

Extraordinary



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A BILL

FOR

AN ACT TO ENACT THE NIGERIAN MENTAL HEALTH BILL TO PROVIDE FOR
THE PROMOTION AND COMPREHENSIVE MANAGEMENT OF MENTAL
HEALTH IN NIGERIA AND FOR RELATED MATTERS 2021

Sponsored by Hon. Kwamoti Bitrus Laori

[] Commencement

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

PART I - INSTITUTION FOR THE CARE OF PERSON WITH

MENTAL DISORDERS

1.-(1) The Government of the Federation or a state or local
government councilor an individual may establish and maintain Hospitals
and medical facilities even in penal institutions for the treatment and Care of
person with mental and behavioral disorder including substance use
disorder and for the training of medical and other health person and for
research.

Establishment
of Institutions

(2) The Minister or the Commissioner may by order publish in the
gazette, appoint the whole or part of any public building within any house,
ground or premises which meet the stipulated minimum standard, to be
mental health facility. Accordingly, all such places which existed before the
commencement of this Bill shall be declared to have been appointed under
this Bill.

(3) The Minister or the Commissioner may in the like manner
declare that any place shall cease to be a mental health facility.

(4) For any facility to be designed as Psyching Hospital for the
purpose of this section. It shall comply with such conditions (as it relates to
the equality and number of personnel, numbers of beds in the hospital, the
equipment and facilities provided in the hospital as the minister or the

1 commissioner may from time to time prescribe.

2 (5). There shall be appointed for each psychiatric Hospital established
3 pursuant to this Bill a Medical Director who shall be a Medical Practitioner
4 recognized by the Medical and Dental Council of Nigeria as having special
5 training and requisite experience in the diagnostic and treatment of person with
6 mental and behavioral disorders.

7 (6) There shall also be appointed for each Psychiatric Hospital such
8 medical practitioner in such field allied to medical and any other staff as may be
9 deemed necessary by the hospital management.

10 (7) There shall be established in each hospital and other similar
11 medical institution separate wards for admission and care of patient with
12 mental and behavioral disorder.

13 (8) There shall be established in all Primary Health Care centers a
14 component unit for referral service and follow up care for patient with mental
15 and behavioral disorders.

16 PART II - ADMISSION AND DISCHARGE INTO MEDICAL FACILITIES

Voluntary
Admission

17 2.-(1) Any person who requires treatment for mental disorder may
18 choose to be admitted voluntarily into any hospital or other facility approved
19 for that purpose by the government.

20 (2) They shall only receive treatment after informed consent is
21 granted, and may refuse any treatment offered or discharge themselves from
22 hospital at any time. They will be made aware of these rights on admission.

Involuntary
Admission for
observation

23 3.-(1) A person may be admitted to a hospital and there detained for
24 periods specified by sections of this Bill on an application for admission for
25 observation on grounds that:

26 (a) He is unwilling to be admitted voluntarily, and is suffering from a
27 severe mental disorder of nature or degree which warrants his compulsory
28 admission to hospital for observation (with or without medical treatment) for a
29 limited period;

30 (b) He ought to be so detained in the interest of his own safety or with

1 a view to protecting the safety and interest of other persons;

2 (c) An admission would be in the best therapeutic interests of the
3 patient;

4 (d) The admission is to a facility accredited for this purpose by the
5 Government (a specialist psychiatric hospital or psychiatric department of a
6 general hospital).

7 (2) The application for involuntary admission for observation may
8 be made either by the nearest relative of the patient or a certified health
9 worker, and shall be addressed to the Medical Director of the hospital to
10 which admission is sought.

11 (3) The consent of the nearest relative of the patient is needed to
12 make the application, unless it becomes clear that in the circumstances
13 further consultations to achieve this would occasion unreasonable delay.

14 (4) A patient admitted pursuant to this section may be detained for
15 a period not exceeding 28 days, beginning with the day on which he is
16 admitted (irrespective of the date of the Medical Recommendation). He may
17 however be detained thereafter if he becomes liable for compulsory
18 admission again by virtue of a subsequent application, or direction under
19 any of the existing Act.

20 (5) The patient, family, and any legal representative must be
21 informed of the reasons for, and the details of the involuntary admission, as
22 well as the right to appeal.

23 4.-(1) A patient may be compulsorily admitted on the request of a
24 family member or certified health care worker in case of an urgent necessity
25 for the patient to be detained under section 2 of this Bill, but where
26 compliance with the provisions of the Bill relating to application for
27 observation would involve delay that resulted in danger to the patient or
28 others.

Emergency
Admission

29 (2) A patient admitted pursuant to this section may be detained for a
30 period of 72 hours beginning at the time of admission to the hospital.

Medical
recommendation
for Involuntary
Admission of a
Patient

1 (3) This emergency application must be followed by a formal
2 application for involuntary admission in accordance with the criteria laid out in
3 sub-section 2 of this Part of the Bill.

