

Extraordinary



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EXPLOSIVES BILL, 2021
ARRANGEMENT OF SECTIONS

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A BILL EXECUTIVE

FOR

AN ACT TO REPEAL THE EXPLOSIVES ACT 1964 AND ENACT THE
EXPLOSIVES ACT, TO REGULATE THE MANUFACTURE, STORAGE,
POSSESSION, USE, DISTRIBUTION, PURCHASE, SALE, TRANSPORTATION,
IMPORTATION AND EXPORTATION OF EXPLOSIVES AND FOR RELATED
MATTERS

[] Commencement

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

1 PART I - LICENCING

2 1. From the commencement of this Act, any person, carrying on
3 the business of manufacturing, selling, transportation, importation or
4 exportation of explosives for which Licence, Permit or Certificate has
5 already been granted shall continue to carry on such business-

Existing Licence,
Permit and
Certificate holders
to carry on business
of manufacturing,
selling etc of
explosives for a
certain period

6 (a) for a period of 6 months; and
7 (b) where before the expiration of the period specified in paragraph
8 (a) of this section, such person makes an application for the grant of a
9 Licence, Permit or Certificate under this Act, until the final disposal of his
10 application.

11 2.-(1) The Minister may, by an order published in the official
12 gazette, prohibit the manufacture, storage, possession, use, distribution,
13 purchase, sale, transportation, importation or exportation of any explosives
14 except as authorized in the order.

Prohibition of
manufacture,
storage, possession
etc of explosives

15 (2) An order issued under subsection (1) of this section, shall be
16 enforced by the Nigeria Custom Service and the Nigeria Police Explosives
17 Ordinance Disposal Unit at the point of entry.

18 (3) Notwithstanding the provision of subsection (1) of this section,
19 no person who-

- 1 (a) is less than 18 years of age;
- 2 (b) has been convicted of an offence involving dishonesty or violence
- 3 for a term of not less than six months, at any time during a period of five years
- 4 after the expiration of the sentence; or
- 5 (c) is under a bond for keeping the peace or for good behavior under
- 6 the Criminal Code, shall manufacture, store, be in possession, use, distribute,
- 7 purchase, sell, transport, import or export any explosives.
- 8 (4) No person shall sell, deliver or dispatch any explosives to a person
- 9 whom he knows or has reason to believe at the time of such sale, delivery or
- 10 dispatch, to be-
- 11 (a) prohibited from the manufacturing, storage, possession, use,
- 12 distribution, purchase, sale, transportation, importation, exportation of such
- 13 explosives under subsection (1) of this section; or
- 14 (b) of unsound mind.
- 15 **3.-(1)** An application for a Licence, Permit or Certificate shall be
- 16 made to the Minister.
- 17 (2) An applicant shall pay such application and processing fees as
- 18 may be prescribed by Regulations made pursuant to this Act.
- 19 (3) The Minister shall inform an applicant in writing of his decision to
- 20 grant or refuse to grant a Licence, Permit or Certificate within 3 months of
- 21 receipt of an application.
- 22 (4) A Licence, Permit or Certificate shall be issued upon payment of
- 23 the prescribed fee.
- 24 (5) A Licence, Permit or Certificate shall be valid for a period of 1 year
- 25 from the date of its issuance.
- 26 (6) An applicant who is not satisfied with the decision of the Minister
- 27 may challenge such decision in the Court.
- 28 (7) An Appeal against the decision of the Minister to the Court shall be
- 29 filed within 90 days from the date the letter conveying the decisions of the
- 30 Minister is received by the applicant.

Application for
a Licence, Permit
or Certificate

- 1 4.-(1) Subject to the provisions of this Act, no person shall Grant of a Licence,
2 undertake any business in respect of explosives unless he has been granted Permit or Certificate
3 anyone or more of the following Licences, Permits or Certificates-
- 4 (a) Magazine Licence;
 - 5 (b) Manufacturing Licence;
 - 6 (c) Mobile Pump Truck (Bulk Explosives) Licence;
 - 7 (d) Permit to Export Explosives
 - 8 (e) Permit to Import Explosives;
 - 9 (f) Permit to Buy Explosives;
 - 10 (g) Permit to Transfer Explosives;
 - 11 (h) Permit to Mix and Use Ammonium Nitrate and Fuel Oil
 - 12 (ANFO);
 - 13 (i) Special Permit to Blast Outside Quarry;
 - 14 (j) Approved Responsible Person Certificate; or
 - 15 (k) Blasting Certificate.
- 16 (2) A Licence, Permit or Certificate issued under this Act shall be
17 subject to such conditions as may be specified in the Licence, Permit or
18 Certificate or prescribed by Regulations made under this Act.
- 19 5.-(1) An applicant for a Licence, Permit or Certificate under this Screening of
20 Act shall upon the request of the Minister be screened by the appropriate applicant
21 Security Agency to carry out such screening.
- 22 (2) The appropriate Security Agency shall screen the applicant and
23 furnish the Minister with a report in respect of the following-
- 24 (a) whether the applicant for the grant or renewal of a Licence,
 - 25 Permit or Certificate has been found guilty or convicted of an offence in any
 - 26 part of Nigeria or elsewhere;
 - 27 (b) whether the applicant is the subject of a firearms prohibition
 - 28 order within the meaning of the firearms Act Cap F.28 LFN, 2004;
 - 29 (c) whether the applicant is of good character or repute;

	1	(d) whether the applicant has a history of violence or threat to
	2	violence;
	3	(e) whether the applicant has good reason for requiring the Licence,
	4	Permit or Certificate;
	5	(f) whether the applicant can be trusted to handle explosives in the
	6	manner authorized by the Licence, Permit or Certificate without any danger to
	7	public peace, safety and security; and
	8	(g) such other matters as the Minister may request or the Security
	9	Agency may consider necessary to bring to the notice of the Minister.
Renewal of a Licence, Permit or Certificate	10	6.-(1) An application for the renewal of a Licence, Permit or
	11	Certificate shall be made to the Minister at least 1 month before the expiration
	12	of the Licence. Permit or Certificate.
	13	(2) The application shall be accompanied by evidence of payment of
	14	the prescribed Licence, Permit or Certificate renewal fee and all other
	15	requirements prescribed under the Regulations made under this Act.
Variation, Suspension or Revocation of Licence, Permit or Certificate	16	7.-(1) The Minister may suspend or revoke a Licence, Permit or
	17	Certificate where-
	18	(a) the Licence, Permit or Certificate holder has contravened any of
	19	the provisions of this Act, Regulations made under this Act or any other law;
	20	(b) the Licence, Permit or Certificate was obtained by the suppression
	21	of material evidence which if brought to the notice of the Minister, would have
	22	persuaded him from granting the Licence, Permit or Certificate;
	23	(c) any fee or levy due to be paid by the Licence, Permit or Certificate
	24	holder has not been paid;
	25	(d) the Licence, Permit or Certificate holder has violated any safety
	26	requirements; or
	27	(e) in the opinion of the Minister, it is in the interest of public safety or
	28	security for the Licence, Permit or Certificate to be varied, suspended or
	29	revoked.
	30	(2) A Licence, Permit or Certificate holder whose Licence, Permit or

1 Certificate is varied, suspended or revoked shall be informed of such
2 variation, suspension or revocation.

3 PART II - STORAGE AND USE OF EXPLOSIVES

4 **8.-(1)** A surface magazine shall be surrounded by a fence approved
5 by the Minister accessible through a gate which shall be kept securely
6 locked when not in use.

Storage and use
of explosives in
surface, underground
mining operations,
construction works
etc.

7 (2) A surface magazine shall be erected in accordance with the
8 approved plan and specifications and other such conditions as the Minister
9 may determine.

10 (3) An explosives magazine shall be in the care of an approved
11 person acquainted with the nature of explosives, whose name shall be
12 entered into the explosives index register.

13 (4) The person referred to in subsection (3) of this section shall be
14 responsible for-

15 (a) the proper receipt, storing, and distribution of the explosives;
16 and

17 (b) Keeping full particulars of all receipts and deliveries in the
18 explosives index register which shall be kept in the magazine.

19 (5) Underground mining operation shall, where necessary be fitted
20 with a well regulated magazine for the storage, transportation and use of
21 explosives.

22 (6) An underground explosives magazine shall be in the custody of
23 an approved responsible person acquainted with the nature of explosives,
24 whose names shall be entered in the explosives index register.

25 (7) The person referred to in subsection (6) of this section shall be
26 responsible for-

27 (a) the proper receipt, storage and distribution of the explosives;
28 and

29 (b) keeping full particulars of all receipts and deliveries in the
30 explosives index register, which shall be kept in the magazine.

1 (8) Any construction work that requires the use of explosives shall be
2 fitted with a well regulated storage box in the custody of an approved person.

3 (9) Explosives shall be in care of an approved person certified to have
4 basic knowledge as to the use of explosives, whose name shall be entered into
5 the explosives index register.

6 (10) The person referred to in sub-section (9) of this section shall be
7 responsible for-

8 (a) the proper receipt, storage, and distribution of the explosives; and

9 (b) keeping full particulars of all receipts and deliveries in the
10 explosives index register which shall be kept in a magazine.

11 (11) Contract blasting shall be conducted by a registered company
12 which shall-

13 (a) have in its employment a mining engineer registered by Council of
14 Nigerian Mining Engineers and Geoscientists; and

15 (b) fulfill such requirements as to enable it purchase, store, transfer
16 explosives, conduct blasting operations in Mines, Quarries and such other civil
17 engineering locations in accordance with this Act and Regulations made under
18 this Act.

Inspections.
Inquiries and
Investigations

19 9.-(1) The Minister shall make Regulations consistent with this Act
20 authorizing any officer either by name or by virtue of his office to-

21 (a) enter, inspect and examine any place, aircraft, carriage or vessel in
22 which an explosives is being manufactured, stored, used, sold, transported,
23 imported or exported under a Licence, Permit or Certificate granted under this
24 Act;

25 (b) enter into any place where he has reason to believe that an
26 explosives is being manufactured, stored, used, sold, transported, imported or
27 exported in contravention of this Act or Regulations made under this Act;

28 (c) take samples, seize, detain or remove any explosives or its
29 components found in the premises; and

30 (d) arrest anyone found in such place or premises and if necessary

1 destroy such explosives or its components.

2 (2) The Provisions of Part 13 of the Criminal Procedure Act, Cap.
3 C41, Laws of the Federation of Nigeria, 2004 relating to search warrants
4 under that Act shall, so far as the same are applicable, apply to searches by
5 persons authorized by Regulations made under this section.

6 (3) Where an accident occurs in any place where explosives are
7 manufactured, stored, sold, used or in any aircraft, carriage or vessel
8 conveying an explosives resulting in the loss of human life, serious injury to
9 person or property, the occupier of the place or the master of the aircraft or
10 vessel shall within such a time and in such manner as may be prescribed by
11 Regulation made, under this Act give notice thereof to the-

12 (a) Minister;

13 (b) Inspector of Explosives in charge of the place where the
14 accident occurred;

15 (c) officer in charge of the nearest Police Station.

16 (4) The Minister may make Regulations to-

17 (a) regulate the procedure at inquires under this section;

18 (b) ensure that parties under investigation are given fair hearing;

19 (c) prescribe the manner in which and the time within which the
20 notice under subsection (3) of this section shall be given.

21 (5) Where an accident occurs in connection with any building,
22 place, aircraft, carriage or vessel under the control of a Licence, Permit or
23 Certificate holder, the appointed Inspector of Explosives in conjunction
24 with the Nigeria Police Explosives Ordinance Disposal Unit and the
25 Department of State Services shall investigate the cause of such accident.

26 (6) The appropriate investigating officers appointed under sub-
27 section 1 of this section shall submit a report of its investigation to the
28 Minister stating the causes of the accident and its circumstances.

29 (7) Theft of explosives and explosives precursors should be
30 reported by the approved person to the Mines Inspectorate Department and

	1	the nearest Police Station for investigation and possible prosecution.
Manufacturing, possession etc of explosives by the Armed Forces	2	10.-(1) Nothing in this Act shall apply to the manufacturing,
	3	possession, use, transportation and importation of any explosives by-
	4	(a) Armed Forces of the Federal Republic of Nigeria;
	5	(b) Defence Factories; and
	6	(c) any person employed by the Federal Government in execution of
	7	this Act.
	8	(2) The Minister may by an order in the official gazette, exempt
	9	absolutely or subject to such condition, any explosives or any person or class of
	10	persons from all or any of the provisions of this Act or Regulations made under
	11	this Act.
	12	PART III - OFFENCES AND PENALTIES
Unlawful importation or exportation of Explosives	13	11. Any person, who unlawfully imports any explosives into Nigeria
	14	or exports explosives from Nigeria commits an offence and is liable on
	15	conviction to life imprisonment without option of fine.
Unlawful manufacturing of explosives	16	12. Any person, who unlawfully manufactures any explosives,
	17	commits an offence and is liable on conviction to life imprisonment without
	18	option of fine.
Unlawful usage or storage of explosives	19	13. Any person, who unlawfully uses or stores any explosives,
	20	commits an offence and is liable on conviction to a fine of not less than 40
	21	million naira or imprisonment for a term of not less than 20 years or both.
Unlawful transportation of explosives	22	14. Any person, who unlawfully transports any explosives, commits
	23	an offence and is liable on conviction to a fine of not less than 20 million naira
	24	or imprisonment for a term of not less than 10 years or both.
Unlawful sales, marketing or purchase of explosives	25	15. Any person, who unlawfully sells or markets any explosives
	26	commits an offence and is liable on conviction to a fine of not less than 40
	27	million naira or imprisonment for a term of not less than 20 years or both.
Unlawful possession of explosives	28	16. Any person, who is in unlawful possession of any explosives,
	29	commits an offence and is liable on conviction to a fine of not less than 20
	30	million naira or imprisonment for a term of not less than 10 years or both.

1	17. Any person who steals any explosives from a store, magazine,	Theft of explosives
2	cargo, vessel, or aircraft while in stock or during transit or blasting commits	
3	an offence and shall be liable on conviction to life imprisonment without	
4	option of fine-	
5	18. Any person (s) who negligently allows any explosives to be	Act of negligence and or conspiracy to steal
6	stolen from any store, magazine, cargo, vessel, or aircraft commits an	
7	offence and is liable on conviction to a fine of not less than 20 million naira	
8	or imprisonment for a term of not less than 10 years or both.	
9	19.-(1) Where an offence under this Act is committed by a body	Offence by a body corporate
10	corporate, any person who, at the time the offence was committed, was in	
11	charge of or responsible for the conduct of the business of the body corporate	
12	shall be charged with the same offence as the body corporate and liable on	
13	conviction to-	
14	(a) a penalty of not less than 40 million naira: or	
15	(b) Imprisonment for a term of not less than 20 years, or both.	
16	(2) Where an offence under this section is proved to have been	
17	committed with the connivance of or is attributable to any neglect on the part	
18	of any officer of the corporate body, such officer shall be deemed to have	
19	committed the offence and is liable on conviction to a fine of not less than 40	
20	million naira or imprisonment for a term of not less than 20 years or both.	
21	(3) It shall be a defence for a person charged under this section	
22	where such person proves that the offence for which he was charged was	
23	committed without his knowledge or that he exercised all due diligence to	
24	prevent the commission of the offence.	
25	20.-(1) Any person, who fails to give notice or report an accident	Other offences
26	under section 9(3) of this Act, commits an offence and is liable on conviction	
27	to a fine of not less than 10 million naira or imprisonment for a term of not	
28	less than 5 years.	
29	(2) Where, for an offence committed under section 11 of this Act,	
30	the importation or exportation is done-	

1 (a) through the sea, the owner and master of the vessel; or

2 (b) by air, the owner and master of the aircraft,

3 shall be liable on conviction to a fine of not less than 80 million naira.

