

*Extraordinary*



# National Assembly Journal

**No. 31**

**Abuja - 14th July, 2021**

**Vol. 18**

## CONTENTS

### INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 1396	A Bill for an Act to Provide for Establishment of the Nigerian Pesticide Council; and for Related Matters ....	C 2407 - 2439
HB. 1491	A Bill for an Act to Establish the Chartered Institute of Computer Forensics of Nigeria and for Related Matters ....	C 2441 - 2484
HB. 1494	A Bill for an Act to Establish Constituency Farm Scheme in all the States of Federation; and for Related Matters ....	C 2485 - 2494
HB. 1496	A Bill for an Act to Establish the Federal College of Forestry, Burra, Ningi, Bauchi State and for Related Matters ....	C 2495 - 2514
HB. 1497	A Bill for an Act to Establish the Federal College of Health Technology, Ningi, Bauchi State to ensure access to education in Health Technology, to provide Full-Time Courses of Teaching, Instruction and Training in Health Technology; and for Related Matters ...	C 2515 - 2529
HB. 1498	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) to incorporate the National Human Rights Commission as one of the Federal Executive Bodies; and for Related Matters ...	C 2531 - 2534
HB. 1499	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999, Cap. C23 LFN, 2004 and for Related Matters..	C 2535 - 2536
HB. 1500	A Bill for an Act to Amend the Federal Airport Authority Act, Cap F5, to empower the Authority to recognize the environmental challenge facing all the communities around Nigerian Airports and therefore engage and involve the communities in her development plan; and for Related Matters ....	C 2537 - 2538

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

**NASSP 31/147/2021/900**

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# A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE NIGERIAN PESTICIDE  
COUNCIL; AND FOR RELATED MATTERS

*Sponsored by Hon. Muntari Dandutse Mohammed*

[ ] Commencement

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

ESTABLISHMENT OF THE NIGERIAN PESTICIDE COUNCIL, ETC.

1           **1.-(1)** There is hereby established a body known as the Nigerian Establishment  
2 Pesticide Council (hereinafter referred to as "the Council"). of the Nigerian  
Pesticide Council

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

5	2. The purpose of this legislation is to enable society to obtain the	Objective, Purpose and Scope of the Bill
6	benefits of use of pesticides, protect against any unreasonable adverse	
7	effects of pesticides on man and the environment and encourage the	
8	innovation of pesticide products. This legislation concerns all aspects of the	
9	control of pesticides in the environment, including imports, sale,	
10	distribution and use of pesticides, as well as marketing and enforcement.	
11	Agricultural pesticides, household pesticides, industrial pesticides and	
12	public health pesticides intended for use to control pests are all covered by	
13	this legislation, unless otherwise exempted pursuant to Section 19(4).	

14                   **3.-(1)** The Council shall consist of the following members which                   Composition of  
15 shall be responsible for the discharge of its functions;                   the Council

16 (a) The Chairman shall be appointed by the Minister of  
17 Agriculture;

18 (b) a representative(s) of the following Federal Ministries (MDAs)  
19 or organizations who shall not be below the rank of a Director and or CEO of  
20 such organizations:

	1	(i) Ministry of Health (NAFDAC);
	2	(ii) Ministry of Agric& Rural Development (2 representatives);
	3	(iii) Ministry of Environment;
	4	(iv) Ministry of Trade & Investment;
	5	(v) Ministry of Justice (Legal Adviser);
	6	(vi) Ministry of Labour & Productivity;
	7	(vii) Standards Organization of Nigeria (SON);
	8	(viii) Crop Life Nigeria (2 representatives);
	9	(ix) Nigerian Society for Plant Protection (NSPP);
	10	(x) Agricultural Research Council (ARC);
	11	(xi) Nigeria Custom Service;
	12	(xii) A representative of the Nigeria Farmers Association;
	13	(xiii) Civil Society Organization;
	14	(c) The Executive Secretary of the Council to be appointed by the
	15	Minister.
	16	(2) The supplementary provisions set out in the schedule to this Act
	17	shall have effect with respect to the proceedings of the Council and the other
	18	matters contained therein.
Appointment and Tenure of Office	19	4.-(1) The Chairman shall hold office for four (4) years and may be re-
	20	appointed by President for another term of four (4) years but not exceeding two
	21	(2) terms.
	22	(2) Other members of the Council shall be in office for a term of four
	23	(4) years or may be reappointed for one term.
	24	(3) Representatives can be recalled/withdrawn where his character
	25	and behaviors are inconsistent and unacceptable by their nominating bodies.
	26	(4) Allowances shall be paid to the members of the Council as may be
	27	determined by the Council.
Functions and Powers	28	5.-(1) The Council shall be charged with the following functions:
	29	(i) to register Pesticides for use in Nigeria as spelt out in the laws of
	30	the Federation;

- 1 (ii) to regulate the sales of Pesticide and to license individuals and  
2 organisations that market Pesticides in Nigeria;
- 3 (iii) to control all forms of advertisement of Pesticides in Nigeria;
- 4 (iv) to establish and operate laboratories for quality control and for  
5 monitoring their residues in every agricultural commodity and the  
6 environment;
- 7 (v) to formulate and implement any Pesticide policy both local and  
8 International, including the applications of the "Prior Informed Consent"  
9 procedure;
- 10 (vi) to regulate the manufacture, formulation, packaging, labelling,  
11 transportation, distribution, storage and usage of Pesticides in Nigeria;
- 12 (vii) to control the form, type, quality and quantity of Pesticide  
13 imported into Nigeria and exported to other countries;
- 14 (viii) to monitor, control and regulate the sales of Pesticide and to  
15 license and promote individuals and/or Associations and organisations that  
16 deal on and market pesticides in Nigeria;
- 17 (ix) to promote and formulate policies for safe and effective use of  
18 Pesticides in Nigeria;
- 19 (x) to advise the Presidency/Ministry on all matters relating to the  
20 registration, inspection and supervision of Pesticides in Nigeria;
- 21 (xi) to process, inspect, register and advice and collate all  
22 necessary information on registered and approved Pesticides in Nigeria.
- 23 (2) The Council shall have the authority to cancel registration of  
24 any Pesticide for which it has evidence that its continued use has  
25 unacceptable hazard to human, health and environment.
- 26 (3) The Council may suspend, withdraw or cancel the Certificate of  
27 Registration if:
- 28 (i) the grounds on which the pesticide product was registered were  
29 later found to be false or incomplete; or
- 30 (ii) the circumstances under which the pesticide product was

	1	registered no longer exist; or
	2	(iii) any of the conditions or undertaking under which the pesticide
	3	product was registered has been contravened; or
	4	(iv) the standard of quality, safety or efficacy as prescribed in the
	5	documentation for registration are not being complied with; or
	6	(v) the premises in which the pesticide product is imported,
	7	processed, manufactured, formulated or stored by or on behalf of the holder of
	8	the Certificate of Registration are unsuitable for the importation, processing,
	9	manufacturing, formulation or storage of the pesticide product.
	10	(4) The Council shall have power to levy and charge for services
	11	provided.
Duties of the Executive Secretary	12	<b>6.</b> The Secretary to the Council, who in addition to his functions shall
	13	have such other administrative functions as may be assigned to him from time
	14	to time by the Council.
Powers of the Council	15	<b>7.</b> The Council shall have powers to:
	16	(1) Do all things which this Act or any other enactment are required or
	17	permitted to be done by the Council; and
	18	(2) Do such other things as are necessary or expedient for the
	19	performance of its functions under this Act.
Power to Co-opt	20	<b>8.</b> Where the Council desires to obtain advice from any person, group
	21	of persons, association or organisation, upon any matter, it may co-opt such
	22	person, group, association or organisation to be a member (s) for such meeting
	23	or meetings as may be required and any such person etc, shall whilst co-opted,
	24	have all the rights and privileges of a member of the Council except that he
	25	shall not be entitled to vote or count towards a quorum.
Staff Regulation	26	<b>9.</b> The Council may subject to the provisions of this Act make staff
	27	regulations relating generally to the conditions of service of the council and
	28	without prejudice to the generality of the foregoing, such regulations may
	29	provide for the appointment, promotion and disciplinary control (including
	30	dismissal of employees of the Council and Appeals by such employees against

1 dismissal or other disciplinary measures.

2           **10.** The Council shall determine its condition of service including      Condition of  
3 pension and gratuities as appropriate for its employees.                      Service

4           **11.**-(1) It is hereby declared that service in the Council shall be      Pension Reform  
5 pensionable under the Pension Reform Act, and accordingly, employees of      Act, LFN, 2004  
6 the Council shall in respect of their service in the Council be entitled to  
7 pension, gratuities and other retirement benefits as are prescribed there  
8 under.

9           (2) Notwithstanding the provisions of 11(1) of this Act, nothing in  
10 this Act shall prevent the appointment of a person to any office on terms  
11 which preclude the grant of a pension or gratuity in respect of that office.

12           **12.** The Council may on the recommendation of the Executive      Departments of  
13 Secretary create such departments in the Council as it may deem fit for the      the Council  
14 efficient discharge of the functions of the Council.

15           **13.**-(i) The Council shall establish and maintain a fund which shall      Funds of the  
16 be applied towards the discharge of its functions under this Act;              Council

17           (ii) There shall be paid and credited to the fund established  
18 pursuant to sub-section (1) of this section, such sums as maybe provided by  
19 the Government for the Council;

20           (iii) Any fees charged for services rendered by the Council, and all  
21 other sums accruing to the Council by way of gifts, donations, testamentary  
22 disposition, endowments and contributions from philanthropic persons and  
23 organisations or otherwise whosoever.

24           **14.**-(i) The Council may accept gifts of land, money or other      Power to accept  
25 property on such terms and conditions that is ethically acceptable to the      gift  
26 Council and as may be specified by the person or association or  
27 organisations making the gift;

28           (ii) The Council shall not accept any gift if the conditions attached  
29 by the person or association or organisation making the gift are inconsistent  
30 with the functions of the Council.

Borrowing  
power, etc.

1                   **15.**-(1) The Council may with the consent or in accordance with any  
2                   specific authority given by the Council, borrow by way of Loan or Overdraft  
3                   from any source approved by the Minister, such specified amount of money as  
4                   may be required by the Council for meeting its obligations and discharging its  
5                   functions under this Act.

6                   (2) The Council may subject to the provisions of this Act and the  
7                   conditions of any trust created in respect of any property, invest all or any of its  
8                   funds with the consent or general authority of the Minister.

9                   (3) The Council may invest any surplus funds of the Council in  
10                  securities prescribed by the Trustee Investments Act on such other securities as  
11                  may from time to time be approved by the Minister.

12                  (4) Subject to the provisions of the Land Use Act, and any special or  
13                  general direction which the Minister may give in that behalf, the Council may  
14                  acquire or lease any land required for its purpose under this Act.

Accounts and  
audits

15                  **16.**-(1) The Council shall cause to be prepared, not later than 30th  
16                  September in year, an estimate of the expenditure and income of the Council  
17                  during the next succeeding year and when prepared they shall be submitted  
18                  through the Minister for approved by the Federal Executive Council.

19                  (2) The Council shall cause to be kept proper accounts and proper  
20                  records in relation thereto and when certified by the Council such accounts  
21                  shall be audited as provided in sub-section (3) of this section.

22                  (3) The accounts of the Council shall be audited by auditors appointed  
23                  from the list of auditors and in accordance with the guidelines issued by the  
24                  Auditor-General of the Federation and the fees of the auditor and the expenses  
25                  for the audit generally shall be paid from the funds of the Council.

Annual report

26                  **17.** The Council shall not later than Six (6) months after the end of  
27                  each year submit through the Minister of Agriculture to the Federal Executive  
28                  Council a report on the activities of the Council and its administration during  
29                  the proceeding year and shall include in the report the audited accounts of the  
30                  Council and the auditors comments thereon.



- 1                   **18.-(1) Fee-for-service:** Fees and processing  
Schedule
- 2                   (a) Any application for the registration of a pesticide or existing
- 3                   pesticide shall be submitted to the Council upon payment of a registration
- 4                   fee;
- 5                   (b) The Council shall publish within six months of the effective
- 6                   date of this Act a schedule of registration service fees and the periods of
- 7                   review. All registrants shall be subject to the same registration service fee
- 8                   for each application submitted to the Council, without exception;
- 9                   (c) Initial Screening. Not later than 21 days after receiving an
- 10                  application and the required registration service fee, the Council shall
- 11                  conduct an initial screening of the contents of the application. If the Council
- 12                  determines that the application does not pass the initial screening, the
- 13                  Council shall reject the application not later than 10 days after making the
- 14                  determination. In conducting the initial screening, the Council shall
- 15                  determine whether:
- 16                  (i) the applicable registration service fee has been paid; and
- 17                  (ii) the application contains all the necessary forms, data, and draft
- 18                  labeling, including any necessary forms as required by Section 17(4) of this
- 19                  Act;
- 20                  (d) Registration service fees shall be used only to defray the
- 21                  administrative costs associated with the review of pesticide registration
- 22                  applications.
- 23                  (2) Maintenance fees:
- 24                  Each registrant shall pay an annual fee per registration. The
- 25                  Council shall publish a schedule of that annual fee within six months of the
- 26                  effective date of this act.
- 27                  (3) Fee waiver:
- 28                  In the case of a pesticide that is registered for a minor agricultural
- 29                  use, the Council may reduce or waive the payment of the fee imposed if the
- 30                  Council determines that the fee would significantly reduce the availability

	1	of the pesticide for the use.
Registration	2	<b>19.-(1) Requirement of registration:</b>
	3	Except as provided by this Act, no person may distribute or sell to any
	4	person any pesticide that is not registered under this Act.
	5	(2) Categories of pesticide registration:
	6	(a) Experimental User Permit:
	7	(i) Experimental User Permits shall be granted to a product for which
	8	only short-term toxicity and efficacy data are available. Products granted
	9	experimental user permit shall be field and laboratory tested only by qualified
	10	scientific and other recognized technical personnel for the purpose of
	11	collecting or verifying toxicity and efficacy data;
	12	(ii) Experimental user permit shall be granted on a product for a
	13	period not exceeding three (3) years after which this permit status can be
	14	renewed if application for full registration has not been approved.
	15	(3) Full Registration:
	16	(a) Full registration shall be granted to a product that has met all
	17	requirements. Such registration shall be for a period of five (5) years only. After
	18	this period, the registration status of the product shall be re-evaluated;
	19	(b) Applicant for re-evaluation shall not be required to provide new
	20	bio-efficacy and residue trial result from Nigerian Research Institute except
	21	where there is a scientific concern as may be determined by the Council;
	22	(c) A product denied full registration shall not be resubmitted for re-
	23	consideration unless additional information to support claims accompanies
	24	such requests;
	25	(d) The Council shall operate fully equipped and functioning facilities
	26	for efficacy data evaluation in order to effectively verify label claims and for
	27	data submitted;
	28	(4) Exemptions:
	29	The following pesticides or related substances are exempt from all
	30	requirements under this Act:

1 (a) Nitrogen stabilizers are substances intended to prevent or  
2 hinder the process of nitrification, denitrification, ammonia volatilization,  
3 or urea production through action affecting soil bacteria;

4 (b) Any instrument or contrivance which is intended for trapping,  
5 destroying, repelling, or mitigating any pest or any other form of plant or  
6 animal life (other than man and other than bacteria, virus, or other  
7 microorganisms on or in living man), and any equipment used for the  
8 application of pesticides;

9 (c) Antimicrobials are pesticides that are intended to disinfect,  
10 sanitize, reduce or mitigate growth or development of microbiological  
11 organisms, or protect inanimate objects, industrial processes or systems,  
12 surfaces, water, or other chemical substances from contamination, fouling,  
13 or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime;

14 (d) Plant-incorporated protectants are pesticidal substances  
15 intended to be produced and used in a living plant, or in the produce thereof,  
16 and the genetic material necessary for production of such a pesticidal  
17 substance (e.g., genetically modified organisms and genetically modified  
18 seeds);

19 (e) Pharmaceuticals and animal health products are products  
20 intended for use against fungi, viruses, bacteria or other microorganisms on  
21 or in living man or living animals;

22 (f) Liquid chemical sterilant products are any sterilant products  
23 used on critical devices, (including any device which is introduced directly  
24 into the human body, either into or in contact with the bloodstream or  
25 normally sterile areas of the body) or semi-critical devices (including any  
26 device which contacts intact mucous membranes but which does not  
27 ordinarily penetrate the blood barrier or otherwise enter normally sterile  
28 areas of the body);

29 (g) An article or substance treated with, or containing, a pesticide to

- 1 protect the article or substance itself, if the pesticide is registered for such use;
- 2 (h) Pheromones and identical or substantially similar compounds
- 3 labeled for use only in pheromone traps, and pheromone traps in which those
- 4 compounds are the sole active ingredients;
- 5 (i) Embalming fluids, products used to preserve animal or animal
- 6 organ specimens, or products used to preserve the integrity of milk, urine,
- 7 blood, or other body fluids for laboratory analysis;
- 8 (j) Products consisting of foods and containing no active ingredient,
- 9 which are used to attract pests;
- 10 (k) Natural cedar blocks, chips, shavings, balls, chests, drawer liners,
- 11 paneling, and needles;
- 12 (l) Other pesticides regulated by another Ministry;
- 13 (m) A fertilizer product not containing a pesticide;
- 14 (n) The Council may issue an experimental use permit to any person
- 15 making an experimental use application, provided that the Council determines
- 16 the experimental use permit is required in order to accumulate information
- 17 necessary for the registration of a pesticide under this Act. Use of a pesticide
- 18 under an experimental use permit shall remain under the supervision of the
- 19 Council and shall be subject to such terms and conditions and be for such
- 20 period of time as the Council may, from time to time, prescribe in the permit.
- 21 **20.-(1)** With respect only to information pertaining to an active
- 22 ingredient, an application may include citations to previously submitted data,
- 23 which the Council may consider in accordance with subparagraphs (d)(ii) and
- 24 (iii).
- 25 (2) Exclusivity. Data submitted to support the application for the
- 26 original registration of a pesticide, or an application for an amendment adding
- 27 any new use to the registration and that pertains solely to such new use, shall
- 28 not, without the written permission of the original data submitter, be
- 29 considered by the Council to support an application by another person during a
- 30 period of ten years following the date the Council first registers the pesticide.

1 The period of exclusive data use shall be extended one additional year for  
2 each three minor uses registered within seven years of the commencement  
3 of the exclusive use period, up to a total of three additional years.

4 (3) Exclusivity shall also be fully applicable to any new data  
5 submitted pursuant to subsection (i) to the Council subsequent to the  
6 registration of a pesticide, for a period of ten years following the date of  
7 submission of such data to the Council.

8 (4) Failure to comply with these provisions shall result in denial of  
9 application or cancellation of registration.

10 **21.**-(1) The Council shall publish guidelines no later than six  
11 months following the effective date of this Act specifying the type of  
12 information which will be required to support the registration of a pesticide  
13 and shall revise such guidelines from time to time.

Data  
Requirements

14 (2) Where the Council requires any additional information, it shall  
15 allow sufficient time for applicants to obtain such additional information. If  
16 additional data are required to maintain an existing registration of a  
17 pesticide, the Council shall notify all existing applicants for and registrants  
18 of the pesticide to which such determination relates.

19 (3) The Council may decide that for certain types of pesticides that  
20 have been shown to be of low risk, a fast-track registration procedure can be  
21 followed and under this procedure, submission of a limited set of data may  
22 suffice.

23 **22.**-(1) All information submitted by the applicant for registration  
24 must be treated as proprietary data by the Councils and some of the  
25 information may also be confidential, including the analytical profile of the  
26 technical grade active ingredient, the composition of the pesticide  
27 formulation, the manufacturing process of the active ingredient and the  
28 formulation, or commercial (trade/sales) information.

Proprietary/  
Confidential  
Information

29 (2) Data concerning health and environmental effects are not  
30 confidential and can be accessed by the public, provided the Council takes

1 effective measures to ensure that third parties cannot use such information and  
2 data for commercial purposes, including in support of any subsequent pesticide  
3 application.

4 (3) The Council shall take all necessary measures to keep an  
5 application and supporting data provided by an applicant or registrant  
6 confidential during the registration process. The Council shall not allow  
7 another applicant to register its products on the basis of data it does not own and  
8 for which it has no authorization for use for registration purposes from the data  
9 owner.

10 (4) The Council may provide a list of pesticide-related (primarily  
11 health and environmental) information that is not considered confidential once  
12 registration has been granted. After evaluation by the Council, a summary of  
13 the data on health and environment shall be made available publically for  
14 access and consultation.

Pesticide  
registration  
procedure

15 **23.**-(1) Registration procedure is the process where the Council  
16 approves the sale and use of a pesticide following the evaluation of  
17 comprehensive scientific data demonstrating that the product is effective for  
18 the purpose intended and not unduly hazardous to human or animal health or  
19 the environment.

20 (2) The registration process requires that the Council shall:

21 (a) require the applicant for registration to submit comprehensive  
22 Scientific data on toxicity and efficacy of the product to be registered to prove  
23 that the product is effective for the intended use and not unduly hazardous to  
24 human and the environment;

25 (b) require the applicant to provide evidence of field bio-efficacy and  
26 residue trial result from the relevant research institute in Nigeria;

27 (c) provide standard label format and require the applicant to meet  
28 label requirements with respect to each product intended for registration;

29 (d) grant registration certificate to a product if the product has met all  
30 registration requirements as stipulated above and by the Council.

- 1 (3) The Applicant for registration shall:
- 2 (a) submit to the Council, comprehensive scientific data on the
- 3 toxicity and efficacy of the product intended for registration in Nigeria.
- 4 Such efficacy data must be based on research findings conducted in Nigeria
- 5 and or as may be determined by the Council;
- 6 (b) provide scientific information to satisfy the Council on label
- 7 claims;
- 8 (c) provide the Council, on request, all information and material
- 9 for analysis of product necessary for confirmatory tests by the Council;
- 10 (d) any other information that may be required by the Council.

11 **24.-(1) Registration Requirements:**

12 The applicant for registration must furnish documented proof to

13 support the claims made for the proposed product. Data required to support

14 registration may include the following:

15 (a) Toxicity Tests:

16 Toxicity tests on the proposed formulation must be conducted to

17 show that the use of the product would not be injurious to human, livestock,

18 wildlife and the environment when warnings and cautions are carefully

19 followed. The extent of toxicological data required will vary with the nature

20 and proposed usage of the product. Toxicity studies normally include:

21 (i) Acute mammalian studies;

22 (ii) Oral;

23 (iii) Dermal/skin;

24 (iv) Inhalation;

25 (v) Eye irritation.

26 (b) Sub acute Studies:

27 (i) Oral 90 days;

28 (ii) Dermal 21 days;

29 (iii) Inhalation 14 days.

30 (c) Other studies which may be required include:

Criteria for  
Pesticide  
Registration and  
Establishment  
Tolerances

- 
- 1 (i) Neurotoxicity;
- 2 (ii) Tetratogenicity;
- 3 (iii) Effects on reproduction;
- 4 (iv) Synergism;
- 5 (v) Potentiation;
- 6 (vi) Metabolism;
- 7 (vii) Avian and fish toxicity;
- 8 (viii) Tolerance by beneficial insect.
- 9 (d) Physical chemical properties:
- 10 (i) Colour;
- 11 (ii) Boiling point;
- 12 (iii) Flash point;
- 13 (iv) Physical state;
- 14 (v) Density;
- 15 (vi) Vapour pressure;
- 16 (vii) Solubility;
- 17 (viii) Stability.
- 18 (e) Efficacy Data:
- 19 Biological tests under field and laboratory trials conducted to
- 20 determine if the product will control the pests named on the label, when used as
- 21 directed, without causing significant adverse effects to the crop and
- 22 environment being treated. The following factors are considered in
- 23 determining efficacy:
- 24 (i) Effectiveness. The product must be effective for the intended
- 25 purpose when as used directed;
- 26 (ii) Phytotoxicity;
- 27 (iii) Translocation within the plant being treated;
- 28 (iv) Persistence in soil, water air or plants;
- 29 (v) Compatibility with other pesticides.
- 30 (2) The Council shall determine whether or not to approve the



1 registration of the product after evaluation of the data submitted as well as  
2 other applicable data.