4 This must be done within 72 hours beginning with the time at which the patient
5 was admitted, otherwise the patient must be released.

6 **5.-(1)** An application for admission of a patient under the provisions
7 of this part of this Bill duly completed in accordance with it, shall be sufficient
8 authority for transfer and detention of the patient in the hospital specified in
9 such application under the authority of the Medical Director.

10 (2) The Medical recommendation to confirm an application for
11 admission of a patient pursuant to the provisions of section 2 shall be given by
12 two independent medical practitioners who have personally examined the
13 patient either together or at an interval of not more than 7 days.

14 (3) One of the two medical practitioners required for the purpose of
15 sub-section (2) of this section shall be a medical practitioner who is a specialist
16 psychiatrist, or one with the experience in the diagnosis and treatment of
17 mental disorder.

18 (4) The Medical recommendation shall be carried out within 14 days
19 of the application for admission. Until that time, no treatment can be given
20 without consent of the patient except in an emergency.

21 (5) The Medical recommendation shall be sufficient to render any
22 previous application under this part of the act by virtue of which the patient was
23 liable to be detained in a hospital no longer effective.

Involuntary
Admission for
treatment

24 **6.-(1)** A person may be admitted to a hospital and there detained in
25 order to receive treatment in accordance with the following provisions of this
26 section.

27 (2) An application for admission for treatment may be made in respect
28 of a patient meeting the conditions set out in Part 5, Section 2.

29 (3) The admission for treatment shall be founded on the written
30 recommendations of two medical practitioners (as stipulated in section 4 of this

1 Part of the Bill) who shall each state that in his opinion:

2 (a) The patient is suffering from one or more of the forms of mental
3 disorder referred to in Part 1, Section 3 of this Bill;

4 (b) That treatment is necessary to bring about an improvement in
5 the patient's condition or to prevent harm to the patient or others;

6 (c) The patient lacks the capacity to make informed treatment
7 decisions, and

8 (d) That treatment in a less restrictive environment is unlikely to be
9 effective.

10 (4) A treatment plan agreed by the two practitioners making the
11 recommendation (or two similarly qualified specialists in the treatment of
12 mental disorders) should be recorded in writing. Only treatment on this plan
13 may be given under this Bill.

14 (5) A patient under Admission for Treatment may be detained in a
15 hospital for a period of 180 days beginning with the day on which the patient
16 was so admitted, but shall not be detained for any longer period unless the
17 authority for his subsequent detention is renewed under the provisions of
18 this section.

19 (6) Authority for the detention of a patient who has not previously
20 been discharged may be renewed under this section for periods of 180 days
21 at a time if criteria for detention remain fulfilled. The Medical Director of
22 the hospital shall cause the patient to be informed on each occasion, and the
23 patient informed of this right to appeal to a Mental Health Review Tribunal.

24 (7) Any patient detained under this Section of the Act has the right
25 to appeal to a Mental Health Review Tribunal. A review shall be held, with
26 or without application by the patient, in cases where a patient is held for over
27 2 years (and each subsequent period of 2 years).

28 7.-(1) An application for the admission of a patient to a hospital
29 may be made under this part of this Act as follows:

Application in
respect of patient
already in Hospital

30 (a) In the case of an application for admission for treatment of a

1 patient who is already liable for detention for observation, where an
2 application is so made, the patient shall be treated for the purposes of the Bill as
3 if he had been admitted to the Hospital at the time when the application was
4 received by the Medical Director of the Hospital;

5 (b) In the case of a patient under no detention application or order, if it
6 appears to the medical practitioner in charge of the patient that an application
7 ought to be made under this part of this Bill for admission he may furnish a
8 report in writing to that effect to the Medical Director of the hospital, and in
9 such cases the patient may be detained in the hospital for a maximum period of
10 72 hours from the time at which the report is furnished pending when all other
11 necessary conditions pursuant to Section 2 of this part are satisfied.

Rectification
of application
and of
recommendation

12 8.-(1) If an application for an admission for observation or for
13 treatment or any medical recommendation given for the purpose is found to be
14 defective or incorrect and this application is within a period not exceeding 14
15 days beginning with the day on which the patient is admitted to a hospital
16 pursuant to the application, the medical director of the hospital shall give
17 consent for the defect or error to be rectified by the person by whom the
18 application or recommendation was signed; and the said application or
19 recommendation shall have effect and shall be deemed to have had effect as if it
20 has been originally made as eventually amended. Records shall be kept of the
21 rectification.

22 (2) If either of the medical recommendations given in accordance
23 with the provisions of this part of this Bill is found insufficient to warrant the
24 patient's detention pursuant to the application, the medical director of the
25 hospital may no longer detain the patient involuntarily. A fresh application
26 complying with the relevant provisions of this part of this Bill must be made
27 only on the basis of concern that circumstances at the time of medical
28 examination have changed.