4 (3) The court may for the purpose of compelling the payment of the
5 fine referred to in subsection (2) of this section by an owner or master of an
6 aircraft or vessel, direct that the aircraft or vessel be levied by Distress or Sale.

7 (4) Any person who contravenes the provisions of any Regulations
8 made under this Act, commits an offence and is liable on conviction to such
9 penalties as may be prescribed under the Regulations.

10 (5) Where a person is convicted of an offence under this Act or
11 Regulations made under this Act, the court may direct that the explosives,
12 ingredients or substances used in the commission of the offence and receptacle
13 containing such explosives, ingredients or substances be forfeited to the
14 Federal Government.

15 (6) Where a Licence, Permit or Certificate holder contravenes any of
16 the provisions of this Act, Regulations made under this Act or any other law, the
17 court may, in addition to any penalty stipulated for the offence, make such an
18 order for the variation, suspension or revocation of the Licence, Permit or
19 Certificate holder's Licence, Permit or Certificate.

Trial of offenders
under other laws

20 **21.** Nothing in this Act shall prevent any person from being
21 prosecuted under any other law for an act or omission which constitutes an
22 offence under this Act from being liable under that other law to any other or
23 higher punishment or penalty than that provided under this Act, provided no
24 person shall be punished twice for the same offence.

25 PART IV - MISCELLANEOUS

Regulations

26 **22.**-(1) The Minister may, make Regulations generally to give full
27 effect to the provisions of this Act.

28 (2) Regulations made under sub-section (1) of this section may
29 provide for the-

30 (a) fees to be charged for a Licence, Permit or Certificate;

1 (b) manner in which applications for a Licence, Permit or
2 Certificate shall be made and the matters to be specified in such
3 applications;

4 (c) conditions upon which a Licence, Permit or Certificate shall be
5 granted;

6 (d) form in which applications shall be made;

7 (e) circumstances under which fees may be refunded;

8 (f) total quantity of explosives that a Licence, Permit or Certificate
9 holder can purchase in a given period of time;

10 (g) fees to be charged in connections with the manufacturing,
11 transportation, importation or exportation of explosives;

12 (h) procurement of End User Certificate (EUC) from the Office of
13 the National Security Adviser (NSA) to clear imported explosives;

14 (i) security requirement of explosives during transportation and
15 around the storage facilities to be provided by the Nigerian Police Force-
16 Explosives Ordinance Disposal Unit;

17 (j) exemptions absolutely of any persons or class of persons from
18 the operations of the Regulations;

19 (k) procedure for vetting by the Department of State Services;

20 (l) use of permissible explosives for coal mining; and

21 (m) accountability and establishment of a framework for the
22 control of Ammonium Nitrate.

23 **23.-(1)** The Explosives Act Cap E18 LFN 2004 is repealed.

Repeal of
Cap E18 LFN
2004

24 (2) Any person who, before the commencement of this Act, was a
25 holder of a Licence, Permit or Certificate under the repealed Act shall
26 continue to hold such Licence, Permit or Certificate in accordance with the
27 provisions of section 1 of this Act.

28 **24.** In this Act, unless the context otherwise requires-

Interpretation

29 "Aircraft" means any machine which can derive support in the atmosphere
30 from the reaction of the air, other than the balloons, whether fixed or free,

- 1 airships, kits, gliders and flying machines;
- 2 "Appropriate Security Agencies" means the Nigeria Police Explosive
3 Ordinance Disposal Command and the Department of State Security Services;
- 4 "Carriage" includes any carriage, wagon, cart, truck, vehicle or other means of
5 conveying goods or passenger by land, in whatever manner the same may be
6 propelled;
- 7 "Court" means Federal High Court;
- 8 "Explosives" includes, Nitroglycerine, Nitro glycol, Nitrocellulose, Di-nitro-
9 toluene (DNT), Tri-nitro-toluene (TNT), Tri-nitro-phenol (TNP), Di-nitro-
10 phenol, Tri-nitro- restrame, Penta-erthritol-tetra nitrate (PETN), Cyclo-
11 trimethylene-trinitramine (RDX), Lead azide, Lead Styhynate, Gelignite,
12 Seismic shaped charges, safety fuse, Detonating cord, Ammonium nitrate,
13 Hydrocarbon, Non-detonating expansive mortar, Fulminate of mercury or any
14 other Metal diazo-di-nitrophenol, Coloured fires or any other substance
15 whether a single chemical compound or a mixture of substances, whether solid
16 or liquid or gaseous used or manufactured with a view to produce a practical
17 effect by explosion or pyrotechnic effect; and includes fuses, detonators of all
18 description and every adaptation of preparation of an explosives as defined in
19 this clause;
- 20 "Explosives Magazine" means any building licensed under this Act for the
21 storage of explosives;
- 22 "Export" means taking out to a place outside Nigeria by land, sea or air;
- 23 "Import" means to bring in from a place outside Nigeria by land, sea or air;
- 24 "Manufacture" in relation to an explosives includes the process of-
- 25 (a) dividing the explosives into its component parts or otherwise
26 breaking up or unmaking the explosives, or making fit for use any damaged
27 explosives, and
- 28 (b) re-making, altering or repairing the explosives;
- 29 "Master"-
- 30 (a) in relation to any vessel or aircraft means any person, other than a

1 pilot, harbor master, assistant harbor master or berthing master, having
2 for the time being in charge or control of such vessel or aircraft, as the
3 case may be; and

4 (b) in relation to any boat belonging to a ship, means the master
5 of that ship;

6 "Marked" in relation to a plastic explosives and accessories means the
7 introduction of a detection agent into the plastic explosives in accordance
8 with the International Technical Convention;

9 "Minister" means Minister responsible for Mines and Steel
10 Development;

11 "Premises" includes a place, aircraft, carriage or vessel;

12 "Prescribed" means as by Regulations made under this Act;

13 "Vessel" includes any ship, boat, sailing vessel, or other description of
14 vessel used in navigation whether propelled by cars or otherwise and
15 anything made for the conveyance, mainly by water, of human beings or
16 of goods and a caisson; and

17 "EUC" means End User Certificate to clear imported explosives.

18 **23.** This Bill may be cited as the Explosives Bill, 2021.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Explosives Act 1964 and enact the Explosives Act, to regulate the manufacture, storage, possession, use, distribution, purchase, sale, transportation, importation and exportation of explosives.

CONTROL OF SMALL ARMS AND LIGHT WEAPONS BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

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A BILL EXECUTIVE
FOR

AN ACT TO ESTABLISH A NATIONAL CENTRE FOR THE COORDINATION AND
CONTROL OF THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS
IN NIGERIA AND FOR RELATED MATTERS

[] Commencement

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

PART I - OBJECTIVE AND APPLICATION

1. The objectives of this Act are to-

Objectives of
this Act

(a) control the proliferation of small arms and light weapons in
Nigeria;

(b) provide a framework for the coordination, implementation and
monitoring of all efforts geared towards the control of small arms and light
weapons in Nigeria; and

(c) prevent, combat and eradicate the illicit trade in small arms and
light weapons.

2. This Act shall apply throughout the Federal Republic of
Nigeria.

Application

PART II - ESTABLISHMENT OF THE NATIONAL CENTRE FOR THE
CONTROL OF SMALL ARMS AND LIGHT WEAPONS

3.-(1) There is established a National Centre for the Control of
Small Arms and Light Weapons, ("the National Centre") which shall be
domiciled in the Office of the National Security Adviser.

Establishment
of the National
Centre for the
Control of Small
Arms and Light
Weapons

(2) The Office of the National Security Adviser (in this Act referred
to as "ONSA") shall be-

(a) the coordinating body for all security and enforcement agencies
under this Act.

(b) responsible for-

Functions and
powers of the
National Centre

- 1 (i) policy formulation, coordination and monitoring of effort to
2 address small arms and light weapons related issues within Nigeria,
3 (ii) monitoring of effort to prevent, combat and eradicate the illicit
4 trade in small arms and light weapons, and
5 (iii) providing regular briefings and reports to the Government on the
6 progress and challenges of the implementation of the national policy and
7 strategy on small arms and light weapons, with the aim of facilitating the
8 necessary political will, understanding and support for activities and
9 programmes dealing with small arms and light weapons.
- 10 **4. The National Centre shall-**
- 11 (a) implement strategies, plans and policies for the eradication of
12 proliferation of small arms and light weapons;
13 (b) supervise the implementation of the strategies, plan and policies
14 for the eradication of proliferation of small arms and light weapons, by law
15 enforcement agencies and other relevant Ministries, Departments and
16 Agencies in Nigeria;
17 (c) receive from the Nigeria Police Force, reports of activities on
18 registration and licensing of fire arms and ammunition for the purposes of
19 updating the national database;
20 (d) register and securely store or destroy small arms-
21 (i) collected from the Nigeria Police Force, Armed Forces and other
22 security agencies, and
23 (ii) seized or recovered from criminal's, terrorist, insurgents and any
24 other person in possession of illegal small arms and light weapons;
25 (e) organize programmes of action to prevent, control, combat and
26 eradicate the illegal trade in small arms and light weapons;
27 (f) coordinate the design and implementation of an effective public
28 education and awareness campaign relative to small arms and light weapons;
29 (g) create and maintain a national database of all small arms and light
30 weapons (SALW);

(h) update the register of small arms and light weapons and transmit same to the United Nations (UN), African Union (AU), the Economic Community of West Africa States (ECOWAS) and any other international organization that may so require;

(i) advise the Economic Community of West Africa States (ECOWAS), the African Union (AU) and United Nations (UN) on exemptions to be granted to member states for weapons of categories 1, 2 and 3 of the ECOWAS Protocol on SALW to meet legitimate national defence and security needs, or to participate in peace keeping or other operations in accordance with the decisions of the United Nations, African Union, Economic Community of West African States or other regional or sub-regional body of which it is a member;

(j) liaise with the Economic Community of West African States, African Union, United Nations in all matters relating to the eradication of proliferation of small arms and light weapons in general at the regional, continental and global levels;

(k) initiate and develop mechanisms for exchanging information and experience with the National Centres, Commissions or National coordinating bodies for the eradication of proliferation of small arms and light weapons of other member states of the Economic Community of West African States, African Union and United Nations;

(l) conduct periodic research, studies and surveys to gather accurate information on impacts of interventions, to track the mutating dimension of the problem of small arms and light weapons and the lessons learned; and to use such information; and

(m) perform such other functions that may be assigned to it by Federal Government of Nigeria.

PART III - POSSESSION SALE AND TRANSFER OF FIREARMS

5. A person shall not have in his possession or under his control any firearm, or ammunition for any firearm or any component part of such

Possession of
firearms

	1	ammunition, in the following categories except in accordance with a licence
	2	granted by the President acting on the advice of the National Centre-
	3	(a) lethal barreled weapon of any description from which any shot,
	4	bullet or other missile can be discharged;
	5	(b) muzzle loading firearm of any category;
	6	(c) component of any firearms;
	7	(d) weapon from which a shot is discharged; or
	8	(e) weapon, rifle or pistol from which a projectile can be fired.
Personal firearms	9	6.-(1) A person shall not have in his possession or under his control
	10	any firearm of one of the categories specified in section 5 of this Act ("personal
	11	firearm") except in accordance with a licence granted in respect of it by the
	12	Inspector-General of Police, which licence shall be granted or refused in
	13	accordance with guidelines specified by the President on the advice of the
	14	National Centre.
	15	(2) The Inspector-General of Police shall provide to the National
	16	Centre-
	17	(a) details of all licensed personal firearms; and
	18	(b) monthly analysis on seizures of illegal weapons.
Muzzle-loading firearms	19	7.-(1) The Commissioner of Police of a State, with the consent of the
	20	Governor of the state may grant license for the possession or control of muzzle-
	21	loading firearm.
	22	(2) The Commissioner of Police of a state shall give monthly report of
	23	firearms licenced under the provisions of subsection (1) of this section to the
	24	National Centre.
	25	(3) The grant of a licence in respect of a muzzle-loading firearm in
	26	respect of which application has been duly made shall not be refused except for
	27	one of any reason specified by the President.
Grant of licences and permits	28	8.-(1) Subject to the provisions of section 7 of this Act and the
	29	Firearms Act, the authority having the function of granting a licence or permit
	30	may grant licence or permit to a person deemed fit.

1 (2) The authority having the function of granting a licence or
2 permit may, subject to the provisions of any regulations made under this Act-

3 (a) impose such terms or conditions as deemed fit; or

4 (b) revoke a licence or permit for such cause as he may consider
5 appropriate.

6 (3) A person whose application for licence or permit is refused by
7 the Police authority other than a decision by the President, may appeal in
8 writing to the President through the National Centre, whose decision shall
9 be final.

10 (4) Notwithstanding the provisions of sections 6 and 7 of this Act,
11 no licence or permit under the provisions of this Act shall be granted if there
12 is reason to believe that the applicant or holder of the licence-

13 (a) is under the age of 21;

14 (b) is of unsound mind;

15 (c) is not fit to have possession of the firearm in question on
16 account of defective eyesight;

17 (d) is a person of intemperate habits; or

18 (e) has been previously convicted of an offence involving violence
19 or the threat of violence.

20 (5) The Inspector General of Police or the Commissioner of Police
21 of a state shall provide details of-

22 (a) rejected applications for licence or permit to the National
23 Centre within 1 month of the rejection; and

24 (b) revoked licences to the National Centre within 1 month of the
25 revocation.

26 **9.-(1)** The owner of a firearm in respect of which a licence or
27 permit has been granted in accordance with the provisions of this Act shall
28 be responsible for the safe custody of the firearm to which the licence or
29 permit relates.

Safe custody of
firearms

30 (2) The owner of a firearm! in the case of loss, theft or destruction

1 of the firearm! shall-

2 (a) notify such loss! theft or destruction and the circumstances of it
3 within 14 days to the authority who issued the licence or permit, surrender the
4 licence or permit; and

5 (b) do such other action as the authority may consider necessary.

6 (3) Where the holder of a licence or permit dies! a person lawfully in
7 possession of the chattels of the deceased or a person to whom a firearm or
8 ammunition of the deceased has been bequeathed may notwithstanding any
9 other provision of this Act, lawfully have in his possession a firearm or
10 ammunition in respect of which the deceased person held a licence or permit
11 for a period of 14 days after such death.

12 (4) Notwithstanding the provisions of subsection (3) of this section,
13 the Inspector-General of Police may, if he deems fit, seize the firearm or
14 ammunition and retain or deposit same in a public armoury as provided in the
15 Firearms Act, until a licence or permit is granted in respect of such firearm.

16 (5) The occurrence of any of the situation provided in subsection (2),
17 (3) and (4) of this section, shall be reported to the National Centre within 30
18 days for record and analysis.