3 (3) General Labelling Requirements:

4 (a) Name of product;

5 (b) Name and address of Manufacturer, Importer/Distributor;

6 (c) Pack size/net contents;

7 (d) Active ingredient statement;

8 (e) The shelf-life indicating date of manufacture and date of  
9 expiration;

10 (f) Name and percentage (by weight) of each active ingredient, and  
11 total percent of inert ingredients, or name of each active and each inert  
12 ingredient in descending order, and relative abundance in each category and  
13 the total percentage of inert ingredients;

14 (g) Warnings or caution statement in respect of:

15 (i) Ingestion;

16 (ii) Skin absorption;

17 (iii) Inhalation;

18 (iv) Eye irritation;

19 (v) Flammability or explosiveness.

20 (h) The required signal word as "DANGER", "WARNING", or  
21 "CAUTION" and the statement "Keep Out of Reach of Children", must  
22 appear on the front panel and meet the minimum type size requirements. The  
23 front panel of the label of economic poisons which are highly toxic to human  
24 must show:

25 "POISON" in red on a contrasting background

26 "DANGER"

27 Skull and Crossbones

28 Statement of antidote, including directions to call a physician immediately  
29 (in immediate vicinity of skull and crossbones and "POISON").

30 (i) The registration number assigned to the product by the Council;

- 1 (j) Directions for use which are adequate to protect the public;
- 2 (k) Application rate;
- 3 (l) Waiting period and reentry interval;
- 4 (m) Safety statements and pictograms.
- 5 (4) Other Required information:
- 6 (a) Data to support any or all claims on the labelling;
- 7 (b) A complete statement of the composition of the products,
- 8 including the percentage by weight of each of the active ingredients, if such
- 9 information does not appear on the label;
- 10 (c) Any pertinent information about inert ingredients;
- 11 (d) Any other information pertaining to physical or biological
- 12 properties of the product etc.
- 13 (5) Data Requirements for Pesticide Tolerance:
- 14 The criteria and data requirements for establishing tolerances are data
- 15 and other information provided, when evaluated as a whole, should establish
- 16 the safety of the proposed pesticide tolerance.
- 17 (6) The chemical residue data in pesticide petitions must meet two
- 18 major requirements:
- 19 (a) If the residue data must delineate the identity and magnitude of
- 20 the residues and must show that, under the proposed conditions of use, the
- 21 proposed tolerance is suitable (i.e. will not be exceeded but is not higher than
- 22 acceptable);
- 23 (b) the analytical methods used to obtain the residue data must be
- 24 valid and must afford a measure of the total toxic residue. A suitable method
- 25 must be provided for enforcing the proposed tolerance.
- 26 (7) Chemical Composition of Pesticide:
- 27 The identity and complete composition, including minor components
- 28 and impurities, as well as accepted chemical (or biological) and common
- 29 names are required. Specifications must be furnished if required to establish
- 30 identity or to limit impurities.

1 (8) Conditions of Use:

2 Complete proposed directions for use must include proposed  
3 limitations and restrictions, such as usage in feeds for livestock, must be  
4 reasonable, practicable, and in conformity with accepted practices.

5 (9) Analytical Methods:

6 The Applicant must present or refer to a method suitable for  
7 confirming the proposed tolerance.

8 **25.-(1)** (a) The Council shall by regulation establish a procedure  
9 for accomplishing the periodic review of registrations;

Review and  
Additional Control/  
registration

10 (b) The regulations shall stipulate the review of pesticide  
11 registration in every 15 years. Within six months of the effective date of this  
12 Act, the Council shall establish re-registration procedures to ensure the  
13 periodic review of registered pesticides;

14 (c) The Council shall, within six months of coming into force of the  
15 regulation, establish re-registration procedures to ensure the periodic  
16 review of registered pesticides.

17 (2) If the Council determines that additional data are required to  
18 maintain an existing registration of a pesticide, the Council shall notify all  
19 existing registrants of the pesticide to which the determination relates, and  
20 all applicants for such registrations.

21 (3) (a) Each registrant or applicant for registration of pesticide  
22 shall provide evidence within 90 days after receipt of notification;

23 (b) Two or more registrants or applicants may agree to develop  
24 jointly, or to share in the cost of developing, such data if they agree and  
25 inform the Council of their intent within 90 days after notification.

26 (4) (a) The Council shall issue a notice of intent to suspend the  
27 registration of a pesticide if a registrant fails to comply with this clause, and  
28 may include in the notice such provisions as the Council deems appropriate  
29 concerning the continued sale and use of existing stocks of such pesticide;

30 (b) Any suspension proposed under this section shall become final

1 at the end of 30 days from receipt by the registrant of the notice, unless during  
2 that time a request for hearing is made, or the registrant has satisfied the  
3 Council that the registrant has complied with the requirements that served as a  
4 basis for the notice.

5 (5) Any data submitted under this section shall be subject to the  
6 provisions of Section 17(5) of this Act.

7 (6) The Council may at any time require data concerning any  
8 ingredient which the Council has reason to believe may pose an unreasonable  
9 adverse risk to human health or the environment.

10 (7) (a) The Council shall periodically review the pesticides marketed  
11 in Nigeria, their acceptable uses and their availability to each sector of the  
12 public, and conduct special reviews when indicated by scientific evidence;

13 (b) The Council may carry out health surveillance programs  
14 concerning populations who are occupationally exposed to pesticides,  
15 investigate as well as document cases of poisoning.

16 (2) Additional Information:

17 (1) If the registrant possesses or receives information relevant to the  
18 assessment of the risks or benefits, or the unreasonable adverse effects of any  
19 pesticide for which he holds a certificate, such information must be reported to  
20 the Council within 30 days after the registrant first possesses or obtains actual  
21 knowledge of:

22 (a) toxicological and ecological studies showing adverse effects of  
23 the pesticide;

24 (b) discontinued studies, if submission of such information  
25 concerning the study would have otherwise been required under this Act;

26 (c) information showing a correlation between exposure to a pesticide  
27 and observed adverse effects in humans;

28 (d) information on the presence of the pesticide in water, food or feed  
29 at a level in excess of established levels;

30 (e) information showing the existence of any metabolite or degradate

1 of a pesticide product not previously reported or at levels higher than any  
2 previously reported and of toxicological or ecological significance;

3 (f) information about incidents affecting humans or other non-  
4 target organisms:

5 (a) when the registrant has been informed that the person or non-  
6 target organism suffered a toxic or adverse effect, or is likely to suffer a  
7 delayed or chronic adverse effect in the future, and

8 (b) the registrant has or could obtain information concerning where  
9 the incident occurred, the pesticide or product involved, and the name of a  
10 person to contact regarding the information.

11 (2) Where registrants or applicants possess or receive information  
12 described in this section following submission of an application must report  
13 such information to the Council within 30 days after the applicant first  
14 possesses or obtains actual knowledge of such information.

15 (3) The registrant or applicant need not submit information which  
16 is clearly erroneous, previously submitted, published, or concerning only  
17 former inerts, contaminants or impurities which have been eliminated from  
18 the registered product.

19 **27.-(1)** The Council shall, within six months of coming into force  
20 of this Act, issue requirements and procedures to be followed by any person  
21 who stores, transports, or disposes of stocks of a registered pesticide, or any  
22 pesticide the registration of which has been suspended or canceled.

Storage, Disposal  
and Transportation

23 (2) The Council shall, within six months of the effective date of this  
24 Act, issue requirements and procedures to be followed by any person who  
25 stores, transports, or disposes of stocks of any container of a pesticide, any  
26 rinsate containing the pesticide, or any other material used to contain or  
27 collect excess or spilled quantities of the pesticide.

28 **28.-(1)** Suspension:

Suspension and  
Cancellation

29 (a) If the Council determines that action is necessary to prevent an  
30 imminent danger during the time required for cancellation procedures

1 described in this section, the Council may, by order, suspend the registration of  
2 the pesticide immediately;

3 (b) No order of suspension may be issued under this section unless the  
4 Council has issued, or at the same time issues, a notice of intention to cancel the  
5 registration. The Council shall notify the Registrant prior to issuing any  
6 suspension order, including findings pertaining to the question of "imminent  
7 danger," and the registrant shall then have an opportunity for an expedited  
8 hearing before the Council on the question of whether an imminent danger  
9 exists and how to mitigate it;

10 (c) Notwithstanding Section 9(a) (2), whenever the Council  
11 determines that an emergency exists that does not permit the Council to hold a  
12 hearing before suspending, the Council may issue a suspension in advance of  
13 notification to the registrant. The Council shall proceed to issue the  
14 notification within 90 days of issuing an emergency order, or such emergency  
15 order shall expire.

16 (2) Cancellation:

17 (a) A registrant may, at any time, request that a pesticide registration  
18 of the registrant be canceled or amended to terminate one or more pesticide  
19 uses and such request shall be granted by the Council along with provisions for  
20 existing stocks of the pesticide determined in consultation with the registrant;

21 (b) If it appears to the Council that a pesticide or its labeling or other  
22 material required to be submitted does not comply with the provisions of this  
23 Act, or, when used as directed, generally causes unreasonable adverse effects  
24 on the environment, the Council may issue a notice of the Council's intent  
25 either:

26 (a) to cancel its registration or to change its classification together  
27 with the reasons (including the factual basis) for the Council's action, and, if it  
28 determines that the intention is justified,

29 (b) to hold a hearing to determine whether or not its registration  
30 should be canceled or its classification changed. The hearing and judicial

1 review procedures described at Section 6 (i)(3)(C) shall be applicable.

2 (3) Existing Stocks:

3 The Council may permit the continued sale and use of existing  
4 stocks of a pesticide whose registration is suspended or canceled under such  
5 conditions, and for such uses as the Council determines that such sale or use  
6 is not inconsistent with the purposes of this Act.

7 **29.-(1)** Any pesticide imported into Nigeria shall be registered, or  
8 otherwise exempted from registration, consistent with the requirements of  
9 this Act.

Imports, Exports  
and Rotterdam  
Convention  
Implementation

10 (2) Any pesticide or active ingredient used in producing a pesticide  
11 intended for export to any foreign country shall be subject to the  
12 requirements of subparagraph (c) (i)-(ii) below.

13 (3) Implementation of Rotterdam Convention Concerning  
14 Hazardous Chemicals and Pesticides in International Trade ("Rotterdam  
15 Convention"):

16 (a) In accordance with Article 11 of the Rotterdam Convention,  
17 exporters shall ensure that exports of substances listed on Annex III to  
18 countries that are Parties to the Rotterdam Convention comply with import  
19 responses provided by those countries. Where the importing Party has not  
20 submitted a response, export is allowed provided that, at the time of import,  
21 the pesticide is registered in the importing Party; or it is a chemical for which  
22 evidence exists that it has previously been used in, or imported into, the  
23 importing Party and in relation to which no regulatory action to prohibit its  
24 use has been taken; or explicit consent to the import has been sought and  
25 received by the exporter through a designated national authority of the  
26 importing Party;

27 (b) Where a pesticide produced for export has been banned or  
28 severely restricted for domestic use in Nigeria, the Council shall provide an  
29 export notification to the importing Party in accordance with article 12 of the  
30 Rotterdam Convention. The export notification shall include the

1 information set out in Annex V of the Rotterdam Convention;

2 (c) In accordance with article 10 of the Rotterdam Convention, the  
3 Council shall ensure that it has transmitted to the Secretariat of the Convention  
4 a response concerning the import of each pesticide listed on Annex III of the  
5 Convention. The response shall identify whether the pesticide may be  
6 imported, may not be imported, or may be imported only subject to conditions.  
7 If the Council takes a decision not to consent to import of a pesticide or to  
8 consent to its import only under specified conditions, it shall ensure that  
9 imports or domestic production of the pesticide for domestic use are subject to  
10 the same prohibition or conditions.

Manufacturing,  
Registration and  
Record Keeping

11 **30.** No person shall manufacture any pesticide or active ingredient  
12 used in producing a pesticide unless the establishment in which it is  
13 manufactured has obtained the appropriate Manufacturing Permit, if required  
14 by separate manufacturing legislation. Any manufacturer may seek a pesticide  
15 registration from the Council once it has complied with such legislation.  
16 Persons who manufacture pesticides must keep records for a specified period.  
17 Such persons must make their books and records available for inspection by the  
18 Council at reasonable times. The Council shall keep records of all of its  
19 decisions and deliberations.

Pesticide Sales  
and Distribution

20 **31.** The Council shall, within six months of the coming into force of  
21 this Act, shall publish quality standards, including a certification requirement,  
22 for all pesticide retailers and distributors. Following such publication, the sale  
23 or distribution of a pesticide without the required retailer/distributor  
24 certification shall be prohibited.

Advertising and  
Marketing

25 **32.-(1)** Advertising:

26 (a) Only pesticides which are registered may be advertised;

27 (b) Any claims made in the advertising of a pesticide must be  
28 consistent with the claims accepted by the Council.

29 (2) Marketing:

30 (a) Only pesticides manufacturers and importers or their accredited



1 registered distributors shall market pesticides in Nigeria and in approved  
2 premises;

3 (b) Pesticide can only be procured/purchased from registered,  
4 authorized and licensed (Accredited) Dealer and Agents;

5 (c) All manufactures and importers shall register their accredited  
6 Dealers and Agents with the Council;

7 (d) It shall be an offence to store or sell pesticides in the same  
8 premises in which foodstuff, animal feeds and drugs are sold or displayed;

9 (e) The Council shall have the power to de-register any  
10 manufacturer, importer, accredited Distributor/Dealer/Agent who  
11 contravenes any of the provisions and guidelines with respect to safe,  
12 effective use, transportation, storage and handling of pesticide;

13 (f) No Manufacturer, Importer, Distributor, Dealer and Agent shall  
14 display or sell any pesticide that has been de-registered, banned or expired.

15 **33.-(1) Offences:**

Enforcement

16 It is unlawful for any person to:

17 (a) sell or distribute a pesticide which is not registered or which has  
18 not been given provisional clearance by the Council;

19 (b) sell or distribute a pesticide without an approved label attached  
20 to it;

21 (c) sell or distribute a pesticide which is misbranded or which does  
22 not meet the specifications as stated when the product was registered;

23 (d) detach, alter, deface, or destroy any label on the container of a  
24 pesticide product;

25 (e) repackage or transfer the contents of a pesticide product unless  
26 the new container is labeled with an approved label and unless the operation  
27 is carried out in a registered manufacturing establishment;

28 (f) advertise a pesticide which is not registered, or in a manner that  
29 is misleading or inaccurate;

30 (g) supply a pesticide which is packaged in a container which has

1     deteriorated, or has been damaged so as to be dangerous in storage or transport,  
2     or when opened for use;

3             (h) use a pesticide in a manner which is not consistent with the  
4     conditions on the approved label;

5             (i) make false statements or provide false information in the  
6     application for registration, or licensing and certification or in required reports  
7     or records;

8             (j) knowingly release confidential information;

9             (k) Sell or use a product with experimental user permit.

10            (2) Penalties:

11            (a) For any registrant, commercial applicator, wholesaler, dealer,  
12     retailer, or other distributor who violates any provision of this Act, the Council  
13     may impose a civil penalty of not more than One Million Naira (N1,000,000)  
14     or imprisonment for a term not exceeding Two (2) years, or both for each  
15     offense;

16            (b) Any private applicator or other person who violates any provision  
17     of this Act subsequent to receiving a written warning from the Council or  
18     following a citation for a prior violation may be imposed a civil penalty by the  
19     Council of not more than One Million Naira (N1,000,000) or imprisonment for  
20     a term not exceeding Two (2) years, or both for each offense;

21            (c) Any registrant, applicant for a registration or producer who  
22     knowingly violates any provision of this Act shall be fined not more than ten  
23     Million Naira or imprisoned for not more than Five (5) years, or both. Any  
24     private applicator or other person who knowingly violates any provision of this  
25     Act shall be guilty of a misdemeanor and shall on conviction be fined not more  
26     than One Million Naira (N1,000,000), or imprisoned for more than two (2)  
27     years, or both.

28            (3) Enforcement of Compliance:

29            (a) There shall be an Inspectorate division of the Nigerian Pesticide  
30     Council that shall have responsibility to monitor compliance with this Act. The

- 1 Department shall have appropriate laboratory facilities for analysis;
- 2 (b) The Council shall designate certain technically qualified
- 3 personnel of the Pesticide Inspectorate Division as pesticide inspectors and
- 4 pesticide analysts;
- 5 (c) A person shall not be designated a pesticide inspector unless
- 6 he/she is a graduate with at least a BSc. or HND in Agriculture, Chemistry,
- 7 Biochemistry or any other related discipline;
- 8 (d) A person shall not be designated a pesticide analyst unless-
- 9 (i) he/she is a graduate in chemistry with advanced degree in
- 10 organic chemistry;
- 11 (ii) produces evidence of technical post-graduate training in
- 12 analytical chemistry and pesticide residue analysis;
- 13 (iii) has at least five years of continuous post-graduate working
- 14 experience in pesticide residue analysis.
- 15 (e) A Pesticide Inspector may, in the course of his duty, at any
- 16 reasonable time and on the production of his/her certificate of designation if
- 17 required:
- 18 (i) enter (if need by force) any premises in which he reasonably
- 19 believes that any product to which this Act or the regulation apply is
- 20 manufactured, formulated, prepared, preserved, packaged, re-packaged,
- 21 stored or sold;
- 22 (ii) examine any product in the premises which appears to him to be
- 23 a product to which the Product or the regulations apply or anything in the
- 24 premises which he reasonably believes is used for the manufacture,
- 25 formation, preparation, packaging, storage or sale of the product;
- 26 (iii) open and examine any container which he believes contains a
- 27 pesticide, take a sample of specimen of any product to which this Act applies
- 28 for further examination;
- 29 (iv) Examine any books; documents, facilities, and any other

1 infrastructure relevant to the enforcement of this Act have been contravened;  
2 (v) seize, and when necessary dispose of pesticides or containers  
3 where he reasonably believes that the provisions of this Act has been  
4 contravened;

5 (vi) a seized product found on examination by the pesticide  
6 Inspectorate department to conform with the requirements of this Act shall be  
7 returned from whom it was seized;

8 (f) No person shall obstruct or resist a pesticide inspection officer in  
9 the execution of his duty under this Act without the authority of an inspecting  
10 officer remove, alter or interfere in any way with any product seized under this  
11 Act.

Emergency  
Conditions

12 **34.** The Council may exempt any of the government agencies from  
13 any provision of this Act if the Council determines that emergency conditions  
14 exist which requires such exemption. The Council may allow certain pesticides  
15 that are not registered to be used in emergency situations to control certain pest  
16 outbreaks in agriculture or public health under exceptional circumstances. The  
17 Council shall publish procedures regarding the approval for the use of such  
18 pesticides under this section.

Preemption and  
Repeal

19 **35.-(1)** Preemption:

20 No local authority shall impose or continue in effect any requirements  
21 for the labeling, packaging, testing or registration of a pesticide in addition to or  
22 different from those required under this Act. All claims under any law other  
23 than this Act which seek to challenge the registration of a pesticide issued under  
24 this Act are expressly preempted.

25 (2) Repeal:

26 (a) This act repeals any Act, statute and any other legislation that is  
27 inconsistent with the provision of this act and shall be declared Null and Void to  
28 the extent of its inconsistency;

29 (b) Any approval granted under the repealed enactment shall continue  
30 to be in force notwithstanding the repeal.

1	<b>36.</b> The Minister of Agriculture may by order make such	Transitional Provision
2	transitional provisions as it appears to him necessary or expedient to give	
3	full effects to the provisions of this Act.	
4	<b>37.</b> The Council may make regulations:	Regulation
5	(1) Providing for anything requiring to be prescribed under this Act	
6	generally for carrying out the principles and objectives of this Act.	
7	(2) Any instrument issued under sub-section (1) of this section	
8	shall be under the signature of the Chairman of the Council or any other	
9	officer of the Council as may be designated by the Chairman.	
10	<b>38.</b> In this Bill:	Interpretation
11	ACTIVE INGREDIENT: The biologically active part of the pesticide;	
12	ADJUVANT: Any adhesive, deposit, builder, emulsifying agent, spreading	
13	agent, synergist or wetting agent intended to be used as an aid to the	
14	application or effect of a pesticide;	
15	APPLICANT: The party (manufacturer, importer or their representative)	
16	that makes an application for registration of a pesticide to the Nigeria	
17	Pesticide Council;	
18	CAPITAL means all cash contributions, plant, machinery, equipment,	
19	building, spare parts, raw materials and other assets other than goodwill;	
20	COUNCIL means the Nigerian Pesticide Council established under Section	
21	(1) of this Act;	
22	ENVIRONMENT includes water, air, land, all plants, man, and or her living	
23	animals and other organisms;	
24	FORMULATION: The combination of various ingredients designed to	
25	render the product useful and effective for the purpose claimed; the form of	
26	the pesticide as purchased by users;	
27	INERT INGREDIENT: An ingredient which is not an active ingredient;	
28	INGREDIENT STATEMENT: A statement which contains the name and	
29	percentage of each active ingredient, and the total percentage of all inert	
30	ingredients, in the pesticide;	

1 LABEL: The written, printed or graphic matter on, or attached to, the pesticide;  
2 or the immediate container thereof and the outside container or wrapper of the  
3 retail package of the pesticide. Includes all other written, printed or graphic  
4 matter accompanying the pesticide at any time, or to which reference is made  
5 on the label or in literature accompanying the pesticide, except current  
6 government publications.

7 MANUFACTURER: A corporation or other entity in the public or private  
8 sector, or any individual engaged in the business or function (whether directly  
9 or through an agent or through an entity controlled by or under contract with it),  
10 of producing a pesticide active ingredient or preparing its formulation product.

11 MISBRANDED: A pesticide is misbranded if:

12 (i) its labeling bears any statement, design or graphic representation  
13 relative thereto or to its ingredients which is false or misleading in any  
14 particular;

15 (ii) it is an imitation of, or is offered for sale under the name of,  
16 another pesticide;

17 (iii) its label does not bear the registration number assigned by the  
18 Council to each establishment in which it was produced;

19 (iv) in the case of a pesticide intended for export, the label does not  
20 conform to any existing export regulations.

21 PERSON means an individual and shall include corporate body, a limited  
22 liability company, a charitable organization, or association of a partnership of  
23 any number of persons.