Removal of
Patient to a place
of safety

29 9.-(1) A Police Officer, certified health worker, or a professional
30 member of staff of the Social Welfare Department of government may cause

1 the removal of a person to a Place of Safety with a view to making an
2 application for his treatment and care under this Bill if they have strong
3 cause to suspect that the person suffers from a mental disorder and
4 application of the Bill is necessary for their own protection or the protection
5 of others.

6 (2) A Place of Safety shall be defined as a hospital, police station or
7 any environment where the safety of the patients can be guaranteed.

8 (3) A person removed to a place of safety under this section may be
9 detained there for period not exceeding 72 hours for the purpose of enabling
10 him to be examined by a medical practitioner and of making any necessary
11 arrangements for his treatment or care.

12 (4) A police officer or any other person required or authorized by
13 this bill to take any person into custody or to convey or to detain any person
14 shall for the purpose of taking him into custody or conveying or detaining
15 him, have all the powers, authority, protection and privilege of a police
16 officer in the ordinary course of his duties as such.

17 (5) If any person being in lawful custody by virtue of this section
18 escapes, he may be retaken and returned to the hospital or place of safety:

19 (a) by the person who had his custody immediately before the
20 escape;

21 (b) by any officer or the staff of the hospital, his nearest relative, or
22 his guardian, or by a police officer if at the time of his escape he was liable to
23 be detained in a hospital under this Bill, leave to be absent from the hospital
24 subject to such conditions as that officer considers necessary in the interest
25 of the patient, or for the protection of other persons.

26 (6) Leave of absence may be granted under this section either
27 indefinitely or for a specified period; and where leave is granted for a special
28 period may be further extended as the responsible medical officer may deem
29 fit.

30 (7) The medical officer may by notice in writing to the patient or to

	1	the person for the meantime in charge of the Patient, revoke the leave of
	2	absence for the recall of the patient to the hospital if it appears to him the health,
	3	safety and that the protection of others is or are involved.
	4	(8) A patient to whom a leave of absence is granted under this section
	5	shall not be recall under sub-section (3) of this section after he has ceased to be
	6	liable to be detained under this Bill.
	7	(9) In all cases of removal of patient to hospital for the first time or
	8	removal of a patient who breaches the condition of leave of absence, the police
	9	shall be available to render assistance.
Order of discharge of a patient	10	10. Any order for discharge in respect of a patient detained under any
	11	section of this part of this Bill may be made by the medical officer or by the
	12	medical Director of the hospital. The order shall be made pursuant to the
	13	medial officer's report that the circumstance leading to his detention in the first
	14	place no longer exist.
Order of patient's discharge by nearest relative	15	11.-(1) Subject to the provisions of this section, the nearest relative
	16	may at anytime apply to the Medical Director for the discharge of a patient
	17	detained in hospital. The application shall be considered by the Medical
	18	Director, with advice from the Court shall issue a compulsory order with
	19	specified restrictions on place of detention, leave allowances etc, provided that
	20	the patient shall be advised on his right to appeal to the mental Health Review
	21	Tribunal.
	22	(2) A compulsory order with restriction shall not be issued by a Court
	23	unless the Court in its wisdom and having regard to all the circumstances
	24	including the nature, character and antecedents of the offender and to the other
	25	available options (including terms of imprisonment) of dealing with him that
	26	the most suitable method of disposing of the case taking into cognizance the
	27	issue of public safety is by means of an order under this section.
The child offender	28	12.-(1) If in the case of a child or young person brought before a
	29	Juvenile or other court: the court is satisfied that the young person is in need of
	30	care or protection that his parent or guardian is unable to control him, as the

1 case may; and the conditions which under Part 6, sub-section 1 of this Bill
2 are required to be satisfied for the making of a hospital order in respect of a
3 person convicted as herein mentioned are so far as applicable, satisfied in
4 the case of the child or young person; the court shall have the like power to
5 make a hospital order or guardianship as if the child or young person had
6 been conviction with imprisonment and provisions of the said sub-section 1
7 shall with the necessary modifications and substitutions apply accordingly.

8 13.-(1) If in the case of a person serving a sentence of
9 imprisonment, the Minister or the commissioner, as the case may be is
10 satisfied by the report of a medical practitioner who has special experience
11 in the diagnosis and treatment of mental and behavioral disorder:

Removal to
Hospital of persons
serving sentence
of imprisonment

12 (a) That the said person is suffering from a mental disorder, and
13 (b) that the mental disorder is of a nature or degree which would
14 render medical treatment in a hospital more beneficial to the patient, the
15 Minister or commissioner may; if he is of opinion having regard to the
16 public interest and all the circumstances that it is expedient to do so, direct
17 by warrant, that the person be so removed and treated in such hospital as may
18 be specified in the directive.

