
12 activities and shall cause to be prepared not later than 1st October in each
13 financial year an estimate of its revenue and expenditure for the ensuing
14 financial year and when prepared the estimates shall be submitted to the
15 Minister for approval.

16 (2) At the end of each financial year but not later than 30th June, the
17 Council shall cause to be prepared a statement of its income and expenditure
18 during the previous financial year. The statement referred to in subsection
19 (2) above shall, when certified by the Provost, be audited by a Firm of
20 Auditors appointed by the Council from a list of four (4) Firms in
21 accordance with the guidelines supplied by the Auditor General of the
22 Federation and shall be published in the Annual Report of the College.

23 **27.**-(1) The College shall establish and maintains a fund from
24 which shall be defrayed all expenditure incurred by the College in the
25 performance of its functions under this Act.

Establishment of
Fund for the
College

26 (2) The funds of the College shall include:

27 (a) Such sums as may, from time to time, be granted to the College
28 by the Federal Government of Nigeria;

29 (b) Fees charged and payable to the College by the Students;

30 (c) Any other amount, charged or dues recoverable by the College;

	1	(d) Revenue from time to time accruing to the College by way of
	2	Subvention, grants-in-aid, endowment or otherwise;
	3	(e) Interest on investments; and
	4	(f) Donations and legacies accruing to the College from any source,
	5	for the general or special purpose of the College.
Donations for particular purposes	6	28. -(1) Donations of money to be applied to any particular purpose
	7	shall be placed to the credit of a Special Reserve Account approved by the
	8	Council until such time as they may be expended in fulfillment of such
	9	purpose.
	10	(2) The Council shall not be obliged to accept a donation for a
	11	particular purpose unless it approves of the terms and condition attached to
	12	such donation.
Payment into Bank	13	29. All sums of money received on account of the College shall be
	14	paid into such bank as may be approved for the credit of the College's general
	15	current or deposit account.
Annual Report	16	30. The Council shall on or before 31st December in each year
	17	prepare and submit to the President through the Minister a report of its
	18	activities during the preceding financial year and shall include in the report, the
	19	audited accounts of the College in respect of that financial year and the
	20	Auditor's comments on the account.
	21	<i>Miscellaneous and supplemental</i>
Power to make bye-laws	22	31. -(1) The Council may make bye-laws relating to any matter within
	23	its competence under this Act other than matters for which provision is to be
	24	made by standing orders pursuant to paragraph (6) of the schedule to this Act.
	25	(2) All such bye-laws shall be in writing and shall come into force
	26	when sealed with the seal of the Council unless some other date for their
	27	commencement is prescribed therein.
	28	(3) Nothing in subsection (2) above shall make it obligatory for the
	29	Council to publish any of the said bye-laws in the Gazette but the Governing
	30	Council shall bring such bye-laws to the notice of all affected persons.

1 **32.** No person shall be required to satisfy requirements as to any of
2 the following matters, that is to say, race (including ethnic grouping), sex, of
3 place of birth, family origin, religious or political persuasion as a condition
4 for becoming or continuing to be a Student at the College or as a holder of
5 any certificate of the College or any appointment or employment at the
6 College, or a member of any Body established by virtue of this Act; and no
7 person shall be subjected to any disadvantage or accorded any advantage in
8 relation to the College by reference to any of the aforementioned matters.
9 Provided that nothing in this section shall be construed as preventing the
10 College from imposing any disability or restriction on any person(s) where
11 such person willfully refuses or falls on grounds of religious belief to
12 undertake any duty generally and uniformly imposed on all such person(s)
13 or any group of them which duty, having regard to its nature and the special
14 circumstance pertaining thereto is, in the opinion of the College, reasonably
15 justifiable in the national interest.

Exclusion or
discrimination on
account of race,
religion etc.

16 **33.-(1)** By virtue of this Act, all property (movable and
17 immoveable) held by or on behalf of the College shall, as from the
18 commencement of this Act, vest in the College.

Vesting of all assets
and liabilities of
the dissolved
Federal College
of Medical
Laboratory College

19 (2) Upon the commencement of this Act:

20 (a) All rights, interest, obligations and liabilities of the College existing
21 immediately before the commencement of this Act under any contract or
22 instrument; or at law or in equity, apart from any contract or instrument,
23 shall, by virtue of this Act, be assigned to and vested in the College;

24 (b) Any such contract or instrument as is mentioned in
25 subparagraph (a) above shall be of the force and effect against or in favor of
26 the college and shall be enforced fully and effectively as if the College had
27 been named therein or had been a party thereto; and

28 (c) The College shall be subject to all the obligations and liabilities
29 to which the College was subject to immediately before the commencement
30 of this Act and all other persons shall, as from the commencement of this

1 Act, have the same rights, power and remedies against the College as they had
2 against the College immediately before the said commencement.

3 (3) If immediately before the commencement of this Act a person was
4 a member or an employee of the College that person shall be by virtue of this
5 Act become a member or an employee of the College.

6 (4) Any proceeding or cause of action pending or existing before the
7 commencement of this Act by or against the College may be commenced
8 continued or enforced by or against the College as it might have been against
9 the College if this Act had not been made.

Interpretation

10 **34.** In this Act, unless the context otherwise requires:

11 "Academic Board" means the board established under section 22 of this Act;

12 "Senior Staff Appointments and Promotions Committee" means a body by that
13 name established under paragraph 2 (2) (a) of the schedule to this Act;

14 "Junior Staff Appointments and Promotions Committee" means a body by that
15 name set up under paragraph 2 {2} (b) of the schedule to this Act;

16 "Minister" means the Federal Minister charged with responsibility for matters
17 relating to Health;

18 "Registrar" means the Registrar of the College appointed under section 15 (1)
19 of this Act.

Citation

20 **35.** This Bill may be cited as the Federal College of Medical
21 Laboratory Science Jos Bill, 2021.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

3 1. The Council may act notwithstanding any vacancy in its
4 membership or the absence of any member or that a person not entitled to do
5 so take part in its proceedings.

6 *Committees*

7 2- (1) The Council may appoint one or more Committees to which
8 it may delegate any of its functions.