24 PEST: means any insect, rodent, nematodes, fungus, weed or any other form of  
25 plant or animal or virus or bacteria or other micro organisms which the  
26 chairman declares and scientifically justifies as a pest;

27 PESTICIDE: Any substance or mixture of substances intended for preventing,  
28 destroying or controlling any pest, including vectors of human disease, or  
29 unwanted species of plants or animals causing harm during or otherwise  
30 interfering with the production, processing, storage, transport, or marketing of

1 food, agricultural commodities, wood and wood products, or animal  
2 feedstuffs; any substance or mixture of substances intended for use as a plant  
3 regulator, defoliant, desiccant, or agent for thinning fruit or preventing the  
4 premature fall of fruit; or any substance or mixture of substances applied to  
5 crops either before or after harvest to protect the commodity from  
6 deterioration during storage and transport;

7 PESTICIDE COUNCIL: The Evaluation and Adjudication Board of  
8 Pesticide Registration, which is the legally appointed body that takes the  
9 final decision on the request for registration;

10 PICTOGRAM: A symbol which conveys a message without words;

11 PLANT GROWTH REGULATOR: Any substance or mixture of substances  
12 intended, through physiological action, for accelerating or retarding the rate  
13 of growth or rate of maturation of a plant. This term shall not include  
14 substances intended as plant nutrients, trace elements, nutritional  
15 chemicals, plant inoculants, and soil amendments. This term shall also not  
16 include any nutrient mixtures or soil amendments that are commonly known  
17 as vitamin-hormone horticultural products, intended for improvement,  
18 maintenance, survival, health, and propagation of plants, and that are not for  
19 pest destruction and are nontoxic, non-poisonous in the undiluted packaged  
20 concentration;

21 POLLUTION means man- aided alteration of the chemical, physical,  
22 ecological or biological quality of the environment. ;

23 REGISTRANT: A person who has registered any pesticide pursuant to the  
24 provisions of this Act;

25 REGISTRATION: The process whereby the responsible national  
26 government authority approves the sale and use of a pesticide following the  
27 evaluation of comprehensive scientific data demonstrating that the product  
28 is effective for the purposes intended and is protective against any  
29 unreasonable adverse effects on human health or the environment;

30 RESIDUE means the amount of Pesticides that may remain in or on food,

1 animal feed and or the environment;  
2 RESPONSIBLE AUTHORITY means the statutory body in charge of  
3 evaluation and approval of requests for registration and any other competent  
4 department specifically authorized by law to regulate the manufacture,  
5 distribution or use of pesticides and more generally for implementing pesticide  
6 legislation in this case, "Nigeria Pesticide Council";  
7 WASTE include industrial products that are no more usable and have become  
8 obsolete and could be solid, liquid or gases that are found to contain substances  
9 such as Sulphur dioxide, Oxides or Nitrogen, Hydrogen sulphide, Carbon  
10 monoxide, Ammonia, corrosive, reagent, flammable liquid and solid, poison,  
11 Poly-chloringlodhiphenyls, Dynocyanide, Methyl-melamine, Ethylacetate,  
12 toxic substance radioactive materials, asbestos, expired pesticides and their  
13 containers and contaminated pesticides containers.

Citation

14 **39.** This Bill may be cited as the Nigerian Pesticide Council Bill,  
15 2021.

16 SCHEDULE I

17 SUPPORTING STAFF OF THE COUNCIL

18 1. The Council shall have an Executive Secretary who should be a  
19 Scientist with at least twelve (12) years experience in the field of pesticide. The  
20 Executive Secretary will implement policies, decisions and directives of the  
21 Council. The Council shall have the following Directorate who shall report to  
22 the Executive Secretary:

23 *Director Technical Services*

24 2. The Director Technical shall be a Scientist with vast knowledge in  
25 field of pesticide with at least ten (10) years experience. The Director shall  
26 advise the Council through the Executive Secretary on all matters of Pesticide  
27 Registration.

28 *Director Finance & Administration*

29 3. The Director Finance & Administration shall be a graduate with at  
30 least 10 years experience in the field of Accounting & Finance. He shall advise



1 the Council through the Executive Secretary on all matters of finance and  
2 administration.

3 *Director Inspectorate Division*

4 4. The Director for Inspectorate Division shall be a qualified and  
5 competent Scientist with at least ten (10) years experience in the field of  
6 pesticide. He shall advise the Council through the Executive Secretary on all  
7 matters of regulation of toxicity, efficacy and monitoring of pesticide. There  
8 shall be a Central Laboratory and six (6) zonal laboratories to represent the 6  
9 Geopolitical zones of Nigeria. The Central Laboratory, Library and Data  
10 Bank shall be under this directorate.

11 *Director Planning & Training*

12 5. The Director Planning & Training shall be a Scientist with vast  
13 knowledge in field of pesticide with at least ten (10) years experience. The  
14 Director shall advise the Council through the Director General / Executive  
15 Secretary on all matters of general planning and trainings.

16 6. Each zonal laboratory will be appropriately staffed for the  
17 discharge of its functions and to be headed by a Chief Scientific Officer, with  
18 appropriate training in pesticides and or pest control who will be responsible  
19 to the Director Inspectorate Division.

20 SCHEDULE II

21 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

22 *Proceedings of the Council*

23 1. Subject to this Act, and Section 41 of the Interpretation Act, the  
24 council may make standing orders regulating its proceedings or those of any  
25 of its committees.

26 2. The quorum of the Council shall be Five(5) members, including  
27 the chairman or in his absence the person elected to preside, and Two other  
28 members from the public sector and also two from the non-public sector.  
29 The quorum of any committees of the council shall be determined by the  
30 Council:

1 (i) The Council shall meet once a quarter in each calendar year and  
2 subject thereto, the council shall meet whenever it is summoned by the  
3 Chairman, and if the Chairman is required to do so by notice given to him by  
4 not less than four other members (2 from public and 2 from non-public sector),  
5 he shall summon a meeting of the Council to be held within 14 days from the  
6 date on which the notice is given;

7 (ii) At any meeting of the Council, the chairman shall preside but if he  
8 is absent, the members present at the meeting shall elect one of their number to  
9 preside at the meeting;

10 (iii) Where the Council desire to obtain the advice of any person or  
11 group on a particular matter, the council will co-opt him or group to the Council  
12 for such period as it thinks fit but such a person who is in attendance by virtue of  
13 this sub-paragraph shall not be entitled to vote any meetings of the Council and  
14 shall not count towards a quorum;

15 (iv) The decision of the Council shall be by simple majority.

16 *Appointment of Ad-hoc committee*

17 3.-(i) The Council may appoint one or more committees to carry out,  
18 on behalf of the Council, such of its functions as the council may determine;

19 (ii) A committee appointed under this paragraph shall consist of such  
20 number of persons (not necessarily members of the Council) as may be  
21 determined by the Council and a person other than a member of the Council  
22 shall hold office on the committee in accordance with the terms of his/her  
23 appointment;

24 (iii) The decision of a committee of the Council shall be of no effect  
25 until it is confirmed by the Council.

26 *Miscellaneous*

27 4.-(i) The fixing of the seal of the Council shall be authenticated by the  
28 signature of the Chairman or any person specifically authorized to act for that  
29 purpose by the Council;

30 (ii) Any contract or instrument which, if made or executed by a person

1 not being a body corporate, will not be required to be under seal and may be  
2 made or executed on behalf of the Council by the chairman or any person  
3 specifically authorized to act for that purpose by the Council;

4 (iii) The document purporting to be a document duly, executed  
5 under the seal of the council shall be received in evidence and shall unless  
6 and until the contrary is proved, be presumed to be so executed;

7 (iv) The validity of any proceeding of the Council or of a  
8 committee thereof shall not be adversely affected by any vacancy in the  
9 membership of the Council or committee, or by any defect in the  
10 appointment of a member of the Council or of a committee, or by reason that  
11 a person not entitled to do so took part in the proceedings of the Council or  
12 committee.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for establishment of the Nigerian Pesticide Council.



CHARTERED INSTITUTE OF COMPUTER FORENSICS OF NIGERIA

BILL, 2021

ARRANGEMENT OF SECTIONS

PART I

1. Establishment of the Chartered Institute of Computer Forensics of Nigeria etc.
2. Membership of Institute
3. Council of the Institute
4. Certification Board
5. College of Fellows

PART II - FINANCIAL PROVISIONS

6. Funds of the Institute.
7. Accounts, etc.

PART III - APPOINTMENT OF REGISTRAR, ETC., AND PREPARATION

OF THE REGISTER

8. Appointment of Registrar, etc., and preparation of the Register
9. Publication of register and list of corrections

PART IV - REGISTRATION

10. Registration of members
11. Approval of qualifications, etc.
12. Supervision of instructions and examinations leading to approved qualifications

PART V - PROFESSIONAL DISCIPLINE

13. Establishment of Disciplinary Tribunal and Investigating panel
14. Penalties for unprofessional conducts, etc.

PART VI - MISCELLANEOUS

15. Application of this Bill to unregistered persons
16. When a person is deemed to practice as a member.
17. Rules as to practice, etc.
18. Provisions of library facilities, etc.

- 19. Offences
- 20. Regulations and rules
- 21. Transfer to the Institute of certain assets and liabilities
- 22. Interpretation
- 23. Supervising Ministry
- 24. Short Title

#### SCHEDULES

##### FIRST SCHEDULE

Supplementary Provisions relating to the Council

##### SECOND SCHEDULE

Supplementary provisions relating to the Disciplinary Tribunal and Investigating Panel

##### THIRD SCHEDULE

Transitional Provisions as to Property, etc.

##### FOURTH SCHEDULE

Professional Bodies

# A BILL

## FOR

AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF COMPUTER  
FORENSICS OF NIGERIA AND FOR RELATED MATTERS

*Sponsored by Hon. John Dyegh*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, ETC., OF THE CHARTERED INSTITUTE OF  
2 COMPUTER FORENSICS OF NIGERIA (CICFON)

3 1.-(1) There is hereby established a body to be known as the  
4 Chartered Institute of Computer Forensics of Nigeria (CICFON) (in this Bill  
5 referred to as "the Institute") which shall be an independent body corporate  
6 under that name and be charged with the general duty of:

Establishment  
of the Chartered  
Institute of Computer  
Forensics of  
Nigeria (CICFON)

7 (a) Have powers to regulate the practice of Digital, Mobile and  
8 Computer Forensics (including Questioned Document  
9 Examination/Handwriting Analysis, Fingerprinting and other Biometric  
10 methods, Ethical Hacking and Penetration Testing) in Nigeria;

11 (b) Advancing the science of digital, mobile and computer  
12 forensics, cyber security, ethical hacking and penetration testing in this Bill  
13 referred to as "the profession");

14 (c) Determining the standards of knowledge and skills to be  
15 attained by persons seeking to become registered members of the profession  
16 and reviewing those standards, from time to time, as circumstances may  
17 require;

18 (d) Promoting the highest standard of competence, practice and  
19 conduct among the members of the profession;

20 (e) Securing, in accordance with the provisions of this Bill, the  
21 establishment and maintenance of a register of members of the profession

- 1 and the publication, from time to time, of lists of those persons;
- 2 (f) Conduct examination and award certificates and licenses to
- 3 members and persons aspiring to qualify and practice as members of the
- 4 profession;
- 5 (g) Regulating on matters relating to qualifications for the practice of
- 6 the profession;
- 7 (h) Conduct research into all aspects of the profession;
- 8 (i) Organize conferences, seminars, workshops for members and non-
- 9 members of the profession;
- 10 (j) Register and set standards for organizations to provide training for
- 11 persons aspiring to qualify and practice as members of the profession;
- 12 (k) Have powers to accredit (in collaboration with appropriate
- 13 organs(s) of government) Digital, Mobile and Computer Forensics Courses
- 14 and Programmes for Universities or other Tertiary Institutions in Nigeria.
- 15 (l) Have powers to accredit Private Digital, Mobile and Computer
- 16 Forensics Training Companies or Institutions for the purpose of preparing
- 17 candidates for the Institute's Certification Examination.
- 18 (m) Have powers to accredit Digital Forensics Laboratories and for
- 19 other matters connected therewith;
- 20 (n) Have powers to accredit (in collaboration with appropriate
- 21 organ(s) of government) Digital, Mobile and Computer Forensics Courses in
- 22 Institutions of Learning in Nigeria;
- 23 (o) Have powers to accredit and license Distributors and Resellers of
- 24 Forensic Equipment, Software and Forensic Tools in Nigeria;
- 25 (p) Have powers to accredit and certify (in collaboration with
- 26 appropriate organ(s) of government) Forensic Hardware, Software and Tools
- 27 in Nigeria;
- 28 (q) Have powers to enforce standards and ethics in the practice of
- 29 Digital Forensics in Nigeria;
- 30 (r) Have powers to regulate the practice of the profession;



1 (s) Issue Professional Licenses and Seals to Fellows and  
2 Professional members for the purpose of practicing the profession and for  
3 sealing Digital, Mobile and Computer Forensics Reports generated by such  
4 members for the courts, tribunals, court martials, administrative panel of  
5 inquiries and all their clients;

6 (t) Doing such things as may promote the advancement of the  
7 profession of digital and computer forensics in both the public and private  
8 sector of the economy; and

9 (u) Performing, through the Executive Council, College of Fellows  
10 and the Certification Board established under Section 3 of this Bill, the  
11 functions conferred on it by this Bill.

12 (2) The Institute shall have perpetual succession and a common  
13 seal which shall be kept in such custody as the Council established under  
14 Section 3 of this Bill may from time-to-time authorise.

15 (3) The Institute may sue and be sued in its corporate name and may  
16 hold, acquire and dispose of any property, movable or immovable.

17 2.-(1) Subject to the provisions of this Bill, a person admitted to the  
18 membership of the Institute shall be registered as a member and shall be  
19 entitled to use the abbreviation "MCICFON" (Member, Chartered Institute  
20 of Computer Forensics of Nigeria) after his name.

Membership of  
the Institute

21 (a) The Institute may register a member as a Fellow, Honorary  
22 Fellow, Professional Member, Student, or Corporate Member;

23 (b) A Fellow shall be a person who has practiced as a Digital,  
24 Mobile and Computer Forensics Examiner for a period of not less than 7  
25 years preceding the date of his application to the Institute for registration as a  
26 Fellow. The recommendation for approval of a nominated candidate shall be  
27 decided by a majority vote of the Certification Board and the final approval  
28 for a recommended candidate shall be decided by a majority vote of the  
29 Council. Persons registered as Fellows of the Institute shall be entitled to use  
30 after their names, the words "Fellow of the Chartered Institute of Computer

1 Forensics of Nigeria" or the initials "FCICFON". Professional Fellows under  
2 the Incorporated Computer Forensics Institute prior to the commencement of  
3 this Bill shall upon the commencement of this Bill be granted a period of six (6)  
4 months to apply for transfer into Professional Fellowship of the Chartered  
5 Institute of Computer Forensics of Nigeria (CICFON);

6 (c) An Honorary Fellow shall be a person of repute and integrity who  
7 has contributed immensely towards the growth and development of the field of  
8 Digital, Mobile and Computer Forensics and Electronic Evidence in Nigeria.  
9 The recommendation for approval of a nominated candidate shall be decided  
10 by a majority vote of the Certification Board and the final approval for a  
11 recommended candidate shall be decided by a majority vote of the Council.  
12 Persons registered as Honorary Fellows of the Institute shall be entitled to use  
13 after their names, the words "Honorary Fellow of the Chartered Institute of  
14 Computer Forensics of Nigeria" or the initials "FCICFON (Hon.)". Honorary  
15 Fellows under the Incorporated Computer Forensics Institute prior to the  
16 commencement of this Bill shall upon the commencement of this Bill be  
17 granted a period of six (6) months to apply for transfer into Honorary  
18 Fellowship of the Chartered Institute of Computer Forensics of Nigeria  
19 (CICFON);

20 (d) A Professional Member shall be a person who has undergone the  
21 Institute's approved Certification Training Programme or who has completed a  
22 similar Training and Certification from the list of approved foreign  
23 Professional Bodies as listed in the Fourth Schedule (Section 9) of this Bill, in  
24 as long as such foreign certification covers, subject by subject, the course  
25 contents of the Institute's Certification program. Where a candidate is deficient  
26 in certain subject area(s), the candidate must sit for the appropriate CICFON  
27 examination(s) in such subject area(s);

28 (e) Candidates who have completed their Certification Training  
29 Programme under Digital and Computer Forensics Associates and First Digital  
30 & Techno- Law Forensics Co. Ltd. who are the accredited Training Partners to

1 Incorporated Computer Forensics Institute and have passed the  
2 Incorporated Computer Forensics Institute Examination prior to the  
3 commencement of this Bill shall upon the commencement of this Bill be  
4 granted a period of six (6) months to apply for transfer into Professional  
5 Membership of the Chartered Institute of Computer Forensics of Nigeria  
6 (CICFON);

7 (f) Corporate membership shall consist of Companies, which  
8 produce or market Digital, Mobile and Computer Forensics goods,  
9 software, hardware and tools and or provide Digital, Mobile and Computer  
10 Forensics Consultancy, Expert witness and Laboratory Services in Nigeria,  
11 which at the date of application, employ not less than two (2) Registered  
12 Professional Members of the Institute and satisfy the rules and regulations of  
13 the Institute. Corporate members under the Incorporated Computer  
14 Forensics Institute prior to the commencement of this Bill shall upon the  
15 commencement of this Bill be granted a period of six (6) months to apply for  
16 transfer into Corporate Membership of the Chartered Institute of Computer  
17 Forensics of Nigeria (CICFON);

18 (g) Candidates as Fellow, Honorary Fellow, Professional Member,  
19 Student, or Corporate Member must be inducted and sworn to an Oath of  
20 Professional Ethics by the Institute;

21 (h) A person who desires to take the Certification Examination for  
22 Professional Membership of the Institute shall obtain the necessary  
23 Application Form for Student Membership, attend an accredited Training  
24 Programme, sit for the Certification Examination and be inducted into the  
25 Institute;

26 (i) No organization or person may practice as a Digital, Mobile and  
27 Computer Forensic Examiner, Ethical Hacker or Licensed Penetration  
28 Tester or offer Digital, Mobile and Computer Forensics Services including  
29 sales of forensic hardware, software and tools in Nigeria unless they have  
30 been registered by the Institute.

Council of the  
Institute

1                   3.-(1) There shall be established, a Council of the Institute, which  
2 shall be charged with the administration and general management of the  
3 Institute.

4                   (2) The Council shall consist of:

5                   (a) the President of the Institute who shall be a person of proven  
6 ability and integrity and a registered Fellow of the Institute with not less than  
7 seven (7) years post registration practical experience to be voted for by  
8 registered members of the Institute at an Annual General Meeting (AGM);

9                   (b) the 1st Vice-President of the Institute with same criteria as the  
10 office of the President;

11                   (c) the 2nd Vice-President of the Institute with same criteria as the  
12 office of the President;

13                   (d) The Provost, College of Fellows;

14                   (e) The Chairman, Certification Board;

15                   (f) The Chairman, Membership Committee;

16                   (g) The Chairman, Finance Committee;

17                   (h) The Chairman, Examinations Committee;

18                   (i) The Chairman, Conferences Committee;

19                   (j) The Chairman Ethics and Disciplinary Matters Committee;

20                   (k) The Chairman, External Relations Committee;

21                   (l) The Chairman, Laboratories & Facilities (Accreditation &  
22 Enforcement) Committee;

23                   (m) The Chairman, Education & Mandatory Continuous Education  
24 (MCE) Committee;

25                   (n) The Chairman, Research and Publications Committee;

26                   (o) The Chairman, Audit Committee;

27                   (p) Ex- Officio Member #1;

28                   (q) Ex- Officio Member #2;

29                   (r) Two (2) representatives of Special Interest Groups registered with  
30 the Institute, with not less than five (5) years practical experience who shall be

1 voted into the Executive Council from among the registered members of the  
2 Institute at an Annual General Meeting (AGM);

3 (s) All immediate past presidents of the Institute, including the  
4 Incorporated Computer Forensics Institute;

5 (t) Two persons who shall be registered members of the Institute to  
6 represent Institutions of higher learning in Nigeria offering courses leading  
7 to an approved qualification in Digital, Mobile and Computer Forensics, in  
8 rotation, so however that the two shall not be nominated from the same  
9 Institution;

10 (u) One (1) Representative of the Chief of Staff to the President,  
11 Federal Republic of Nigeria;

12 (v) One (1) member of the Council nominated by the Honorable  
13 Minister of Science and Technology;

14 (w) One (1) Representative of the Office of the National Security  
15 Adviser (ONSA);

16 (x) One (1) Representative of the Honorable Attorney General of  
17 the Federation and Minister of Justice;

18 (y) One (1) Representative of the Honorable Minister of  
19 Education;

20 (z) One (1) Representative of the Office of Minister of  
21 Communications and Digital Economy;

22 (aa) One (1) Representative of Head of Service of the Federation;

23 (ab) The Registrar of the Institute, as Secretary to Council;

24 The Executive Council of the Institute shall be an elected body, with the  
25 exception of the Provost of the College of Fellows, Chairman of the  
26 Certification Board, Past Presidents and Government Representatives.

27 For items 'u' to 'ab' above, nominated representatives shall be Chartered  
28 Digital Forensics Examiners.

29 *Tenure of Office*

30 The tenure of office for Executive Council members shall be for a single

1 term of five (5) years.

2 The Executive Council shall have the power to add to the number or amend the  
3 names of their respective committees and sub-committees as necessary from  
4 time to time.

5 (3) The President and the Vice-Presidents shall be elected into the  
6 Council by members of the Institute.

7 (4) The President and Vice-Presidents shall each hold office for a  
8 single term office (5) years from the date of their election for the same position.

9 (5) The President shall be the Chairman at meetings of the Institute, so  
10 however that in the event of the death, incapacity or inability for any reason of  
11 the President, the 1st Vice-President shall act as President for the unexpired  
12 portion of the term of office and as Chairman, as the case may be and references  
13 in this Bill to the President shall be construed accordingly. In the absence of  
14 both the President and the 1st Vice-President, the 2nd Vice-President shall  
15 chair the meeting of the Institute, as long as a quorum is formed.

16 (6) The President and the two Vice-Presidents shall respectively be  
17 Chairman, 1st Vice-Chairman and 2nd Vice-Chairman of the Council of the  
18 Institute respectively under this Bill.

19 (7) If the President or any Vice-President ceases to be a member of the  
20 Institute, he/ she shall cease to hold any of the offices designated under this  
21 section.

22 (8) The other Members of Council shall be elected for a single term of  
23 five (5) years for the same position.

24 (9) The provisions of the First Schedule to this Bill shall have effect  
25 with respect to the qualifications and tenure of office of members of the  
26 Council and other matters therein mentioned.

Certification  
Board

27 4.-(1) There is hereby established under this Bill, a Body as the  
28 implementation, certification and disciplinary body of the Institute, to be  
29 known as the "Certification Board" (the Board) of the Institute.

30 (2) The Board shall consist of:

- 1 (1) The Chairman;
- 2 (2) The Vice Chairman;
- 3 (3) The Chairman, Education & Mandatory Continuous Education
- 4 (MCE) Committee;
- 5 (4) The Chairman, Examination Matters Committee;
- 6 (5) The Chairman, Ethics and Disciplinary Matters Committee;
- 7 (6) The Chairman, Laboratories & Facilities (Accreditation &
- 8 Enforcement) Committee;
- 9 (7) The Chairman, Membership Committee;
- 10 (8) The Chairman, Finance Committee;
- 11 (9) The Chairman, Conferences Committee;
- 12 (10) The Chairman, External Relations Committee;
- 13 (11) The Chairman, Branch Networks Committee (South);
- 14 (12) The Chairman, Branch Networks Committee (North);
- 15 (13) The Chairman, Audit Committee;
- 16 (14) The Chairman, Research and Publications Committee;
- 17 (15) The Chairman, Special Duties Committee;
- 18 (16) Past Presidents of the Institute who have successfully
- 19 completed their terms of office;
- 20 (17) Two (2) other Fellows of the institute elected by members of
- 21 the institute at the institute's AGM;
- 22 (18) One (1) member of the Board nominated by the Honorable
- 23 Minister of Science and Technology;
- 24 (19) One (1) Representative of the Honorable Attorney General of
- 25 the Federation & Minister of Justice;
- 26 (20) One (1) member of the Board nominated by the Office of the
- 27 National Security Adviser (NSA);
- 28 (21) One (1) Representative member of the Board nominated by
- 29 the Honorable Minister of Education;
- 30 (22) One (1) Representative of the Honorable Minister of

- 1 Communications and Digital Economy;
- 2 (23) One (1) Representative of the Honorable Minister of Interior
- 3 (24) One (1) Representative of the Inspector General of Police;
- 4 (25) One (1) Representative of the Chief Defense Staff;
- 5 (26) One (1) Representative of the Governor of Central Bank of
- 6 Nigeria;
- 7 (27) One (1) Representative of the Standards Organization of Nigeria
- 8 (SON); and
- 9 (28) The Registrar of the Institute (Secretary to the Board).
- 10 For items 18-27 above, nominated representatives shall be Certified Digital
- 11 Forensics Examiners.
- 12 (3) The tenure of office of members of the Certification Board shall be
- 13 two (2) terms of five (5) years each. However, the tenure of the Chairman of the
- 14 Certification Board shall be a single term of five (5) years.
- 15 (4) Duties of the Certification Board:
- 16 The duties of the Certification Board shall include:
- 17 (1) Accreditations of the following:
- 18 (a) Digital Forensics Courses in Universities and Institutions of
- 19 Learning;
- 20 (b) Digital Forensics Laboratories;
- 21 (2) Certification of Digital Forensics Practitioners;
- 22 (3) Certification of Digital Forensics hardware, software, and Tools;
- 23 (4) Enforcement of Standards and Professional Practice;
- 24 (5) Submission of its Annual Budget to the Executive Council of the
- 25 Institute for approval;
- 26 (6) Any other duties as assigned to it by the Executive Council of the
- 27 Institute.
- 28 The Certification Board shall have the power to add to the number and amend
- 29 the names of their respective committees and sub-committees as necessary
- 30 from time to time.