19 (2) The transfer directives in the context of sub-section 4 shall have
20 the like force as a hospital order made in accordance with the provisions of
21 Part 3, sub-section 1 of this Bill.

22 (3) The foregoing provisions of this section shall apply for the
23 purpose of the transfer of any person in custody pending trial as they apply
24 for the purpose of any person serving a sentence of imprisonment.

25 (4) For the purposes of this section:

26 (a) the Minister or the commissioner shall exercise the power to
27 give a transfer directive in the case of a person convicted of an offence
28 committed under any enactment made by the Government of the Federal;
29 and

30 (b) The commission shall exercise the power to issue a directive in

Mental Health
Review Tribunal

1 respect of a person convicted for an offence committed under an enactment
2 made by the Government of a State.

3 **14.**-(1) The Minister or commissioner shall, for the purpose of dealing
4 with Applications in respect of patients under this Bill constitute for each State
5 or group of States, a Mental Health Review Tribunal.

6 (2) Each Mental Health Review Tribunal shall consist of such
7 members as the Minister or commissioner may by order published in the
8 Gazette decide. The Tribunal shall consist of at least one each of the) members
9 of the medical and legal professions, and an interested representative of civil
10 society.

11 (3) The Mental Health Review Tribunal shall function in protecting
12 the interests of patients who are subject to the provisions of this Bill. In doing
13 so it shall:

14 (a) Review treatments that require a second opinion or are given
15 without the consent of patients, particularly irreversible treatments as detailed
16 in Part 41 Sections 2b/2c, and 2d;

17 (b) Visit detained patients and inspect their clinical records and
18 treatment plans;

19 (c) Entertain appeals against restrictions of rights and investigate
20 complaints by patients, family members or civil society groups; and

21 (d) Investigate the exercise of statutory powers by hospitals relating
22 to detention of patients.

23 (4) The tribunal shall also review the general provision of care for
24 people with mental disorders in their State or States by:

25 (a) periodically investigating and reporting on provision of accessible
26 care to all levels of society in community and hospital-based services;

27 (b) visit psychiatric facilities (specialist and general hospitals,
28 prisons, and community services), and inspect the conditions under which
29 patients receive treatment;

30 (c) and carry out any other function as may be directed by the Minister

1 or the commissioner.

2 (5) The patient and family shall retain the right of appeal of the
3 Mental Health Review Tribunal's decisions to a higher Federal Court.

4 (6) The Tribunal may advise the Federal Ministry of Health,
5 Department of Hospital Services on accreditation of facilities.

6 PART III - ADMISSION OF PATIENT CONCERNED WITHIN

7 CRIMINAL PROCEEDINGS

8 15.-(1) Where a person is arraigned or convicted before a High
9 Court for a criminal offence or before a Magistrate's Court of an offence
10 punishable on summary conviction with imprisonment, the court may by a
11 hospital order authorize his admission for observation in a hospital if it has
12 cause to suspect that the person may be suffering from mental disorder.

Power of court
to order Hospital
Admission

13 (2) Where the court is satisfied, on written evidence made within
14 seven days of admission by two medical practitioners, one of whom is
15 recognized to have special experience in the diagnosis and treatment of
16 mental and behavioral disorders that:

17 (a) The offender is suffering from mental disorder, mental
18 impairment, or dissocial disorder;

19 (b) The mental disorder is of a severe nature or degree which
20 warrant the detention of the patient in a hospital for medical treatment;

21 (c) The offenders are likely to benefit from such treatment with
22 respect to future criminal tendency and behavior. The court may decide that
23 the most suitable method of disposing of the case is by means of an order
24 under this section; and

25 (d) A patient admitted pursuant to this section may be detained for a
26 period of 28 days, beginning with the day on which he is admitted. He may
27 however be detained thereafter if he becomes liable for compulsory
28 admission again by virtue of a subsequent application, order, or direction
29 under any of the following provisions of the Bill.

Emergency
Application

1 **16.**-(1) An emergency application may be made either by a health care
2 worker or by any relative of the patient in case of urgent necessity for the
3 patient to be admitted and detained under section 5 of this Bill, but compliance
4 with the provision of the Act relating to application for admission or
5 observation would involve undesirable delay.

6 (2) A patient admitted pursuant to this section may be detained for the
7 period of 3 days beginning with the day on which application was made.

Application for
Admission for
treatment

8 **17.**-(1) A person may be admitted to a hospital and there detained
9 pursuant to an application for admission for treatment made in accordance with
10 the following provisions of this section.

11 (2) An application for admission for treatment may be made in respect
12 of a patient on the ground set out in paragraph (a) and (b) of sub-section (1) of
13 section 5.