9 (2) Without prejudice to the generality of sub-paragraph (1) of this
10 schedule, the Council shall appoint the following Committees that are:

11 (a) The Senior Staff Appointments and Promotions Committee
12 which shall:

13 (i) Consist of a Chairman and four (4) members who shall be
14 appointed by the Council, and four (4) other members who shall be
15 appointed by the Provost from members of the Senior Staff of the College;

16 (ii) be charged with the responsibility of making recommendations
17 to the Council on the appointment and promotion of the Academic and
18 Senior Staff of the College and have a quorum of five (5) members; and if the
19 Chairman of the Committee is absent from any meeting of the Committee,
20 the members present shall elect one of their members to act as Chairman for
21 that particular meeting;

22 (b) the Junior Staff Appointments and Promotions Committee
23 which shall consist of a Chairman and four (4) other members to be
24 appointed by the Provost and shall have the powers set out in sections 20(2)
25 (b) of this Act;

26 (c) The Committee on Students' Affairs which shall consist of the
27 following members;

28 (i) A Chairman who shall be appointed by the Provost from among
29 the Senior Employees of the College;

30 (ii) One member of the Council;

- 1 (iii) Two members of the Academic Staff of the College;
2 (iv) And four (4) students of the College;
3 (d) The Committee on Student's Affairs shall be charged with the duty
4 of:
5 (i) Considering any matter which relates to the welfare of Students;
6 (ii) Any other matter referred to it by either the Council or Students of
7 the College;
8 (e) Any matter which the Students refer to the Council shall be
9 referred to the Committee on Students' Affairs in the first instance.
10 (3) No decision of a Committee shall have effect unless same is
11 confirmed by the Council.

12 *Proceedings of the Council*

- 13 3.-(1) The Council shall meet for the conduct of business at such times
14 as the Chairman of the Council may appoint but the meeting of the Council
15 shall hold not less than twice in a year.
16 (2) The Chairman of the Council may at any time and shall at the
17 request in writing of not less than five (5) members of the Council summon a
18 meeting of the Council.
19 (3) Particulars of the business to be transacted by the Council shall be
20 circulated to Members with the Notice of the Meeting at least two weeks before
21 the date of the meeting.
22 4.-(1) Where the Council desires to obtain the advice of any person on
23 any particular matter, it may co-opt such person as a member for a meeting
24 whether or not expressly convened for the purpose of considering the particular
25 matter but no co-opted member shall be entitled to vote or considered as part of
26 the Quorum.
27 (2) Every question put before the Council at a meeting shall be
28 decided by a simple majority of the members present and voting.
29 (3) Seven members shall form a quorum at any meeting of the
30 Council.

4) The Chairman shall, at any Meeting of the Council, have a vote and in the case of an equality of votes, may cast a deciding vote.

5. The Council may make standing orders with respect to holding meetings, the nature of notices to be given, the proceeding there upon, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

6. Where the Chairman of the Council is absent from a meeting of the Council, the members present shall elect one (1) of their members to act as Chairman for the purposes of that meeting.

Miscellaneous

7. Any contract or instrument which if entered into by a person not being a body corporate would not be required to be under seal may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorized by it for that purpose.

8.-(1) The Common Seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the Minutes of such Meeting.

(2) The fixing of the Seal of the Council shall be authenticated by the signature of the Chairman of the Council and some other member authorized generally or specifically by the Council to act for that purpose.

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

9. Any member of the Council or a Committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a Committee. There of shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Medical Laboratory Science, Jos, to make the Institution more effective in the discharge of its functions by strengthening the Organizational framework; and to bring its provision in conformity with current democratic principles and operations of existing Educational Institutions, and the Laws of the Federal Republic of Nigeria.

The Bill also empowers the College to provide Courses of instruction leading to the Award of Diplomas and Certificates in Medical Laboratory Science and other related courses.

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH FEDERAL
TRAINING CENTRES AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Francis Charles Uduyok

[] Commencement

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

1 PART I - ESTABLISHMENT OF FEDERAL TRAINING CENTRES

2 1.-(1) There are hereby established the Federal Training Centres Establishment
3 specified in the First Schedule to this Bill (in this Bill collectively referred to of the Federal
4 as "Centre") which shall have such powers and exercise such functions as Training Centres
5 are conferred on them by this Bill.

6 (2) Each Centre shall be a body corporate with perpetual
7 succession and a common seal and shall have power to acquire and dispose
8 of interests in movable and immovable property and may sue and be sued in
9 its corporate name.

10 2.-(1) The governance of each Centre and the direction of its affairs Governing Council
11 shall vest in the Governing Council of the Centre concerned (in this Bill of each Centre
12 referred to as "the Council").

13 (2) Without prejudice to the generality of subsection (1) of this
14 section, it shall be the responsibility of the Council to consider and approve-

15 (a) The plan of activities of the Centre;

16 (b) The programme of studies, courses, and research to be
17 undertaken by the Centre;

18 (c) The annual estimates of the Centre; and

19 (d) The investment plans of the Centre.

20 (3) The provisions of the Second Schedule to this Bill shall have
21 effect with respect to the Council as specified therein.

Membership of
the Council of
each Centre

- 1 **3.-(1)** The Council of each Centre shall consist of a chairman and the
2 following other members, to be appointed by the President-
- 3 (a) A representative of the Federal Ministry responsible for education;
- 4 (b) A representative of the university, who in the case of degree
5 awarding Centre, shall come from the university to which the Centre are
6 affiliated for the purpose of moderation;
- 7 (c) a representative of the alumni association of the Centre;
- 8 (d) Three persons appointed on individual merit on a nationwide basis
9 who should have wide experience of service in the public or private sector;
- 10 (e) Two representatives of the Academic Board of the Centre;
- 11 (f) One representative of the National Commission for Women;
- 12 (g) A representative of the National Board for Technical Education;
- 13 (h) One person to represent the Manufacturers' Association of
14 Nigeria; and
- 15 (h) The Provost of the Centre.

Tenure of office
of members of
the Council

- 16 **4.-(1)** A member of the Council (other than an ex-officio member)
17 shall hold office for a term of three years and subject to the provisions of
18 subsection (2) of this section, shall be eligible for reappointment for a further
19 period of three years.
- 20 (2) The office of a member appointed under sections 3 (1) (d) of this
21 Bill shall become vacant if-
- 22 (a) the member resigns his office by notice in writing under his hand,
23 addressed to the Minister; or
- 24 (b) the Minister is satisfied that it is not in the interest of the Centre for
25 the person appointed to continue in office and notifies the member in writing to
26 that effect.