Ammunition

19 **10.-(1)** A person shall not have in his possession or under his control
20 any ammunition for any firearm and any component part of any ammunition or
21 gun powder or trade powder intended or used as a component part, except in
22 accordance with the terms of a license or permit granted to him and in respect of
23 such firearm.

24 (2) The provisions of sub-section (1) of this section shall apply in
25 respect of all ammunition, except-

26 (a) lead shot for use only as a weight; or

27 (b) blank cartridges other than those for humane killers not exceeding
28 2.54 centimeters in diameter.

Prohibition of
dealing in arms
or ammunition

29 **11.-(1)** A person shall not buy, sell, transfer, expose for sale or transfer,
30 or have in his possession for sale or transfer, any firearm unless the person is

1 registered as a firearms dealer.

2 (2) Notwithstanding the provisions of any other law, any
3 application for registration as a firearm dealer shall be confirmed by the
4 National Centre before approval.

5 (3) The National Centre shall maintain a database of registered
6 firearms dealers in Nigeria.

7 (4) A person shall not buy, sell, transfer or expose for sale or
8 transfer or have in his possession for sale or transfer any ammunition,
9 except-

10 (a) the ammunition specified at section 5 (b) of this Act or Part 11 of
11 the Firearms Act; and

12 (b) he is registered as a firearms dealer.

13 (5) The President may, upon the advice of the National Centre
14 direct-

15 (a) the registration of any person as a dealer in firearms; and

16 (b) that any such registration of a dealer be cancelled.

17 **12.-(1)** A registered firearms dealer shall-

Registered dealer's
armouries

18 (a) construct, in accordance with the requirements prescribed by
19 Regulations pursuant to the Firearms Act, and maintain in proper repair, an
20 armoury at each place in respect of which he carries on business;

21 (b) keep an up to date records of transactions at each place where he
22 carries on business, and shall make such returns in respect of the records as
23 may be prescribed by the National Centre;

24 (c) in the case of loss, theft or destruction of a firearm in his
25 possession, shall notify such loss, theft or destruction within 7 days of the
26 occurrence to the Inspector-General of Police and the National Centre, for
27 record and analysis; and

28 (d) A registered firearms dealer shall permit inspection of each
29 place where he carries on business and the records maintained, by a police
30 officer, upon production by such police officer of the written authority of the

	1	Inspector-General of Police.
	2	(2) The National Centre-
	3	(a) may conduct periodic inspection of registered firearms dealers
	4	armoury across Nigeria; and
	5	(b) shall keep records of all registered dealers armoury across
	6	Nigeria.
Sale or transfer of firearms or ammunition	7	13. -(1) A person, whether a registered firearms dealer or not, shall not
	8	sell or transfer any firearm or ammunition to any person, except-
	9	(a) another registered firearms dealer; or
	10	(b) the person produced a licence or permit authorizing him to possess
	11	such firearm or ammunition.
	12	(2) Any regulations made under this Act and pursuant to the Firearms
	13	Act may permit the sale or transfer of a firearm or ammunition by a registered
	14	firearms dealer to a person who is not the holder of a licence or permit intending
	15	to obtain such licence, upon conditions to be prescribed in such regulations.
Stamping of all firearms sold	16	14. -(1) A person, whether a registered firearms dealer or not, shall not
	17	sell or transfer any firearm unless-
	18	(a) there is stamped permanently on it, the maker's name and number
	19	or such other particulars as may be prescribed; and
	20	(b) the name or number is specified in any licence or permit produced
	21	in accordance with section 11 of the Firearms Act.
	22	(2) A person, whether a registered firearms dealer or not, shall not
	23	alter or render illegible the maker's name or number or other prescribed
	24	particulars stamped upon a firearm without the consent in writing of the
	25	Inspector General of Police.
	26	(3) Where the provisions of subsection (2) of this section is
	27	contravened, the inspector General of Police shall notify the National Centre
	28	for record and analysis.

1	15. -(1) The National Centre shall have power to collect-	Collection and storage of small arms and light weapons
2	(a) small arms which are surplus to the national needs or have	
3	become obsolete;	
4	(b) seized light weapons;	
5	(c) unmarked light weapons;	
6	(d) illegally held light weapons; and	
7	(e) small arms collected in the implementation of peace accords or	
8	programmes for the voluntary handing over of the weapons.	
9	(2) A small arm or light weapon collected pursuant to the	Management and security of stockpiles
10	provisions of subsection (1) of this section shall be registered and securely	
11	stored or destroyed.	
12	(3) The National Centre shall promote and carry out programmes	
13	of voluntary handing over of small arms and light weapons.	
14	16. -(1) The National Centre shall take the necessary measures to	
15	ensure the safe and effective management, storage and security of national	
16	stocks of small arms and light weapons.	
17	(2) The National Centre shall, pursuance to the provisions of	
18	subsection (1) of this section, establish effective standards and procedures	
19	for stockpile management, storage and security, including-	
20	(a) appropriate site;	
21	(b) physical security measures of storage facilities;	
22	(c) inventory management and record keeping;	
23	(d) staff training;	
24	(e) security during manufacture and transportation; and	
25	(f) sanctions in case of theft or loss.	
26	(3) The National Centre shall ensure that stockpiles of small arms	
27	and light weapons by manufacturers, dealers as well as individuals are	
28	securely stored in accordance with the appropriate standards and	
29	procedures.	

	1	PART IV - REGISTER OF SMALL ARMS AND LIGHT WEAPONS
Establishment of register of small arms and light weapons	2	17.-(1) The National Centre shall keep and maintain a computerised
	3	register of small arms and light weapons and a comprehensive national
	4	database, in which shall be recorded the following information-
	5	(a) description of the product (type, model and caliber) and quality
	6	(where it concerns a batch);
	7	(b) content of the marking;
	8	(c) names and addresses of the former and current owners and, where
	9	possible, successive owners;
	10	(d) date of registration; and
	11	(e) information concerning each transaction, including-
	12	(i) the name and address of the shipper, the intermediary (where
	13	applicable), the consignee and the user indicated on the end-user-certificate,
	14	(ii) the point of departure, transit and destination, as well as the
	15	customs references and the dates of departure, transit and delivery to the end-
	16	user,
Register of arms for peace operations	17	(iii) the export, transit and import licence (quantities and batches
	18	corresponding to the same licence as well as the validity of the licence),
	19	(iv) full details concerning the method of transport and the
	20	transporter,
	21	(v) the controlling agency or agencies at point of departure, transit and
	22	entry,
	23	(vi) the nature of the transaction, whether commercial, non-
	24	commercial, private or public, conversion, repair, and
	25	(vii) where applicable, the insurer and the financial institution
	26	intervening in the transaction.
	27	(2) The records in the Register of the National Centre shall also be
	28	kept in the custody of designated agencies.
	29	18.-(1) The National Centre shall-
	30	(a) keep and maintain a register of small arms and light weapons

1 destined for use in peacekeeping operations both within and outside the
2 ECOWAS or AU territory to ensure the control of movements of small arms
3 and light weapons and their effective withdrawal at the end of peace
4 operations in which member;

5 (b) declare to the executive secretariat of ECOWAS, AU and UN
6 organization of all small arms and light weapons-

7 (i) used in peace keeping operations, or

8 (ii) seized, collected or destroyed during peace keeping operations
9 in Nigeria and in the ECOWAS or AU region.

10 (2) For the purpose of implementing the provisions of sub section
11 (1) of this section-

12 (a) the Armed Forces, the Police and any other security agency
13 engaged in peace keeping operations shall-

14 (i) prior to the commencement of the operation, submit to the
15 National Centre a register or record of small arms and light weapons to be
16 used in the operation, and

17 (ii) after the operation, submit to the National Centre a register or
18 record of small arms and light weapons used in the operations or seized,
19 collected or destroyed during the operations;

20 (b) the National Centre may at any time necessary, request from the
21 Armed Forces, the Police or any other security agency engaged in peace
22 keeping operations, a register or record of small arms and light weapons to
23 be used, used, seized, collected or destroyed during the operations;

24 (c) a register of small arms and light weapons used by arms bearing
25 agencies shall be forwarded to the National Centre quarterly; and

26 (d) a list of ammunitions before and after a peace keeping mission
27 by arms bearing agencies shall be forwarded to the National Centre.

28 **19.** The National Centre shall establish a National Small Arms
29 Registry to be managed by an arms Registrar who shall-

Small arms
registry

30 (a) keep, maintain and update, from time to time, the Registers

1 established under this Act;

2 (b) transmit the Registers to the secretariat of the ECOWAS in
3 accordance with the provisions of ECOWAS Convention; and

4 (c) carry out any other responsibility in respect of small arms and light
5 weapon record and documentation in the Nigeria.

6 PART V - CONTROL OF THE MANUFACTURE OF SMALL ARMS
7 AND LIGHT WEAPONS

Control of the
manufacture of
small arms and
light weapons

8 **20.**-(1) The National Centre shall-

9 (a) control the manufacture of small arms and light weapons in
10 Nigeria;

11 (b) regulate the activities of local and artisanal small arms and light
12 weapons manufacturers; and

13 (c) adopt strategies and policies for the reduction or limitation of the
14 manufacture of small arms and light weapons so as to control the local
15 manufacture as well as their market within ECOWAS.

16 (2) The National Centre shall prepare and maintain an exhaustive list
17 of local manufacturers of small arms and light weapons and ensure their
18 registration in the Register of Small Arms and Light Weapons established
19 under section 17 of this Act.

Measures for
the control of
manufacture of
small arms and
light weapons

20 **21.** The National Centre shall not grant a request for the manufacture
21 of small arms and light weapons except the manufacturer gives information
22 relating to-

23 (a) details of the arms to be manufactured and the quantity, exact type
24 and kind of arms using ECOWAS classification system, including all serial
25 numbers and other markings;

26 (b) the procedure for marking and entering details of each small arm
27 and light weapon into the Register of Small Arms and Light Weapons
28 established under section 17 of this Act; and

29 (c) information on the storage and management of the small arms and
30 light weapons after manufacture.

- 1 **22.**-(1) The National Centre shall exchange with other ECOWAS, Tracing
2 AU and UN State Parties, information on-
- 3 (a) illegal small arms and light weapons;
4 (b) seized small arms and light weapons; and
5 (c) trafficking in weapons that contravene international law or the
6 internal laws of the States in which the operations take place, including
7 condemnation of the person or institution implicated, sanctions, disposal,
8 destruction methods and neutralization.
- 9 (2) The National Centre shall, in the case of other small arms and
10 light weapons, exchange the following data on a regular basis with the
11 bodies mentioned in subsection (1) of this section-
- 12 (a) manufacture, marking system and techniques used, and
13 authorized manufacturers;
14 (b) transfers, exports to and imports from all other states, and
15 transits;
16 (c) information available concerning national legislation, existing
17 practices and controls, authorized dealers and brokers; and
18 (d) existing stockpiles, management, inventory, security, surplus,
19 loss, theft and destruction.
- 20 (3) The National Centre may initiate a tracing request through
21 ECOWAS, AU or UN in relation to small arms and light weapons found
22 within Nigeria that it considers to be illegal.
- 23 (4) A request by the National Centre for assistance in tracing illegal
24 small arms or light weapons shall contain sufficient information, including-
- 25 (a) information describing the illegal nature of the small arms and
26 light weapons, its legal justification and circumstances under which the
27 small arms and light weapons were found;
28 (b) marking, type, caliber and other relevant information; and
29 (c) intended use of the information being sought.
- 30 (5) Where the National Centre receives through the ECOWAS, AU

1 or UN request for assistance in tracing illegal small arms and light weapons
 2 found in the requesting member state, the National Centre shall acknowledge
 3 its receipt within a reasonable time frame.

4 (6) A request from a member state received under subsection (5) of
 5 this section shall contain the information set out in subsection (4) of this section
 6 and any other information as may be specified by the National Centre.

7 (7) The National Centre shall provide reliable responses to tracing
 8 requests made by other member states within 1 month from the date of receipt
 9 of the request.

10 (8) In responding to a tracing request, the National Centre shall
 11 provide all available information sought by the requesting member state that is
 12 relevant for the purposes of tracing illegal small arms and light weapons.

13 (9) The National Centre may seek additional information from the
 14 requesting member state where a tracing request does not contain the
 15 information required under this section

16 PART VI - MISCELLANEOUS

Offences and
penalties

17 **23.**-(1) Any person in possession of firearms or ammunition without a
 18 licence shall on conviction be liable to 2 years imprisonment or a fine of not
 19 less than N1,000,000.00 or both where the person has no previous criminal
 20 record.

21 (2) Any person with previous criminal records found in possession of
 22 firearms without a licence shall on conviction be liable to 5 years imprisonment
 23 without fine.

24 (3) Where a person commits an act of violence with a firearm that is
 25 not licenced such person shall on conviction be liable to 6 years imprisonment.

26 (4) A person who commits an offence under this Act for which no
 27 penalty is prescribed shall be liable on conviction to not less than 1 year
 28 imprisonment or a fine of not less than N500, 000.00 or both.

Public education
and awareness
programme

29 **24.**-(1) The National Centre shall, in the interest of promoting peace,
 30 design public and community education and awareness programmes at

1 national, state and local levels in order to involve Nigerians in the efforts to
2 control the proliferation of small arms and light weapons.

3 (2) The National Centre shall, in pursuance of subsection (1) of
4 this section, develop and partner with civil society organizations at national,
5 state and local levels, including women, youth and other organisations, for
6 better information and public awareness on the danger of proliferation of
7 small arms and light weapons.

8 **25.** The President may give to the National Centre such directives
9 of a general nature or relating specifically to matters of policy, with regards
10 to the exercise of the functions of the National Centre as he may consider
11 necessary and the National Centre shall comply with the directives.

Directives of
the President

12 **26.** The National Centre may make regulations and issue
13 guidelines as are necessary or expedient for the effective and efficient
14 implementation of the provisions of this Act.

Regulations

15 **27.** As from the commencement of this Act, the Presidential
16 Committee for the Control of Small Arms and light Weapons (PRESCOM)
17 constituted by the President is dissolved.

Dissolution of
the Presidential
Committee for
the Control of
Small Arms and
Light Weapons

18 **28.-(1)** The dissolution of PRESCOM as specified in section 27 of
19 this Act shall not affect anything done or purported to have been done by the
20 PRESCOM.

Savings and
transitional
provisions

21 (2) The right, interest, obligation, proceedings, assets and liability
22 of the PRESCOM existing before the commencement of this Act shall by
23 virtue of this Act be deemed to be that of the National Centre, to the extent
24 that they are not inconsistent with any of the provisions of this Act.

25 (3) Any reference to the PRESCOM or any person under its control
26 or a document issued in the name of the PRESCOM shall be read, unless the
27 context otherwise requires, as a reference to the National Centre established
28 under this Act.