14 (3) An application for treatment shall be founded on the written
15 recommendations of two medical practitioners who shall each state that in his
16 opinion:

17 (a) The patient is suffering from one or more of the forms of mental
18 disorder referred to in section 2 of this Bill;

19 (b) That the condition set out subsection 2 of this section are met.

Application for
Compulsory
Admission

20 **18.**-(1) Subject to the provision of this Bill an application for the
21 compulsory admission of a patient for observation or treatment following a
22 period of compulsory admission for observation pursuant to sub-section 3 of
23 section 5 may be made either by the nearest relative of the patient or a health
24 worker, and shall be addressed to the medical director of the hospital to which
25 admission is sought.

26 (2) The consent of the nearest relative of the patient is needed to make
27 the application, unless it becomes clear that in the circumstances further
28 consultations to achieve this would occasion in reasonably delay.

Medical
Recommendation
for Admission
of a patient

29 **19.**-(1) The medical recommendation necessary to back up an
30 application for admission of a patient pursuant to the provision of section 8

1 shall be given by two medical practitioners who have personally examined
2 the patient either together or an interval of not more than 7 days, and shall be
3 signed on or before the date of the application.

4 (2) One of the two medical practitioner required for the purposed of
5 sub- section (1) of this section shall be medical practitioner who is a
6 specialist psychiatric or one with the experience in the diagnosis and
7 treatment of mental disorder.

8 **20.-(1)** An application for admission of a patient to a hospital under
9 the provision of this part of this Act duly completed in accordance therewith
10 shall be sufficient authority for the applicant or any person authorized by
11 him to take and convey the patient to the hospital specified in such
12 application:

Effect of application
for admission

13 (a) In case of an emergency application within 3days beginning
14 with the date on which the patient was examined by the medical practitioner
15 giving the recommendation referred to in section 5 of this Bill, or with the
16 date of the application whichever is earlier;

17 (b) In the case of an application other than an emergency
18 application, within 14 days beginning with the date on which the patient was
19 last examined by a medical practitioner before giving medical
20 recommendation.

21 (2) The application shall be sufficient for the medical Director of
22 the hospital to which the patient is taken to detain him in the hospital in
23 accordance with the provision of the Bill.

24 (3) The application shall be sufficient to render any previous
25 application under this part of the Bill by virtue of which he was liable to be
26 detained in a hospital no longer effective.

27 (4) A patient admitted to a hospital pursuant to an application for
28 admission and treatment may apply to a Medical Health Review Tribunal
29 within six months from the day on which he was so admitted.

	1	PART IV - PROPERTY AND AFFAIRS OF PATIENTS
Application of this Part	2	21. The provision of this part shall apply in respect of a person, who
	3	in the considered opinion of a High Court Judge based on competent medical
	4	evidence is incapable by reason of mental disorder of managing and
	5	administering his property and affairs, and a person whom the judge is
	6	satisfied to refer to as a patient for purpose of this part of this Bill.
General function of the Judge with respect to property	7	22.-(1) The judge may with respect to the property and affairs of a
	8	person do or secure the doing of all such things as to him appear necessary:
	9	(a) For the maintenance or other benefit of the patient;
	10	b) For the maintenance or other benefit of members of the patient
	11	family;
	12	(c) for making provision for other person or purpose for whom or
	13	which the patient might be expected to provide if he were not mentally
	14	disorder, or
	15	(d) Otherwise for administering the patient's affairs.
	16	(2) (a) In the exercise of the powers conferred by this section, regard
	17	shall be had first of all to the requirement of the patients and rules of laws which
	18	restrict the enforcement by a creditor of rights against property under the
	19	control of the judge;
	20	(b) Subject to the provision of paragraph (a) in this sub section, the
	21	judge shall, in administering patient affairs, have regards to the interest of
	22	creditors and also the desirability of making provision for obligation of the
	23	patient notwithstanding that they may not be legally enforceable.
	24	(3) Without prejudice to the provision of sub section (2) of this section
	25	the judge as he deems fit for the purpose of that section and in particular may
	26	make orders or give directives or authorities for:
	27	(a) The control (with or without the transfer or vesting of property or
	28	the payment into court of money or securities) and management of any
	29	property of the patient(s);
	30	(b) The settlement of any property of the patient or the gift of any

- 1 property of the patient to any person;
- 2 (c) Carrying on by a suitable person of any personal profession
- 3 trade or business of the patient;
- 4 (d) The sale, exchange, charging or other disposition of any
- 5 property of the patient(s);
- 6 (e) The acquisition of any property in the name of the patient;
- 7 (f) The dissolution of any property of which the patient is a
- 8 member,
- 9 (g) The carrying out of any property, of which the patient is a
- 10 member,
- 11 (h) The conduct of any legal proceedings in the name of the patient
- 12 or on his behalf;
- 13 (i) The re-imbursement out of the property of the patient, with or
- 14 without interest, of the money applied by any person for or for the benefit of
- 15 the patient; or
- 16 (j) The exercise of any power vested in the patient including power
- 17 of consent whether beneficially or as a guardian, trustee or otherwise.