Functions of
each Centre

- 27 **5.** The functions of each Centre shall be-
- 28 (a) to provide full-time courses in teaching, instruction and training-
- 29 (i) in technology, applied Science, commerce, arts, social Science,
30 humanities and management; and

1 (ii) in such other fields of applied learning relevant to the needs of
2 the development of Nigeria in the areas of industrial and agricultural
3 production and distribution and for research in the development and
4 adaptation of techniques as the Council may from time to time determine;

5 (b) to conduct courses in education for qualified teachers;

6 (c) to arrange conferences, seminars and workshops relative to the
7 fields of learning specified in paragraph (a) of this section; and

8 (d) to perform such other functions as in the opinion of the Council
9 may serve to promote the objectives of the Centre.

10 6.-(1) For the carrying out of the functions of each Centre, the
11 Council shall have power to-

Powers of the
Council

12 (a) Hold examinations and grant diplomas, professional
13 certificates and other distinctions to persons who have pursued a course of
14 study approved and accredited by the National Board for Technical
15 Education;

16 (b) Demand and receive from any student or any other person
17 attending the Centre for the purpose of instruction such fees as the Council
18 may, with the prior approval of the Minister, from time to time determine;

19 (c) Hold public lectures and undertake printing, publishing and
20 bookselling;

21 (d) Make gifts for any charitable purpose;

22 (e) Hold examinations in education for qualified teachers;

23 (f) Provide amenities for and make such other provision for the
24 welfare of the staff of the Centre;

25 (g) Invest the funds of the Centre in securities specified by law or in
26 such other securities in Nigeria as may be approved by the Minister;

27 (h) Borrow money within Nigeria in such manner and upon such
28 security as the Minister may from time to time authorize;

29 (i) Enter into such contracts as may be necessary or expedient for
30 carrying into effect the objectives of the Centre;

1 (j) Recruit staff of the right caliber and determine the career structure
2 of such staff;

3 (k) Establish and maintain such schools and other teaching units
4 within the Centre or extramural departments as the Council may, from time to
5 time, decide;

6 (l) Institute and award fellowships, medals, prizes and other titles;

7 (m) Mount exhibitions and displays designed to foster an
8 appreciation of trends in and the scope and requirements of education;

9 (n) Erect, provide, equip and maintain such educational, recreational
10 and residential facilities as the Centre may require;

11 (o) Create lectureships and other academic posts and offices and to
12 make appointments thereto;

13 (p) Encourage and make provision for research in the Centre; and

14 (q) Do such acts and things whether or not incidental to the foregoing
15 powers as may advance the objects of the Centre.

16 (2) The power of the Council to establish further schools within the
17 Centre shall be exercisable by order and not otherwise.

Visitation

18 7.-(1) The Minister of Education shall be the Visitor of each Centre.

19 (2) The Visitor shall, not less than once in every five years, conduct a
20 visitation of the Centre or appoint a visitation panel consisting of not less than
21 five experts to conduct the visitation-

22 (a) For the purpose of evaluating the academic and administrative
23 performance of the Centre; or

24 (b) For such other purpose or in respect of any other affairs of the
25 Centre as the Visitor may deem fit.

The Academic
Board and its
functions

26 8.-(1) There shall be established for each Centre a board to be known
27 as the Academic Board which shall consist of the following members-

28 (a) The Provost of the Centre who shall be the chairman;

29 (b) All heads of departments; (c) the Centre Librarian; and (d) not
30 more than two members of the academic staff other than heads of departments

1 to be appointed by the Council.

2 (2) The Academic Board shall be responsible for- (a) the direction
3 and management of academic matters of the Centre including the regulation
4 of admission of students, the award of certificates, scholarships, prizes and
5 other academic distinctions;

6 (b) Making periodic reports on such academic matters to the
7 Council as the Council may from time to time direct;

8 (c) Discharging any other functions which the Council may from
9 time to time delegate to it.

10 **9.** Power of Minister to give directions to the Council subject to the
11 provisions of this Bill, the Minister may give to the Council directions of a
12 general character or relating generally to matters of policy with regard to the
13 exercise by the Council of its functions under this Bill and it shall be the duty
14 of the Council to comply with such directions.

Power to give
directives

15 **10.-(1)** There shall be a Provost of each Centre (in this Bill referred
16 to as "the Provost") who shall be appointed by the President, in accordance
17 with the provisions of this section.

The Provost of
each Centre

18 (2) Where a vacancy occurs in the post of Provost, the Council
19 shall-

20 (a) Advertise the vacancy in a reputable journal or a widely read
21 newspaper in Nigeria specifying-

22 (i) The qualities of the person who may apply for the post;

23 (ii) The terms and conditions of service applicable to the post; and
24 thereafter draw up a short list of suitable candidates for consideration;

25 (b) Constitute a search team consisting of-

26 (i) A member of the Council not being a member of the Academic
27 Board, as chairman;

28 (ii) Two members of the academic Board not below the rank of
29 chieflecturer;

30 (iii) Two members of the academic community of the Centre not

1 below the rank of chief lecturer to be selected by the Council, to identify and
2 draw up a short list of suitable persons who are not likely to apply for the post
3 for any reason whatsoever.

4 (3) A Joint Council and Academic Selection Board consisting of-

5 (a) The chairman of the Council;

6 (b) Two members of the Council not being members of the Academic
7 Board;

8 (c) Two members of the Academic Board not below the rank of chief
9 lecturer, who were not members of the search team, shall consider the
10 candidates and persons on the short lists drawn up under subsection (2) of this
11 section through an examination of their curriculum vitae and interaction with
12 them and recommend through the Council to the President, three candidates for
13 his consideration.

14 (4) The President shall appoint as Provost one of the candidates
15 recommended to him under the provisions of subsection (3) of this section.

16 (5) Subject to this Bill and the general control of the Council, the
17 Provost shall be the chief executive of the Centre and shall be charged with
18 general responsibility for matters relating to the day-to-day management
19 operations of the Centre.