29 **29.** In this Act-

Interpretation

30 "ammunition" means devices designed to be shot or projected through the

- 1 means of firearms, including-
- 2 (a) cartridges,
- 3 (b) projectiles and missiles for light weapons, and
- 4 (c) mobile containers with missiles or projectiles for anti-aircraft or
- 5 anti-tank single action systems;
- 6 "AU" means the African Union;
- 7 "Convention" means the Economic Community of West African States
- 8 Convention on Small Arms and Light Weapons, their Ammunition and Other
- 9 Related Materials, done at Abuja on 14th June, 2006;
- 10 "ECQWAS" means the Economic Community of West African States;
- 11 "illicit" means all that is carried out in violation of this Act and the Convention;
- 12 "light weapons" means portable arms designed to be used by several persons
- 13 working together in a team and include notably-
- 14 (a) heavy machine guns,
- 15 (b) portable grenade launchers, mobile or mounted,
- 16 (c) portable anti-aircraft cannons,
- 17 (d) portable anti-tank cannons, non-recoil guns,
- 18 (e) portable anti-tank missile launchers or rocket launchers, and
- 19 (f) mortars with a caliber of less than one hundred millimeters;
- 20 "marking" means inscriptions permitting the identification of arms covered by
- 21 this Act and the Convention;
- 22 "muzzle-loading firearm" means firearms into which the projectile and usually
- 23 the propellant charge is loaded from the muzzle of the gun, including Dane-
- 24 guns, Flint-lock guns and Cap-guns;
- 25 "National Centre" means National Centre for the Control of Small Arms and
- 26 Light Weapons established under section 3 of this Act;
- 27 "other related materials" means all components, parts or spare parts for small
- 28 arms or light weapons or ammunition necessary for its functioning; or any
- 29 chemical substance serving as active material used as propelling or explosive
- 30 agent;

- 1 "small arms" means arms used by one person and include-
- 2 (a) firearms and other destructive arms or devises such as an
- 3 exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket
- 4 launcher, a missile system or landmine,
- 5 (b) revolvers and pistols with automatic loading,
- 6 (c) riffles and carbines,
- 7 (d) machine guns,
- 8 (e) assault rifles, and
- 9 (f) light machine guns;
- 10 "small arms and light weapons" includes ammunition and other related
- 11 materials;
- 12 "tracing" includes the systematic monitoring of the movement of small arms
- 13 and light weapons and their ammunition and other related materials, from
- 14 the manufacturer until the end user, with a view to helping members states or
- 15 competent authorities to detect illegal manufacture and trading; and
- 16 "weapons of categories 1, 2 and 3" means light weapons, small arms and
- 17 ammunition, respectively.
- 18 **30.** This Bill may be cited as the Control of Small Arms and Light Short title
- 19 Weapons Bill, 2021.

EXPLANATORY MEMORANDUM

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

This Bill seeks to provide for the control of small arms and light weapons in Nigeria and the establishment of National coordination body at ONSA to coordinate and implement activities to combat the problem of the proliferation of small arms and light weapons in Nigeria in line with the UN, AU, ECOWAS Convention and other international instruments and Protocols on small arms and light weapons.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL ACT CAP N 1, LAWS OF THE FEDERATION
OF NIGERIA 2004; AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

- | | | |
|----|--|------------------|
| 1 | 1. The National Agency for Food and Drug Administration and | Amendment of |
| 2 | Control Act Cap N1, Laws of the Federation of Nigeria 2004 (hereinafter | the National |
| 3 | referred to as "the Principal Act") is amended as set out in this Bill. | Agency for Food |
| 4 | | and Drug |
| 5 | 2. Section 24 of the Principal Act is amended to include a new sub | Administration |
| 6 | section 2 as follows: | and Control Act |
| 7 | | Cap N1, LFN 2004 |
| 8 | “to enter and seal a Pharmacy, chemist or medicine store, where he | Amendment of |
| 9 | reasonable believes with evidence that the pharmacy, chemist or medicine | Section 24 |
| 10 | store deals majorly on fake drugs". | |
| 11 | 3. Section 25 of the Principal Act is hereby amended to insert a | Amendment of |
| 12 | new sub section sub section 5 as follows- | Section 25 |
| 13 | “Anyone who commit an offence in respect of section 24 sub | |
| 14 | section 2 of the Act shall be sentenced to 5 year's imprisonments with | |
| 15 | forfeiture of his pharmacy, chemist or medicine store”. | |
| | 4. This Bill may be cited as the National Agency for Food and | Citation |
| | Drug Administration and Control Act (Amendment) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Agency for Food and Drug Administration and Control Act, Cap N1, Laws of the Federation of Nigeria, 2004 to prohibit the sale of fake drugs in pharmaceutical stores in Nigeria and also prescribe punishment for offenders.

FEDERAL MEDICAL CENTER ABUJA (ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clauses

- 1, Establishment of Federal Medical Center Abuja
- 2, Establishment of the board of management of the Federal Medical Center Abuja
3. Membership of the Board
4. Tenure of office
5. Cessation of membership
6. Allowances of members
7. Functions of the Board
8. Powers of the Board
9. Chief Medical Director of the Medical Center
10. Appointment of Director of Administration and recruitment of other staff of the Medical Center
11. Service in the Medical Center to be pensionable
12. Establishment of the Medical Advisory Committee, etc
13. Fund of the Medical Center
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15. Power to accept gifts.
16. Annual estimates and expenditure
17. Annual report
18. Power to borrow
19. Exemption from tax
20. Exemption from customs duties, etc
21. Discipline of students
22. Removal and discipline of clinical, administrative and technical staff
23. Discipline of junior staff
24. Regulations

- 25. Power to give directives
- 26. Transition and savings provision
- 27. Interpretation
- 28. Short title
- Schedules

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL MEDICAL CENTER ABUJA, AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

PART I - ESTABLISHMENT OF THE FEDERAL MEDICAL CENTER

- | | | |
|----|--|--|
| 1 | 1.-(1) There is established the Federal Medical Center Abuja (in | Establishment
of Federal Medical
Center Abuja |
| 2 | this Bill Establishment of referred to as "the Centers") as specified in the | |
| 3 | Second Schedule to this Federal Medical Bill. | |
| 4 | (2) The hospitals: | |
| 5 | (a) shall be a body corporate; | |
| 6 | (b) may sue and be sued in its corporate name; | |
| 7 | (c) shall have perpetual succession and a common seal. | |
| 8 | 2. There is established for the management of the Medical Centers | Establishment
of the board of
management of
the Federal Medical
Center Abuja |
| 9 | a Board of Management (in this Bill referred to as "Board") which shall be | |
| 10 | constituted and have the functions and powers set out in this Bill. | |
| 11 | 3.-(1) The Board shall consist of: | Membership of
the Board |
| 12 | (a) a chairman; | |
| 13 | (b) the Chief Medical Director of the Medical Center; | |
| 14 | (c) the Head of Clinical Services; | |
| 15 | (d) the Director of Administration; who shall be the Secretary of | |
| 16 | the Board; | |
| 17 | (e) three persons nominated by the Minister to represent a wide | |
| 18 | variety of community interests in health matters; | |
| 19 | (f) one representative of the Federal Ministry of Health; | |
| 20 | (g) one representative of the medical profession not being a person | |

	1	who is a member of the FMC;
	2	(h) one representative from allied health professionals; not being a staff of the
	3	FMC;
	4	(i) one representative of the ministry of health.
	5	(2) The chairman and members of the Board, other than ex-officio
	6	members, shall be:
	7	(a) appointed by the President; and
	8	(b) persons of proven integrity and ability.
Schedule	9	(3) The supplementary provisions set out in the First Schedule to this
	10	Bill shall have effect with respect to the proceedings of the Board and the other
	11	matters contained therein.
Tenure of office	12	4. Subject to the provisions of section 5 of this Bill, a member of the
	13	Board, other than ex-officio members, shall each hold office:
	14	(a) for a term not exceeding fours (4) years;
	15	(b) on such terms and conditions as may be specified in his letter of
	16	appointment.
Cessation of Membership	17	5.-(1) Notwithstanding the provisions of section 4 of this Bill a person
	18	shall cease to hold office as a member of the Board if-
	19	(a) he becomes bankrupt, suspends payment principal loan with his
	20	creditors;
	21	(b) he is convicted of a felony or any offence involving dishonesty or
	22	fraud;
	23	(c) he becomes of unsound mind or is incapable of carrying out his
	24	duties;
	25	(d) he is guilty of a serious misconduct in relation to his duties; or
	26	(e) in the case of a person possessed of professional qualifications, he
	27	is disqualified or suspended, other than at his own request, from practicing his
	28	profession in any part of the world by an order of a competent authority made in
	29	respect of that member; or
	30	(f) he resigns his appointment by a letter addressed to the President.

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

5 (3) A member of the Board may be removed by the President if he is
6 satisfied that it is not in the interest of the Medical Center or the interest of
7 the public that the member continues in office.

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

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

12 7.-(1) The Board shall:

13 (a) equip, maintain and operate the Medical Center so as to provide Functions of the
14 facilities for diagnosis, curative, promotive and rehabilitative services in Board
15 medical treatment;

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

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

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

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

Powers of the
Board

- 1 **8.** The Board shall have power to:
- 2 (a) provide the general policies and guidelines relating to major
- 3 expansion programmes of the Medical Center;
- 4 (b) manage and superintend the affairs of the Medical Center;
- 5 (c) subject to the provisions of this Bill, make, alter and revoke rules
- 6 and regulations for carrying on the functions of the Medical Center;
- 7 (d) do such other things which in the opinion of the Board are
- 8 necessary to ensure the efficient performance of the functions of the Medical
- 9 Center.

10 PART III - STAFF OF THE MEDICAL CENTER

Chief Medical
Director of the
Medical Center

- 11 **9.-(1)** There shall be for the Medical Center a Chief Medical Director
- 12 who shall be appointed by the President on the recommendation of Hon.
- 13 Minister of Health on such terms and conditions as may be specified in his
- 14 letter of appointment or as may be determined, from time to time, by the
- 15 Revenue Mobilization Allocation and Fiscal Commission (RMAFC).
- 16 **(2)** The Chief Medical Director shall:
- 17 (a) be the Chief Medical Director and accounting officer of the
- 18 Medical Center;
- 19 (b) be responsible to the Board for the day-to-day administration of
- 20 the Medical Center;
- 21 (c) be appointed for a term of four years in the first instance and may
- 22 be reappointed for a further term of four years subject to satisfactory
- 23 performance;
- 24 (d) be a person who is a medical practitioner and shall have been so
- 25 qualified for a period of not less than 12 years;
- 26 (e) have considerable administrative experience in matters of health;
- 27 (f) hold a post-graduate fellowship of the National Post-Graduate
- 28 Medical College of Nigeria or its equivalent qualification obtained not less
- 29 than five (5) years prior to the appointment as Chief Medical Director.

1	10. -(1) The Board shall appoint for the Medical Center:	Appointment of Director of Administration and recruitment of other staff of the Medical Center
2	(a) a Head of Clinical Services;	
3	(b) a Director of Administration, who shall:	
4	(i) be responsible to the Chief Medical Director for the effective	
5	functioning of all the administrative divisions of the Medical Center;	
6	(ii) conduct the correspondence of the Board and keep the records	
7	of the Medical Center; and	
8	(iii) perform such other functions as the Board or the Chief Medical	
9	Director, as the case may be, may, from time to time, assign to him;	
10	(2) The Head of Clinical Services appointed under paragraphs (a)	
11	sub section (1) of this section shall be responsible to the Chief Medical	
12	Director for the effective running of the clinical services and training.	
13	(3) The Board shall appoint for the Medical Center such number of	
14	employees as may in the opinion of the Board be expedient and necessary	
15	for the proper and efficient performance of the functions of the Medical	
16	Center.	
17	(4) Notwithstanding the provisions of subsections (1) and (2) of	
18	this section the Board shall have power to appoint for the Medical Center	
19	either directly or on secondment from any public service in the Federation,	
20	such number of employees as may, in the opinion of the Board, be required	
21	to assist the Medical Center in the discharge of any of its functions under this	
22	Bill.	
23	(5) Nothing in subsection (4) of this section shall preclude the	
24	Board from appointing persons from outside the public service of the	
25	Federation or of the State whenever it deems it necessary so to do.	
26	(6) The terms and conditions of service (including remuneration,	
27	allowances, benefits and pensions) of the employees of the Medical Center	
28	shall be as determined by the National Salaries Income and Wages	
29	Commission.	

Service in the
Medical Center
to be pensionable

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

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

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

Establishment
of the Medical
Advisory
Committee, etc.

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

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

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

(c) be appointed by the Board.

PART IV - FINANCIAL PROVISIONS

Fund of the
Medical Center

13. There shall be established and maintained for the Medical Center a fund into which shall be paid and credited:

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

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

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

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

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

1	14. The hospital shall, from time to time, apply the funds at its	Expenditure of the Medical Center
2	disposal to:	
3	(a) the cost of administration and maintenance of the Medical	
4	Center;	
5	(b) publicize and promote the activities of the Medical Center;	
6	(c) pay allowances, expenses and other benefits of members of the	
7	Board and committees of the Board;	
8	(d) pay the salaries, allowances and benefits of employees of the	
9	Medical Center;	
10	(e) pay other overhead allowances, benefits and other	
11	administrative costs of the Medical Center; and	
12	(f) undertake such other activities as are connected with all or any	
13	of the functions of the Medical Center under this Bill.	
14	15. -(1) The Medical Center may accept gifts of land, money or	Power to accept gifts
15	other property on such terms and conditions, if any, as may be specified by	
16	the person or organization making the gift.	
17	(2) The Medical Center shall not accept any gift if the conditions	
18	attached by the person or organization making the gift are inconsistent with	
19	the functions of the Medical Center under this Bill.	
20	16. -(1) The Medical Centre shall, not later than 30th September in	Annual estimates and expenditure
21	each year, submit to the President through the Secretary to the Government	
22	of the Federation an estimate of the expenditure and income of the Medical	
23	Center during the next succeeding year.	
24	(2) The Medical Centre shall cause to be kept proper accounts of	
25	the Medical Center in respect of each year and proper records in relation	
26	thereto and shall cause the accounts to be audited not later than six months	
27	after the end of each year by auditors appointed from the list and in	
28	accordance with the guidelines supplied by the Auditor-General for the	
29	Federation.	

Annual report	1	17. The Medical Centre shall prepare and submit to the President, not
	2	later than 30th June in each year, a report in such form as the President may
	3	direct on the activities of the Medical Center during the immediately preceding
	4	year, and shall include in the report a copy of the audited accounts of the
	5	Federal Medical Center for that year and the auditor's report thereon.
Power to borrow	6	18.-(1) The Medical Center may, from time to time, borrow by
	7	overdraft or otherwise such sums as it may require for the performance of its
	8	functions under this Bill.
	9	(2) The Medical Center shall not, without the approval of the
	10	President, borrow money which exceeds, at any time, the limit set by the
	11	President.
	12	(3) Notwithstanding subsection (1) of this section, where the sum to
	13	be borrowed is in foreign currency, the Medical Center shall not borrow the
	14	sum without the prior approval of the President.
Exemption from tax	15	19.-(1) The Medical Center shall not pay income tax on any income
	16	derived by the Federal Medical Center under this Bill or accruing to it from any
	17	of its investments.
	18	(2) Accordingly, the provisions of any enactment relating to the
	19	taxation of companies or trust funds shall not apply to the Board of the Federal
	20	Medical Center.
Exemption from customs duties, etc.	21	20. The Medical Center shall not pay customs duty on or be restricted
	22	or prohibited from importing any equipment, material, supply and any other
	23	thing required by the Medical Center for the purposes of this Bill:
	24	Provided that nothing in this section shall be construed as preventing
	25	the Nigeria Customs Service from inspecting any equipment, or material
	26	imported by the Center.
	27	PART V - GENERAL
Discipline of students	28	21.-(1) Notwithstanding anything to the contrary contained in any
	29	other Discipline of enactment, where it appears to the Board that any student of
	30	the Medical Center has been guilty of misconduct, the Board may, without

1 prejudice to any other disciplinary powers conferred on it by regulations,
2 direct:

3 (a) that the student shall not, during such period as may be specified
4 in the direction, participate in such activities of the Medical Center, or make
5 use of such facilities of the Medical Center as may be so specified;

6 (b) that the activities of the student shall, during such period as may
7 be specified in the direction, be restricted in such manner as may be so
8 specified;

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

11 (d) that the student be expelled from the Medical Center.