18 PART V - TREATMENT AND CONSENT

19 **23.-(1)** the part of this Bill applies to any patient referred to in any Consent to

20 section of this Bill. Treatment

21 (2) The following forms of medical treatment of mental disorder

22 and behavioral disorder shall require consent:

23 (a) Any surgical operation for destroying brain tissues or for

24 destroying the function of the brain tissue, and

25 (b) Each other forms of treatment requiring explanation of known

26 risks to the patient to enable the patient or his/her nearest relative to decide

27 whether or not to accept such form of treatment.

28 (3) A patient shall not be given any form of treatment unless:

29 (a) The responsible medical officer or registered medical

30 practitioner has certified by writing that the patient or his/her nearest relative

1 is capable of understanding the nature, purpose and likely effect of the
2 treatment and has consented to it; or

3 (b) The medical officer referred to in paragraph (a) of this sub section
4 certified in writing that the patient or his/her nearest relative has not consented
5 to the treatment for reason of incapacitation or other, but that having regard to
6 the likelihood of its alleviating or preventing a deterioration of his condition,
7 the treatment should be given.

8 (4) A patient or his/her nearest relative may at any time before the
9 completion of treatment for which he had previously given consent, withdraw
10 such consent in writing if he so desires.

11 (5) Sub section (2a) and (2b) of this section shall not apply to any
12 treatment:

13 (a) Which is immediately to save the patient's life;

14 (b) Which (not being irreversible) is immediately necessary to prevent
15 a deterioration of his conditioning;

16 (c) Which (not being irreversible or hazardous) is immediately
17 necessary to alleviating serious suffering by the patient or;

18 (d) Which (not being irreversible or hazardous) is immediately
19 necessary and represent the minimum interference necessary to prevent the
20 patient from violence or being a danger to himself, to others or both;

21 (e) In all circumstances the responsible medical officers shall take
22 into account the condition of the patient, the need to obtain consent from the
23 nearest relative period of lucid interval and his/ her personal moral decision to
24 obtain consent.

Forgery or False
entry of statement

25 **24.-(1)** Any person who with intent to deceive, forges or willfully
26 makes false entry or statement in any of the following documents:

27 (a) An application for admission under this Bill;

28 (b) Any medical report or recommendation under the Bill;

29 (c) Any other document required or authorized to be made for any of
30 the purposes of this Bill.

1 (2) Any person guilty of an offence under this section of this Bill
2 shall be prosecuted and if found liable shall be convicted to imprisonment
3 for a term not exceeding 2 years or to a fine of N200,000:00 or both.

4 **25.-(1)** it shall be an offence under this section for a man or a
5 woman who is an officer or staff or is otherwise employed in or is one of the
6 managers of a psychiatric hospital or patient to have sexual relationship
7 (intercourse) with a woman or a man as-the case may be who is:

Sexual relationship
with patient

8 (2) for the time being receiving treatment for mental disorder in
9 that hospital; or subject to his/her custody or care under this Bill in
10 Psychiatric Hospital or other similar approved institution for the treatment
11 of mentally disorder persons.

12 (3) for the time being receiving treatment as an out patient.

13 (4) any person guilty of an offence under this section shall be liable
14 to prosecution and on conviction, to imprisonment for a term not exceeding
15 2 years or to a fine of N200,000 00 or both. This shall not be prejudicial to
16 any other sanction such a person may be liable to from bodies to which he
17 may belong as a member.

18 (5) No proceedings shall be instituted for an offence under this
19 section, except by or with the consent of the Attorney-General of the state
20 concerned.

21 **26.-(1)** Any person who induces or knowingly assists any other
22 person:

Assisting patient
to unlawful of
absence

23 (a) Being liable to be detained in a hospital to absent himself
24 without leave;

25 (b) Being in legal custody by virtue of this Bill to escape from such
26 be guilty of an offence;

27 (c) Any person who knowingly harbors a patient who is absent
28 without leave of absence or is otherwise at large and liable to be retaken into
29 custody or gives him assistance with intent to prevent, hinder or interfere
30 with his being taken into custody or returned to the hospital or other place or

1 where he ought to be detained shall be guilty of an offence;

2 (d) Any person guilty of an offence under this section shall be liable
3 on conviction to 3 months imprisonment or to a fine of N200,000 or both of
4 them.

5 PART VI - IMMUNITY SAVINGS AND TRANSITIONAL PROVISIONS

Immunity from
Legal Proceedings

6 **27.**-(1) No person shall be liable on any ground to civil or criminal
7 proceeding to which he would have been liable apart from this section in
8 respect of any act done pursuant to this Bill or any regulations or rules made
9 under or in respect of anything done in discharge of any functions conferred by
10 this Bill unless such act was done in bad faith or without reasonable care.