20 (6) The Provost-

21 (a) shall hold office for a period of four years beginning with the
22 effective date of his appointment and on such terms and conditions as may be
23 specified in his letter of appointment; and

24 (b) May be reappointed for one further period of four years and no
25 more.

Deputy Provosts

26 **11.**-(1) There shall be for each Centre a Deputy Provost.

27 (2) The Council shall appoint the Deputy Provost from among the
28 chief lecturers in the Centre in one of the following ways, that is-

29 (a) From a list of three candidates in order of preference, submitted by
30 the Provost; or

1 (b) On the recommendation of a Selection Board constituted under
2 this section for that purpose; or

3 (c) On the nomination of the Provost.

4 (3) The Selection Board referred to in subsection (2) of this section
5 shall (a) consist of-

6 (i) The chairman of the Council;

7 (ii) The Provost;

8 (iii) Two members of the Council not being members of the
9 Academic Board;

10 (iv) Two members of the Academic Board; and

11 (b) Make such inquiries as it deems fit before making the
12 recommendation required under that subsection.

13 (4) The Deputy Provost shall-

14 (a) Assist the Provost in the performance of his functions;

15 (b) Act in the place of the Provost when the post of Provost is
16 vacant or if the Provost is, for any reason, absent or unable to perform his
17 functions as Provost; and

18 (c) Perform such other functions as the Provost or the Council may,
19 from time to time, assign to him.

20 (5) The Deputy Provost-

21 (a) shall hold office for a period of two years beginning from the
22 effective date of his appointment and on such terms and conditions as may
23 be specified in his letter of appointment; and

24 (b) may be reappointed for one further period of two years and no
25 more.

26 **12.-(1)** The Council of each Centre shall appoint a Registrar to such
27 Centre (hereinafter referred to as the Registrar") who shall keep the records
28 and conduct the correspondence of the Council and shall perform such other
29 duties as the Council and subject thereto as the Provost may from time to
30 time direct.

The Registrar and
other staff of each
Centre

1 (2) The Registrar shall, in addition to other duties conferred on him by
2 or under this Bill, be the secretary to the Council, the Academic Board and any
3 committee of the Council and in his absence, the Councilor any such
4 committee may appoint some other person to act as secretary, and he shall not
5 vote on any question before the Councilor count towards a quorum.

6 (3) A Registrar-

7 (a) shall hold office for a period of five years beginning from the
8 effective date of his appointment and on such terms and conditions as may be
9 specified in his letter of appointment; and

10 (b) may be reappointed for one further period of five years and no
11 more.

12 (4) Where, on the commencement of this section, a Registrar
13 appointed before the commencement of this section has held office-

14 (a) for five years or less, he shall be deemed to be serving his first term
15 of office and may be reappointed for a further term of five years;

16 (b) for more than five years but less than ten years, he shall complete
17 the maximum period of ten years and thereafter relinquish his post and be
18 assigned other duties in the Centre;

19 (c) for ten years or more, the Council may allow him to serve as
20 Registrar for a further period of one year only and thereafter he shall relinquish
21 his post and be assigned other duties in the Centre.

Other Principal
Officers of the
Centre

22 **13.-(1)** There shall be for each Centre the following principal officers
23 in addition to the Registrar, that is-

24 (a) The Bursar; and

25 (b) The Centre Librarian, who shall be appointed by the Council on
26 the recommendation of the Selection Board constituted under section 10(3) of
27 this Bill.

28 (2) The Bursar shall be the chief financial officer of the Centre and be
29 responsible to the Provost for the day-to-day administration and control of the
30 financial affairs of the Centre.

1 (3) The Centre Librarian shall be responsible to the Provost for the
2 administration of the Centre Library and the coordination of the library
3 services in the teaching units of the Centre.

4 (4) A Bursar or Librarian-

5 (a) shall hold office for a period of five years beginning from the
6 effective date of his appointment and on such terms and conditions as may
7 be specified in his letter of appointment; and

8 (b) May be reappointed for a further period of five years and no
9 more.

10 (5) Where, on the commencement of this section, a Bursar or
11 Librarian has held office-

12 (a) For five years or less, he shall be deemed to be serving his first
13 term of office and may be reappointed for a further term of five years;

14 (b) for more than five but less than ten years, he shall complete the
15 maximum period of ten years and thereafter relinquish his post and be
16 assigned other duties in the Centre;

17 (c) for ten years or more, the Council may allow him to serve in that
18 capacity for a further period of one year only and thereafter he shall
19 relinquish his post and be assigned other duties in the Centre.

20 **14.** A principal officer may resign his appointment-

21 (a) In the case of the Provost, by notice to the Visitor; and

22 (b) In any other case, by notice to the Council.

Resignation of
appointment of
Principal Officers

23 **15.-(1)** The Council may appoint such other persons to be
24 employees of the Centre as the Council may determine to assist the Provost
25 and the principal officers of the Centre in the performance of their functions
26 under this Bill.

Other employees
of the Centre

27 (2) Subject to the provisions of this Bill, the remuneration, tenure
28 of office and conditions of service of the employees of the Council shall be
29 determined by the Council in consultation with the Federal Civil Service
30 Commission.

Selection Board for other Principal Officers	1	16.-(1) There shall be, for each Centre, a selection Board which shall
	2	consist of-
	3	(a) The chairman of the Council;
	4	(b) The Provost;
	5	(c) Four members of the Council not being members of the Academic
	6	Board; and
	7	(d) Two members of the Academic Board.
	8	(2) The functions, procedure and other matters relating to the
Pensions	9	Selection Board constituted under subsection (1) of this section shall be as the
	10	Council may, from time to time, determine.
	11	17.-(1) It is hereby declared that service in each Centre shall be
	12	approved service for the purposes of the Pensions Act and, accordingly,
	13	officers and other persons employed in each Centre shall in respect of their
	14	service in the Centre be entitled to pensions, gratuities and other retirement
	15	benefits as are prescribed there under, so however that nothing in this Bill shall
	16	prevent the appointment of a person to any office on terms which preclude the
Establishment of fund of each Centre	17	grant of a pension and gratuity in respect of that office.
	18	(2) For the purposes of the application of the provisions of the
	19	Pensions Act, any power exercisable there under by a Minister or other
	20	authority of the Government of the Federation (other than the power to make
	21	regulations under section 23 thereof) shall be exercisable by the Centre and not
	22	by any other person or authority.
	23	PART II - FINANCIAL PROVISIONS
	24	18.-(1) The Council shall establish and maintain a fund which shall be
	25	applied towards the promotion of the objectives specified in this Bill.
	26	(2) There shall be paid and credited to the fund established under
	27	subsection (1) of this section-
	28	(a) Such sums as may from time to time be granted to the Council by
	29	the Federal Government through the National Board for Technical Education;
	30	(b) All moneys raised for the purposes of the Council by way of gifts,

1 grants-in-aid or testamentary disposition; and

2 (c) All subscriptions, fees and charges for services rendered by the
3 Council and all other sums that may accrue to the Council from any source.