12 (2) The fact that an appeal from a direction is brought in pursuance
13 of subsection (1) of this section shall not affect the operation of the direction
14 while the appeal is pending.

15 (3) The Board may delegate its powers under this section to a
16 disciplinary committee consisting of such members of the Medical Center
17 as the Board may nominate.

18 (4) Nothing in this section shall be construed as preventing the
19 restriction or termination of student's activities at the Medical Center
20 otherwise than on the ground of misconduct.

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

23 (6) Nothing in this Bill shall affect the provisions of any enactment
24 relating to the discipline of medical practitioners, pharmacists, midwives,
25 nurses or members of any other profession or calling.

26 **22.-(1)** If it appears to the Board that there are reasons for believing
27 that any person employed as a member of the clinical, administrative or
28 technical staff of the Medical Center, other than the Chief Medical Director,
29 should be removed from his office or employment, the Board shall require
30 the Director of Administration to:

Removal and
discipline of
clinical,
administrative
and technical
staff

- 1 (a) give notice of those reasons to the person in question;
- 2 (b) afford him an opportunity of making representations in person on
- 3 the matter to the Board; and
- 4 (c) if the person in question so requests within a period of 1 month
- 5 beginning with the date of the notice, make arrangements for:
- 6 (i) a committee to investigate the matter and report on it to the Board;
- 7 and
- 8 (ii) the person in question to be afforded an opportunity of appearing
- 9 before and being heard by an investigating committee set up with respect to the
- 10 matter, and if the Board, after considering the report of the investigating
- 11 committee, is satisfied that the person in question should be removed as
- 12 aforesaid, the Board may so remove him by a letter signed on the direction of
- 13 the Board.
- 14 (2) The Chief Medical Director may, in a case of misconduct by a
- 15 member of the staff which in the opinion of the Chief Medical Director is
- 16 prejudicial to the interest of the Medical Center, suspend any such member and
- 17 any such suspension shall forthwith be reported to the Board.
- 18 (3) For good cause, any member of staff may be suspended from his
- 19 duties or his appointment may be terminated or he may be dismissed by the
- 20 Board and for the purposes of this section, "good cause" means:
- 21 (a) a conviction for any offence which the Board considers to be such
- 22 as to render the person concerned unfit for the discharge of the functions of his
- 23 office;
- 24 (b) any physical or mental incapacity which the Board, after obtaining
- 25 medical advice, considers to be such as to render the person concerned unfit to
- 26 continue to hold his office;
- 27 (c) conduct of a scandalous or other disgraceful nature which the
- 28 Board considers to be such as to render the person concerned unfit to continue
- 29 to hold his office; or
- 30 (d) conduct which the Board considers to be such as to constitute a

1 failure or inability of the person concerned to discharge the functions of his
2 office or to comply with the terms and conditions of his service.

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

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

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

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

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

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

25 (6) Nothing in the foregoing provisions of this section shall
26 preclude the Board from making such regulations not inconsistent with the
27 provisions of this Bill for the discipline of students and all other categories
28 of employees of the hospital as the Board may prescribe.

29 (7) Regulations made under subsection (6) of this section need not
30 be published in the Gazette but the Board shall cause them to be brought to

Discipline of
junior staff

1 the notice of all affected persons in such manner as it may, from time to time,
2 determine.

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

6 (a) consider the case; and

7 (b) make recommendations as to the appropriate action to be taken by
8 the Chief Medical Director.

9 (2) In all cases under this section of this Bill, the officer shall be
10 informed of the charge against him and given a reasonable opportunity to
11 defend himself.

12 (3) The Chief Medical Director may, after considering the
13 recommendation made pursuant to subsection (1) (b) of this section, dismiss,
14 or take such other disciplinary action against the officer concerned.

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

19 PART VI - MISCELLANEOUS

Regulations

20 **24.**-(1) The Board may, with the approval of the President, make
21 regulations-

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

25 (b) for safeguarding any property belonging to or controlled by the
26 Board from damage by members of the public.

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

1	25. The "Minister of Health" may give to the Board directions of a	Power to give directives
2	general character or relating generally to particular matters (but not to any	
3	individual person or case) with regard to the exercise by the Board of its	
4	functions under this Bill, and it shall be the duty of the Board to comply with	
5	the directions; but no direction shall be given which is inconsistent with the	
6	duties of the Board under this Bill.	
7	26. -(1) On the commencement of this Bill, any person employed	Transition and savings provision
8	by or serving in, the Medical Center shall be deemed to have been employed	
9	or serving in the Medical Center established under this Bill.	
10	(2) All Assets or liabilities belonging to the Medical Center shall be	Interpretation
11	deemed to belong to the Medical Center established under this Bill.	
12	27. In this Bill-	
13	"Federal Medical Center" means the Federal Medical Center Abuja;	
14	"Board" means the Board of Management of the Medical Center;	
15	"chairman" means the chairman of the Board;	
16	"functions" include powers and duties;	
17	"junior staff means staff of such grade as may be determined, from time to	
18	time, by the Board;	
19	"Minister" means the Minister charged with responsibility for matters	
20	relating to health and	
21	"Ministry" shall be construed accordingly;	
22	"student" means a person enrolled at an institution controlled by the Board	
23	for the purpose of pursuing a course of instruction at the institution.	
24	28. This Bill may be cited as the Federal Medical Center Abuja	
25	(Establishment) Bill, 2021.	

Short title

1 SCHEDULE

2 [Section 3 (3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

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

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

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

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

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

24 *Committees*

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

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

30 (3) A decision of a committee of the Board shall be of no effect until it

1 is confirmed by the Board.

2 *Miscellaneous*

3 4.-(1) The fixing of the seal of the Medical Center shall be
4 authenticated by the signatures of the Chairman, the Chief Medical Director
5 or any person generally or specifically authorized by the Board to act for that
6 purpose.

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

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

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

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide the Legal Framework to establish the Federal Medical Center Abuja and to equip, maintain and operate the Medical Center so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment.

A BILL

FOR

AN ACT TO AMEND CODE OF CONDUCT BUREAU AND TRIBUNAL ACT TO
PROVIDE FOR PROHIBITION OF FOREIGN ACCOUNTS AND FOREIGN
MEDICAL TRIPS AND FOREIGN EDUCATION FOR PUBLIC OFFICERS AND FOR
RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

1 **1.** The Code of Conduct Bureau and Tribunal Act (in this Bill
2 referred to as "the Principal Act") is amended as set out in this Bill.

Amendment of
the Code of
Conduct Bureau
and Tribunal Act

3 **2.** Section 7 of the Principal Act is hereby amended by the
4 inclusion of a new subsection (a) and the section is now arranged as follows:

Amendment of
Section 7

5 **3.** Section 7: Prohibition of Foreign Accounts and Foreign Medical
6 Trips and Foreign Education:

7 (a) Any public officer specifies in the Second Schedule to this Act
8 or any other person as the president may from time to time, by order
9 prescribe, shall not maintain or operate a bank account in any country
10 outside Nigeria;

11 (b) Except the categories of persons listed number 11 of the Second
12 Schedule to this Act, any public officer specifies in the Second Schedule to
13 this Act or any other person as the President may from time to time, by order
14 prescribe, shall not seek medical attention in any Hospital outside Nigeria:

15 (c) Any public officer specifies in the Second Schedule to this Act
16 or any other person as the president may from time to time, by order
17 prescribe, shall not admit his/her children and ward in a private school
18 within or outside Nigeria from the elementary level up to undergraduate
19 level.

Citation 1 **3.** The Bill may be cited as the Code of Conduct Bureau and Tribunal
 2 Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Code of Conduct Bureau and Tribunal Act to provide for the compulsory utilization of our local public health facilities and education facilities to provide room for improvement in both the health and educational sector of our country.

A BILL

FOR

AN ACT TO AMEND THE CRIMINAL CODE ACT CAP C38 LFN 2004, TO
PROVIDE FOR A MORE RATIONAL PUNISHMENT FOR THE OFFENCE OF
ATTEMPTED SUICIDE AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

- | | | |
|----|---|--------------|
| 1 | 1. The Criminal Code Act Cap C38 LFN 2004 (in this Bill referred | Amendment of |
| 2 | to as "the Principal Act") is amended as set out in this Bill. | the Criminal |
| 3 | 2. Section 327 of the Principal Act is hereby amended by | Code Act |
| 4 | expunging the term "imprisonment for one year" and replacing same with | Cap C38 LFN |
| 5 | the term "Compulsory Counseling and Community Service for a period not | 2004 |
| 6 | less than six months". | Amendment of |
| 7 | 3. Section 327 of the Principal Act will now be read as follows: | Section 327 |
| 8 | "Any person who attempts to kill himself is guilty of a | |
| 9 | misdemeanour, and is liable to Compulsory Counseling and Community | |
| 10 | Service for a period not less than six months". | |
| 11 | 4. The Bill may be cited as the Criminal Code Act (Amendment) | Citation |
| 12 | Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Code Act Cap C38 LFN 2004 to
provide for a more rational punishment for the offence of attempted suicide.
The punishment proposed by this Bill be curative and punitive thereby
making it possible for victims to be able to reintegrate into the society.

A BILL

FOR

AN ACT PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE KAURU
FEDERAL HOSPITAL AND INFECTIOUS DISEASES CENTRE, AND FOR
RELATED MATERS

Sponsored by Hon. Mukhtar Zakari Chawai

[] Commencement

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

- | | | |
|----|--|---|
| 1 | 1.-(1) There is hereby established the Kauru Federal Hospital and | Establishment
of the Kauru
Federal Hospital |
| 2 | Infectious Diseases Centre (in this Act referred to as "the Kauru Federal | |
| 3 | Hospital,") and the Kauru Federal Hospital shall serve as the Medical Centre | |
| 4 | Subject to the provisions of this Act. | |
| 5 | (2) The Kauru Hospital and Infectious Diseases Centre- | |
| 6 | (a) Shall be a body corporate; | |
| 7 | (b) May sue and be sued in its corporate name; | |
| 8 | (c) Shall have perpetual secession and a common seal. | |
| 9 | 2. There is hereby established for the management of the Kauru | Establishment
of the Board of
Management of
the Medical Centre |
| 10 | Federal Hospital, a Board of Management (in this Act referred to as | |
| 11 | "Board"), which shall be constituted and have the functions and powers set | |
| 12 | out in this Act. | |
| 13 | 3. The Board shall consist of: | Membership of
the Board |
| 14 | (a) a chairman; | |
| 15 | (b) the Chief Medical Director; | |
| 16 | (c) the Director of Clinical Services; | |
| 17 | (d) the Director of Infectious Diseases; | |
| 18 | (e) the Director of Finance & Administration; | |
| 19 | (f) the Director of Maintenance; | |
| 20 | (g) A representative of the president | |

	1	(h) the Federal Ministry of Health
	2	(i) the National Centre for Disease Control
	3	(j) the Society of Gynecology and Obstetrics of Nigeria;
	4	(k) the Pharmaceutical Society of Nigeria;
	5	(l) the Pediatric Association of Nigeria;
	6	(m) the National Association of Nigeria Nurses and Midwives; and
	7	(n) one Person to represent public interest.
	8	(2)The Chairman and members of the Board, other than ex-officio
	9	members, shall be:
	10	(a) appointed by the President; and
	11	(b) persons of proven integrity and ability.
Schedule	12	(3) The Supplementary provisions set out in the Schedule to this Act
	13	shall have effect with respect to the proceedings of the Board and the other
	14	matters contained therein
Tenure of office	15	4. Subject to the provision of section 5 of this Act, a member of the
	16	Board, other than ex-officio members, shall each hold office:
	17	(a) for a term of three years in the first instance and may be re-
	18	appointed for a further term of three years and no more; and
	19	(b) on such terms and conditions as may be specified in his letter of
	20	appointment.
Cessation of membership	21	5.-(1) Notwithstanding the provisions of section 5 of this Act Person
	22	shall cease to hold office as member of the Board if:
	23	(a) he becomes bankrupt, suspends payment principal load with his
	24	creditors;
	25	(b) he is convicted of a felony or any offence involving dishonesty or
	26	fraud;
	27	(c) he becomes unsound mind or is incapable of carrying out his
	28	duties;
	29	(d) he is guilty of a serious misconduct in relation to his duties; or
	30	(e) in the case of a person possessed of professional qualifications, he

1 is disqualified or suspended, other than at his own request, from practicing
2 his profession in any part of the world by an order of a competent authority
3 made in respect of that member; or

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

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

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

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

Allowances of
membership

15 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC

16 7.-(1) The Board shall:

Functions of the
Board

17 (a) equip, maintain and operate the Kauru Federal Hospital so as to
18 provide facilities for diagnosis, curative, promotive and rehabilitative
19 services in medical treatment;

20 (b) construct, equip, maintain and operate such training schools
21 and similar institutions as the Board considers necessary for proving the
22 Kauru Federal Hospital at all times a proper staff of the Kauru Federal
23 Hospital technicians and nurses; and

24 (c) construct, equip, maintain and operate such clinics, out-patient
25 departments, laboratories, research or experimental stations and other like
26 institutions as the Board consider necessary for the efficient functioning of
27 the Kauru Federal Hospital.

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

1 provided by similar establishments of international repute.

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

Powers of the
Board

5 8. The Board shall have power to:

6 (a) Provide the general policies and guidelines relating to major
7 expansion Programmes of the Medical Center;

8 (b) provide facilities for the training of medical students of associate
9 universities and Colleges;

10 (c) Manage and superintend the affairs of the Kauru Federal Hospital

11 (d) subject to the provisions of this Act, make, alter and revoke rules
12 and regulations for carrying on the functions of the Kauru Federal Hospital;

13 (e) fix terms and conditions of service, including remuneration of the
14 employees of the Kauru Federal Hospital subject to the approval if National
15 Salaries incomes and Wages Commission;

16 (f) do such other things which in the opinion of the Board are
17 necessary to ensure the efficient performance of the functions of the Kauru
18 Federal Hospital.