11 (2.) No civil or criminal proceedings shall be brought without leave of
12 the Attorney General of the state concerned who shall not give such leave
13 unless he is satisfied that there is substantial ground for the contention that the
14 person to be prosecuted has acted in bad faith or without reasonable care.

Minister's power
to make Regulations

15 **28.**-(1) The Minister may with the approval of the president,
16 Commander-in-chief of the Armed Forces, make regulations, for prescribing
17 anything which under this Bill ought to be prescribed and such regulations
18 shall be published in the Federal Government Gazette. (2) Without prejudice to
19 the generality of the provisions of sub-section (1) of this section the regulations
20 made under that sub-section may:

21 (a) Specify the hospitals and other institutions with facilities for the
22 time being for the reception and treatment of patients requiring treatment and
23 care for mental disorder;

24 (b) specify access to the public into psychiatric Hospitals and similar
25 other institutions and their conduct while in such premises; and

26 (c) Such other things as may appear to be lacking in this Bill but
27 necessary to achieve the aims and goals of the Bill.

Repeal Acts

28 **29.**-(1) The following Acts are hereby repealed, that is to say:

29 (a) The Lunacy Act 1958;

30 (b) The Lunatics (power to appoint Committee) Act;

1 (c) Sections 22, 26, 43 of the Criminal Code.

2 (2) The other provisions of the criminal code or any other
3 enactment in force at the commencement of this Act shall in so far as they
4 make provisions concerning the admission, treatment, discharge or any
5 other issue relating to mentally disordered patients on the coming into force
6 of this Bill:

7 (a) Cease to have effect in respect of any matter for which
8 provisions are made in this Bill; and

9 (b) have effect with such modifications to bring them into
10 conformity with this Bill in respect of any matter for which this Bill contains
11 no provisions.

12 (3) notwithstanding the provisions of subsection (1) of this section
13 an order sending any person into hospital or placing any person under
14 detention made before the commencement of this Bill shall be deemed to have
15 been made under this Bill and shall take effect as provided in the applicable
16 provision thereof.

17 **30.** In this Bill unless the context otherwise requires:

Interpretation

18 (a) "Mental Disorder" means any disability or disorder of mind or
19 brain whether permanent or temporary, which results in an impairment or
20 disturbance of mental functioning. Social deviance or conflict alone without
21 disturbance of mental functioning is not mental disorder;

22 (b) "Mental Impairment" means a state of incomplete development
23 of mind which includes significant impairment of intelligence and social
24 functioning and is associated with abnormality aggressive or seriously
25 irresponsible conduct on the part of the person concerned;

26 (c) "Dis-order (psychopathic) disorder" means a persistent
27 disorder or disability of mind whether or not including significant
28 impairment of intelligence) which result in abnormally aggressive or
29 seriously irresponsible conduct on the part of the person concerned;

30 (d) "Court Orders" means an order made out by court committing a

1 criminal offender before the court to compulsory admission with or without
2 restriction to a psychiatric facility for observation assessment and advice on his
3 mental state;

4 (e) "Hospital Order" means an order signed by two doctors one of
5 whom shall be a psychiatric doctor committing a patient for detention in a
6 psychiatric facility for observation and treatment;

7 (f) "Leave of absence" means a period of trial away from hospital
8 granted by the responsible medical officer so as to enable the patient's family to
9 take him home to observe him and report on his progress with treatment;

10 (g) "Medical Director" means the Chief Executive Medical
11 Practitioner in charge of a psychiatric hospital to which this Bill applies. This
12 also includes clinical heads of psychiatric department or unit in general
13 hospitals;

14 (h) "Medical Practitioner" means medical graduate registered within
15 the meaning of
16 Medical and Dental Practitioners Act 1988;

17 (i) "responsible medical officer" means a medical practitioner in
18 charge of a patient's case;

19 (j) "Mental health professional" includes a qualified psychiatrist a
20 medical officer working in a psychiatric hospital or unit a clinical psychologist,
21 a psychiatric social worker, a psychiatric nurse, an occupational therapist;

22 (k) "Minister" means the Minister charged with the responsibility for
23 matters relating to health;

24 (l) "Commissioner" means the commissioner for health of a state;

25 (m) "Nearest Relative" in relation to a patient includes a husband or
26 wife, son or daughter, father or mother, brother or sister, grandparent or
27 grandchild, uncle or aunt, nephew/niece, cousin or guardian;

28 (n) "Patient" means a person suffering or appearing to be suffering
29 from mental disorder;

30 (o) "place of safety" in relation to the Patient includes police station or

1 post, a hospital, any place of relevance- church, mosque, palace;
2 (p) "General Hospital" means Teaching Hospital, Federal Medical
3 Centers, Specialist and other similar institutions by whatsoever names they
4 are called;

5 (q) "Child and Young Person" means any person under the age of
6 18 years.