4 (3) The Council shall submit to the Minister, through the National
5 Board for Technical Education, not later than three months before the end of
6 each financial year or at such other time as he may direct, an estimate of its
7 revenue and expenditure for the next succeeding financial year.

8 **19.**-(1) The Council may accept gifts of land, money or other Power to accept
gifts
9 property upon such terms and conditions if any, as may be specified by the
10 person making the gift.

11 (2) The Council shall not accept any gift if the conditions attached
12 by the person making the gift are inconsistent with the functions of the
13 Council.

14 **20.** The Council shall keep proper accounts of its receipts, Accounts and
audit
15 payments, assets and liabilities and shall in respect of each year cause the
16 accounts to be audited.

17 **21.** The Council shall as soon as may be after the expiration of each Annual reports
18 financial year, prepare and submit to the Minister a report of its activities
19 during the immediately preceding financial year and shall include in the
20 report a copy of the audited accounts of the Centre for that year and of the
21 auditor's report on the accounts.

22 **PART III - MISCELLANEOUS AND SUPPLEMENT**

23 **22.**-(1) For the purpose of providing offices and premises Offices and
premises
24 necessary for the performance of its functions, the Council may-

25 (a) Purchase any interest in or take on lease any land; and

26 (b) Build, equip and maintain offices and premises.

27 (2) The Council may, with the approval of the Minister, sell any
28 interest in or lease any land, offices or premises held by it and no longer
29 required for the performance of its functions.

Discipline of
students

1 **23.**-(1) The Council may make rules providing for the Provost to
2 conduct enquiries into alleged breaches of discipline (including lack of
3 diligence) by students and such rules may make different provisions for
4 different circumstances.

5 (2) The rules shall provide for the procedure and rules of evidence to
6 be followed at enquiries under this section.

7 (3) Subject to the provisions of subsection (1) of this section, where it
8 is proved during the enquiry that any student of the Centre has been guilty of
9 misconduct, the Provost may, without prejudice to any other disciplinary
10 powers conferred on him by this Bill or any regulations made there under,
11 direct-

12 (a) that the student shall not, during such period as may be specified in
13 the direction, participate in such activities of the Centre, or make use of such
14 facilities of the Centre, as he may specify;

15 (b) That the activities of the student shall during such period as may be
16 specified in the directions, be restricted in such manner as may be so specified;

17 (c) That the student may be suspended for such period as may be
18 specified in the direction; or

19 (d) That the student be expelled from the Centre.

20 (4) Where there is temporarily no Provost or where the Provost
21 refuses to apply any disciplinary measures, the Council may, either directly or
22 through some other staff, apply such disciplinary actions as are specified in
23 subsection (3) of this section to any student of the Centre who is guilty of
24 misconduct.

25 (5) Where a direction is given under subsection (3) (c) or (d) of this
26 section in respect of any student, the student may, within 21 days from the date
27 of the letter communicating the decision to him, appeal from the direction to
28 the Council, and where such an appeal is brought, the Council shall, after
29 causing such inquiry to be made in the matter as the Council considers just,
30 either confirm or set aside the direction or modify it in such manner as the

1 Council may think fit.

2 (6) The fact that an appeal from a direction is brought in pursuance
3 of subsection (5) of this section shall not affect the operation of the direction
4 while the appeal is pending.

5 (7) The Provost may delegate his powers under this section to a
6 disciplinary committee consisting of such members of the Centre as he may
7 nominate.

8 (8) Nothing in this section shall be construed as preventing the
9 restriction or termination of a student's activities at the Centre otherwise
10 than on the ground of misconduct.

11 (9) It is hereby declared that the direction under subsection (3) (a)
12 of this section may be combined with a direction under subsection (3) (b) of
13 this section.

14 (10) In all cases under this section, the decision of the Council shall
15 be final unless reversed by the Minister on appeal by the student.

16 **24.** In this Bill, unless the context otherwise requires-

Interpretation

17 "Chairman" means the chairman of the Council;

18 "Centre" means any of the Federal Training Centre specified in the First
19 Schedule to this Bill;

20 "Centres" shall be construed accordingly;

21 "Council" means the Governing Council of any of the Centre established by
22 or pursuant to section 2 of this Bill;

23 "Provost" means the Provost of a Centre appointed under section 9 of this
24 Bill;

25 "Functions" includes powers and duties;

26 "Minister" means the Minister charged with responsibility for matters
27 relating to education;

28 "Member" means a member of the Council including the chairman.

29 **25.** This Bill may be cited as the Federal Training Centre Bill,
30 2021. Short title

1 SCHEDULES

2 FIRST SCHEDULE

3 *[Section 1 (1).]*

4 LIST OF TRAINING CENTRES

5 (a) Federal Training Centre, Lagos, Ikoyi, Lagos State;

6 (b) Federal Training Centre, Calabar, Cross River State;

7 (c) Federal Training Centre, Enugu, Enugu State;

8 (d) Federal Training Centre, Maiduguri, Borno State;

9 (e) Federal Training Centre, Kaduna, Kaduna State;

10 (f) Federal Training Centre, Ilorin, Kwara State;

11 SECOND SCHEDULE

12 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

13 *[Section 2 (3).]*14 *Terms of service*

15 1. There may be paid to the members of the Council or any committee,
16 other than ex-officio members, such remuneration and allowances as may from
17 time to time be determined by the President.