19 PART III - STAFF OF THE KAURU FEDERAL HOSPITAL

Medical Director
of the Medical
Centre

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

25 (2) The Chief Medical Director shall:

26 (a) be the chief executive and accounting officer of the Kauru Federal
27 Hospital;

28 (b) be responsible to the Board for the day-to-day administration of
29 the Kauru Federal Hospital;

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

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

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

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

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

9 **10.-(1)** The Board shall appoint for the Kauru Federal Hospital

Appointment of
Directors and
other staff of the
Medical Centre

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

11 (i) be responsible to the Chief Medical Director for the effective
12 functioning of all Financial and Administrative divisions of the Kauru
13 Federal Hospital;

14 (ii) conduct the correspondence of the Board and keep the records
15 of the Kauru Federal Hospital; and

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

18 (b) a Director of Clinical Services;

19 (c) a Director of Infectious Diseases;

20 (d) a Director of Maintenance.

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

26 (3) The Board shall appoint for the Kauru Federal Hospital such
27 number of employees as may in the opinion of the Board be expedient and
28 necessary for the proper and efficient performance of the function of the
29 Kauru Federal Hospital.

30 (4) Notwithstanding the provisions of subsections (1) and (2) of

1 this section the Board shall have power to appoint for the Kauru Federal
2 Hospital either directly or on secondment from any public service in the
3 Federation such number of employees as may, in the opinion of the Board, be
4 required to assist the Kauru Federal Hospital in the discharge of any of its
5 function under this Act.

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

9 (6) The terms and conditions of service (including remuneration
10 allowances, benefits and pensions) of the employees of the Kauru Federal
11 Hospital shall be as determined by the National Salaries Income and Wages
12 commission.

Service in the
Medical Centre
to be pensionable

13 11.- (1) Service in the Kauru Federal Hospital shall be approved
14 service for the purposes of the Pension Reforms Act.

15 (2) The officers and other persons employed in the Kauru Federal
16 Hospital shall be entitled to pensions, gratuities and other retirement benefits
17 as are enjoyed by persons holding equivalent grades in the civil service of the
18 Federation.

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

Establishment
of the Medical
Advisory
Committee, etc.

22 12.-(1) There shall be for the Kauru Federal Hospital a Medical
23 Advisory Committee which shall:

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

26 (b) be responsible to the Chief Medical Director for all clinical and
27 training activities of the Kauru Federal Hospital; and

28 (c) be appointed by the Board.

29 (2) Subject to this Act, the Board shall have power to appoint either
30 directly or on secondment and discipline consultants holding or acting in any

1 office in the hospital; and any such appointment shall be made having due
2 regard to the approved personnel establishment of the Kauru Federal
3 Hospital.

4 (3) Nothing anything to the contrary, the Board may, from time to
5 time, appoint consultants outside the hospital to perform such medical
6 duties as the Board or the Chief Medical Director may assign to such
7 consultants.

8 PART IV - FINANCIAL PROVISIONS

9 13. There shall be established and maintained for the Kauru Fund of the
10 Federal Hospital fund into which shall paid credited: Medical Centre

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

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

15 (c) all sums accruing to the Kauru Federal Hospital by way of gifts,
16 endowments, bequests, grants or other contributions by person and
17 organizations;

18 (d) foreign aid and assistance form bilateral agencies; and

19 (e) all other sums which may, from time to time, accrue to the
20 Kauru Federal Hospital.

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

23 (a) the cost of administration and maintenance of the Kauru
24 Federal Hospital;

25 (b) publicize and promoted the activities of the Kauru Federal
26 Hospital;

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

29 (d) pay the salaries, allowances and benefits of employees of the
30 Kauru Federal Hospital;

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

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

4 **19.**-(1) The Kauru Federal Hospital shall not pay income tax on any Exemption from
5 income derived by the Kauru Hospital and Infectious Diseases Centre, tax
6 under this Act or accruing to it from any of its investment.

7 (2) Accordingly, the provisions of any enactment relating to the
8 taxation of companies or trust funds shall not apply to the Board Kauru
9 Hospital And Infectious Diseases Centre,

10 **20.** The Kauru Federal Hospital shall not pay customs duty on or Exemption from
11 be restricted or prohibited from importing any equipment, material, supply customs duties,
12 and any other high required by the Kauru Federal Hospital for the purposes etc.
13 if this Bill.

14 PART V - GENERAL

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

20 (a) that the student shall not, during such period as may be specified
21 in the direction, participate in such activities of the Kauru Federal Hospital,
22 or make use of such facilities of the Kauru Federal Hospital as may be so
23 specified;

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

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

29 (d) that the student be expelled from the Kauru Federal Hospital.

30 (2) The fact that an appeal from a direction is brought in pursuance

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

3 (3) The Board may delegate its power under this section to make
4 disciplinary committee consisting of such members if the Kauru Federal
5 Hospital as the Board may nominate.

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

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

12 (6) Nothing in this Act shall affect the provision of any enactment
13 relating to the discipline of medical practitioners, pharmacists, midwives,
14 nurses or member of any other profession or calling.

Removal and
discipline of
clinical,
administrative
and technical
staff

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

20 (a) give notice of those reason to the person in question;

21 (b) afford him an opportunity of making representation in person on
22 the matter to the Board; and

23 (c) if the person in question so requests within a period of 1 month
24 beginning with the date of the notice, make arrangement for:

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

26 and

27 (ii) the person in question to be afforded an opportunity of appearing
28 before and being heard by an investigating committee set up with respect to the
29 matter, and if the Board, after considering the report of the investigating
30 committee, is satisfied that the person in question should be removed as

1 aforesaid, the Board may so remove him by a letter signed on the direction of
2 the Board.

3 (2)The Chief Medical Director may, in a case of misconduct by a
4 member of the staff which in the opinion of the Chief Medical Director is
5 prejudicial to the interest of Kauru Federal Hospital, suspend any such
6 member and any such suspension shall forthwith be reported to the Board.

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

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

13 (b) any physical or mental incapacity which the Board, after
14 obtaining medical advice, continue to hold his office;

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

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

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

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

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

29 (c) whether to terminate the appointment of the person concerned,
30 in which case he shall not be entitled to the proportion of his emoluments

1 withheld during the period of suspension; or

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

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

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

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

Discipline of
junior staff

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

24 (a) consider the case; and

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

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

30 (3) The Chief Medical Director may, after considering the

1 recommendation made pursuant to subsection (1) (b) of this section dismiss,
2 or take such other disciplinary action against the officer concerned.

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

7 PART VI - MISCELLANEOUS

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

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

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

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

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

24 **26.**-(1) On the commencement of this Act, any person employed by Transition and
25 or serving in, the General Hospital shall be deemed to have been employed Savings Provision
26 or serving in the Kauru Federal Hospital established under this Act.

27 (2) All Asset or liabilities belonging to the General Hospital shall
28 be deemed to belong to the Kauru Federal Hospital established under this
29 Act.

Interpretation	1	27. In this Act, unless the context otherwise requires:
	2	"associate universities" means the universities whose medical student receive
	3	aspects of their training from the Kauru Federal Hospital;
	4	"Board" means the Board Management of the Kauru Federal Hospital;
	5	"Chairman" means the chairman of the Board;
	6	"Functions" include powers and duties;
	7	"Kauru Federal Hospital and Infectious Diseases Centre," means the Kauru
	8	Federal Hospital;
	9	"junior staff" means staff of such grade as may be determined, from time to
	10	time, by the Board;
	11	"medical student" means a student whose course of instruction is:
	12	(a) designed (either alone or in conjunction with other courses) to
	13	enable him to qualify as a medical practitioner; or
	14	(b) designed for the further training of medical practitioners;
	15	"Minister" means the Minister charged with responsibility for matters relating
	16	to health and "Ministry" shall be construed accordingly;
	17	"student" means a person enrolled at an institution controlled by the Board for
	18	the purpose of pursuing a course of instruction at the institution
Short title	19	28. This Bill may be cited as the Kauru Hospital and Infectious
	20	Diseases Centre, (Establishment) Bill, 2021.
	21	FIRST SCHEDULE
	22	SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC
	23	<i>Proceedings of the Board</i>
	24	1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
	25	Board May make standing orders regulating its proceedings or those of any of
	26	its committees.
	27	(2) The quorum of the Board shall be the chairman or the person
	28	presiding at the meeting and 5 other members of the Board, 2 of whom shall be
	29	ex-officio members, and the quorum of any Committee of the Board shall be as
	30	determined by the Board.

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

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

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

13 Committee

14 3.-(1) The Board may appoint one or more committees to carryout,
15 on behalf of the Board, such functions as the Board may determine.

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

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

22 *Miscellaneous*

23 4.-(1) The fixing of the seal of the Kauru Federal Hospital shall be
24 authenticated by signatures of the Chairman, the Chief Medical Director or
25 any person generally or specifically authorized by Board to act for that
26 purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Kauru Federal Hospital by the Chief Medical Director or any person generally or specifically authorized

1 by the Board to act for that purpose.

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

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

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

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

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

EXPLANATORY NOTE

This Bill seeks to provide the Legal Framework to establish the Kauru Federal Hospital and Infectious Diseases Centre and to construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for proving the Kauru Federal Hospital at all times a proper staff of the Kauru Federal Hospital technicians and nurses.

NIGERIA FOOD VENDORS BIO-DATA COLLATION AGENCY BILL, 2021

ARRANGEMENT OF SECTIONS

Section:

1. Objectives of the Act
2. Scope of the Act
3. Establishment of the Nigeria Food Vendors Bio-Data Collation Agency
4. Establishment of the Governing- body of the Agency
5. Functions of the Governing Body of the Agency
6. Functions and Powers of the Council
7. Power of the Minister to Supervise
8. Structure and Staff Officers of the Agency
9. Establishment of the Office of the Director General
10. Appointment of the Director General and other Staff Officers of the Agency
11. Office of the Six (6) Deputy Director Generals
12. State Director
13. Assistant and Deputy Director
14. Chief Superintendent Officers
15. Superintendent Officers
16. Supervisor Officers
17. Other ranks of the Agency
18. Membership of the Agency
19. Categories of Membership
20. Tenure of Office
21. Removal from Office of the Council
22. Transitional Provision
23. Dissolution of Food Hygiene Initiative of Nigeria
24. Financial Provisions
25. General Offences

- 26. Conduct of Proceedings
- 27. Legal Proceedings
- 28. Provision of library
- 29. Power to make Regulations
- 30. Committees
- 31. Miscellaneous
- 32. Meeting of the Council
- 33. Revenue generation to the Federal Republic of Nigeria
- 34. Discipline of Staff Officers of the Agency
- 35. Service Uniforms of the Agency
- 36. Pension Benefits
- 37. Employee Social Insurance and Compensation Benefits
- 38. Interpretation
- 39. Short title
- First Schedule
- Second Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIA FOOD VENDORS BIO-DATA COLLATION AGENCY WITH THE FUNCTION, AMONG OTHERS, TO REGULATE, TRAIN AND ENGAGE IN BIO-DATA CAPTURING OF ALL THE FOOD VENDORS IN NIGERIA IN ORDER TO DEVELOP A STANDARD FOOD AND WATER VENDORS IDENTIFICATION NUMBER FOR EASY TRACEABILITY SYSTEM OF ANY FOOD POISONING AND MISHANDLING CASES AND ALSO COLLABORATE WITH FINANCIAL INSTITUTIONS BOTH NATIONALLY AND INTERNATIONALLY TO EMPOWER THE FOOD VENDORS WITH FUNDS AS SOFT LOAN TO ENABLE THEM ACQUIRE THE NECESSARY FOOD PROCESSING MACHINES AND OTHER FOOD EQUIPMENT TO ENABLE THE FOOD VENDORS MEET UP WITH INTERNATIONAL STANDARD REQUIREMENT OF FOOD SAFETY AND HYGIENE PRACTICE AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Ahmad Yunusa

[] Commencement

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

- | | | | |
|----|-----------|---|-----------------------|
| 1 | 1. | The objectives of the Act are to provide for: | Objectives of the Act |
| 2 | (a) | Food safety and food hygiene education/enlightenment; | |
| 3 | (b) | Financial Management training for all the food vendors in | |
| 4 | | Nigeria; | |
| 5 | (c) | Organizing and executing programme, projects, workshop and | |
| 6 | | seminar on Food safety standard practices in Nigeria; | |
| 7 | (d) | Training of all food and water vendors business owners and | |
| 8 | | operators in Nigeria; | |
| 9 | (e) | Surveillance and Monitoring of food vendors/sales attendants; | |
| 10 | (f) | Prevention of food contamination through enlightenment and | |
| 11 | | public private partnership; | |

	1	(g) To educate farmers and food producers and manufacturers on
	2	measures to control post harvest losses;
	3	(h) To go into partnership and collaboration with corporate persons,
	4	organizations, federal, state, local governments and authorities at the ward
	5	level;
	6	(i) Raising awareness on food fortification and nutrition.
Scope of the Act	7	2. This Bill shall apply to all food and water vendors in the public and
	8	private sector in the Federal Republic of Nigeria.
Establishment of the Nigeria Food Vendors Bio-Data Collation Agency	9	3. There is hereby established a body to be known as the Nigeria Food
	10	Vendors Bio-Data Collation Agency. (in this Act referred to as "the Agency")
	11	which:
	12	(a) shall be a body corporate under that name with perpetual
	13	succession and a common seal;
	14	(b) may sue and be sued in its corporate name;
	15	(c) and may subject to the Land Use Act, hold, acquire and dispose of
	16	any property movable or immovable, purchase or take on lease any interest in
	17	land, building, or property; and
	18	(d) build, equip and maintain offices and premises.
Establishment of the Governing Body of the Agency	19	4.-(1) The Governing body shall be referred to as the Council and
	20	shall consist of:
	21	(a) A Chairman who shall be the Director General;
	22	(b) Five persons to represent the Staff Officers of the Agency
	23	appointed by the Director General;
	24	(c) One person to represent the Federal Ministry of Health,
	25	Department of Public Health appointed by the Minister;
	26	(d) Two persons to represent the National Market Association in
	27	rotation of two (2) years bases appointed by the association;
	28	(e) One person to represent the Standard Organization of Nigeria
	29	appointed by the Agency;

1 (f) One person to represent the public interest appointed by the
2 President;

3 (g) One person to represent the Consumer Protection Council
4 appointed by the council;

5 (h) One person to represent the Federal Ministry of Agriculture
6 appointed by the Minister;

7 (i) One person to represent Federal Ministry of Water Resources
8 appointed by the Minister;

9 (j) One person to represent Central Bank of Nigeria appointed by
10 the Governor; and

11 (k) The member of the Council shall be paid such allowance as the
12 Council determine from time to time.

13 (2) A member of the Council, other than the Chairman and five (5)
14 staff officers of the Agency, shall be appointed by the minister on the
15 recommendation of the body he/she represents.

16 The provisions of the first schedule to this Act shall have effect
17 with respect to the proceedings of the Council and other matters mentioned
18 therein.