Tenure of office  
of Chairman and  
Members of the  
Certification  
Board



1 (3) Members of the Board shall hold office for a period of five (5)  
2 years each and renewable for another term of five (5) years.

3 (4) Each of the Board members listed 1 - 17 above must be a Fellow  
4 of CICFON with reputable character, whose membership subscription fees  
5 are paid up-to- date, with a minimum of seven years' experience in the  
6 profession, and active in their areas of specialization in the profession.

7 5.-(1) There is hereby established under this Bill, a Body as an" College of Fellows  
8 Advisory Body" to be known as the "College of Fellows" of the Institute,  
9 which shall be headed by the Provost of the College of Fellows and assisted  
10 by a Deputy Provost.

11 (2) The responsibilities of the College of Fellows shall include the  
12 following:

13 (a) Vetting and approval of Fellowship Application forms from  
14 Professional Members of CICFON;

15 (b) Nomination on Honorary Fellowship Awards to deserving  
16 members of the public;

17 (c) Advisory services to Executive Council and Certification  
18 Board;

19 (d) Can create and manage the internal structures and activities for  
20 Fellows;

21 (e) Submits Budget to Executive Council for approval;

22 (f) Other duties as assigned by the Executive Council and  
23 Certification Board;

24 (3) The tenure of office of the Provost and Deputy Provost, College  
25 of Fellows shall be for a single term of two (2) years.

26 (4) The Provost shall represent the College of Fellows on the  
27 Executive Council of the Institute while in office. In the absence of the  
28 Provost, the Deputy Provost shall represent the Provost at the CICFON  
29 Executive Council meetings.

30 (5) The College of Fellows shall have the power to appoint its own

1 officers and to add to the number or amend the names of their respective  
2 committees and sub-committees as necessary from time to time.

3 PART II - FINANCIAL PROVISIONS

Funding of the  
Institute

4 6.-(1) The Institute shall be funded:

5 (a) by the payment of membership fees and other moneys payable to  
6 the Institute pursuant to this Bill; and

7 (b) such moneys as may be payable to the Institute, whether in the  
8 course of the discharge of its functions or not.

9 (2) There shall be paid out of the resources of the Institute:

10 (a) the remuneration and allowances of the Registrar and other  
11 employees of the Council and the Board;

12 (b) such reasonable travelling and subsistence allowance of members  
13 of the Council and the Board in respect of the time spent on the business of the  
14 Council and the Board as the Council and the Board may approve;

15 (c) any other expenses approved by the Council or the Board in the  
16 discharge of their functions under this Bill.

17 (3) The Council may invest moneys in the fund in any security created  
18 or issued by or on behalf of the Federal Government or in any other securities in  
19 Nigeria approved by the Council.

20 (4) The Council may, from time to time, borrow money for the  
21 purposes of the Institute with the approval of the Annual General Meeting  
22 (AGM) and any interest payable on moneys so borrowed shall be paid out of  
23 the fund.

Accounts, etc.

24 7.-(1) The Institute shall keep proper accounts on behalf of the  
25 Institute in respect of each year.

26 (2) The Institute shall prepare monthly, quarterly and annual financial  
27 reports and submit same to both the Council and the Board;

28 (3) The institute shall keep proper records in relation to those  
29 accounts and shall cause its accounts to be audited at the end of the year by a  
30 firm of auditors approved by the Institute and, when audited, the accounts shall

1 be submitted to the members of the Institute for approval by them at the  
2 Annual General Meeting of the Institute.

3 (4) Appointment and renewal of appointments of the firm of  
4 external auditors shall be by the Annual General Meeting of the Institute.

5 PART III - APPOINTMENT OF REGISTRAR ETC., AND PREPARATION  
6 OF THE REGISTER

7 8.-(1) The Institute shall appoint a fit and proper person to be the  
8 Registrar for the purposes of this Act, and such other persons as the Institute  
9 may, from time to time think necessary to assist the Registrar in the  
10 performance of his function under this Bill.

Appointment of  
Registrar, etc. and  
preparation of the  
register

11 (2) The Registrar must be a Fellow of the Institute, with seven  
12 years' experience in the profession and a proven additional qualification and  
13 track record in administration. The Registrar shall hold office for a period of  
14 five (5) years and renewable for another term of five (5) years.

15 (3) The Registrar shall be the Secretary to the Council and the  
16 Board.

17 (4) It shall be the duty of the Registrar to prepare and maintain in  
18 accordance with rules made by the Institute, a register of the names,  
19 addresses, approved qualifications and of such other qualifications and  
20 particulars as may be specified in the rules, of all persons who are entitled in  
21 accordance with the provisions of this Bill to be registered as members of the  
22 Institute or such persons who have applied to be so registered.

23 (5) Subject to the foregoing provisions of this section, the Council  
24 shall make rules with respect to the form and keeping of the register and the  
25 making of entries therein, and in particular:

26 (a) regulating the making of application for or registration, as the  
27 case may be, and providing for the evidence to be produced in support of  
28 such applications;

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

1 (c) authorizing a registered person to have any qualification which is  
2 required in relation to the relevant division of the profession, whether an  
3 approved qualification or accepted qualification for the purposes of this Bill;  
4 registered in relation to his name in addition to or, as he may elect, in  
5 substitution for any other qualifications so registered:

6 (d) specifying the fees, including any annual subscription, to be paid  
7 to the Institute in respect of the entry of names on the register, and authorizing  
8 the Registrar to refuse to enter a name on the register until any fee specified for  
9 the entry has been paid. Provided that such fees or dues, the entry of names or  
10 the refusal to do so have been confirmed at a meeting of the Institute.

11 (e) specifying the doing of anything omitted to be done under the  
12 foregoing provisions of this section,

13 (6) It shall be the duty of the Registrar:

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

17 (b) to make, from time to time, any necessary alteration to the  
18 registered particulars of members or the Register of members:

19 (c) to remove from the register, the name of any registered member  
20 who has Died;

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

25 (7) If the Registrar:

26 (a) requests a registered member to either provide or confirm the  
27 particulars regarding his/her membership and such a member neglects to do so  
28 within six months of the request, the Registrar may send a notice of reminder  
29 requesting the member to provide the required information within a further  
30 period of three months;

1 (b) Where the member fails to provide the requested information at  
2 the expiration of the additional period of three months period, the Registrar  
3 may remove the particulars relating to such member from the register of  
4 members, and report same to the Certification Board.

5 (7) The Council and the Board may direct the Registrar to restore  
6 the particulars of any member removed under this subsection.

7 **9.-(1)** It shall be the duty of the Registrar:

Publication of  
register and  
list of corrections

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

11 (b) thereafter in each year, to cause to be printed, publish and put-  
12 on sale as aforesaid, either a corrected edition of the register of members or a  
13 list of corrections made to the register, since it was last printed;

14 (c) to cause a print of each edition of the register and of each list of  
15 corrections to be deposited at the principal offices of the Institute; and

16 (d) to keep the register of members and lists so deposited to be  
17 made available to members of the public at all reasonable times for  
18 inspection.

19 (2) A document purporting to be a print of an edition of a register  
20 published under this section by authority of the Registrar, or documents  
21 purporting to be prints of an edition of a register so published and of the list  
22 of corrections to that edition so published, shall (without prejudice to any  
23 other means of proof) be admissible in any proceedings as evidence) that  
24 any person specified in the document, or the documents read together, as  
25 being registered was so registered at the date of the edition or of the list of  
26 corrections, as the case may be and that any person not so specified was not  
27 so registered.

28 (2) Where in accordance with subsection (2) of this section, a  
29 person is, in any proceeding shown to have been or not to have been  
30 registered at a particular date, he shall, unless the contrary is proved, be

1 taken for the purposes of those proceedings as having at all material times  
2 thereafter continued to be, or not to be so registered.

3 PART IV - REGISTRATION

Registration of  
members

4 **10.-(1)** Subject to section 9 of this Bill and to rules made under section  
5 7 (4) of this Bill, a person shall be entitled to be registered as a member of the  
6 profession if he satisfies the Council that:

7 (a) immediately before the commencement of this Bill, he holds a  
8 qualification approved for membership of any of the professional bodies  
9 mentioned in the Fourth Schedule to the Bill or any other professional forensics  
10 body approved by the Council on the recommendation of the Board, in as long  
11 as such certification covers, subject by subject, the course contents of the  
12 Institute's Certification program. Where a candidate is deficient in certain  
13 subject area(s), the candidate must sit for the appropriate CICFON  
14 examination(s) in such subject area(s);

15 *[Fourth Schedule.]*

16 (b) before 1st January 2017, he was a graduate in forensics science of  
17 any Nigerian or foreign university with three years' post-qualification  
18 experience in digital, mobile and computer forensics;

19 (c) he is a citizen of Nigeria and was immediately before the  
20 commencement of this Act, the Head of Forensics Department, provided he  
21 possesses a Bachelor's degree in forensics or an equivalent qualification;

22 (d) he has completed the required Boot Camp or online training and  
23 passed the Professional Certification Examination conducted by the  
24 Incorporated Computer Forensics Institute.

25 (2) Subject as aforesaid, a person shall also be entitled to be registered  
26 as a member under this Bill, if he holds such certificate as may be recognized by  
27 the Institute from time to time on the recommendation of the Board to the  
28 Council.

29 (3) An Applicant for registration under this Bill shall in addition to  
30 evidence of qualification, satisfy the Council that-

- 1 (a) he is of good character;
- 2 (b) he has attained the age of eighteen years (this requirement may
- 3 be waived for student members of the Institute);
- 4 (c) he has not been convicted in Nigeria or elsewhere of an offence
- 5 involving Fraud or dishonesty; and
- 6 (d) he has not been declared or adjudged a bankrupt in Nigeria or
- 7 elsewhere.
- 8 (4) The Council may, in its sole discretion provisionally, accept a
- 9 qualification produced in respect of an application for registration under this
- 10 section or direct that the application be renewed within such period as may
- 11 be specified in the direction.
- 12 (5) Any entry directed to be made in the register, under subsection
- 13 (4) of this section, shall show that the registration is provisional and no entry
- 14 so made shall be converted to full registration without the consent of the
- 15 Council and the recommendation of the Board signified in writing in that
- 16 behalf.
- 17 (6) The Council shall, from time to time, publish in the Gazette of
- 18 the Ministry particulars of qualifications for the time being accepted for
- 19 registration under this Bill.
- 20 **11.-(1)** The Certification Board may approve any institution for the
- 21 purposes of this Bill and may for those purposes approve:
- 22 (a) any course of training at any approved institution which is
- 23 intended for persons seeking to become or are already members of the
- 24 forensics profession and which in the opinion of the Board is designed to
- 25 confer on persons sufficient knowledge and skill for the practice of the
- 26 profession;
- 27 (b) any qualification which, as a result of an examination taken in
- 28 conjunction with a course of training approved by the Board under this
- 29 section, is granted to candidates reaching a standard at the examination
- 30 indicating in the opinion of the Certification Board, that the candidates have

Approval of  
qualifications, etc.

1 sufficient know ledge and skill for the practice of the profession.

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

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

8 (b) afford each, such person an opportunity of making to the Board  
9 representations with regard to the proposal; and

10 (c) take into consideration any representation made as respects the  
11 proposal in pursuance of paragraph (b) of this subsection.

12 (3) A course, qualification or institution shall cease to be recognized  
13 during any period an approval has been withdrawn under subsection (2) of this  
14 section.

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

21 (5) A foreign forensic examiner or a person with a foreign  
22 qualification and license to practice as a forensic examiner who seeks to  
23 practice in Nigeria or render forensic services in Nigeria:

24 (6) Must either obtain license from the Board to practice as such or  
25 seek for a waiver from the Council through the Board.

26 (7) An approval or waiver obtained for the purposes of rendering  
27 forensic service(s) shall only be for the duration of the period for which such  
28 service(s) is to be performed and shall be so stated in the license or waiver. Such  
29 approved period shall not exceed a period of 90 days.

30 (8) The grant or withdrawal of an approval or license under this



1 section shall have effect from such date, either before or after the execution  
2 of the instrument signifying the grant or withdrawal of the approval or  
3 license, as the Board may specify in the instrument and the Board shall:

4 (a) as soon as may be, publish a copy of every such instrument in  
5 the Gazette; and

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

8 **12.-(1)** The Board shall be informed of the nature of:

9 (a) The instruction given at approved institutions to persons  
10 attending approved courses of training; and

11 (b) the examinations as a result of which approved qualifications  
12 are granted, and for the purposes of performing that duty, the Board may  
13 appoint either from among its members or otherwise, persons to visit  
14 approved institutions or to observe such examinations.

15 (2) It shall be the duty of a person appointed under this section to  
16 report to the Board on:

17 (a) the adequacy of the instruction given to persons attending  
18 approved courses of training at institutions visited;

19 (b) the adequacy of the examinations administered by such  
20 institution; and

21 (c) any other matters relating to the institutions or examinations on  
22 which the Board may, either generally or in a particular case, request the  
23 person to report.

24 Provided that the person shall not interfere with the giving of any  
25 instruction or the holding of any examination.

26 (3) On receiving a report made in pursuance of this section, the  
27 Board may, if it thinks fit, and shall, if so required by the institution, send a  
28 copy of the report to the person appearing to the Board to be in charge of the  
29 institution or responsible for the examination to which the report relates.

Supervision of  
instructions and  
examinations  
leading to approved  
qualifications

Establishment  
of Disciplinary  
Tribunal and  
Investigating  
Panel

PART V - PROFESSIONAL DISCIPLINE

**13.**-(1) There shall be a tribunal to be known as the Chartered Institute of Computer Forensics of Nigeria Disciplinary Tribunal (in this Bill referred to as "the Tribunal") which shall be charged with the duty of considering and determining any case of professional misconduct referred to it by the investigating Panel established by the following provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Bill.

(2) The Tribunal shall consist of the Chairman of the Council and six other members of the Council appointed by the Council (including the representative of the Minister of Justice on the Council), the President of Council and three other members of Council. The Registrar shall act as the Secretary.

(3) There shall be a body to be known as the Chartered Institute of Computer Forensics of Nigeria Investigating Panel (in this Bill referred to as "the Panel") which shall be charged with the duty of:

(a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a member or should for any other reason be the subject of proceedings before the Tribunal; and

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

(4) The Panel shall be appointed by the Council and shall consist of five Members, four from the Council and the other one from outside the Council.

(5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the tribunal and panel respectively, have effect with respect to those bodies.

(6) The Council and the Board, jointly, may from time to time make rules not inconsistent with this Bill as to acts which constitute professional misconduct.

1	<b>14.-(1) Where:</b>	Penalties for unprofessional conduct, etc.
2	(a) a person registered under this Bill is judged by the Tribunal to	
3	have committed any act of professional misconduct; or	
4	(b) a person is convicted, by any court or tribunal in Nigeria or	
5	elsewhere having power to award imprisonment, of an offence (whether or	
6	not punishable with imprisonment) which in the opinion of the Tribunal is	
7	incompatible with the status of a member of the profession; or	
8	(c) the tribunal is satisfied that the name of any person has been	
9	fraudulently registered, the Tribunal may, if it thinks fit, give a direction	
10	reprimanding that person or ordering the Registrar to strike his name off the	
11	relevant part of the register.	
12	(2) The Tribunal may, if it thinks fit, defer its decision as to the	
13	giving of a direction under subsection (1) of this section until a subsequent	
14	meeting of the Tribunal; but:	
15	(a) no decision shall be deferred under this subsection for periods	
16	exceeding two years in the aggregate; and	
17	(b) no person shall be a member of the Tribunal for the purposes of	
18	reaching a decision which has been deferred or further deferred, unless he	
19	was present as a member of the Tribunal when the decision was deferred.	
20	(3) For the purposes of subsection (1) (b) of this section, a person	
21	shall not be treated as convicted, unless the conviction stands at a time when	
22	no appeal or further appeal is pending or may (without extension of time) be	
23	brought in connection with the conviction.	
24	(4) When the Tribunal gives a direction under subsection (1) of this	
25	section, the Tribunal shall cause notice of the direction to be served on the	
26	person to whom it relates.	
27	(5) A person to whom a direction relates may, at any time within 28	
28	days from the date of service on him of notice of the direction, appeal against	
29	the direction to the Court of Appeal and the Tribunal may appear as	
30	respondent to the appeal and, for the purpose of enabling directions to be	

1 given as to the costs of the appeal and of proceedings before Court of Appeal,  
2 the Tribunal shall be deemed to be a party thereto whether or not it appears on  
3 the hearing of the appeal.

4 (6) A direction of the Tribunal under subsection (1) of this section,  
5 shall take effect where:

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

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

10 (c) an appeal is brought and is not withdrawn or struck out as  
11 aforesaid, if and when the appeal is dismissed, and shall not take effect except  
12 in accordance with the foregoing provisions of this sub section:

13 (7) A person whose name is struck off the register in pursuance of a  
14 direction of the Tribunal under this section, shall not be entitled to be registered  
15 again except in pursuance of a direction in that behalf and a direction under this  
16 section for the striking off of a person's name from the register, may prohibit an  
17 application for re-registration under this subsection by that person until the  
18 expiration of such period from the date of the direction (and where he has duly  
19 made such an application, from the date of his last application) as may be  
20 specified in the direction.

21 PART VI - MISCELLANEOUS

Application of  
this Bill to  
unregistered  
persons

22 **15.** Any person not a member of the Computer Forensics Institute  
23 incorporated under the then Land Perpetual Succession Act (in this Bill  
24 referred to as "the Incorporated Institute") who but for this Bill, would have  
25 been qualified to apply for and obtain membership of the Incorporated Institute  
26 may, within the period of six (6) months beginning from the commencement of  
27 this Bill, apply for membership of the Institute in such manner as may be  
28 prescribed by rules made by the Board and approved by the Council. If such an  
29 application is approved, he shall be registered according to his qualification.

- 1                   **16.**-(1) Subject to subsection (2) of this section, a person shall be  
2                   deemed as a member of the profession if, in consideration of remuneration  
3                   received or to be received and whether by himself or in partnership with any  
4                   other person:
- 5                   (a) he engages himself in the Digital, Mobile and Computer  
6                   Forensics practice or holds himself out to the public as a member of the  
7                   Institute; or
- 8                   (b) he renders professional service or assistance in or about matters  
9                   of principle or detail relating to profession; or
- 10                  (c) he renders any other service which may by regulations made by  
11                  the Council be designed as service constituting digital, mobile and computer  
12                  forensics practice; or
- 13                  (d) describes himself as a Chartered Digital Forensics Examiner;  
14                  and are entitled to use the acronym of "C.dfe" after their names in addition to  
15                  MCCFI or FCCFI (the latter which shows the class of membership of the  
16                  Institute.).
- 17                  (2) Nothing in this section shall be construed so as to apply to  
18                  persons who, while in the employment of any Government or engaged in  
19                  digital, mobile and computer forensics field perform the duties or any of the  
20                  duties of a certified forensics examiner. Such persons shall within a period  
21                  of two (2) years from the commencement of this Bill regularize their  
22                  membership with the Institute.
- 23                  **17.**-(1) The Board may make rules for the approval of the Council:  
24                  (a) for the training of suitable persons in digital, mobile and  
25                  computer forensics methods and practice; and
- 26                  (b) for the supervision and regulation of the engagement, training,  
27                  development and transfer of such persons.
- 28                  (2) The Council may make rules:
- 29                  (a) prescribing the amount and due date for payment of the annual  
30                  subscription;

When a person  
is deemed to  
practice as a  
member

Rules as to  
practice, etc.

	1	(b) prescribing the form of license to practice to be issued annually or,
	2	if the Council thinks fit, by endorsement on an existing license; and
	3	(c) restricting the right to practice in default of payment of the amount
	4	of the annual subscription where the default continues for longer than such
	5	period as may be prescribed by the rules.
	6	(3) Rules when made under this section shall, if the President of the
	7	Council so directs, be published in the Gazette.
Provision of library facilities, etc.	8	<b>18.</b> The Institute shall:
	9	(a) provide and maintain a library comprising books and publications
	10	for the advancement of knowledge of cyber security, digital, mobile and
	11	computer forensics, and cognate subjects as applied to all or any of the
	12	professional services provided by forensic experts engaged in either public or
	13	private practice, industry and commerce or the civil service and such other
	14	books and publications as the Council may think necessary for the purpose;
	15	(b) encourage research into digital, mobile and computer forensics
	16	and crime management and such subjects as maybe relevant to the profession
	17	to the extent that the Council and the Board may, from time to time consider
	18	necessary.
Offences	19	<b>19.</b> -(1) If any person, for the purpose of procuring the registration of
	20	any name, qualification or other matter:
	21	(a) makes a statement which he believes to be false in a material
	22	particular or
	23	(b) recklessly makes a statement which is false in a material
	24	particular, he shall be guilty of an offence.
	25	(2) If, on or after the relevant date, any person who is not a member of
	26	the Institute practices or holds himself out to practice for or in expectation of
	27	reward or takes or uses any name, title, addition or description implying that he
	28	is a member of the Institute shall be guilty of an offence:
	29	Provided that, in the case of a person falling within Section 14 of this
	30	Bill:

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

3 (b) if within that period he duly applies for membership of the  
4 Institute then, unless within that period he is notified that his application has  
5 not been approved, this subsection shall not apply in respect of anything  
6 done by him between the end of that period and the date on which he is  
7 registered or is notified as aforesaid.

8 (3) If the Registrar or any other person employed by or on behalf of  
9 the Institute willfully makes any falsification in any matter relating to the  
10 register, he shall be guilty of an offence.

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

12 (a) on summary conviction, to a fine of an amount not exceeding  
13 N1,000,000.00;

14 (b) on conviction or indictment, to a fine of an amount not  
15 exceeding N5,000,000.00 or to imprisonment for a term not exceeding two  
16 years, or to both such fine and imprisonment.

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

24 (6) In this section, "the relevant date" means the third anniversary  
25 of the coming into force of this Act or such earlier date as may be prescribed  
26 for the purposes of this section by order of the Minister published in the  
27 Gazette.

28 **20.-(1)** Any regulations made under this Bill, shall be published in  
29 the Gazette after they are made and a copy of any such regulations shall be

Regulations and  
rules

1 forwarded to the Minister not later than seven days before they are published.