18 2. Where a vacancy occurs in respect of the membership specified in
19 section 3 (L) (d) and 3.-(2) (d), it shall be filled by the appointment of a
20 successor to hold office for the remainder of the term of office of his
21 predecessor in office and such successor shall represent the same interest as his
22 predecessor.

23 3. The Council may act notwithstanding any vacancy in its
24 membership or any defect in the appointment of a member or the absence of a
25 member.

26 *Proceedings*

27 4.-(1) The Council shall meet for the conduct of business at such
28 times, places and on such days as the chairman may appoint but shall meet not
29 less than once every four months.

30 (2) The chairman may at any time and shall, at the request in writing of

1 not less than six members, convene a meeting of the Council.

2 (3) At any meeting of the Council the chairman shall preside; but in
3 his absence, members present shall elect one of their members to preside at
4 the meeting.

5 (4) Where the Council desires to obtain the advice of any person on
6 any particular matter, the Council may co-opt persons who are not members
7 of the Council but persons co-opted shall not be entitled to vote at a meeting
8 of the Council.

9 (5) The quorum of the Council shall be one half of the total
10 members of the Council, at least one of whom shall be a member appointed
11 by the President.

12 (6) Decisions of the Council shall be made on approval by a simple
13 majority of members.

14 *Miscellaneous*

15 5.-(1) The fixing of the seal of the Centre shall be authenticated by
16 the signature of the chairman, Provost and of some other members of the
17 Council authorized generally or specially by the Council to act for that
18 purpose.

19 (2) Any contract or instrument which, if made or executed by a
20 person other than a body corporate would not be required to be under seal
21 may be made or executed on behalf of the Centre by any person generally or
22 specially authorized to act for that purpose by the Council.

23 (3) Any document purporting to be duly executed under the seal of
24 the Centre shall be received in evidence and shall, unless the contrary is
25 proved, be presumed to be so executed.

EXPLANATORY NOTE

This Bill seeks to provide for the Legal Framework to establish the Federal Training Centres.

A BILL

FOR

AN ACT TO AMEND THE MERCHANDISE MARKS ACT L.N 47; 1955 LFN AND
FOR RELATED MATTERS

Sponsored by Francis Charles Uduyok

[] Commencement

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

- 1 **1.** Merchandise Marks Act L.N 47; 1955. (in this Bill referred to as
2 the "Principal Act") is amended as set out below: Merchandise
Marks Act L.N. 47;
1955
- 3 "3. Offences as to trade marks and trade descriptions:
- 4 **2.** Section 3 (b) of the Principal Act is amended by substituting the Amendment of
Section 3
5 existing amount "one hundred" with the amount "two hundred thousand" as
6 follow:
- 7 3 (b) "on summary conviction before a magistrate court to
8 imprisonment for a term of six months or to a fine of two hundred thousand
9 naira;"
- 10 18. Section 18 of the Principal Act is amended by Amendment of Amendment of
Section 18
11 substituting the exiting amount "forty" with the amount "one hundred
12 thousand" as follow:
- 13 "18. False representation as to warrant:
- 14 Every person who falsely represents that any goods made by a person
15 holding a warrant or other authority, or for the service of the President, or
16 any ministry or department of the Federation, or any Government
17 department, shall be guilty of an offence and on summary conviction, be
18 liable to a fine of one hundred thousand naira."
- 19 **4.** This Bill may be cited as the Merchandise Marks Act Short title
20 (Amendment) Bill, 2021.

EXPLANATORY NOTE

This Bill seeks to amend Sections 3 (b) and 18 of the Merchandise Marks Act L.N. 47; 1955 to proffer stiffer Penalties to conform to contemporary realities.

This Bill is necessitated to the fact that forgery or falsification of trademarks and trade description has been a bane on unsuspecting customers and clients and the viability of the Act in tackling such menace needs to evolve to meet with contemporary times.

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL MEDICAL CENTRE, EASTERN OBOLO, AKWA IBOM STATE AND
FOR RELATED MATTERS, 2021

Sponsored by Hon. Francis Charles Uduyok

[] Commencement

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

- | | |
|---|---|
| <p>1 1.-(1) There is hereby established the Federal Medical Centre</p> <p>2 Eastern Obolo (in this Bill referred to as "the Federal Medical Centre") and</p> <p>3 the Medical Centre shall serve as the Medical Centre subject to the provision</p> <p>4 of this Bill.</p> | <p>Establishment
of Federal Medical
Centre Eastern
Obolo</p> |
| <p>5 (2) The hospital:</p> <p>6 (a) Shall be a body corporate;</p> <p>7 (b) May sue and be sued in its corporate name;</p> <p>8 © Shall have perpetual succession and a common seal.</p> | |
| <p>9 2. There is hereby established for the management of the Medical</p> <p>10 Centre a Board of Management (in this Bill referred to as "Board") which</p> <p>11 shall be constituted and have the functions and powers set out in this Bill.</p> | <p>Establishment
of the Board of
Management of
the Medical Centre</p> |
| <p>12 3.-(1) The Board shall consist of:</p> <p>13 (a) a chairman;</p> <p>14 (b) the Chief Medical Director of the Medical Centre;</p> <p>15 (c) the Director of Clinical Services;</p> <p>16 (d) the Director of Administration;</p> <p>17 (e) the Director of Finance;</p> <p>18 (f) the Director of Maintenance;</p> <p>19 (g) a representative of the president</p> <p>20 (h) the Federal Ministry of Health;</p> | <p>Membership of
the Board</p> |

- 1 (i) the National Planning Commission;
 2 (k) the Pharmaceutical Society of Nigeria;
 3 (l) the Paediatric Association of Nigeria;
 4 (m) the National Association of Nigerian Nurses and Midwives; and
 5 (n) one person to represent public interest.

6 (2) The Chairman and members of the Board, other than ex-official
 7 members, shall be:

- 8 (a) appointed by the President; and
 9 (b) persons of proven integrity and ability.

10 (3) The supplementary provisions set out in the Schedule to this Bill
 11 shall have effect with respect to the proceedings of the Board and the other
 12 matters contained therein.

13 *[Schedule]*

Tenure of Office

14 **4.** Subject to the provisions of section 5 of this Bill, a member of the
 15 Board, other than ex-officio members, shall each hold office:

- 16 (a) for a term of three years in the first instance and may be re-
 17 appointed for a further term of three years and no more; and
 18 (b) on such terms and conditions as may be specified in his letter of
 19 appointment.