19 *(First Schedule)*

20 5. (a) Shall have powers to do anything which in its opinion is
21 calculated to facilitate the carrying out of its activities under the Act;

Functions of the
Governing Body
of the Agency

22 (b) Shall specify the management system of the staff officers of the
23 agency including financial approvals for the staff officers of the Agency;

24 (c) The Council shall have power to borrow or dispose of any
25 property with prior consent of the Minister;

26 (d) Appoint, promote and discipline its employees necessary for
27 the proper discharge of the functions of the agency;

28 (e) To appoint, remove or suspend or discipline staff officers and
29 members of the agency necessary for the services of the agency in force and

1 to fix their salaries or emoluments where necessary and other conditions of
2 service;

3 (f) Grant food safety and hygiene Ambassadorial and Merit Award to
4 deserving food vendors and persons in Nigeria;

5 (g) Determine and prescribe the fee to be paid for Bio-Data means of
6 Identification Number to operate as food vendor in Nigeria;

7 (h) The Council shall consider and report to the Minister upon all
8 matters relating to training, bio-data capturing and food vendors identification
9 number;

10 (i) Establish and approve food vendors means of identification
11 number and determining the amount to be paid for means of identification
12 number, offences and penalties;

13 (j) Promote, establish training for the employees of the agency
14 nationally and internationally;

15 (k) Advise the Federal Government generally on the National Policies
16 on food safety;

17 (l) Establish programmes for the quality and standard of food safety
18 and hygiene practices;

19 (m) Establish committees as deem which shall be charged with the
20 functions of the Council;

21 (n) Determining amount to be paid for those that want to become
22 associates and fellow members of the Agency;

23 (o) Promote activities related to these process standard guidelines of
24 food vendors bio-data capturing, training, food vendors identification number,
25 monitoring, surveillance against mishandling of food and water and proper
26 financial management by food vendors (soft loans).

Functions and
Powers of the
Agency

27 **6. The Agency shall:**

28 (1) To liaise with the central bank of Nigeria and other financial
29 institutions; both National and international for food vendors capacity building
30 soft loan;

- 1 (2) Undertake the control of bio-data collection of all food and
2 water vendors and sales attendants in Nigeria for simple traceability system;
- 3 (3) Undertake appropriate surveillance and monitoring of food and
4 water vendors activities in markets and eating places;
- 5 (4) Develop a National Food Vendors Identification number and
6 issue same to vendors;
- 7 (5) Establish offices in all market and motor parks in Nigeria for
8 easy food vendors Bio-Data Capturing and easy traceability system;
- 9 (6) Undertake appropriate investigation into wide spread practice
10 by street food vendors displaying ready-to-eat food in open containers and
11 thereby exposing the food to the ever present opportunity of contamination
12 by dust, flies and microorganisms;
- 13 (7) Regulate and undertake appropriate measures to investigate
14 fruit sellers to prevent the use of detergents and cleaning agents for washing
15 of fruits, and carbide for ripening fruits;
- 16 (8) Collaborate with state and local government authorities for
17 easy bio-data capturing of food and water vendors;
- 18 (9) Collaborate with the Federal Road Safety Corps to undertake
19 appropriate investigation into food transportation on the highway;
- 20 (10) Conduct appropriate investigation of the transportation of raw
21 and cooked food;
- 22 (11) Undertake measures to develop suitable training programmes
23 on financial management and food safety related matters for various
24 categories of food handlers, managers/owners of food establishments;
- 25 (12) Undertake investigation on the use of bad chemicals for
26 storage, preservation, adulteration of raw and cooked food;
- 27 (13) Publish and maintain relevant data base for outcomes of food
28 vendors bio-data capturing and identification number;
- 29 (14) Regulate and control bio-data capturing of all kinds of food
30 and water vendors in Nigeria;

- 1 (15) Generate extra revenue to Federal Government;
- 2 (16) assist health workers in the prevention of food and waterborne
- 3 diseases through food safety and hygiene training related matters;
- 4 (17) Collaborate with other relevant establishments to set food
- 5 vendors easy traceability system;
- 6 (18) undertake surveillance of food premises, food markets, dairies,
- 7 slaughter houses or abattoirs and water supply, in order to control its
- 8 mishandling and distribution;
- 9 (19) ensure that food vendors bio-data capturing surveillance team
- 10 and Police officers or any other security agency the Council may approve,
- 11 work in collaboration to abate nuisances in food handling;
- 12 (20) Undertake appropriate awareness of the socio-economic
- 13 importance of food safety, paucity of data and information on incidence of food
- 14 borne disease outbreaks;
- 15 (21) sponsor such national and international conferences as it may
- 16 consider appropriate;
- 17 (22) Liaise with relevant establishments in pursuance of the functions
- 18 of the Act;
- 19 (23) Carry out such activities as are necessary or expedient for the
- 20 performance of its functions under this Act;
- 21 (24) To regularly conduct seminars and training on proper operation
- 22 and utilization of the equipment and fund respectively for better performance
- 23 of the food and water vendors empowerment.
- 24 7.-(a) The activities of the agency shall be under supervision of the
- 25 Hon. Minister of Health;
- 26 (b) The minister shall supervise to ensure that payment of
- 27 remuneration (including pensions), allowances or expenses of any employee
- 28 of the agency is effectively settled;
- 29 (c) The Minister may give directive to the agency relating to the
- 30 performance of the agency functions under this act and it shall be the duty of the

Power of the
Minister to
Supervise

1 agency to comply and give effect to the directive.

2 **8.** The Agency shall have the following departments in the
3 National and state offices:

Structure and
Staff Officers of
the Agency

4 (a) Administration and Personnel;

5 (b) Planning, Research and Statistics;

6 (c) Finance and Audit;

7 (d) Legal, Enforcement and Compliance;

8 (e) Training, Surveillance and Operations;

9 (f) Bio-Data Capturing;

10 (g) Monitoring and Evaluation;

11 (h) Food and Water Safety;

12 (i) Nutrition;

13 (j) ICT Department and any other suitable department as the

14 agency may deem necessary for the proper performance of the functions of
15 the Agency.

16 These departments shall be headed by relevant professionals and
17 administrators who shall be known as the Assistant Director Generals
18 appointed by the Council.

19 **9.** There shall be established by this Act, the office of the Director
20 General;

Establishment
of the Office of
the Director-
General

21 (a) The Director General shall be the Chief Executive Officer and
22 Chairman of the Governing body of the Agency to oversee all the
23 Administrative activities of the Agency.

24 **10.-(a)** The agency shall appoint one person among the most senior
25 officers of the agency as a Director General for a term of five (5) years in
26 office and be eligible for re- appointment for another term of five years,
27 except the first Director General who shall serve for ten (10) years in office
28 and be eligible for reappointment for another term of five years;

Appointment of
the Director
General and other
Staff Officers of
the Agency

29 (b) The Director General shall in addition to his other functions
30 under this Act be the Chairman of Governing body of the Agency;

	1	(c) The Council may, whenever the Director General is absent or for
	2	any other reason of death, incapacity or inability to discharge the function of
	3	his office, appoint an acting Director General among the most senior staff
	4	officers to discharge his functions;
	5	(d) The Director General and other staff officers shall work with such
	6	conditions of service and functions as the agency will determine;
	7	(e) The provisions of the first schedule to this Act shall have effect
	8	with respect to the tenure of office of members of the Council and the other
	9	matters therein mentioned.
Office of the Six (6) Deputy Director Generals	10	11. There shall be established by this Act, offices of the six deputy
	11	Director Generals, each representing the six geo-political zones of the
	12	Federation, whose main responsibility shall be to monitor the activities of the
	13	Agency under its state jurisdiction of posting and reports to the Director
	14	General.
State Director	15	12. There shall be for the Agency offices in all the 36 states and the
	16	FCT of the federation, to be headed by a Director who shall be appointed by the
	17	agency to oversee the activities of the agency within the state of posting.
Assistant and Deputy Directors	18	13. There shall be Assistant and Deputy Directors in all the 36 states
	19	and the FCT to occupy the following departments mentioned in section 9 sub-
	20	section 1 of this Act in the state level of posting shall be known as head of
	21	department of such department and they shall be appointed by the agency.
Chief Superintendent Officers	22	14. There shall be a Chief Superintendent Officer in all the 774 local
	23	government Area councils of Nigeria appointed by the agency to oversee the
	24	activities of the Agency and report to the State Director.
Superintendent Officers	25	15. There shall be Superintendent Officer in each of the ward level of
	26	all the 36 states and the FCT to oversee the activities of the agency within the
	27	ward level of Nigeria.
Supervisor Officers	28	16. There shall be supervising officers overseeing the activities of the
	29	agency in every unit at the ward level of Nigeria.

1	17. Inspector officers, Assistant inspector officers, junior officers	Other ranks of the Agency
2	The staff officers in this category of other ranks of the agency shall be	
3	enrolled by the agency. One thousand staff officers of this category shall be	
4	enrolled in each of the 36 states and FCT for the purpose of this Act.	
5	18. The membership of the agency established by this Act shall be	Membership of the Agency
6	open to the General Public who are interested to be registered, trained and	
7	certified on food safety and hygiene practices for the purpose of rendering	
8	voluntary services to the agency.	
9	19. -(a) Associate Members;	Categories of Membership
10	(b) Fellow Members;	
11	(c) Members enrolled as Staff Officers of the agency.	
12	The category a and b members of the agency shall be trained, pay for their	
13	registration fee, and materials for training. The members of the agency who	
14	are enrolled as staff officers of the Agency shall only be entitled to pension	
15	benefits and employee's social insurance and compensation benefit and to	
16	hold offices either at the National or State level and to remain in office	
17	services for 35 years, which are inclusive of the term(s) of office from the	
18	date of appointment and subject to rules made pursuant to this Act on issue	
19	of professional misconduct.	
20	20. -(1) A member of the governing body of the Council appointed	Tenure of Office
21	other than the Chairman shall hold office for a term of three years, and	
22	subject to the provision of sub section (3) of this section, shall be eligible for	
23	re-appointment for only one further term of three years.	
24	(2) The office of member of the Council shall become vacant if he	
25	resigns as a member of the Council by notice in writing under his hand	
26	addressed to the Minister.	
27	(3) The minister shall appoint another person to continue in office	
28	with recommendation of the body he represents.	
29	21. -(1) If it appears to the Council that any member other than the	Removal from Office of the Council
30	Chairman should be removed from office on the grounds of misconduct or	

1 of his inability to perform the functions of his office, the Council shall make a
2 recommendation to the Minister.

3 (2) If the Minister, after making such inquiries as he considers
4 necessary, approves the recommendation, the minister shall write to the
5 Council, declare the office of such a member vacant.

6 (3) Notwithstanding, the Minister may remove any member of the
7 Council on ground of misconduct or inability to perform other than the
8 Chairman.

Transitional
Provision

9 **22.-(a)** On the commencement of this Act:

10 (1) All assets and liabilities held or incurred immediately before that
11 day or on behalf of the incorporated Trustees of Food Hygiene Initiative of
12 Nigeria shall by virtue of this Act and without further assurance, vest in the
13 agency and be held by it for the purposes of the Agency;

14 (2) The incorporated trustees shall cease to exist: The National
15 President of the incorporated trustee of Food Hygiene Initiative of Nigeria
16 shall remain in office as the first Director General and Chairman of the
17 governing body of the Council. All staff officers of the incorporated trustees of
18 Food Hygiene Initiative of Nigeria shall by virtue become the staff officers of
19 the agency;

20 (3) Subject to the sub-section (2) of this Act all things made or done by
21 the incorporated trustees of Food Hygiene Initiative of Nigeria shall be deemed
22 to have been made or done by the Agency;

23 (4) All fees and other money(s) payable to the incorporated trustees of
24 Food Hygiene Initiative of Nigeria;

25 (5) such money(s) as may be payable to the incorporated trustees of
26 Food Hygiene Initiative of Nigeria whether in the course of the discharge of its
27 functions or otherwise;

28 (6) Fees charged for services rendered by the incorporated trustees of
29 Food Hygiene Initiative of Nigeria;

30 (7) all sums accruing to the incorporated trustees of Food Hygiene

1 Initiative of Nigeria by way of gifts, endowments, bequests or other
2 voluntary contributions by persons and organizations;

3 (8) Foreign aid and assistance from bilateral agencies and grants
4 from the Federal, State or Local Governments.

5 (9) Such money(s) as are held by the incorporated Trustees of Food
6 Hygiene Initiative of Nigeria incorporated under the Companies and Allied
7 Matters Act FLN 2014 (in this Act hereafter referred to as "the Agency") on
8 its ceasing to exist as provided in this Act shall be vested in the Agency and
9 be held by Nigeria Food Vendors Bio-Data Collation Agency at the
10 immediate commencement of this Act.

11 23.-(1) On the commencement of this Act, the Food Hygiene
12 Initiative of Nigeria, of the registered trustees of the Food Hygiene Initiative
13 of Nigeria incorporated under the Companies and Allied Matters Act FLN
14 2014 (in this section referred to as the incorporated trustees) shall cease to
15 exist.

Dissolution of
Food Hygiene
Initiative of Nigeria

16 (2) Accordingly, the incorporated trustee of Food Hygiene
17 Initiative of Nigeria is hereby dissolved and the provision of the second
18 schedule to this act shall apply in relation to the employees, assets and
19 leadership of the incorporated trustee of Food Hygiene Initiative of Nigeria,
20 the assets and liabilities of the incorporated trustees of Food Hygiene
21 Initiative of Nigeria and other matters connected with the incorporated
22 trustees set out therein.

23 24. The Agency shall have power:

Financial
Provisions

24 (a) to open and operate ordinary and domiciliary account for the
25 agency in any recognized banking institution.

26 (1) The Council shall establish and maintain a fund for the
27 purposes of this Act.

28 (2) All funds shall be paid into the Agency's accounts:

29 (a) All fees and other money payable to the Agency in pursuance of
30 this Act; and

1 (b) Such money(s) as may be payable to the agency, whether in the
2 course of the discharge of its functions or otherwise.

3 (3) These shall be paid out of the fund of the agency:

4 (a) The remuneration and allowances of the Director General and staff
5 officers of the agency;

6 (b) Such reasonable travelling and subsistence allowances of the
7 members of the Council in respect of the time spent on the business of the
8 agency as the Council may, with the approval of the Minister, determine; and

9 (c) any other expenses incurred by the agency in the discharge of its
10 functions under this

11 Act.

12 (4) The agency shall prepare and submit to the minister not later than
13 30 November of the year in which this Act comes into force. So however that
14 the Minister may, if he considers it necessary extend the period and of each
15 subsequent year an estimate of its income and expenditure during the
16 succeeding financial year.

17 (5) The agency shall keep proper accounts in respect of each financial
18 year and proper records in relation to those accounts, and shall cause its
19 account to be accredited within six (6) months after the end of each financial
20 year to which the accounts related by auditors appointed from the list in
21 accordance with the guidelines supplied by the Auditor General of the
22 Federation.

23 (6) Cost of maintaining the head office at the Federal Capital
24 Territory, Abuja and its other offices located in other states and places in
25 Nigeria.

26 (7) Pay for other administrative costs of the staff officers of the
27 agency.

28 (8) Cost for the training of members and staff officers.

29 (9) All sums accruing to the agency by way of gifts, endowments,
30 bequests or other voluntary and/or assistance from liberal agencies, or grants

1 from the federal state or local government.

2 (10) The agency shall pay to the Federal Republic of Nigeria 15%
3 (fifteen percent) gross total of all audited income that accrues to the agency
4 yearly.

5 **25.-(1)** A person who obstructs a staff officer of the agency in the General Offences
6 performance of his duties under this Act shall be guilty of an offence and
7 liable on conviction to a fine of N10,000 or to imprisonment for a term not
8 exceeding two years or both.