2 (2) Rules made for the purposes of this Bill, shall be subject to  
3 confirmation by the Institute at its next general meeting or at any special  
4 meeting of the Institute convened for that purpose, and if annulled, shall cease  
5 to have effect on the date of annulment, but without prejudice to anything done  
6 in pursuance or intended pursuance of any such rules.

Transfer to the  
Institute of certain  
assets and liabilities

7 **21.**-(1) On the commencement of this Bill:

8 (a) all assets and liabilities held or incurred immediately before the  
9 commencement of this Bill shall, by virtue of this Act and without further  
10 assurance, vest in the Institute and be held by it for the purposes of the Institute;

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

12 (c) subject to subsection (2) of this Section, any act or thing made or  
13 done by Incorporated Institute shall be deemed to have been made or done by  
14 the Institute.

15 (2) The provision of the Third Schedule to this Bill shall have effect  
16 with respect to matters arising from the transfer by this section to the Institute  
17 of the property of the Incorporated Institute and with respect to the other  
18 matters mentioned therein.

Interpretation

19 **22.** In this Bill, unless the context otherwise requires:

20 "accredited Training partners" means institutions and organizations  
21 recommended by the Board and approved by the Council to provide digital,  
22 mobile and computer forensics training leading to certification under this Bill  
23 and organizations who before the commencement of this Act were the training  
24 partners to the incorporated institute, and who from the commencement of this  
25 act become accredited training partners of the institute;

26 "Certification Board" by this Bill means the Implementation body delegated by  
27 the Executive Council to supervise the Certification, Accreditation and  
28 Disciplinary arm of the Institute;

29 "Chairman and Vice-Chairman" means respectively the office-holders under  
30 those names in the Institute's Executive Council and the Certification Board;



1 "Chartered Digital Forensics Examiner" means a member of the Institute  
2 licensed to practice as a digital, mobile and computer forensics expert, after  
3 completing the training, examination, practical testing, experience and  
4 other requirements for membership of the Institute; and are entitled to use  
5 the acronym of C.dfe after their names in addition to MCCFI or FCCFI;  
6 "computer" means any device for storing and processing information, and  
7 any reference to information being derived from other information is a  
8 reference to its being derived from it by calculation, comparison or any other  
9 process. (Evidence Act, 2011: S.258.(1)(d));  
10 "computer forensics" (or "digital forensics")  
11 Computer Forensics: is a branch of forensic science that deals with the  
12 scientific method of transforming digital data into digital evidence i.e.  
13 scientifically, using approved digital forensics methodology to obtain  
14 evidence from digital data or by scientifically processing digital data into  
15 digital evidence, in accordance with the Rules of Evidence. The digital  
16 forensic processes include: digital evidence data (exhibit) acquisition,  
17 exhibit administration, forensic examination and extraction, forensic  
18 analysis, evidence reporting and review, and evidence presentation;  
19 It is the scientific process of acquiring digital or electronic exhibit or data,  
20 preserving same and processing them through forensic  
21 examination/extracting, forensic analysis, reporting and presenting the  
22 resultant digital or electronic evidence in a manner that is legally acceptable,  
23 using an approved methodology, and for legal purpose. The digital evidence  
24 data may be extracted from computers, telephones and mobile devices,  
25 tablets, various hand-held devices, data storage media, networks, cloud  
26 storage, vehicles, technologies for biometrics, questioned documents  
27 examination and handwriting analysis, drones/unmanned aerial vehicles,  
28 and other emerging digital technologies.  
29 The areas of digital, mobile and computer forensics in this Bill, shall  
30 include:

- 1 (1) Computer Forensics;
- 2 (2) Mobile and Phone Forensics;
- 3 (3) Live Forensics;
- 4 (4) Triage Forensics;
- 5 (5) Network Forensics;
- 6 (6) Cloud Forensics;
- 7 (7) Photo (Image) Forensics;
- 8 (8) Video Forensics;
- 9 (9) Audio/Voice Forensics;
- 10 (10) Biometrics and Identity Forensics;
- 11 (11) Vehicle Forensics;
- 12 (12) Steganography;
- 13 (13) Digital Questioned Document Examination;
- 14 (14) Digital Handwriting Analysis;
- 15 (15) Drones and aerial craft Forensics;
- 16 (16) Cyber intelligence;
- 17 (17) Emerging Technologies (digital) Forensics.
- 18 "Council" means the arm of the Institute established under section 3 of this Bill
- 19 and charged with the administration and general management of the Institute;
- 20 "cyber security" consists of technologies, processes and controls designed to
- 21 protect systems, networks, programs, devices, technologies and data from
- 22 cyber attacks, theft, unauthorized exploitation and damage;
- 23 "Digital Forensics" - see "Computer Forensics";
- 24 "Disciplinary Tribunal" means the Chartered Institute of Computer Forensics
- 25 of Nigeria Disciplinary Tribunal established under section 12 of this Bill;
- 26 "electronic evidence" are data stored or transmitted using a computer or similar
- 27 electronic device which have been forensically processed, and that support or
- 28 refute a theory of how an offence occurred or that address critical elements of
- 29 the offence such as intent and alibi. The data or information for the digital
- 30 forensic processes can be extracted from computers, telephones and mobile

1 devices, tablets, various hand-held devices, data storage media, networks,  
2 cloud storage, vehicles, technologies for biometrics, questioned documents  
3 examination and handwriting analysis, drones and unmanned aerial  
4 vehicles, and other emerging digital technologies.

5 Electronic/Digital Evidence must be:

6 Legally seized and protected from alteration.

7 Forensically acquired.

8 Thoughtfully analyzed (to determine who, what, when, where, why, and  
9 how).

10 Thoroughly documented.

11 Clearly reported.

12 Chain of custody must be maintained throughout the entire processes.

13 "ethical hacking" refers to the act of locating weaknesses and vulnerabilities  
14 of computer, networks and information systems by duplicating the intent  
15 and actions of malicious hackers. Ethical hacking is also known as  
16 penetration testing, intrusion testing, or red teaming;

17 "fees" includes annual subscription and other relevant fees as approved by  
18 the Institute;

19 "forensics examiner-in-training" means a person who has registered for  
20 training leading to the certification examinations of the Institute;

21 "Incorporated Institute" means the Computer Forensics Institute  
22 incorporated under the Land (Perpetual Succession) Act; [Cap. 98:1958 ed.]

23 "Institute" means the Chartered Institute of Computer Forensics of Nigeria  
24 (CICFON) established by Section 1 of this Act;

25 "Investigating Panel" means the Chartered Institute of Computer Forensics  
26 of Nigeria investigating Panel established under Section 12 of this Act;

27 "MCFI" means Member Computer Forensics Institute;

28 "MCICFON" means Member Chartered Institute of Computer Forensics of  
29 Nigeria;

1 "member of the Institute" means a registered, financial member of the Institute;  
2 "Minister" means the Minister charged with the responsibility formatters  
3 relating to Science and Technology;  
4 "President and Vice-President" means respectively the office-holders under  
5 those names in the Institute;  
6 "profession" means the profession of digital, mobile and computer forensics,  
7 cyber security, biometrics, digital questioned documents examination and  
8 digital handwriting analysis, and other digitally-related arms of forensic  
9 sciences, such as Ethical Hacking, Penetration Testing, forensics related to  
10 other emerging technologies;  
11 "register" means the register maintained in pursuance of Section 7 of this Bill.  
12 "penetration test", also known as a "pen test", is a simulated cyber attack  
13 against a computer system or network to check for exploitable vulnerabilities.  
14 Pen testing are considered a more advance level of ethical hacking.

Supervision  
Ministry

15 **22.** As Digital, Mobile and Computer Forensics is part of Science; the  
16 supervising Ministry for the Chartered Institute of Computer Forensics of  
17 Nigeria (CICFON) shall be the Federal Ministry of Science and Technology.

Short title

18 **23.** This Bill may be cited as the Chartered Institute of Computer  
19 Forensics of Nigeria Bill, 2021.

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SCHEDULES

FIRST SCHEDULE

*[Sections 3 and 4]*

*Supplementary' Provisions relating to the Council and Board  
qualifications and Tenure of Office of Members of the Council and  
Member of the Board*

1.-(1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a single term of five years beginning with the date of his appointment or election

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

(3) Any elected member of the Council or Board may, by notice in writing under his hand addressed to the President or Chairman, resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the Council or Board shall be eligible again to become a member of the Council or Board, and any appointed member may be reappointed, but not to the same office.

(5) Election to the Council shall be held in such manner as may be prescribed by rules made by the Council, while that of the Board shall be held in such manner as may be prescribed by rules made by the Board.

(6) If for any reason, a member of Council or Board vacates office and:

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

(b) such member was elected, the Council or Board may, if the time between the unexpired term of the office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt a fit person for such time as aforesaid.

*Proceedings of the Council and the Board*

2.-(1) Subject to the provisions of this Bill, the Council and the Board may with the name of the Institute make standing orders regulating the proceedings of the Institute or of any committee thereof.

(2) The standing orders made under sub-paragraph (1) of this paragraph shall provide for decisions to be taken by a majority of the members and, in the event of an equality of votes, the President or the Chairman shall have a second or casting vote.

(3) Standing orders made for a committee shall be for the committee to report back to the Council or Board on any matter referred to it by the Council or Board.

(4) The quorum of the Council shall be ten (10) and the quorum of a committee of the Council shall be determined by the Council.

(5) The quorum of the Board shall be ten (10) and the quorum of a committee of the Board shall be determined by the Board.

*Annual General Meeting of the Institute*

3.-(1) The Council shall convene the annual general meeting of the Institute on 30 June in every year or on such other day as the Council may, from time to time, appoint, so however, that if the meeting is not held within one year after the previous meeting, not more than fifteen months shall elapse between the respective dates of the two meetings. The Council shall incorporate the reports of the Certification Board into the proceedings of the annual general meeting.

(2) A special meeting of the Institute may be convened by the Council at any time and if not less than thirty members of the Institute so require, by notice in writing addressed to the Registrar of the Council setting out the object of the proposed meeting, and the President shall convene a special meeting of the Institute with the concurrence of the Board.

(3) The quorum of any annual general meeting of the Institute shall be

1        fifty (50) members and that of any special meeting of the Institute shall be  
2        sixty (60) members.

3 *Meeting of the Council and Board*

4 4.-(1) Subject to the provisions of any standing orders of the  
5 Council, the Council shall meet whenever it is summoned by the President  
6 and if the President is required to do so, by notice in writing given to him by  
7 not less than five other members of Council, he shall summon a meeting of  
8 the Council to be held within fourteen days from the date on which the notice  
9 is given.

(2) At any meeting of the Council, the President, or in his absence the 1st Vice- President, shall preside; but if both are absent, then the 2nd Vice-President shall preside, and if all the three are absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

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

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be convened after consultation with the Minister.

(5) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so, by notice in writing given to him by not less than five other members he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(6) At any meeting of the Board, the Chairman, or in his absence the Vice-Chairman, shall preside; but if both are absent, the members

1 present at the meeting shall appoint one of their members to preside at the  
2 meeting.

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

8 (8) Notwithstanding anything in the foregoing provisions of this  
9 paragraph, the first meeting of the Board shall be convened after consultation  
10 with the Minister Committees

11 5.-(1) The Councilor the Board may appoint one or more committees  
12 to carry out such function on behalf of the Institute as the Council or the Board  
13 may determine.

14 (2) A committee appointed under this paragraph shall consist of the  
15 number of persons determined by the Councilor Board of whom not more than  
16 one third may be persons who are not members of the Council or Board.

17 (3) A person other than a member of the Councilor Board shall hold  
18 office in the committee in accordance with the terms of the letter by which he  
19 was appointed.

20 (4) A decision of a committee of the Council or Board shall be of no  
21 effect until it is confirmed by the Councilor Board, as applicable.

22 *Seal of the Institute*

23 6.-(1) The fixing of the seal of the Institute shall be authenticated by  
24 the signature of the President or of some other members of the Councilor the  
25 Board authorized generally or specially by the Institute to act for that purpose.

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



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

4 7. The validity of any proceedings of the Institute or the Councilor  
5 Board or of a committee of the Councilor Board shall not be adversely  
6 affected by any vacancy in membership or by any defect in the appointment  
7 of a member of the Institute or of the Councilor Board or of a person to serve  
8 on the committee or by reason that a person not entitled to do so took part in  
9 the proceedings.

10 8. Any member of the Institute or of the Council or Board and any  
11 person holding office on a committee of the Council, or Board who has a  
12 personal interest in any contract arrangement entered into or proposed to be  
13 considered by the Council or Board on behalf of the Institute or on behalf of  
14 the Councilor Board thereof, shall forth with disclose his interest to the  
15 President or to the Councilor Board, as the case may be, and shall not vote on  
16 any question relating to the contract or arrangement.

17 9. A person shall not by reason only of his membership of the  
18 Institute be treated as holding an office in the public service of the  
19 Federation.

20 SECOND SCHEDULE

21 [Section 12 (5).]

22 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

23 TRIBUNAL AND INVESTIGATING PANEL

24 *The Disciplinary Tribunal*

25 1. The Disciplinary Tribunal shall consist of eleven members as  
26 provided in Section 12.2) of this Bill. The quorum of the Disciplinary  
27 Tribunal for any proceeding shall be seven (7).

28 2.-(1) The Attorney-General of the Federation may make rules as  
29 to the selection of other members of the Disciplinary Tribunal for the  
30 purpose of any proceeding, and as to the procedure to be followed and the

1 rules of evidence to be observed in proceedings before the Disciplinary  
2 Tribunal.

3 (2) The rules shall in particular provide:

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

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

9 (c) for securing that any party to the proceedings shall, if he so  
10 requires, be entitled to be heard by the Disciplinary Tribunal;

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

13 (e) subject to the provisions of section 12 (5) of this Bill, as to the costs  
14 of proceedings before the Disciplinary Tribunal;

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

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

23 3. For the purposes of any proceedings before the Disciplinary  
24 Tribunal any member of the Disciplinary Tribunal may administer oaths and  
25 any party to the proceedings may file at the registry of the High Court writs of  
26 subpoena ad testificandum and duces tecum, but no person appearing before  
27 the Disciplinary Tribunal shall be compelled:

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

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

1 compelled to produce at the trial of an action.

2 4.-(1) For the purpose of advising the Disciplinary Tribunal on  
3 questions of law arising in proceedings before it, there shall in all such  
4 proceedings be an assessor to the Disciplinary Tribunal who shall be  
5 appointed by the Council on the nomination of the Attorney-General of the  
6 Federation and shall be a legal practitioner of not less than seven years'  
7 standing.

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

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

18 (b) that every such party or person as aforesaid shall be informed if  
19 in any case the Disciplinary Tribunal does not accept the advice of the  
20 assessor on such a question as aforesaid.

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

25 *The Investigating Panel*

26 4. The quorum of the Investigating Panel shall be three.

27 5.-(1) The Investigating Panel may, at any of its meetings attended  
28 by all the members of the Investigating Panel, make standing orders with  
29 respect to the Investigating Panel.

30 (2) Subject to the provisions of any such standing orders, the

1 Investigating Panel may regulate its own procedures Miscellaneous

2 6.-(1) A person ceasing to be a member of the Disciplinary Tribunal or  
3 the Investigating Panel shall be eligible for appointment as a member of the  
4 Disciplinary Tribunal or Investigating Panel, as the case may be.

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

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

15 8. Any document authorized or required by virtue of this Act to be  
16 served on the Disciplinary Tribunal or the Investigating Panel shall be served  
17 on the Registrar.

18 9. Any expenses of the Disciplinary Tribunal or the Investigating  
19 Panel shall be defrayed by the Institute.

### 20 THIRD SCHEDULE

#### 21 TRANSITIONAL PROVISIONS AS TO PROPERTY, ETC.

##### 22 *Transfer of Assets and Liabilities*

23 1.-(1) Every agreement to which the Incorporated Institute was a  
24 party immediately before the commencement of this Bill, whether in writing or  
25 not and whether or not of such a nature that the rights, liabilities and obligations  
26 there under could be assigned by the Incorporated Institute, shall, unless its  
27 terms or subject matter make it impossible that it should have effect as  
28 modified in the manner provided by this sub-paragraph have effect from the  
29 commencement of this Act, so far as it relates to assets and liabilities  
30 transferred by this Bill to the Institute, as if:

- 1 (a) the Institute had been a party to the agreement;
- 2 (b) for any reference (however worded and whether express or  
3 implied) to the Incorporated Institute, there were substituted, as respects  
4 anything failing to be done or after the commencement of this Act, a  
5 reference to the Institute; and
- 6 (c) for any reference (however worded and whether express or  
7 implied) to a member or members of the Council of the Incorporated  
8 Institute or an officer of the Incorporated Institute, there were substituted, as  
9 respects anything falling to be done on or after the commencement of this  
10 Bill, a reference to a member or members of the Council under this Bill or  
11 the officer of the Incorporated Institute who corresponds as nearly as may be  
12 to the member or officer in question of the Incorporated Institute.
- 13 (2) Other documents which refer, whether specially or generally, to  
14 the Incorporated Institute, shall be considered in accordance with sub-  
15 paragraph(1) of this paragraph so far as applicable.
- 16 (3) Without prejudice to the generality of the foregoing provisions  
17 of this Schedule where, by the operation of this Act, any right, liability or  
18 obligation vests in the Institute and all other persons shall, as from the  
19 commencement of this Act, have the same rights, power and remedies (and,  
20 in particular, the same rights as to the taking or resisting of legal proceedings  
21 or the making or resisting of applications to any authority) for ascertaining,  
22 perfecting or enforcing that right, liability or obligation as they would have  
23 had if it had at all times been a right, liability or obligation of the Institute.
- 24 (4) Any legal proceedings or application to any authority pending  
25 on the appointed day by or against the Incorporated Institute and relating to  
26 assets or liabilities transferred by this Bill to the Institute may be continued  
27 on or after that day or against the Institute.
- 28 (5) If the law in force at the place where any property transferred by  
29 this Act is situate provides for the registration or transfers of property. the  
30 law shall, so far it provides for alterations of a register (but not for avoidance

1 of transfers, the payment of fees or any other matters apply with the necessary  
2 modifications to the transfer to the officer of the registration authority, and for  
3 that officer to register the transfer accordingly.

4 *Transfer of Functions, etc.*

5 2.-(1) At its first meeting, the Council shall fix a date (not later than six  
6 months after the appointed day) for the annual meeting of the Institute,

7 (2) The members of the Council of the Incorporated Institute shall be  
8 deemed to be the members of the Council of the Institute until the date  
9 determined in pursuance of the foregoing subparagraph when the Institute shall  
10 have its first annual meeting and they shall cease to hold office at the  
11 conclusion of such meeting.

12 (3) Any person who, immediately before the appointed day, held  
13 office as the President or 1st Vice-President or 2nd Vice President of the  
14 Council of the Incorporated Institute by virtue of the articles of the  
15 Incorporated Institute shall on that day become the President or, as the case  
16 may be, the 1st Vice-President or 2nd Vice President of the Institute, and shall  
17 be deemed to have been appointed:

18 (a) to that office in pursuance of the provision of this Act  
19 corresponding to the relevant provision in the said articles of the Incorporated  
20 Institute; and

21 (b) on the date on which he took office, or last took office, in  
22 pursuance of the relevant provision of those articles.

23 (4) The members of the Incorporated Institute shall, as from the  
24 appointed day, be registered as members of the Institute, and without prejudice  
25 to the generality of the provisions of this Schedule relating to the transfer of  
26 property, any person, who, immediately before the appointed day, was a  
27 member of the staff of the Incorporated Institute shall on that day become the  
28 holder of an appointment with the Institute with the status, designation and  
29 functions which correspond as nearly as may be to those which appertained to  
30 him in his capacity as a member of the staff.

1 (5) Any person being an office-holder on or member of the Council  
2 of the Incorporated Institute immediately before the appointed day and  
3 deemed under this paragraph to have been appointed to any like position in  
4 the Institute, or on the Council or the Board of the Institute and thereafter  
5 ceasing to hold office otherwise than by reason of his misconduct, shall be  
6 eligible for appointment to office in the Institute or to membership of the  
7 Council or Board, as the case may be.

8 (6) All new Council or Board positions that were non-existent in  
9 the Incorporated Institute before the appointed day shall be contested for by  
10 election at the general meeting of the Institute, except those nominated by  
11 the designated organizations.

12 (7) All regulations, rules and similar instruments made for the  
13 purposes of the Incorporated Institute and in force immediately before the  
14 appointed day shall, except in so far as they are subsequently revoked or  
15 amended by any authority having power in that behalf, have effect, with any  
16 necessary modifications, as if duly made for the corresponding purposes of  
17 the institute.

18 FOURTH SCHEDULE

19 [Section 9.)

20 *Professional Bodies*

- 21 (a) Certified Cyber Forensics Professionals (ISC)2;  
22 (b) Computer Hacking Forensic Investigator-CHFII EC-Council;  
23 (c) The International Assurance Certification Review Board  
24 (IACRB);  
25 (d) The Certified Computer Forensics Examiner (CCFE);  
26 (e) The International Society of Forensic Computer Examiners  
27 (ISFCE).

**EXPLANATORY MEMORANDUM**

This Bill seeks to establish the Chartered Institute of Computer Forensics of Nigeria (CICFON) charged, among other things, with the responsibility of Regulating the practice, including: qualification, training, skill-set of Digital, Mobile and Computer Forensics in Nigeria; determining the standard of knowledge and skill required of persons seeking to become Members of the Institute; training, certification and licensing of Digital, Mobile and Computer Forensics Examiners (including Ethical Hackers and Licensed Penetration Testers) who can detect and investigate Cybercrimes and Terrestrial crimes using Digital, Mobile and Computer Forensics Methodologies, Ethical Hacking and Penetration Testing techniques, who can perform Digital, Mobile and Computer Forensics, and report and present Electronic Evidence in the courts, administrative panels of inquiry, court martials and tribunals; establishment and accreditation of Digital Forensics Laboratories and for other matters connected therewith; and developing of Digital Forensic Curriculums; and Accreditation of Digital, Mobile and Computer Forensics Courses in Institutions of Learning in Nigeria (in collaboration with appropriate organ(s) of government);

Licensing of Distributors and Resellers of Forensic Equipment, Software and Forensic Tools in Nigeria; Certification of Digital Forensic Hardware, Software and Tools in Nigeria (in collaboration with appropriate organ(s) of government); Enforcement of standards and ethics in the practice of Digital Forensics in Nigeria.