Cessation of
membership

20 **5.-(1)** Notwithstanding the provisions of section 4 of this Bill a person
 21 shall cease to hold office as a member of the Board if:

- 22 (a) he becomes bankrupt, suspends payment principal loan with his
 23 creditors;
 24 (b) he is convicted of a felony or any offence involving dishonesty or
 25 fraud;
 26 (c) he becomes of unsound mind or is incapable of carrying out his
 27 duties;
 28 (d) he is guilty of a serious misconduct in relation to his duties; or
 29 (e) in the case of a person possessed of professional qualifications, he
 30 is disqualified or suspended, other than at his own request, from practising his

1 profession in any part of the world by an order of a competent authority
2 made in respect of that member; or

3 (f) he resigns his appointment by a letter addressed to the President.

4 (2) If a member of the Board ceases to hold office for any reason
5 whatsoever, before the expiration of the term for which he is appointed,
6 another person representing the same Interest as that member shall be
7 appointed to the Board for the unexpired term.

8 (3) A member of the Board may be removed by the President if he is
9 satisfied that it is not in the interest of the Medical Centre or the interest of
10 the public that the member continues in office.

11 6. There shall be paid to every member of the Board such Allowances of
12 allowances and expenses as the Revenue Mobilization Allocation and Fiscal members
13 Commission may, from time to time, direct.

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

15 7.-(1) The Board shall:

16 (a) equip, maintain and operate the Medical Centre so as to provide Functions of the
17 facilities for diagnosis, curative, promotive and rehabilitative services in Board
18 medical treatment;

19 (b) construct, equip, maintain and operate such training schools
20 and similar institutions as the Board considers necessary for providing the
21 Medical Centre at all times with a proper staff of the Medical Centre
22 technicians and nurses;

23 (c) construct, equip, maintain and operate such clinics, out-patient
24 departments, laboratories, research or experimental stations and other like
25 institutions as the Board considers necessary for the efficient functioning of
26 the Medical Centre.

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

Powers of the
Board

1 (3) Subject to this Bill, the Board shall perform such other functions
2 which in its opinion are calculated to facilitate the carrying out of its functions
3 under this Bill.

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

5 (a) Provide the general policies and guidelines relating to major
6 expansion programmes of the Medical Centre;

7 (b) provide facilities for the training of medical students of associate
8 universities;

9 (c) manage and superintend the affairs of the Medical Centre;

10 (d) subject to the provisions of this Bill, make, alter and revoke rules
11 and regulations for carrying on the functions of the Medical Centre;

12 (e) fix terms and conditions of service, including remuneration of the
13 employees of the Medical Centre subject to the approval of National Salaries
14 Incomes and Wages Commission;

15 (f) do such other things which in the opinion of the Board are
16 necessary to ensure the efficient performance of the functions of the Medical
17 Centre.

18 PART III - STAFF OF THE MEDICAL CENTRE

Medical Director
of the Medical
Centre

19 **9.-(1)** There shall be for the Medical Centre a Chief Medical Director
20 who shall be appointed by the President on the recommendation of the Board
21 and on such terms and conditions as may be specified in his letter of
22 appointment or as may be determined, from time to time, by the National
23 Salaries Income and Wages Commission.

24 (2) The Chief Medical Director shall:

25 (a) be the chief executive and accounting officer of the Medical
26 Centre;

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

29 (c) be appointed for a term of four years in the first instance and may

1 be reappointed for a further term of four years subject to satisfactory
2 performance;

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

5 (e) have considerable administrative experience in matters of
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less
8 than ten years prior to the appointment as Chief Medical Director.

9 **10.-(1)** The Board shall appoint for the Medical Centre:

Appointment of
Directors and other
staff of the Medical
Centre

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective
12 functioning of all the administrative divisions of the Medical Centre;

13 (ii) conduct the correspondence of the Board and keep the records
14 of the Medical Centre; and

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

17 (b) a Director of Clinical Services;

18 (c) a Director of Finance;

19 (d) a Director of Maintenance.

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

25 (3) The Board shall appoint for the Medical Centre such number of
26 employees as may in the opinion of the Board be expedient and necessary
27 for the proper and efficient performance of the functions of the Medical
28 Centre.

29 (4) Notwithstanding the provisions of subsections (1) and (2) of
30 this section the Board shall have power to appoint for the Medical Centre

1 either directly or on secondment from any public service in the Federation,
2 such number of employees as may, in the opinion of the Board, be required to
3 assist the Medical Centre in the discharge of any of its functions under this Bill.

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

7 (6) The terms and conditions of service (including remuneration,
8 allowances, benefits and pensions) of the employees of the Medical Centre
9 shall be as determined by the National Salaries Income and Wages
10 Commission.

Service in the
Medical Centre
to be pensionable

11 11.-(1) Service in the Medical Centre shall be approved service for the
12 purposes of the Pensions Reforms Bill.

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

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

Establishment
of the Medical
Advisory
Committee, etc.

20 12.-(1) There shall be for the Medical Centre a Medical Advisory
21 Committee which shall:

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

24 (b) be responsible to the Chief Medical Director for all the clinical and
25 training activities of the Medical Centre; and

26 (c) be appointed by the Board.

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

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

5 PART IV - FINANCIAL PROVISIONS

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

8 (a) all subventions and budgetary allocation from the Government
9 of the Federation;

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

12 (c) all sums accruing to the Medical Centre by way of gifts,
13 endowments, bequests, grants or other contributions by persons and
14 organizations;

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

16 (e) all other sums which may, from time to time, accrue to the
17 Medical Centre.

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

20 (a) the cost of administration and maintenance of the Medical
21 Centre;

22 (b) publicize and promote the activities of the Medical Centre;

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

25 (d) pay the salaries, allowances and benefits of employees of the
26 Medical Centre;

27 (e) pay other overhead allowances, benefits and other
28 administrative costs of the Medical Centre; and

29 (f) undertake such other activities as are connected with all or any
30 of the functions of the Medical Centre under this Bill.

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

1	19.-(1) The Medical Centre shall not pay income tax on any income	Exemption from
2	derived by the Federal Medical Centre under this Bill or accruing to it from	tax
3	any of its investments.	