9 (2) Where an offence under this Act which has been committed by a
10 corporate body is proved to have been committed with the consent or
11 connivance of, or to be attributed to any neglect on the part of any director,
12 manager, secretary or other similar officer of the corporate body or any
13 person purporting to act in any of those capacities, he as well as the corporate
14 body shall be deemed to be guilty of the offence and shall be liable on
15 conviction to a fine of N200,000 only.

16 (3) Where a penalty has been specified, the person shall be liable to
17 a fine of N100,000 only or imprisonment for a term of one year or to both
18 such fine and imprisonment.

19 (4) Any food vendor or food handler, water vendor or handler who
20 violates the provisions of this act, or rules and regulations made pursuant to
21 this act, shall be subject to summary trial in a magistrate court which shall
22 make such orders, convictions and issue penalties for such offences.

23 (5) In the case of a food and water vendor carrying out any
24 activities of food or water vending without bio-data capturing or food
25 vendors identification number, such a person shall be liable to a fine not
26 exceeding N10,000 only

27 (6) Depending on the gravity of the offence so committed, the court
28 may order the closure of such premises until such fine either prescribed by
29 this act or as the court deems fit is complied with.

30 (7) provided that before such prosecution is carried out, the must

Conduct of
Proceedings

1 offender must have been given adequate notice of two weeks preceding the
2 time of prosecution to comply with the requirement of this act.

3 **26.**-(1) Subject to the provisions of section 174 of the Constitution of
4 the Federal Republic of Nigeria 1999 (which relates to the power of the
5 Attorney General of the Federation to institute, continue or discontinue
6 criminal proceedings against any person in a court of law), any legal officer
7 under the employment of the agency or an external legal practitioner employed
8 by the agency may with the consent of the Attorney- General of the Federation,
9 conduct criminal proceedings in respect of offences under this Act or
10 regulations made under Act.

11 (2) In a judicial proceeding for an offence under this Act or any
12 regulation made under it, the provisions of the Adjudication of Criminal Justice
13 Act 2015 and any other law applicable in the location shall, with such
14 modifications as the circumstances may require apply to the trial of offences
15 generally.

16 (3) The agency can be represented in a civil or criminal proceeding by
17 a lawyer under its employment or an external legal practitioner of its choice.

Legal
Proceedings

18 **27.**-(1) A suit shall only be commenced against the agency within two
19 months from the arising of a cause of action.

20 (2) No suit shall commence against the agency before expiration of a
21 period of two month after a written notice of intention to commence the suit
22 shall have been served on the agency by the intending plaintiff or his agent and
23 the notice shall clearly and explicitly state:

24 (a) the cause of action;

25 (b) the particulars of the claim;

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

27 (d) the relief which he claims;

28 (3) The notice referred to in the subsection (2) of this section and any
29 summons, notice or other document required or authorized to be served on the

1 agency under the provisions of this Act or any other enactment or law, may
2 be served by:

- 3 (a) delivering the same to the Director General of the agency; or
4 (b) sending it by registered post addressed to the Director- General
5 at the Head office of the agency.

6 (4) In any action or suit against the agency, no execution or
7 attachment or process in the nature thereof shall be issued against the
8 agency, but any sum of money which maybe the judgment of the court
9 awarded against the agency shall, subject to any directives given by the
10 agency, be paid from the Fund of the agency.

11 (5) The Federal High Court shall have exclusive jurisdiction to try
12 offences under this act.

13 **28.** The Agency shall:

Provision of
Library

14 (a) provide and maintain a library comprising books and
15 publications for the advancement of knowledge of Food Hygiene, Financial
16 Management and such other books and publications as the Council may
17 think necessary for the purpose;

18 (b) encourage research into Food Hygiene, Financial Management
19 and allied subjects to the extent that the Council may, from time to time, if
20 considered necessary .

21 **29.** The Council may, with the approval of the Minister make
22 regulations:

Power to make
Regulations

- 23 (a) to prescribe fees to be paid for services rendered by the agency;
24 (b) to prescribe the methodologies for private sector payment into
25 the fund of the agency;

26 (c) Any regulations, made under this Act shall be published in the
27 Gazette as soon as may be after they are made; and the Minister shall as soon
28 as may be after they are so published lay a copy of any such regulation before
29 the President of the Federal Republic of Nigeria;

30 (d) Rules made for the purposes of this Act shall be subject to at its

	1	confirmation by the agency at its next annual meeting or any special meeting of
	2	the Council convened for the purpose, and if then annulled shall cease to have
	3	effect on the day after the date of annulment, but without prejudice to anything
	4	done in pursuance or intended pursuance of any such rules.
Committees	5	30. -(1) The Council may appoint one or more committees to carry out
	6	on behalf of the Corps, such functions as the Council may determine.
	7	(2) A committee appointed under this paragraph shall consist of the
	8	number of persons determined by the Council, of whom not more than one
	9	third shall be persons who are not members of the Council and a person other
	10	than a member of the Council shall hold office on the Committee in accordance
	11	with the terms of the instrument by which he is appointed.
	12	(3) A decision of a committee of the Council shall be of no effect until
	13	it is confirmed by the Council.
Miscellaneous	14	31. -(1) The fixing of the seal of the Agency shall be authenticated by
	15	the signature of the Director General of the Agency or of some other member of
	16	the Council authorised generally or specially by the Council to act for that
	17	purpose.
	18	(2) Any contract or instrument which, if made or executed by a person
	19	not being a body corporate, would not be required to be under seal, may be
	20	made or executed on behalf of the Council as the case may require, by any
	21	person generally or specially authorised to act for that purpose by the Council.
	22	(3) Any document purporting to be a document duly executed under
	23	the seal of the agency shall be received in evidence and shall, unless the
	24	contrary is proved, be deemed to be so executed.
	25	(4) The validity of any proceedings of the corps or of a committee of
	26	the Council shall not be adversely affected by any vacancy in membership, or
	27	by any defect in the appointment of a member of the Council or of a person to
	28	serve on the committee, or by reason that a person not entitled to do so took part
	29	in the proceedings.
	30	(5) Any member of the Council, and any person holding office on a

1 committee of the Council, who has a personal interest in any contract or
2 arrangement entered into or proposed to be considered by the Committee on
3 behalf of the Council, or on behalf of the Agency or a committee thereof,
4 shall forthwith disclose his interest to the Director General of the agency, as
5 the case may be, and shall not vote on any question relating to the contract or
6 arrangement.

7 **32.**-(1) Subject to the provision of any applicable standing order,
8 the Council shall meet whenever summoned by the Chairman and if the
9 Chairman is required to do so by notice given to him by not less than six
10 other members, he shall summon a meeting of the Council to be held within
11 twenty-one days from the day on which the notice is given.

Meetings of the
Council

12 (2) At any meeting of the Council, the Chairman in his absence, the
13 Council shall appoint any other member present to preside over the meeting.

14 (3) Notwithstanding anything to the contrary, the first meeting of
15 the Council shall be summoned by the chairman with the approval of the
16 minister who may give such direction as to procedure to be followed at that
17 meeting as he may deem fit.

18 (4) A committee appointed under this paragraph shall elect the
19 number of persons determined by the Council and not more than one-third of
20 those persons may be persons who are not members of the Council.

21 (5) The Council may appoint one or more committee to carry out
22 on behalf of the Council, such of its functions as the Council may determine

23 (6) A person other than a member of the Council shall hold office
24 on a committee in accordance with the terms of the instrument by which he
25 is appointed.

26 (7) A decision of the committee shall be of no effect until it is
27 confirmed by the Council.

28 (8) The fixing of the seal of the Agency shall be authenticated by
29 the signature of the chairman or of some other member authorized generally
30 or specially by the Council to act for that purpose.

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

5 (10) The quorum of any meeting of the Council shall be ten (10)
 6 members and that of any special meeting of the Council shall be fifteen
 7 members.

Revenue generation
to the Federal
Republic of
Nigeria

8 **33.** In this Act, the Agency shall serve as an avenue for the generation
 9 of revenue to Federal Republic of Nigeria:

10 (1) All sums accruing to the Agency by way of gifts, endowment
 11 bequests, or other voluntary assistance from liberal agencies or grants from the
 12 Federal state or local government.

13 (2) All money generated by the Agency on food and water vendors
 14 bio-data capturing and food vendor means of identification number,
 15 membership fee, offences fee, subscription fees.

16 (3) The Agency shall pay to the federal Republic of Nigeria Revenue
 17 Account 15% (fifteen percent) gross of all audited income that accrues to the
 18 agency yearly.

Discipline of
Staff Officers
of the Agency

19 **34.**-(1) If it appears to the Council that there are reasons for believing
 20 that any staff officer or a member of the senior staff officers of the Council other
 21 than the Director General shall be removed from office on ground of
 22 misconduct or inability to perform the functions of his office,

23 (2) the Council shall:

24 (i) Direct the investigating committee of the Council to give notice of
 25 those reasons to the person concerned to afford the person an opportunity of
 26 making representation on the matter to the Council in person.

27 (3) The investigating committee shall continue with investigation on
 28 the matter and report to the Council within two weeks.

29 (4) If the Council, after considering the report of the investigating
 30 committee, is satisfied that the person in question should be removed as

1 aforesaid, the Council may remove the person concerned by an instrument
2 in writing signed on the directive of the Council.

3 (5) The Director General of the Agency may in a case of
4 misconduct by a member of the senior staff officers which in the opinion of
5 the Director General is prejudicial to the interest of the Council, suspend
6 such member of "senior staff" and any such suspension shall forthwith be
7 reported to the Council.

8 (6) For good cause, any senior staff officer may be suspended from
9 office or his appointment may be terminated by the Council and for the
10 purposes of this suspended from office or his appointment may be
11 terminated by the Council and for the purposes of this sub-section.

12 (7) If any junior staff officer of the agency is accused of misconduct
13 or inefficiency, the Director General may suspend him for not more than
14 three (3) months and forthwith shall direct the matter to the Junior Staff
15 investigating committee to consider the case and make recommendation(s)
16 as to the appropriate action to be taken by the Director General.

17 (8) Under this section, the junior staff officer of the agency shall be
18 informed in writing of the charges against him and be given reasonable
19 opportunity to defend himself.

20 (9) The Director General may after considering the
21 recommendations pursuant to the subsection 7 of this section, dismiss,
22 terminate, retire or down grade the junior staff officer concerned.

23 (10) Any person aggrieved by the Director General's decision
24 under section (8) of this section may within a period of 25 days from the date
25 of receipt of the letter communicating the decision to him, address a petition
26 to the Council to reconsider his case and the Council decision thereon shall
27 be final.

28 **35.** There shall be service uniform for the staff officers of the
29 agency:

Service Uniform
of the Staff Officers
of the Agency

30 (1) The members registered as Fellow and Associate members of

	1	the agency shall comply with annual fees prescribed by the agency and they
	2	shall pay for their T-Shirt and other materials.
	3	(2) The members of the agency enrolled by the Council as staff
	4	officers shall comply and pay for their service uniform and other service
	5	material and also to remain in service for 35 years, inclusive of the term(s) of
	6	office from the date of appointment and subject to rules made pursuant to this
	7	Act on issue of professional misconduct:
	8	(i) The members of the staff officers of the agency only shall be
	9	entitled to pension benefits and employees' social insurance of compensation
	10	benefits and to hold office either at National or state or local government level.
Pension benefits	11	36.-(1) Service of the agency shall be approved service for the
	12	purpose of the Pensions Reform Act and, accordingly, staff officers employed
	13	in the agency shall be entitled to pensions, gratuity and other benefits, as are
	14	prescribed under the Act.
	15	(2) Notwithstanding the provisions of subsection (1) of this section,
	16	the Council may appoint staff officers to any office on terms which preclude the
	17	grant of a pension, gratuity or other retirement benefits in respect of that office.
Employees Social Insurance and Compensation Benefits	18	37.-(1) The staff officers of the agency shall also be entitled to the
	19	benefits accruable from an employer to an employee as contained in the
	20	Nigeria Social Insurance Trust Fund Act provided the employees of the agency
	21	comply with their terms and responsibilities in Nigeria Social Insurance Trust
	22	Fund Act.
	23	(2) The Employees Compensation Act 2010 or any of such later
	24	amendment to the Act shall be applicable to the staff officers of the agency for
	25	only injuries contained while the staff is in the course of his duty for the agency.
Interpretation	26	38. In this Act, unless the context otherwise requires:
	27	"Appointed day" means the day this Act comes into force;
	28	"Bio-Data" means specific and particular information of a food or water
	29	vendor "Food" includes raw, cooked, sea, farm crops or animal foods;
	30	"Food Safety" means all measures to ensure that food does not cause harm to

- 1 the consumer when it is prepared;
- 2 "Food Hygiene" means all conditions and measures necessary to ensure that
- 3 safety and suitability of food at all stages of food chain;
- 4 "Food Handler" means any person who directly handles any packaged or
- 5 unpackaged food;
- 6 "Staff Officer" means an officer enrolled to render services on behalf of the
- 7 Agency;
- 8 "Agency" means the agency established by sub-section 1 of this Act.
- 9 "Food vendor" means a person who trades or sells, commercial cooked or
- 10 uncooked food, whether in the street, hotel or any premises food can be
- 11 purchased;
- 12 "Enrolled" in relation to a member, means staff officer of the agency;
- 13 "Fees" includes annual subscriptions;
- 14 "Food Vendors Identification Number" means a specific number used to
- 15 identify food vendors;
- 16 "Financial Management" means proper and gainful utilization of funds in
- 17 business "Incorporated Trustee" means the Registered Trustee of Food
- 18 Hygiene Initiative of Nigeria incorporated under the Companies and Allied
- 19 Matters Act 2014;
- 20 "Premises" include building, lands, tenements, hereditaments, road, air and
- 21 sea vehicles, tents, and any structure of any kind;
- 22 "Loan" means financial or monetary support given out to boost business
- 23 which must be paid back as stated in the condition of disbursement;
- 24 "Trustee" means the Trustee of Food Hygiene Initiative of Nigeria;
- 25 "Member" means persons that register as fellow or associate member of the
- 26 agency which includes the Director General and other staff officers of the
- 27 agency;
- 28 "Minister" means the Minister charged with responsibility for matters
- 29 relating to Health;

Short title

1 "Water" includes rain, well; river, pipe borne, borehole or sachet packaged
2 bottled water;
3 "water handler" means any person who directly handles any packaged or
4 unpackaged water;
5 Water vendor" means any person who trades or sells, commercial water,
6 whether in the street, hotel or any premises water can be purchased.

7 **39.** This Bill may be cited as Nigeria Food Vendors Bio-Data
8 Collation Agency Bill, 2021.

9 FIRST SCHEDULE

10 Supplementary provisions relating to the agency

11 SECOND SCHEDULE

12 Transitional provision relating to the employees, assets and liabilities of the
13 incorporated trustees of Food Hygiene Initiative of Nigeria registered under
14 the Companies and Allied Matters Act LFN 2014.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Food Vendors Bio-Data Collation Agency with the function, among others, to regulate, train and engage in bio-data capturing of all the food vendors in Nigeria in order to develop a standard food and water vendors Identification Number for easy traceability system of any food poisoning and mishandling cases and also collaborate with financial institutions both Nationally and Internationally to empower the food vendors with funds as soft loan to enable them acquire the necessary food processing machines and other food equipment to enable the food vendors meet up with international standard requirement of food safety.