# A BILL

## FOR

AN ACT TO ESTABLISH CONSTITUENCY FARM SCHEME IN ALL THE STATES  
OF FEDERATION; AND FOR RELATED MATTERS

*Sponsored by Hon. Yusuf Buba Yakub*

[ ] Commencement

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

- 1           **1.**-(1) There is established a Scheme to be known as the      Establishment  
2      Constituency Farm Scheme (CFS) (in this Act referred to as "the Scheme").      of the Constituency  
3           (2) The Scheme:      Farm Scheme
- 4           (a) shall be a body corporate with perpetual succession and a  
5      common seal; and  
6           (b) may sue or be sued in its corporate name.
- 7           (3) The Scheme Headquarters shall be located in the Federal  
8      Capital Territory, Abuja.
- 9           (4) The Scheme shall maintain subsidiary offices in each of the 36  
10     States of the Federation, which shall coordinate and establish Constituency  
11     Farm Scheme in each of those states for production of food, cash crops, and  
12     for the employment and empowerment of Nigerian youths.
- 13          **2.** Objectives of the Scheme shall be:      Objectives of  
14           (i) to bring about development in rural communities;      the Scheme
- 15           (ii) to establish constituency farm scheme that will build the  
16     capacity of young, educated and uneducated farmers in Nigeria;  
17           (iii) to create sustainable growth that will reduce the rate of  
18     unemployment of youths in Nigeria; and  
19           (iv) to eradicate poverty, hunger and destitution;
- 20          **3.** The Scheme shall: (1) formulate policies and guidelines for the      Functions of the  
21     establishment and operation of the farm schemes.      Scheme

- 1           (2) serves as an avenue through which Federal, States and Local
- 2 Governments can exchange ideas and collaboratively implement poverty
- 3 alleviation strategies;
- 4           (3) set up farms and schemes for the youths who shall produce the
- 5 farm products in the most productive lands in every State of the Federation;
- 6           (4) provide equipments for farming and processing of the farm
- 7 products from the farm and set up mechanisms for the storage, preservation and
- 8 marketing of the products from the farm;
- 9           (5) serve as a focal point for agricultural mechanization and as
- 10 resource centre for technical and managerial training of youths in farming;
- 11           (6) collaborate with Agricultural Research and Mechanization
- 12 Centres for the purpose of enhancing youth capacity development from time to
- 13 time;
- 14           (7) provide necessary infrastructure in these farm schemes such as:
- 15           (a) electricity;
- 16           (b) portable water;
- 17           (c) recreational facilities;
- 18           (d) security, schools, clinics, or health centres, places of worship, and
- 19 other such facilities for the comfort of the youths, farmers and other employees
- 20 of the schemes.
- 21           (8) facilitate and promote the development product standards and
- 22 quality assurance for machinery, equipments and commercialization of farm
- 23 products;
- 24           (9) mobilize technical assistance from relevant organizations in order
- 25 to provide and promote strategic linkages;
- 26           (10) formulating and implementing programmes and projects to
- 27 empower the poor to be self-reliant;
- 28           (11) promoting partnership amongst stakeholders to generate enough
- 29 resources to fight poverty; and
- 30           (12) do such other things which in its opinion are necessary or

1 expedient for the proper performance of its functions under this Act.

2 4.-(1) There shall be established for the Scheme, a Governing  
3 Council (herein referred to as "the Council"), consisting of a Chairman and  
4 six other part-time members. Governing  
Council

5 (2) The appointment of the Chairman and part-time members shall  
6 be drawn from the six geopolitical zones.

7 (3) The following are ex-officio members of the Council:

8 (a) (i) a representative of the Federal Ministry of Agriculture;  
9 (ii) a representative of the Federal Ministry of Finance;  
10 (iii) a representative of the Federal Ministry of Commerce;  
11 (iv) a representative of the Federal Ministry of Youth  
12 Development;

13 (v) a representative of the Federal Ministry of Women Affairs;

14 (vi) a representative from the Marketing Boards;

15 (vii) a representative of a University of Agriculture;

16 (b) a Managing Director of the Scheme.

17 (4) The Council shall appoint for the Scheme a Secretary who  
18 shall:

19 (a) be a woman or man;

20 (b) be a Agriculturist and is so qualified to practice for a period of  
21 not less than 10 years;

22 (c) keep records and conducts the correspondence of the Scheme;

23 and

24 (d) perform such other functions as the Councilor Managing  
25 Director may direct.

26 (4) The supplementary provisions contained in the Schedule to this  
27 Bill shall have effect with respect to the matters therein mentioned. Schedule

28 5. Appointment, Disqualification of members of the Council: Appointment,  
Disqualification  
etc.

29 (a) (1) The Chairman and Members of the Council shall be  
30 appointed by the President on the recommendation of the Minister and

	1	subject to confrontation by the Senate of the Federal Republic of Nigeria;
	2	(b) be persons of proven integrity and ability;
	3	(2) A person shall cease to hold office as a member of the council if:
	4	(a) he is convicted of a felony or any offences involving dishonesty or
	5	fraud;
	6	(b) he becomes of unsound mind, or incapable of carrying out his
	7	duties;
	8	(c) he is guilty of a serious misconduct in relation to his duties; or
	9	(d) he resigns his appointment by a letter addressed to the Minister in
	10	which case the resignation shall take effect from the date of receipt of the letter
	11	by the Minister.
	12	(3) where the council is dissolved, the Executive Secretary shall
	13	continue to perform the duties and functions of the Council pending the
	14	Constitution of a new Council.
Tenure of the Council Members	15	6. Subject to the provisions of this Act, the Chairman and other
	16	members shall each hold office:
	17	(i) for a term of four years in the first instance and may be eligible for
	18	re- appointment for a further term of four years and no more, and
	19	(ii) on such terms as to remuneration and allowances as may be
	20	determined by the Revenue Mobilization, Allocation and Fiscal Commission.
Powers of the Council	21	7. The Council shall have power:
	22	(a) to manage and superintend the scheme;
	23	(b) to design the overall policy and general administration of the
	24	scheme;
	25	(c) to acquire offices and other premises for the scheme;
	26	(d) to appoint officers, who in the opinion of the council are required
	27	for carrying out the functions of the council;
	28	(e) to fix terms and conditions of service, including remuneration of
	29	the employees of the scheme; and
	30	(f) to do such other things and enter into such other transactions which

1 in the opinion of the council are necessary to ensure the efficient  
2 performance of its functions;

3 **8.** The scheme shall mandated to do the following:

Mandates of the  
Scheme

4 (a) advocacy initiation and implementation of policy directions  
5 towards poverty reduction;

6 (b) supervise on a continuous basis the allocation and  
7 disbursement of funds, materials and services to the farmers;

8 (c) liaise with any relevant governmental and/or Non-  
9 Governmental body to reduce poverty in Nigeria; and

10 (d) to do such other things that are necessary to actualize its  
11 mandates.

12 **9.** The Minister may give to the Council directives of a general or  
13 special nature with regard to the mandates of the scheme and it shall be the  
14 duty of the Chairman, the Council and the National Co-ordinator to comply  
15 with the directives.

Power of the  
Minister to give  
directives

16 **10.** For the purpose of this Act, the Scheme shall establish and  
17 maintain a fund which shall consist of:

Funds for the  
Scheme

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

19 (b) annual subvention from the Federal Government as provided  
20 for in the Appropriation Act;

21 (c) loans, grant-in-aid from Federal, Bilateral and Multilateral  
22 agencies;

23 (d) rents, fees and other internally generated revenues from the  
24 sales of farm produce by the Agency;

25 (e) such other monies accruing to the Agency from time to time.

26 **11.-(1)** There shall be appointed for day to day running of the  
27 Scheme the following officers:

Appointment of  
Executive Secretary

28 (a) Executive Secretary who shall be the Chief Executive Officer,  
29 and responsible for the day-to-day management of the scheme;

30 (b) a Secretary for each state of the Federation and the Federal

	1	Capital Territory, who shall be answerable to the council and the Executive
	2	Secretary; and
	3	(c) such other members of staff as may be required to carry out the
	4	function of the scheme, accordingly, it may borrow staff from any service of the
	5	Federation or of a state.
Power to accept gifts	6	<b>12.</b> The scheme may accepts gifts of money, land or other property on
	7	such items and conditions, if any, as may be specified by the person or
	8	organisation making the gift, as long as such conditions are consistent with the
	9	functions of the scheme.
Expenditure	10	<b>13.</b> The Scheme may from time to time, with the approval of the
	11	Council apply the proceeds of the fund established pursuant to section 15 of
	12	this Act:
	13	(a) to the cost of administration of the Scheme;
	14	(b) to the payment of salaries, fees or other remuneration or
	15	allowances, gratuities and pensions, and other benefits payable to the officers
	16	and other employees on the Scheme, so however that, no payment of any kind
	17	under this paragraph shall be made to any person who is in receipt of
	18	emoluments from the Federal or State Government except such as may be
	19	expressly authorized by the Scheme;
	20	(c) to the payment of emoluments, allowances, and benefits of
	21	members of the Council and for reimbursing members of the Council or any
	22	committee set up by the Council for such expenses as may be expressly
	23	authorised by the Council;
	24	(d) for the payment of all purchases;
	25	(e) for the development and maintenance of any property vested in or
	26	owned by the Scheme; and
	27	(f) to undertake such other activities as are connected with all or any
	28	of the functions of the Scheme under this Act.
Account and audit	29	<b>14.-(1)</b> The Executive Secretary shall submit to the Council for
	30	approval, not later than 30 September of each year an estimate of its

1	expenditure and income during the next succeeding year.	
2	(2) The Scheme shall keep accounts in respect of each financial	
3	year and maintain proper records in relation to those accounts.	
4	<b>15.</b> It shall be the duty of the council to prepare and submit to each	Annual Report
5	House of the National Assembly a report relating to the activities of the	
6	scheme during the immediate preceding financial year.	
7	<b>16.</b> Any power to make regulations, rules or order conferred by	Regulations
8	this Bill shall include:	
9	(a) power to make provisions for such incidental and	
10	supplementary matter as the authority making the instrument consider	
11	expedient for the purpose of the instrument; and	
12	(b) power to make different provisions for different circumstances.	
13	<b>17.-(1)</b> The Scheme shall be exempted from the payment of	Exemption from Tax
14	income tax on any income accruing from investments made by the on behalf	
15	of the Scheme, or otherwise howsoever.	
16	(2) The provisions of any enactment relating to the taxation of	
17	companies on funds shall not apply to the Scheme.	
18	<b>18.</b> A member of the Council or any officer or employee of the	Indemnity of Officers
19	Scheme shall be indemnified out of the assets of the Scheme against any	
20	liability incurred by him in defending any proceeding, whether civil or	
21	criminal, in which judgment is given in his favour or in which he is	
22	acquitted, if any such proceeding is brought against him in his capacity as a	
23	member of the Council, the council, officer or other employee of the	
24	Scheme.	
25	<b>19.</b> The Scheme may establish constituency farm schemes in each	Local Farm Schemes
26	of the 774 Local Government areas of the Federation of Nigeria.	
27	<b>20.-(1)</b> The statutory functions, rights, interest, obligations and	Savings and Transitional Provisions
28	liabilities of the department responsible for constituency farm schemes, if	
29	any, before the commencement of this Act under any contract or instrument	

1 by virtue of this Act shall be deemed to have been assigned and vested in the  
2 scheme.

3 (2) All assets, funds, resources and any other moveable or  
4 immoveable property which immediately before commencement of this act,  
5 vested in the department responsible for Federal constituency farm schemes, if  
6 any shall be vested in the Scheme.

7 (3) Any person who immediately before the coming into force of this  
8 Act is the holder of any office in the department responsible for Federal  
9 constituency farm schemes, if any, shall continue in office and be deemed to  
10 have been appointed to the office by the Scheme.

Interpretation

11 **21.** In this Act except the context otherwise requires:

12 "Scheme" means the Constituency Farm Scheme established by section 1 of  
13 this Act;

14 "Council" means the governing council established for the Scheme by section  
15 3 of this Act;

16 "Constituency Farm Schemes" mean the outfit and or unit office or farms  
17 established by the Scheme in Agricultural lands set up by the Scheme in states  
18 and Local Government Areas of the Federation for the purpose of producing  
19 food and cash crops;

20 "Federal Government" means Government of the Federal Republic of Nigeria

21 "Federation" means Nigeria;

22 "Function" includes power and duty;

23 "Geopolitical" zones mean the geopolitical units of the Federation;

24 "Minister" means the Federal Minister in charge of Agriculture;

25 "Ministry" shall be construed accordingly;

26 "Power" includes functions and duty; and

27 "President" means the President of the Federal republic of Nigeria.

Short title

28 **22.** This Bill may be cited as Constituency Farm Scheme  
29 (Establishment) Bill, 2021.



## 1 SCHEDULE

2 1. The Council may make Standing Orders regulating the  
3 proceedings of the Council or any Committee thereof, and shall meet not less  
4 than once in each of any six months in every year;

5 2. The Quorum of the Council shall be four.

6 3.-(1) Subject for the provisions of any applicable Standing Orders  
7 the council shall meet whenever summoned by the Chairman, and if the  
8 Chairman is required so to do by notice given to him by not less than four  
9 other members shall summon a meeting of the council to be held within 21  
10 days from the date on which the notice is given.

11 (2) At any meeting of the council, the chairmen shall preside or in  
12 his absence, the members present at the meeting shall appoint one of their  
13 numbers to preside at that meeting.

14 (3) Where the council wishes to obtain the advice of any person on  
15 a particular matter, the Council may co-opt him as a member for such period  
16 as it thinks fit, but a person who is a member by virtue of this sub-paragraph,  
17 shall not be entitled to vote at any meeting of the council and shall not count  
18 toward a quorum.

19 4.-(1) The Council may appoint one or more Committees to carry  
20 out on behalf of the Council such of its functions as the council may  
21 determine.

22 (2) A Committee appointed under the paragraph shall consist of the  
23 numbers of persons determined by the Council and not more than one third  
24 of those persons who are not members of the council shall hold office in the  
25 committee in accordance with the terms of the instrument by which he is  
26 appointed.

27 (3) A discussion of the Committee of the Council shall be of no  
28 effect until it is confirmed by the Council.

29 *Miscellaneous*

30 5.-(1) The fixing of the seal of the Scheme shall be authenticated by

1 the signature of the Chairman and of some other member authorized generally  
2 or specifically by the council to act for that purpose.

3 (2) Any contract or instrument which if made or executed by a person  
4 not being a body corporate would not be required to be under seal, may be made  
5 or executed on behalf of the council by person generally or specifically  
6 authoirised to act for that purpose by the Council.

EXPLANATORY NOTE

This Bill seeks to establish Constituency Farm Scheme in all the States of the Federation and to build the capacity of young, educated and uneducated farmers in Nigeria.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF FORESTRY, BURRA,  
NINGI, BAUCHI STATE AND FOR RELATED MATTERS

*Sponsored by Hon. Abdulkadir Sa'ad Abdullahi*

[ ] Commencement

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

### 1 PART I - ESTABLISHMENT, OBJECTIVES, FUNCTIONS AND

#### 2 POWERS OF THE COLLEGE

3 1. There is hereby established the Federal College of Forestry, Establishment  
4 Burra, Ningi LGA, Bauchi State (in this Act referred to as "the College") of College  
5 which shall have such powers and exercise such functions as is conferred on  
6 by this Act.

7 2.-(1) The Objectives of the College shall be: Objectives of  
8 (a) To provide fulltime and part time courses and to: the College

9 (i) Provide services and forest related organizations in the country;

10 (ii) Train and provide middle level man .power for the agricultural  
11 environment and wood base industrial sector for the national economy;

12 (iii) To render technical training for other African countries, to train  
13 young men and women to establish and manage farm forest, plantations,  
14 research and multicultural design for recreation and astatic purposes in  
15 beautifying the natural environment and also produce opportunity for an  
16 intelligent understanding towards increasing wood production.

17 (b) To arrange conferences, seminars and study groups related to  
18 the field of forestry specified in paragraph ( a) of this sub-section (1);

19 (c) To perform such other functions as in the opinion of the council  
20 may serve to promote the objectives of the college.

21 (2)The College shall be a body corporate with perpetual succession

Functions of the  
College

1 and a common seal and shall have power to acquire and dispose of interests in  
2 movable and immovable property and may sue and be sued in its corporate  
3 name.

4 **3.-(1)** The Functions of the College shall be:

5 (a) To provide full-time and part time courses in Pre and N.D forestry  
6 technology, H.N.D Agricultural Extension, H.N.D Multi/Horticulture, H.N.D  
7 Crop production technology, H.N.D Pest management technology,  
8 Beekeeping, ND in computer technology, Fishery, Forest extension, soil  
9 conservation and wild life management;

10 (b) to conduct courses in forestry for qualified forestry officers;

11 (c) to arrange conferences, seminars and workshops relative to the  
12 fields of forestry;

13 (d) to perform such other functions as in the opinion of the Council  
14 may serve to promote the objectives of the College;

15 (e) stipulate the requisite condition for the admission of the students  
16 into the College;

17 (f) set up departments and other units of leaning and research in  
18 accordance with aims and objectives of the College;

19 (g) create such offices and post as may be required by its objectives  
20 and to appoint and remove persons from such offices or posts, and to prescribe  
21 the condition of service;

22 (h) to provide such physical facilities as libraries, classroom,  
23 laboratories, hostels, sport fields and other buildings or facilities as the college  
24 may require for its purposes; and

25 (i) do all such other Acts and things whether or not incidental to the  
26 foregoing powers as may advance the objects of the College.

27 (2) Without prejudice to the provisions of this Act, the College may, by  
28 special arrangement, agreed with other institutions prepare its students for  
29 Diploma Certificates.

30 (3) The College shall have power to hold Land and act as trustee or

1 managers of any property, legacy, endowment, bequest or gifts in  
2 furtherance of the work and also to entered in to contract.

3 (4) Subject to the provision of this Act, the power conferred on the  
4 College by Sub-sections (2) and (3) shall be exercised on behalf of the  
5 College by the Council or by the Board or in any other manner which may be  
6 authorized.

7 (5) In such other fields of applied in forestry conservation relevant  
8 to the needs of the development of Nigeria in the areas of forestry and  
9 agricultural production and distribution and for research in the development  
10 and adaptation of techniques as the Council may from time to time  
11 determine.

12 4.-(1) For carrying out the functions of the College, the Council  
13 shall have power to:

Power of the  
College

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

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

21 (c) hold public lectures and undertake seedlings and also sales  
22 nursery trees during exhibitions;

23 (d) make gifts for any charitable purpose;

24 (e) hold examinations in forestry for qualified vocational and staff  
25 for the forestry service in the region;

26 (f) provide amenities for and make such other provision for the  
27 welfare of the staff of the College;

28 (g) invest the funds of the College in Securities specified by law or  
29 in such other Securities in Nigeria as may be approved by the Minister;

30 (h) borrow money within Nigeria in such manner and upon such

- 1 security as the Minister may from time to time authorize;
- 2 (i) enter into such contracts as may be necessary or expedient for
- 3 carrying into effect the objectives of the College;
- 4 (j) recruit staff of the right caliber and determine the career structure
- 5 of such staff;
- 6 (k) establish and maintain such college and other units within the
- 7 College and other extensions as the Council may, from-time to time, decide;
- 8 (l) institute and award fellowships, medals, prizes and other titles;
- 9 (m) mount exhibitions and displays designed to foster an appreciation
- 10 of trends in and the scope and requirements of forestry;
- 11 (n) erect, provide, equip and maintain such forests, recreational and
- 12 residential facilities as the College may require;
- 13 (o) create lectureships and other forestry posts and offices and to
- 14 make appointments thereto;
- 15 (p) encourage and make provision for research in the College;
- 16 (q) do such acts and things whether or not incidental to the foregoing;
- 17 (r) Powers as may advance the objects of the College; and
- 18 (s) The power of the Council to establish further schools within the
- 19 College shall be exercisable by order and not otherwise.

20 PART II

Establishment  
and Constitution  
of Governing  
Council

Composition  
of the Council

- 21 5.-(1) There shall be established governing council herein in this Act
- 22 referred to as "the council".
- 23 (2) The council shall consist of a Chairman and the following other
- 24 members that is:
- 25 (a) one person to represent Universities;
- 26 (b) one person to represent department of forestry in the federal
- 27 ministry of agriculture;
- 28 (c) one person to represent professional bodies whose disciplines are
- 29

1 taught in the college;

2 (d) two persons of standing in the community where the college is  
3 situate;

4 (e) the Provost of the College;

5 (f) one representative of the honorable minister charged with  
6 responsibilities of matters relating the college;

7 (g) one representative of the permanent secretary of the ministry  
8 charged with responsibilities on matters relating to agriculture;

9 (h) two representatives of the academic board of the college;

10 (i) one representative of commissioner for agriculture where the  
11 college situates;

12 (j) three persons of note in the area of forest management;

13 (k) two representatives from the federal ministry of agriculture;

14 (l) six other persons, at least two of whom shall be women to be  
15 selected on their personal merit based on their contribution.

16 (3) The Chairman and members of the council other than ex-officio  
17 members Shall be appointed by the president.

18 (4) Without prejudice to the generality of subsection (3) of this  
19 section, it shall be the responsibility of the Council to consider and approve:

Functions of the  
Council

20 (a) The plan of activities of the College;

21 (b) the programme of studies, courses, and research to be  
22 undertaken by the College;

23 (c) the annual estimates of the College; and

24 (d) the investment plans of the College.

25 (5) The provisions of the Second Schedule to this Act shall have  
26 effect with respect to the Council as specified therein.

27 (6) A member of the Council (other than an ex- officio members)  
28 shall hold office for a term of four years and subject to the provisions of  
29 Subsection (4) of this section, shall be eligible for reappointment for a  
30 further period of four years.

Tenure of Members  
of the Council

1 (7) The office of a member appointed under sections 5 (2) (a, b, c, e &  
2 h) of this Act shall become vacant if:

3 (a) The member resigns his office by notice in writing under his hand,  
4 addressed to the Minister; or

5 (b) the Minister is satisfied that it is not in the interest of the College  
6 for the person appointed to continue in office and notifies the member in  
7 writing to that effect.

Terms of Service

8 6.-(1) There may be paid to the members of the Council or any  
9 committee, other than ex-officio members, such remuneration and allowances  
10 as may from time to time be determined by the President.

11 (2) Where a vacancy occurs in respect of the membership specified in  
12 Section 3 (1) (d) and 3 (2) (d), it shall be filled by) the appointment of a  
13 successor to hold office for the remainder of the term of office of his  
14 predecessor in office and such successor shall represent the same interest as his  
15 predecessor.

16 (3) The Council may act notwithstanding any vacancy in its  
17 membership or any defect in the appointment of a member or the absence of a  
18 member.

Procedure of  
the Council

19 7.-(1) The Council shall meet for the conduct of business at such  
20 times, places and on such days as the Chairman may appoint but shall meet not  
21 less than once every four months.

22 (2) The Chairman may at any time and shall, at the request in writing  
23 of not less than six members, convene a meeting of the Council.

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

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



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

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

6 **8.-(1)** The Council may, for the exercise, of the powers of the  
 7 College, appoint committees of the Council comprising members of the  
 8 Councilor non-members or both and may assign to them such functions  
 9 under this Act as the Council may determine.

Committees of  
Council

10 (2) Any decision of a Committee appointed by the Council under  
 11 this Section shall have no effect until it is confirmed by the Council.

12 **9.** The Registrar shall, in addition to other duties conferred on him  
 13 by or under this Act, be the secretary to the Council, the Academic Board and  
 14 any committee of the Council and in his absence, the Councilor any such  
 15 committee may appoint some other person to act as secretary, and he shall  
 16 not vote on any question before the Councilor count towards a quorum

Secretary of the  
Council

### 17 PART III

18 **10.-(1)** There shall be for the College, a selection Board which  
 19 shall consist of:

Selection Board  
for other Principal  
Officer

20 (a) The Chairman of the Council;

21 (b) the Provost;

22 (c) four members of the Council not being members of the  
 23 Academic Board; and

24 (d) two members of the Academic Board.

25 (2) the functions, procedure and other matters relating to the  
 26 Selection Board constituted under subsection (1) of this section shall be as  
 27 the Council may, from time to time, determine.