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

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

10 PART V - GENERAL

11 **21.-(1)** Notwithstanding anything to the contrary contained in any Discipline of
12 other enactment, where it appears to the Board that any student of the students
13 Medical Centre has been guilty of misconduct, the Board may, without
14 prejudice to any other disciplinary powers conferred on it by regulations,
15 direct:

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

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

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

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

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

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

Removal and
discipline of
clinical,
administrative
and technical
staff

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

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

6 (6) Nothing in this Bill shall affect the provisions of any enactment
7 relating to the discipline of medical practitioners, pharmacists, midwives,
8 nurses or members of any other profession or calling.

9 **22.**-(1) If it appears to the Board that there are reasons for believing
10 that any person employed as a member of the clinical, administrative or
11 technical staff of the Medical Centre, other than the Chief Medical Director,
12 should be removed from his office or employment, the Board shall require the
13 Director of Administration to:

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

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

17 (c) if the person in question so requests within a period of 1 month
18 beginning with the date of the notice, make arrangements for:

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

21 (ii) the person in question to be afforded an opportunity of appearing
22 before and being heard by an investigating committee set up with respect to the
23 matter, and if the Board, after considering the report of the investigating
24 committee, is satisfied that the person in question should be removed as
25 aforesaid, the Board may so remove him by a letter signed on the direction of
26 the Board.

27 (2) The Chief Medical Director may, in a case of misconduct by a
28 member of the staff which in the opinion of the Chief Medical Director is
29 prejudicial to the interest of the Medical Centre, suspend any such member and
30 any such suspension shall forthwith be reported to the Board.

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

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

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

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

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

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

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

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

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

27 (d) whether to take such lesser disciplinary action against the
28 person (including the restoration of his emoluments that might have been
29 withheld), as the Board may determine, and in any case where the Board,
30 pursuant to this section, decides to continue a person's suspension or decides

1 to take further disciplinary action against a person, the Board shall before the
2 expiration of a period of three months from such decision come to a final
3 determination in respect of the case concerning any such person.

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

8 (6) Nothing in the foregoing provisions of this section shall preclude
9 the Board from making such regulations not inconsistent with the provisions of
10 this Bill for the discipline of students and all other categories of employees of
11 the hospital as the Board may prescribe.

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

Discipline of
junior staff

16 **23.-(1)** If any junior staff is accused of misconduct or inefficiency, the
17 Chief Medical Director may suspend him for not more than a period of 3
18 months and shall direct a committee to:

19 (a) consider the case; and

20 (b) make recommendations as to the appropriate action to be taken by
21 the Chief Medical Director.

22 (2) In all cases under this section of this Bill, the officer shall be
23 informed of the charge against him and given a reasonable opportunity to
24 defend himself.

25 (3) The Chief Medical Director may, after considering the
26 recommendation made pursuant to subsection (1) (b) of this section, dismiss,
27 or take such other disciplinary action against the officer concerned.

28 (4) Any person aggrieved by a decision of the Chief Medical Director
29 made under subsection (3) of this section may, within a period of 21 days from
30 the date of the letter communicating the decision to him, address a petition to

1 the Board to reconsider his case.

2 PART VI - MISCELLANEOUS

3 **24.**-(1) The Board may, with the approval of the President, make Regulations
4 regulations:

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

8 (b) for safeguarding any property belonging to or controlled by the
9 Board from damage by members of the public.

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

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

19 **26.**-(1) On the commencement of this Bill, any person employed Transition and
20 by or serving in, the Medical Centre shall be deemed to have been employed Savings Provision
21 or serving in the Medical Centre established under this Bill.

22 (2) All Assets or liabilities belonging to the Medical Centre shall be
23 deemed to belong to the Medical Centre established under this Bill.

24 **27.** In this Bill: Interpretation

25 "associate universities" means the universities whose medical students
26 receive aspects of
27 their training from the Medical Centre;

28 "Board" means the Board of Management of the Medical Centre;

29 "chairman" means the chairman of the Board;

30 "functions" include powers and duties;

1 "Federal Medical Centre "means the Medical Centre Eastern Obolo;
2 "junior staff means staff of such grade as may be determined, from time to time,
3 by the Board;
4 "medical student" means a student whose course of instruction is:
5 (a) designed (either alone or in conjunction with other courses) to
6 enable him to qualify as a medical practitioner; or
7 (b) designed for the further training of medical practitioners;
8 "Minister" means the Minister charged with responsibility for matters relating
9 to health and "Ministry" shall be construed accordingly;
10 "student" means a person enrolled at an institution controlled by the Board for
11 the purpose of pursuing a course of instruction at the institution.

Short title

12 **28.** This Bill may be cited as the Federal Medical Centre Eastern
13 Obolo (Establishment) Bill, 2021.

14 SCHEDULE

15 [Section 3 (3)]

16 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

17 *Proceedings of the Board*

18 1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the
19 Board may make standing orders regulating its proceedings or those of any of
20 its committees.

21 (2) The quorum of the Board shall be the chairman or the person
22 presiding at the meeting and 5 other members of the Board, 2 of whom shall be
23 ex-officio members, and the quorum of any Committee of the Board shall be as
24 determined by the Board.

25 2.-(1) The Board shall meet whenever it is summoned by the
26 chairman and if the chairman is required to do so by notice given to him by not
27 less than 8 other members, he shall summon a meeting of the Board to be held
28 within 14 days from the date on which the notice is given.

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

1 preside at the meeting.

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

7 Committees

8 3.-(1) The Board may appoint one or more committees to carry out,
9 on 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.

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

16 *Miscellaneous*

17 4.-(1) The fixing of the seal of the Medical Centre shall be
18 authenticated by the signatures of the Chairman, the Chief Medical Director
19 or any person generally or specifically authorized by the Board to act for that
20 purpose.

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

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

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

- 1 (a) a vacancy in the membership of the Board or committee;
2 (b) a defect in the appointment of a member of the Board or
3 committee; or
4 (c) reason that a person not entitled to do so took part in the
5 proceedings of the Board or committee.

EXPLANATORY NOTE

This Bill seeks to provide for the Legal Framework to Establish the Federal Medical Centre Eastern Obolo.