28 **11.-(1)** There shall be established College Academic Board to be  
 29 known as "the Academic Board" which shall consist of the following  
 30 members:

The Academic  
Board

	1	(a) the Provost of the College who shall be the chairman;
	2	(b) all Heads of Departments;
	3	(c) the College Librarian; and
	4	(d) not more than two members of the Academic Staff other than
	5	Heads of Departments to be appointed by the Council.
	6	(2) The Academic Board shall be responsible for:
	7	(a) the direction and management of academic matters of the College
	8	including the regulation of admission of students, the award of certificates,
	9	scholarships, prizes and other academic distinctions;
	10	(b) making periodic reports on such academic matters to the Council
	11	as the Council may from time to time direct;
Visitation of the Minister	12	<b>12.</b> -(1) The Minister of Agriculture shall be the Visitor of the College.
	13	(2) The Visitor shall, not less than once in every five years, conduct a
	14	visitation of the College or appoint a visitation panel consisting of not less than
	15	five experts to conduct the visitation:
	16	(a) For the purpose of evaluating the academic and administrative
	17	performance of the College; or
	18	(b) For such other purpose or in respect of any other affairs of the
	19	College as the Visitor may deem fit.
Power of Minister	20	<b>13.</b> Subject to the provisions of this Act] the Minister may give to the
	21	Council directions of a general character or relating generally to matters of
	22	policy with regard to the exercise by the Council of its functions under this Act
	23	and it shall be the duty of the Council to comply with such directions.
	24	PART IV
The Provost	25	<b>14.</b> -(1) There shall be a Provost for the College (in this Act referred to
	26	as "the Provost") who shall be appointed by the President, in accordance with
	27	the provisions of this section.
	28	(2) Where a vacancy occurs in the post of provost, the Council shall:
	29	(a) Advertise the vacancy in a reputable journal or a widely read
	30	newspapers in Nigeria specifying:

- 1 (i) The qualities of the person who may apply for the post;  
2 (ii) The terms and conditions of service applicable to the post; and  
3 thereafter draw up a short list of suitable candidates for consideration;
- 4 (b) Constitute a search team consisting of:
- 5 (i) A member of the Council not being: a member of the Academic  
6 Board, as chairman;
- 7 (ii) Two members of the academic Board not below the rank of  
8 chief lecturer;
- 9 (iii) Two members of the academic community of the College not  
10 below the rank of chief lecturer to be selected by the Council, to identify and  
11 draw up a short list of suitable persons who are not likely to apply for the  
12 post for any reason whatsoever.
- 13 (3) A Joint Council and Academic Selection Board consisting of:
- 14 (a) the chairman of the Council;
- 15 (b) two members of the Council not being members of the  
16 Academic Board;
- 17 (c) two members of the Academic Board not below the rank of  
18 chief lecturer, who were not members of the search team, shall consider the  
19 candidates and persons on the short lists drawn up under subsection (2) of  
20 this section through an examination of their curriculum vitae and interaction  
21 with them and recommend through the Council to the President, three  
22 candidates for his consideration.
- 23 (4) The President shall appoint as Provost one of the candidates  
24 recommended to him under the provisions of subsection (3) of this section.
- 25 (5) Subject to this Act and the general control of the Council, the  
26 Provost shall be the chief executive of the College and shall be charged with  
27 general responsibility for matters relating to the day-to-day management  
28 operations of the College.
- 29 (6) The Provost:
- 30 (a) Shall hold office for a period of five years beginning with the

1 effective date of his appointment and on such terms and conditions as may be  
2 specified in his letter of appointment; and

3 (b) May be reappointed for one further period of five years and no  
4 more.

Deputy Provost

5 **15.-(1)** There shall be for the college a Deputy Provost.

6 (2) The Council shall appoint the Deputy Provost from among the  
7 Chief Lecturers in the College in one of the following ways that is:

8 (a) From a list of three candidates in order of preference, submitted by  
9 the Provost;

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

12 (c) On the nomination of the Provost.

13 (3) The Selection Board referred to in subsection (2) of this section  
14 shall:

15 (a) Consist of:

16 (i) The chairman of the Council;

17 (ii) The Provost;

18 (iii) Two members of the Council not being members of the Academic  
19 Board;

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

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

23 (4) The Deputy Provost shall: I

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

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

28 (c) Perform such other functions as the provost or the Council may,  
29 from time to time, assign to him.

30 (5) The Deputy Provost:

1 (a) Shall hold office for a period of two years beginning from the  
2 effective date of his appointment and on such terms and conditions as may  
3 be specified in his letter of appointment; and

4 (b) May be reappointed for one further period of two years and no  
5 more.

6 **16.-(1)** The Council of the College shall appoint a Registrar of the  
7 College (hereinafter referred to as the Registrar") who shall keep the records  
8 and conduct the correspondence of the Council and shall perform such other  
9 duties as the Council and subject thereto as the Provost may from time to  
10 time direct.

The Registrar  
and other Staff  
of the College

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

16 (3) A Registrar:

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

20 (b) May be reappointed for one further period of five years and no  
21 more.

22 (4) Where, on the commencement of this section, a Registrar  
23 appointed before the commencement of this section has held office:

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

26 (b) For more than five years but less than ten years, he shall  
27 complete the maximum period of ten years and thereafter relinquish his post  
28 and be assigned other duties in the College;

29 (c) For ten years or more, the Council may allow him to serve as  
30 Registrar for a further period of one year only and thereafter he shall

Other Principal  
Officers of the  
College

1       relinquish his post and be assigned other duties in the College.

2                   **17.-(1)** There shall be the following principal officers for the college  
3       in addition to the Registrar, that is:

4                   (a) the Bursar;

5                   (b) the College Librarian;

6                   (c) Director of works; and

7                   (d) Director Academic Planning who shall be appointed by the  
8       Council on the recommendation of the Selection Board constituted under  
9       section 9 (3) of this Act.

10                  (2) The Bursar shall be the chief financial officer of the College and be  
11       responsible to the Provost for the day-to-day administration and control of the  
12       financial affairs of the College.

13                  (3) The College Librarian shall be responsible to the Provost for the  
14       administration of the College Library and the coordination of the library  
15       services of the various units of the College.

16                  (4) The Director Works who is responsible to the Provost and to  
17       manage general maintenance of the college equipment.

18                  (5) The Director Academic Planning which shall be responsible to the  
19       Provost and preparing calendar of events and examination time table.

20                  (6) A Bursar, Librarian, the Director Works and Academic Planning:

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

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

25                  (7) Where, on the commencement of this section, a Bursar, Librarian  
26       or the Director Works and Academic Planning has held office:

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

29                   (b) For more than five but less than ten [years, he shall complete the  
30       maximum period of ten years and thereafter relinquish his post and be assigned

1 other duties in the College;

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

5 **18.** A principal officer may resign his appointment:

Resignation of  
Appointment of  
Principal Officer

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

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

8 **19.**-(1) The Council may appoint such other persons to be  
9 employees of the College as the Council may determine to assist the Provost  
10 and the principal officers of the College in the performance of their  
11 functions under this Act.

Other Employees  
of the College

12 (2) Subject to the provisions of this Act, the remuneration, tenure  
13 of office and conditions of service of the employees of the Council shall be  
14 determined by the Council in consultation with the Federal Civil Service  
15 Commission.

## 16 PART V

17 **20.**-(1) It is hereby declared that service in College shall be  
18 approved service for the purposes of the Pensions Act and, accordingly,  
19 officers and other persons employed in the College shall in respect of their  
20 service in the College be entitled to pensions, gratuities and other retirement  
21 benefits as are prescribed there under, so however that nothing in this Act  
22 shall prevent the appointment of a person to any office on terms which  
23 preclude the grant of a pension and gratuity in respect of that office.

Pensions

24 (2) The Council shall not accept any gifts if the conditions  
25 attached by the person making the gifts are inconsistent with the functions of  
26 the Council.

27 **21.** The Council shall keep proper accounts of its receipts,  
28 payments, assets and liabilities and shall in respect of each year cause the  
29 accounts to be audited.

Accounts and  
Audit

Annual Reports	<p>1                    <b>22.</b> The Council shall as soon as may be after the expiration of each</p> <p>2 financial year, prepare and submit to the Minister a report of its activities</p> <p>3 during the immediately preceding financial year and shall include in the report</p> <p>4 a copy of the audited accounts of the College for that year and 0lif the auditor's</p> <p>5 report on the accounts.</p>
Offices and Premises	<p>6                    <b>23.</b>-(1) For the purpose of providing offices and premises necessary</p> <p>7 for the performance of its functions, the Council may:</p> <p>8                    (a) Purchase any interest in or take on lease any land; and</p> <p>9                    (b) Build, equip and maintain offices and premises.</p> <p>10                  (2) The Council may, with the approval of the Minister, sell any</p> <p>11 interest in or lease any land, offices or premises held by it and no longer</p> <p>12 required for the performance of its functions.</p>
Discipline of Students	<p>13                  <b>24.</b>-(1) The Council may make rules providing for the Provost to</p> <p>14 conduct enquiries into alleged breaches of discipline (including lack of</p> <p>15 diligence) by students and such rules may make different provisions for</p> <p>16 different circumstances.</p> <p>17                  (2) The rules shall provide for the procedure and rules of evidence to</p> <p>18 be followed at enquiries under this section.</p> <p>19                  (3) Subject to the provisions of subsection (1) of this section, where it</p> <p>20 is proved during the enquiry that any student of the College has been guilty of</p> <p>21 misconduct, the Provost may, without prejudice to and other disciplinary</p> <p>22 powers conferred on him by this Act or any regulations made there under,</p> <p>23 direct:</p> <p>24                  (a) That the student shall not, during such period as may be specified</p> <p>25 in the direction, participate in such activities of the College, or make use of</p> <p>26 such facilities of the College, as he may specify;</p> <p>27                  (b) That the activities of the student shall, during such period as may</p> <p>28 be specified in the directions, be restricted in such manner as may be so</p> <p>29 specified; or</p> <p>30                  (c) That the student may be suspended for such period as may be</p>



1 specified in the direction; or (d) that the student be expelled from the College.

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

7 (5) Where a direction is given under subsection (3) (c) or (d) of this  
8 section in respect of any student, the student may, within 21 days from the  
9 date of the letter communicating the decision to him, appeal from the  
10 direction to the Council, and where such an appeal is brought, the Council  
11 shall, after causing such inquiry to be made in the matter as the Council  
12 considers just, either confirm or set aside the direction or modify it in such  
13 manner as the Council may think fit.

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

17 (7) The Provost may delegate his powers under this section to a  
18 disciplinary committee consisting of such members of the College as he may  
19 nominate.

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

23 (9) It is hereby declared that the direction under subsection (3) (a)  
24 of this section may be combined with a direction under subsection (3) (b) of  
25 this section.

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

28 **25.-(1)** The fixing of the seal of the College shall be authenticated  
29 by the signature of the chairman, Provost and of some other members of the

Other  
Miscellaneous

1 Council authorized generally or specifically by the Council to act for that  
2 purpose.

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

7 (3) Any document purporting to be duly executed under the seal of  
8 the College shall be received in evidence and shall, unless the contrary is  
9 proved, be presumed to be so executed.

#### 10 PART VI

Terms of Office  
of Members

11 **26.-(1)** A member of the Council other than ex-officio member shall  
12 hold office for a period of three years beginning with the date on which he was  
13 appointed and shall be eligible for re-appointment for a further term of three  
14 years and thereafter he shall no longer be eligible for re-appointment.

15 (2) Members of the Council holding office as specified in Section 23  
16 (1) of this schedule shall be paid remuneration or allowance in accordance with  
17 rates specified from time to time by the Nation, Council of Ministers.

18 (3) A member of the Council holding office as specified in Section 23  
19 (1) of this Schedule may by notice in writing to the Minister resign his office.

20 (4) Where a vacancy occurs in the membership of the Council, that  
21 vacancy shall be filled by the appointment of a successor to hold office for the  
22 remainder of the term of office of his predecessor; so however that the  
23 successor shall represent the same interest as his predecessor.

24 (5) The Council may act notwithstanding any vacancy in its  
25 membership or the absence of any member or that a person not entitled to do so  
26 take part in its proceedings.

#### 27 PART VII

Powers of Council  
to hold property  
and enter into  
contract

28 **27.-(1)** The Council may, on behalf of the College, acquire and hold  
29 such movable and immovable property as may be necessary or expedient, for  
30 the same purposes, may sell, lease, mortgage or otherwise alienate or dispose

1 of any property so acquired.

2 (2) The Council shall have power to enter into contracts on behalf  
3 of the College.

4 **28.** The Council may with the approval of the Minister and on Power to invest  
5 behalf of the College, invest the funds of the College in such manner and to  
6 such extent as may be necessary or expedient for carrying into effect the  
7 provisions this Act.

8 **29.** The funds of the College shall include:

9 (a) Revenue as may from time to time accrue to the College from Funds of the  
College  
10 the Government by way of government grants, subvention or endowment or  
11 otherwise;

12 (b) fees charged by the College;

13 (c) Donations, legacies or endowment from public or private  
14 bodies;

15 (d) payment for sells of woods or other services rendered by the  
16 College; and

17 (e) any other monies due to or recoverable by the College from any  
18 other sources.

19 **30.-(1)** Donation of money to be applied for particular purposes Donations for  
particular purpose  
20 shall be placed to the credit of a Special Reserve Account and may be  
21 invested in such security or other investments as may be approved by the  
22 Minister until such time as may be expended in fulfillment of such purpose,  
23 provided that the Council shall not be obliged to accept any donation for a  
24 purpose unless it approved the terms and condition attached to such  
25 donation.

26 (2) The interest derived from the investment referred to in sub-  
27 section (1) of this Section shall, unless the terms of the donation forbid, be  
28 deemed to be fund of the College.

29 **31.-(1)** All sums of money received on account of the College shall Payment into  
Banks  
30 be paid into such bank as determined by the Council for the credit of one or

1 other of the accounts of the College accordance with the direction of the  
2 Council.

3 (2) The sums of money referred to in Sub-section (1) of this Section or  
4 any part thereof standing to the credit of the College other than donations of  
5 money referred to in Sub-section (1) of Section 34 of this Act may, if the  
6 Council thinks fits, be invested in such securities as the Council may direct or  
7 be placed on deposit in such bank as the Council may determine.

Annual Estimate

8 **32.**-(1) Before the end of each financial year, from at such other times  
9 as may be required by the Council, the Provost shall present for scrutiny and  
10 acceptance, by the Council, estimates of revenue and expenditure of the  
11 College, the for next financial year and the accepted estimates shall,  
12 immediately after acceptance, be presented to the Minister for approval.

13 (2) The Council shall afford the Minister facilities for:

14 (a) obtaining information with respect to the property of the College  
15 and the functions of the Council; and

16 (b) the verification of the information so furnished in such manner  
17 and such times as the Minister may require and the Council shall also furnish  
18 him with returns of accounts and other information with the report thereto.

Settlement of  
Disputes

19 **33.**-(1) In the event of any doubt or dispute arising at any time  
20 regarding the meeting of any of the provisions of this Act or the Statues, the  
21 matter shall be referred to the Minister who shall advise thereon and give his  
22 decision accordingly and the decision shall be binding upon the authorities, the  
23 staff and the students of the College.

24 (2) The provisions of Sub-section (1) of this section shall not be  
25 deemed to exclude the jurisdiction of the Law Courts from determining any  
26 doubt or dispute.

Annual Report

27 **34.**-(1) The Council shall, as soon as possible after the expiration of  
28 each financial year but within six months after the termination of that year,  
29 cause to be submitted to the Minister and Annual Report of the College dealing  
30 generally with the activities and operations of the College I within that year

1 which shall, without prejudice to the generality of the foregoing, include:

2 (a) A copy of the audited accounts of the College together with the  
3 Auditor- General's of the Federation report thereon (if any);

4 (b) a statement of all directions given to the College under Section  
5 41 of this Act;

6 (c) each report submitted by the External Auditor under Section 30  
7 of this Act in relation to that financial year; and

8 (d) such other information as the Minister may request

9 (2) A copy of the Annual Report shall be forwarded by the Council  
10 to the Federal Minister responsible for Finance and Economic Planning.

11 (3) The Minister shall, not later than three months after receiving  
12 the Annual Report, cause it to be laid before the National Executive Council.

13 (4) The Council shall also submit to the Minister such other reports  
14 on the College's financial affairs as the Minister may by writing reasonably  
15 request from time to time.

16 **35.-(1)** The Council may from time to time, issue bye-laws or  
17 administrative instructions in writing for regulating the internal operations  
18 of the College including but without prejudice to the general effect of the  
19 foregoing, the regulation of:

Bye-laws and  
Administrative  
instructions

20 (a) The disciplinary control of the students; and

21 (b) The conditions of service of the employees of the College and  
22 until such bye- law or administrative instructions are issued, the rules  
23 governing the conditions of services and disciplinary control in the state  
24 civil service shall apply, with necessary modifications, to the staff of the  
25 College.

26 (2) All such bye-laws or administrative instructions shall come into  
27 force, when signed by the Chairman or as may be determined by the  
28 Council.

29 **36.** In this Act, unless the context otherwise requires:

Interpretation

30 "Chairman" means the Chairman of the Council;

1      "College" means the Federal College of Forestry specified in the First  
2      Schedule to this Act and "College" shall be construed accordingly;  
3      "Council" means the Governing Council of the College established by or  
4      pursuant to section 3 of this Act;  
5      "Provost" means the Provost of a College appointed under section 9 of this Act;  
6      "Functions" includes powers and duties;  
7      "Minister" means the Minister charged with responsibility for matters relating  
8      to Agriculture;  
9      "Member" means a member of the council including the chairman.

Citation

10                      **37.** This Bill may be cited as the Federal College of Forestry, Burra,  
11      Ningi, Bauchi State Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal College of Forestry, Burra, Ningi LGA, Bauchi State and to render technical training for other African countries, to train young men and women to establish and manage farm forest, plantations, research and multicultural design for recreation and astatic purposes in beautifying the natural environment and also produce opportunity for an intelligent understanding towards increasing wood production.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF HEALTH TECHNOLOGY, NINGI, BAUCHI STATE TO ENSURE ACCESS TO EDUCATION IN HEALTH TECHNOLOGY, TO PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN HEALTH TECHNOLOGY; AND FOR RELATED MATTERS

*Sponsored by Hon. Abdulkadir Sa'ad Abdullahi*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF HEALTH  
2 TECHNOLOGY NINGI, BAUCHI STATE AND ITS GOVERNING COUNCIL

3 1.-(1) there is established the Federal College of Health  
4 Technology Ningi, Bauchi State (in this bill referred to as the "College")  
5 which shall have such powers and exercise such functions as are conferred  
6 on it by this Bill.

Establishment  
of the Federal  
College of Health  
Technology, Ningi,  
Bauchi State

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

10 (3) The College may acquire, hold and dispose of movable and  
11 immovable property for the purpose of its functions.

12 2. The objectives of the College shall be to:

Objectives of  
the College

13 (a) provide courses of study, training and research in health  
14 technology leading to attainment or award of certificates and professional  
15 diploma as may be determined by the governing council;

16 (b) provide courses of instruction and other facilities for the pursuit  
17 of learning in an health related subjects, and to make those facilities

Functions of  
the College

1 available on proper terms to such persons as are equipped to benefit from them;

2 (c) provide avenues for research in health related subjects and  
3 continuing education in health related subjects;

4 (d) provide the basis for curriculum development in the areas of  
5 disease prevention, health restoration, promotion and protection as well as  
6 health education, information and communication; and

7 (e) undertake other activities appropriate for the highest standard of a  
8 college.

9 **3.-(1)** for the carrying out of its objects as specified in clause 2 of the  
10 bill, the college shall have power to:

11 (a) make rules and regulations under which persons may be admitted  
12 as students for any particular course in the college;

13 (b) provide courses of instruction in academic and professional  
14 subjects for students of the college;

15 (c) make provision for research and health information, particularly at  
16 the community or grass-root level;

17 (d) hold examinations and award certificates and other distinctions to  
18 persons who have pursued a course of study approved by the college and have  
19 satisfied such other requirements as the college may specify;

20 (e) establish on the recommendation of the governing council  
21 campuses, departments and other units of learning and research as the college  
22 may require;

23 (f) produce health professionals of both National and International  
24 standards;

25 (g) subject to clause 22 of this bill, to acquire, hold, grant, charge or  
26 otherwise deal with or dispose of movable and immovable property wherever  
27 situate;

28 (h) accept gifts, grants and donations, but without obligation to accept  
29 the same for a particular purpose, unless it approves the terms and conditions;

30 (i) enter into contracts, establish trusts, act as trustee, solely or jointly



1 with any other person, and employ and act through agents;

2 (j) erect, provide, equip and maintain libraries, laboratories, lecture  
3 halls, halls of residence, refectories, sports grounds, playing fields and other  
4 buildings or things necessary, suitable or convenient for any of the objects of  
5 the college;

6 (k) hold public lectures and undertake printing, publishing and  
7 book selling;

8 (l) borrow, whether on interest or not, and indeed be, upon the  
9 security of any or all of the property movable or immovable of the college,  
10 such moneys as the council may, from time to time in its discretion, find  
11 necessary or expedient to borrow or to guarantee any loan, advance or credit  
12 facility;

13 (m) make gifts for any charitable purpose;

14 (n) do anything which it is authorised or required by this bill or by  
15 any other statute to do; and

16 (o) do all such acts or things, whether or not incidental to the  
17 foregoing powers, as may advance the objects of the college.

18 (2) Subject to the provisions of this bill and of the statutes made  
19 there under and without prejudice to clause 9 (2) of this bill, the powers  
20 conferred on the college by sub-clause (1) of this clause shall be exercisable  
21 on behalf of the college by the councilor on any other manner which may be  
22 authorised by this bill.

23 **4.-(1)** The governance of the college and the direction of its affairs  
24 shall vest in the governing council of the college (in this bill referred to as  
25 "the council").

Governing Council  
of the College

26 (2) Without prejudice to the generality of sub clause (1) of this  
27 clause, it shall be the responsibility of the council to consider and approve:

28 (a) the plan of activities of the college;

29 (b) the programme of studies, courses, and research to be  
30 undertaken by the college;

	1	(c) the annual estimates and expenditures of the college; and
	2	(d) the investment plans of the college.
Membership of the Council of the College	3	<b>5.-(1)</b> The council of the college shall consist of a chairman and the
	4	following members, to be appointed by the minister:
	5	(a) a representative of the federal ministry responsible for health;
	6	(b) a representative of the alumni association of the college;
	7	(c) three persons appointed on individual merit on a nationwide basis
	8	who should have wide experience of service in the public or private sector;
	9	(d) two representatives of the academic board of the college; and
	10	(e) the provost of the college.
	11	(2) Persons to be appointed to the council shall be persons of proven
	12	integrity, knowledgeable and familiar with the affairs and tradition of the
Tenure of Office of Members of the Council	13	college.
	14	<b>6.-(1)</b> a member of the council (other than an ex-officio member) shall
	15	hold office for a term of three years and subject to the provisions of sub clause
	16	(2) of this clause, shall be eligible for reappointment for a further period of
	17	three years.
	18	(2) A member of the council shall cease to hold office if:
	19	(a) the member resigns his office by notice in writing under his hand,
	20	addressed to the minister; or
	21	(b) the minister is satisfied that it is not in tile interest of the college for
	22	the person appointed to continue in office and notifies the member in writing to
Powers of the Council	23	that effect.
	24	<b>7.-(1)</b> For the carrying out of the functions of the college, the council
	25	shall have power to:
	26	(a) provide amenities for and make such other provision for the
	27	welfare of the staff of the college;
	28	(b) make gifts for any charitable purpose;
	29	(c) invest the funds of the college in securities specified by law or in
	30	such other securities;

1 in Nigeria as may be approved by the minister;

2 (d) borrow money within Nigeria in such manner and upon such  
3 security as the minister may from time to time authorise;

4 (e) enter into such contracts as may be necessary or expedient for  
5 carrying into effect the objectives of the college;

6 (f) recruit staff of the right caliber and determine the career  
7 structure of such staff;

8 (g) establish and maintain teaching units within the college or  
9 departments as the council may, from time to time, decide;

10 (h) Institute and award fellowships, medals, prizes and other titles;

11 (i) mount exhibitions and displays designed to foster an  
12 appreciation of trends in and the scope and requirements of education;

13 (j) erect, provide, equip and maintain such educational,  
14 recreational and residential facilities as the college may require;

15 (k) create lectureships and other academic posts and offices and to  
16 make appointments;

17 (l) encourage and make provision for research in the college; and

18 (m) do such acts and things whether or not incidental to the  
19 foregoing powers as may advance the objects of the college.

20 **8.-(1)** The minister of health shall be the visitor of the college. Visitation

21 (2) the visitor shall, at least once in every five years, conduct a  
22 visitation of the college or appoint a visitation panel consisting of not less  
23 than five experts to conduct the visitation:

24 (a) for the purpose of evaluating the academic and administrative  
25 performance of the college; or

26 (b) for such other purpose or in respect of any other affairs of the  
27 college as the visitor may deem fit.

28 **9.-(1)** There shall be established for the college a board to be The Academic  
Board and its  
functions  
29 known as the academic board which shall consist of the following members:

30 (a) the provost of the college who shall be the chairman;

1 (b) all heads of departments;  
 2 (c) the college librarian; and  
 3 (d) not more than two members of the academic staff other than heads  
 4 of departments to be appointed by the council.

5 (2) the academic board shall be responsible for:

6 (a) the direction and management of academic matters of the college  
 7 including the regulation of admission of students, the award of certificates,  
 8 scholarships, prizes and other academic distinctions;

9 (b) making periodic reports on such academic matters to the council  
 10 as the council may from time to time direct; and

11 (c) discharging any other functions which the council may from time  
 12 to time delegate to it.

Power of Minister  
to give directions  
to the Council

13 **10.** Subject to the provisions of this bill, the minister may give to the  
 14 council directions of a general character or relating generally to matters of  
 15 policy with regard to the exercise by the council of its functions under this bill  
 16 and it shall be the duty of the council to comply with such directions.

The Provost of  
the College

17 **11.-(1)** There shall be a provost of the college (in this bill referred to as  
 18 lithe provost") who shall be appointed by the minister, in accordance with the  
 19 provisions of this clause.

20 (2) where a vacancy occurs in the office of provost, the council shall:

21 (a) advertise the vacancy in a reputable journal or a widely read  
 22 newspaper in Nigeria specifying:

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

24 (ii) the terms and conditions of service applicable to the post;

25 and thereafter draw up a short list of suitable candidates for consideration;

26 (b) constitute a search team consisting of:

27 (i) a member of the council not being a member of the academic  
 28 board, as chairman;

29 (ii) two members of the academic board not below the rank of chief  
 30 lecturer;

1 (iii) two members of the academic community of the college not  
2 below the rank of chief lecturer to be selected by the council, to identify and  
3 draw up a short list of suitable persons who are not likely to apply for the post  
4 for any reason whatsoever.

5 (3) a joint council and academic selection board consisting of:

6 (a) the chairman of the council;

7 (b) two members of too council not being members of the academic  
8 board;

9 (c) two members of the academic board not below the rank of chief  
10 lecturer, who were not members of the search team, shall consider the  
11 candidates and persons on the short lists drawn up under sub clause (2) of  
12 this clause through an examination of their curriculum vitae and interaction  
13 with them and recommend through the council to the minister, three  
14 candidates for his consideration.

15 (4) the minister shall appoint as provost one of tile candidates  
16 recommended to him under the provisions of sub clause (3) of this clause.

17 (5) the provost:

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

21 (b) may be reappointed for one further period of four years and no  
22 more.

23 **12.-(1)** There shall be for the college a deputy provost.

Deputy Provost

24 (2) The council shall appoint the deputy provost from among the  
25 chief lecturers in the college in one of the following ways, that is:

26 (a) from a list of three candidates in order of preference, submitted  
27 by the provost; or

28 (b) on the recommendation of a selection board constituted under  
29 this clause for that purpose; or

30 (c) on the nomination of the provost.

- 1 (3) the selection board referred to in sub clause (2) of this clause shall:  
2 (a) consist of:  
3 (i) the chairman of the council;  
4 (ii) the provost;  
5 (vii) two members of the council not being members of the academic  
6 board;  
7 (iv) two members of the academic board; and  
8 (b) make such inquiries as it deems fit before making the  
9 recommendation required under that sub clause.  
10 (4) the deputy provost shall:  
11 (a) assist the provost in the performance of his functions;  
12 (b) act in the place of the provost when the office of provost is vacant  
13 or if the provost is, for any reason, absent or unable to perform his functions as  
14 provost; and  
15 (c) perform such other functions as the provost or the council may,  
16 from time to time, assign to him.  
17 (5) the deputy provost:  
18 (a) shall hold office for two years from the date of appointment and on  
19 such terms and conditions as may be specified in the letter of appointment; and  
20 (b) may be reappointed for one further period of two years and no  
21 more.
- 22 **13.-(1)** The council of the college shall appoint a registrar to the  
23 college (hereinafter referred to as the registrar") who shall keep the records and  
24 conduct the correspondence of the council and shall perform such other duties  
25 as the council and the provost may from time to time direct.
- 26 (2) The registrar shall, in addition to other duties conferred on him by  
27 or under this bill, be the secretary to the council, the academic board and any  
28 committee of the council and in his absence, the councilor any such committee  
29 may appoint some other person to act as secretary, and he shall not vote on any  
30 question before the councilor count towards a quorum.

The Registrar  
and other staff  
of the College

1 (3) A Registrar:

2 (a) shall hold office for a period of five years from the effective date  
3 of appointment and on such terms and conditions as may be specified in the  
4 letter of appointment; and

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

7 (4) Where, on the commencement of this clause, a registrar  
8 appointed before the commencement of this clause has held office:

9 (a) for five years or less, the person shall be deemed to be serving  
10 the first term of office and may be reappointed for a further term of five  
11 years;

12 (b) for more than five years but less than ten years, the person shall  
13 complete the maximum period of ten years and thereafter relinquish the  
14 post; and

15 (c) for ten years or more, the council may allow the person to serve  
16 as registrar for a further period of one year only and thereafter he shall  
17 relinquish the office.

18 **14.** A Principal officer may resign the appointment:

19 (a) in the case of the provost, by notice to the visitor; and the bursar;  
20 and

Resignation of  
appointment of  
Principal Officers

21 (b) in any other case, by notice to the council.

22 **15.** The council may appoint such other persons to be employees  
23 of the college as the council may determine to assist the provost and the  
24 principal officers of the college in the performance of their functions under  
25 this bill.

Other Staff of  
the College

26 **16.-(1)** There shall be, for the college, a selection board which shall  
27 consist of:

Selection Board  
for other Principal  
Officers

28 (a) the chairman of the council;

29 (b) the provost;

30 (c) four members of the council not being members of the

1 academic board; and

2 (d) two members of the academic board.

3 (2) the functions, procedure and other matters relating to the selection  
4 board constituted under sub clause (1) of this clause, shall be as the council  
5 may, from time to time, determine .

Pensions

6 **17.-(1)** Service in the college shall be approved service for the  
7 purposes of the pensions act and, accordingly, officers and other persons.  
8 employed in the college shall in respect of their service in the college be  
9 entitled to pensions, gratuities and other retirement benefits as are prescribed in  
10 the act, however nothing in this bill shall prevent the appointment of a person to  
11 any office on terms which preclude the grant of a pension and gratuity in  
12 respect of that office.

13 (2) For the purposes of the application of the provisions of the  
14 pensions act, any power exercisable by a minister or other authority of the  
15 government of the federation (other than the power to make regulations under  
16 clause 23) shall be exercisable by the college and not by any other person or  
17 authority.

18 **PART II - FINANCIAL PROVISIONS**

Establishment  
of fund of the  
College

19 **18.-(1)** The council shall establish and maintain a fund which shall be  
20 applied towards the promotion of the objectives specified in this bill.

21 (2) There shall be paid and credited to the fund established under sub  
22 clause (1) of this clause:

23 (a) such sums as may from time to time be granted to the council by  
24 the federal government through the national commission for colleges of  
25 education;

26 (b) all moneys raised for the purposes of the council by way of gifts,  
27 grants-in-aid or testamentary disposition; and

28 (c) all subscriptions, fees and charges for services rendered by the  
29 council and all other sums that may accrue to the council from any source.

30 (3) The council shall submit to the minister, through the national



1 commission for colleges of education, not later than three months before the  
2 end of each financial year or at such other time as he may direct, an estimate  
3 of its revenue and expenditure for the next succeeding financial year.

4 **19.**-(1) The council may accept gifts of land, money or other Power to accept  
gifts  
5 property upon such terms and conditions if any, as may be specified by the  
6 person making the gift.

7 (2) The council shall not accept any gift if the conditions attached  
8 by the person making the gift are inconsistent with the functions of the  
9 council.

10 **20.** The council shall keep proper accounts of its receipts, Accounts and  
audit  
11 payments, assets and liabilities and shall in respect of each year cause the  
12 accounts to be audited.

13 **21.** The council shall as soon as may be after the expiration of each Annual Reports  
14 financial year, prepare and submit to the minister a report of its activities  
15 during the immediately preceding financial year and shall include in the  
16 report a copy of the audited accounts of the college for that year and of the  
17 auditor's report on the accounts.

18 **PART III - MISCELLANEOUS AND SUPPLEMENTARY**

19 **22.**-(1) for the purpose of providing offices and premises necessary Offices and  
Premises  
20 for the performance of its functions, the council may:

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

22 (b) build, equip and maintain offices and premises.

23 (2) the council may, with the approval of the minister, sell any  
24 interest in or lease any land, offices or premises held by it and no longer  
25 required for the performance of its functions.

26 **23.**-(1) The council may make rules providing for the provost to Discipline of  
Students  
27 conduct enquiries into alleged breaches of discipline (including lack of  
28 diligence) by students and such rules may make different provisions for  
29 different circumstances.

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

1 to be followed at enquiries under this clause.

2 (3) Subject to the provisions of sub clause (1) of this clause, where it is  
3 proved during the enquiry that any student of the college has been guilty of  
4 misconduct, the provost may, without prejudice to any other disciplinary  
5 powers conferred on him by this bill or any regulations made there under direct:

6 (a) that the student shall not, during such period as may be specified in  
7 the direction, participate in such activities of the college, or make use of such  
8 facilities of the college, as may be specified;

9 (b) that the activities of the student shall during such period as may be  
10 specified in the directions, be restricted in such manner as may be so specified;

11 (c) that the student may be suspended for such period as may be  
12 specified in the direction; or

13 (d) that the student be expelled from the college.

14 (4) Where there is temporarily no provost or where the provost  
15 refuses to apply any disciplinary measures, the council may, either directly or  
16 through some other staff, apply such disciplinary actions as are specified in sub  
17 clause (3) of this clause to any student of the college who is guilty of  
18 misconduct.

19 (5) Where a direction is given under sub clause (3) (c) or (d) of this  
20 clause in respect of any student, the student may, within 21 days from the date  
21 of the letter communicating the decision to him, appeal against the direction to  
22 the council, and where such an appeal is brought, the council shall, after  
23 causing such inquiry to be made in the matter as the council considers just,  
24 either confirm or set aside the direction or modify it in such manner as the  
25 council may think fit.

26 (6) The fact that an appeal oil a direction is brought in pursuance of  
27 sub clause (5) of this clause shall not affect the operation of the direction while  
28 the appeal is pending.

29 (7) The provost may delegate his powers under this clause of a

1 disciplinary committee consisting of such members of the college as he may  
2 nominate.

3 (8) nothing in this clause shall be construed as preventing the  
4 restriction or termination of a student's activities at the college otherwise  
5 than on the ground of misconduct.

6 (9) the direction under sub clause (3) (a) of this clause may be  
7 combined with a direction under sub clause (3) (b) of this clause,

8 (10) in all cases under this clause, the decision of the council shall  
9 be final unless reversed by the minister on appeal by the student.

10 **24.** In this bill:

Interpretation

11 "appropriate authority" means any person, body or authority authorized by  
12 law to act in a specific or general capacity in relation to a subject matter;

13 "campus" means any campus which may be established by the college;

14 "chairman" means the chairman of the council;

15 "council means the governing council of the college established by clause 4  
16 of this bill;

17 "provost" means the provost of a college appointed under clause 9 of this  
18 bill;

19 "functions" includes powers and duties;

20 "minister" means the minister charged with responsibility for matters  
21 relating to health;

22 "member" means a member of the council including the chairman.

23 **25.** This Bill may be cited as the Federal College of Health  
24 Technology, Ningi, Bauchi State (Establishment, etc.) Bill, 2021.

Citation

1 SCHEDULE

2 [Clause 4]

3 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

4 *Terms of Service*

5 1. There may be paid to the members of the council or any committee,  
6 other than ex- officio members, such remuneration and allowances as may  
7 from time to time be determined by the minister.

8 2. Where a vacancy occurs in respect of the membership specified in  
9 clause 3 (1) (d) and 3 (2) (d), it shall be filled by the appointment of a successor  
10 to hold office for the remainder of the term of office of his predecessor in office  
11 and such successor shall represent the same interest as his predecessor.

12 3. The council may act notwithstanding any vacancy in its  
13 membership or any defect in the appointment of a member or the absence of a  
14 member.

15 *Proceedings*

16 4.-(1) The council shall meet for the conduct of business at such times,  
17 places and on such days as the chairman may appoint but shall meet not less  
18 than once every four months.

19 (2) The chairman may at any time and shall, at the request in writing of  
20 not less than six members, convene a meeting of the council.

21 (3) At any meeting of the council the chairman shall preside; but in his  
22 absence, members present shall elect one of their members to preside at the  
23 meeting.

24 (4) Where the council desires to obtain the advice of any person on  
25 any particular matter, the council may co-opt persons who are not members of  
26 the council but persons co- opted shall not be entitled to vote at a meeting of the  
27 council

28 (5) The quorum of the council shall be one half of the total members of  
29 the council, at least one of whom shall be a member appointed by the minister.

30 (6) Decisions of the council shall be made on approval by a simple

1 majority of members.

2 *Miscellaneous*

3 5.-(1) The fixing of the seal of the college shall be authenticated by  
4 the signature of the chairman, provost and of some other members of the  
5 council authorised generally or specially by the council to act for that  
6 purpose.

7 (2) Any contract or instrument which, if made or executed by a  
8 person other than a body corporate would not be required to be under seal  
9 may be made or executed on behalf of the college by any person generally or  
10 specially authorised to act for that purpose by the council.

11 (3) Any document purporting to be duly executed under the seal of  
12 the college shall be received in evidence and shall, unless the contrary is  
13 proved, be presumed to be so executed.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Health Technology to ensure access to education in Health Technology, to provide full-time courses of teaching, instruction and training in Health Technology; and also make provision for the appointment of a provost and the officials of the college to carry out the administration of the college.



# A BILL

## FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO INCORPORATE THE NATIONAL HUMAN RIGHTS COMMISSION AS ONE OF THE FEDERAL EXECUTIVE BODIES; AND FOR RELATED MATTERS

*Sponsored by Hon. John Dyegh*

[ ] Commencement

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

- 1           **1.** The Constitution of the Federal Republic of Nigeria 1999,(as  
2 amended) in this Bill referred to as (the Principal Act) is altered as set out in  
3 this Bill: Alteration of the  
Constitution of  
the Federal Republic  
of Nigeria
- 4           **2.** Section 153(1) of the Principal Act is altered by inserting a new Alteration of  
Section 153  
5 subsection '(i) National Human Rights Commission" and renumbering the  
6 existing paragraphs (i) to (o) accordingly.
- 7           **3.** Part 1 of the Third Schedule to the Principal Act is amended by Alteration of  
the Third Schedule  
8 inserting a new paragraph '1' -National Human Rights Commission
- 9           **4.** Item 20 of Part 1 of the Third Schedule to the Principal Act is  
10 altered by inserting a new item 20 and renumbering the existing sections.
- 11           "Item 20(1) The National Human Rights Commission Council  
12 shall consist of the following members:
- 13           (a) a Chairperson who shall be a retired Justice of the Supreme  
14 Court, or Court of Appeal, or a retired Judge of the Federal High Court, or  
15 High Court of a State or a legal practitioner with 20 years post qualification  
16 and requisite experience in human rights;
- 17           (b) a representative each of the Federal Ministry of:
- 18           (i) Justice, who shall not be below the rank of a Director,  
19           (ii) Foreign Affairs, who shall not be below the rank of a Director,

- 1 (iii) Interior, who shall not be below the rank of a Deputy Controller of  
2 Prisons:
- 3 Provided that ex-officio members shall not have voting powers in the  
4 council;
- 5 (c) three representatives of registered human rights organisations in  
6 Nigeria;
- 7 (d) two legal practitioners who shall not have less than 10 years post  
8 qualification experience to be appointed on the recommendation of the  
9 National Executive Committee of the Nigerian Bar Association;
- 10 (e) three representatives of the Print and Electronic Media, one to  
11 represent the Public and two to represent the Private Media;
- 12 (f) a representative of the Organised Labour;
- 13 (g) two other persons who shall be women with sufficient experience  
14 in human rights issues; and
- 15 (h) the Executive Secretary of the Commission.
- 16 (2) The functions and powers of the Commission are to:
- 17 (a) deal with all matters relating to the promotion and protection of  
18 human rights guaranteed by:
- 19 (i) the Constitution of the Federal Republic of Nigeria,  
20 (i) the United Nations Charter and the Universal Declaration on  
21 Human Rights,
- 22 (ii) the International Convention on Civil and Political Rights,  
23 (iii) the International Convention on the Elimination of all forms of  
24 Racial Discrimination,
- 25 (iv) the International Convention on Economic, Social and Cultural  
26 Rights,
- 27 (v) the Convention on the Elimination of all forms of Discrimination  
28 Against Women,
- 29 (vi) the Convention on the Rights of the Child,  
30 (vii) the African Charter on Human and Peoples' Rights, and



1 (viii) other International and Regional Instruments on human  
2 rights to which Nigeria is a party;

3 (b) monitor and investigate all alleged cases of human rights  
4 violation in Nigeria and make appropriate recommendations to the  
5 President for the prosecution and such other actions as it may deem  
6 expedient in each circumstance;

7 (c) assist victims of human rights abuses and seek appropriate  
8 redress and remedies on their behalf;

9 (d) publish and submit, from time to time, to the President,  
10 National Assembly, Judiciary, State and Local Governments, reports on the  
11 state of human rights promotion and protection in Nigeria;

12 (e) receive and investigate complaints concerning violations of  
13 human rights and making appropriate determination as may be deemed  
14 necessary in each circumstance;

15 (f) such other functions and powers as may be provided under an  
16 Act of the National Assembly

17 (3) The National Assembly shall by an Act provide for the  
18 management, staffing and operations of the National Human Rights  
19 Commission".

20 **5.** Section 157(2) of the Principal Act (as amended) is altered by  
21 inserting 'and the National Human Rights Commission' immediately after  
22 the Police Service Commission, deleting 'and' after the Revenue  
23 Mobilisation Allocation and Fiscal Commission and, inserting', after  
24 Revenue Mobilisation Allocation and Fiscal Commission and the Police  
25 Service Commission.

Alteration of  
Section 157

26 **6.** This Bill may be cited as the Constitution of the Federal  
27 Republic of Nigeria, 1999 (Amendment) Bill, 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to Constitutionally Guarantee the Establishment of the National Human Rights Commission.

# A BILL

## FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, CAP. C23 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO MAKE PROVISIONS FOR RIGHT TO FOOD AND FOOD SECURITY IN NIGERIA; AND FOR RELATED MATTERS

*Sponsored by Hon. Mohammed T. Monguno*

[ ] Commencement

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

- 1           **1.** The Constitution of the Federal Republic of Nigeria, 1999, Cap. 2004  
2           C23 Laws of the Federation of Nigeria, 2004 (referred to as "the Principal  
3           Act") is altered as set out in this  
4           Bill. Alteration of  
Cap. C23 LFN,  
2004
- 5           **2.**-(1) (a) Section 16 of the Principal Act is altered by deleting in Alteration of  
Section 16  
6           Sub-Section 2 (d) the words "suitable and adequate food" appearing in lines  
7           1 - 2 thereof.
- 8           (b) The Principal Act is altered by inserting a new Section 16 A.  
9           "16 A (1) The State shall direct its policy towards ensuring that:  
10           (a) the means of production, conservation and distribution of food  
11           are upgraded and improved upon on a continuous basis;  
12           (b) strategies that guarantee food security of the nation in terms of  
13           availability, accessibility and affordability of food to the citizens are  
14           initiated, undertaken and implemented; and  
15           (c) adequate measures are provided to ensure that food security of  
16           the nation is not compromised by any individual, group or institution, while  
17           actions that enhance the sustainability of food security are promoted".
- 18           **3.** Section 33 of the Principal Act is altered by inserting Alteration of  
Section 33  
19           immediately after Section 33 (c), a new Section 33 A and its side note to read

1 "Right to Food".

2 "Right to Food".

3 "33 A (1) Every person shall have a right to food, which shall be  
4 respected, protected and guaranteed by the State, and no one shall be deprived  
5 of food under any circumstances.

6 (2) A person shall not be regarded as having been deprived of food in  
7 contravention of this Section if the person is:

8 (a) physically fit or able to work or find food or not considered a  
9 disadvantaged person or belonging to the vulnerable groups in society;

10 (b) not affected by natural disasters or any socio-economic  
11 emergencies affecting the person's livelihood in such a manner as to become  
12 the responsibility of government to respond quickly with appropriate  
13 measures; or

14 (c) seeking remedies to situations other than food or means of  
15 acquiring food directly or otherwise".

Citation

16 **4.** This Bill may be cited as the Constitution of the Federal Republic of  
17 Nigeria (Alteration) Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to ensure that the State directs its policy towards food security, and making rights to food a guaranteed fundamental Human Right in the Constitution.

# A BILL

## FOR

AN ACT TO AMEND THE FEDERAL AIRPORT AUTHORITY ACT, CAP F5, TO EMPOWER THE AUTHORITY TO RECOGNIZE THE ENVIRONMENTAL CHALLENGE FACING ALL THE COMMUNITIES AROUND NIGERIAN AIRPORTS AND THEREFORE ENGAGE AND INVOLVE THE COMMUNITIES IN HER DEVELOPMENT PLAN; AND FOR RELATED MATTERS

*Sponsored by Honorable Ganiyu Abiodun Johnson*

[ ] Commencement

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

1           **1.** The Federal Airport Authority Act, CAP F5 (in this Act referred  
2 to as "Principal Act") is amended as set out in this Bill.

Amendment of  
the Federal Airport  
Authority Act,  
Cap F5

3           **2.** There shall be inserted immediately after Paragraph (1) of  
4 Section 3 of the Principal Act, the following new paragraphs (j), (k), (l), (m),  
5 (n), (o) and renumbered accordingly, that is:

6           (j) In the case of a new airport, involve the right stakeholders of the  
7 communities around the airport in her activities for the purpose of land  
8 management plan and environmental matter;

9           (k) Provide medical assistance to patients of heart diseases, cancer,  
10 respiratory diseases or any other noise or air pollution related disease who  
11 are proven to be inhabitants of the communities around airport;

12           (l) Conduct, assist, and foster researches, investigation,  
13 experiment and studies relating to the welfare of inhabitants of the  
14 communities along airport axis with a view to generating accurate data of  
15 terminally ill patients in the communities in order to carry out  
16 comprehensive studies of effect of carbon monoxide on them;

17           (m) Provide the communities around airport standard clinics with  
18 current, advanced and latest technological diagnostic equipment;

1 (n) Set aside a specific quota when recruiting staff to the airport for the  
2 communities around the Nigerian airports or where the air operation is being  
3 carried out;

4 (o) Ensure that each commercial airliner at the Nigeria airports carries  
5 out one meaningful substantial Corporate Social Responsibility project in any  
6 of the communities around airport.

Citation

7 3. This Bill may be cited as Federal Airport Authority Act  
8 (Amendment) Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Airport Authority Act, Cap F5, to empower the authority to recognize the environmental challenges facing all the inhabitants of Nigerian airports areas and provide them relief in term of medical care and employment opportunities.