7 **31.** This Bill may be cited as Nigerian Mental Health Bill, 2021. Short title

EXPLANATORY NOTE

This Bill seeks to make elaborate provisions for the management of Mental Health in Nigeria. It repealed all existing legislation concerning the admission, treatment and care of persons suffering from mental disorder and creates an environment for person suffering from mental disorder to seek voluntarily admission into and discharge from a mental Health Institution. The Bill also protects the rights of persons suffering mental disorder, ensures equal access to treatment and care, discourages abuse, dehumanization, stigmatization, discrimination and set standards for Psychiatric Care givers and professionals in Nigeria.

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE MANAGEMENT OF MENTAL
HEALTH IN NIGERIA; AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Adejare Samuel Babatunde

[] Commencement

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

PART I - INSTITUTIONS FOR THE CARE OF PERSONS WITH
MENTAL DISORDERS

1.-(1) The Government of the Federation, or of a State, or of a
Local Government Area; or a private organization or an individual, may
establish and maintain hospitals and medical facilities even in penal
institutions, for the treatment and care of persons with mental and
behavioural disorders and for the training of medical and other health
personnel for the treatment of such persons.

Establishment
of Institutions

(2) The Minister may, by order published in the Gazette, appoint
the whole or part of any public building with any houses, grounds or
premises belonging thereto, which meets stipulated minimum standard, to
be a mental health facility. Accordingly, all such places which existed before
the commencement of this Bill shall be deemed to have been appointed
under this Bill.

(3) The Minister may in like manner declare that any place shall
cease to be a mental health facility.

(4) For any facility to be designated as Psychiatric Hospital for the
purpose of this Section, it shall comply with such conditions (as it relates to
the quality and number of personnel, the number of beds in the hospital, the
equipment and facilities provided in the hospital) as the Minister may, from
time to time prescribe.

1 (5) There shall be appointed for each Psychiatric Hospital established
2 pursuant to this Bill a Medical Director who shall be a Medical Practitioner
3 recognised by the Medical and Dental Council of Nigeria as having special
4 training and requisite experience in the diagnosis and treatment of persons with
5 mental and behavioural disorders.

6 (6) There shall also be appointed for each Psychiatric Hospital such
7 medical practitioners, practitioners in such fields allied to medicine and any
8 other staff as may be deemed necessary by the hospital management.

9 (7) There shall be established in each general hospital and other
10 similar medical institutions separate wards for admission and care of patients
11 with mental and behavioural disorder.

12 (8) There shall be established in all Primary Health Care Centres a
13 component unit for referral services and follow up care for persons with mental
14 disorder.

15 PART II - ADMISSION AND DISCHARGE OF PATIENTS

Voluntary
Admission

16 2. Any person who requires treatment for mental disorder, may be
17 admitted voluntarily into any hospital or other facility approved for that
18 purpose by the government, pursuant to Section 3 of this Bill.

Compulsory
Admission

19 3.-(1) A person may be admitted to a hospital and there detained for
20 periods specified by sections of this Part of the Bill on an application for
21 admission for observation on grounds that-

22 (a) he is suffering from mental and behavioural disorder of a nature or
23 degree which warrants his compulsory admission in a hospital for observation
24 (with or without medical treatment) for a limited period; and

25 (b) he ought to be so detained in the interest of his own safety or with a
26 view to protecting the safety and interest of other persons.

27 (2) An application pursuant to subsection (1) of this Section shall be
28 made on the written recommendation of a medical practitioner in the
29 prescribed form stating that the conditions set out in paragraphs (a) and (b) of
30 Subsection (1) of the Section are satisfied.

1 (3) A patient admitted pursuant to this section may be detained for a
2 period not exceeding 28 days, beginning with the day on which he is
3 admitted. He may however be detained thereafter if he becomes liable for
4 compulsory admission again by virtue of a subsequent application, order, or
5 direction under any of the following provisions of this Bill.

6 4.-(1) An emergency application may be made either by a health
7 care worker or by any relative of the patient in case of urgent necessity for
8 the patient to be admitted and detained under Section 5 of this Bill, but
9 compliance with the provisions of the Act relating to application for
10 admission for observation would involve undesirable delay.

Emergency
Application

11 (2) A patient admitted pursuant to this section may be detained for a
12 period of 3 days beginning with the day on which the application was made.

13 5.-(1) A person may be admitted to a hospital and there detained
14 pursuant to an application for admission for treatment made in accordance
15 with the following provisions of this section.

Application for
Admission for
Treatment

16 (2) An application for admission for treatment may be made in
17 respect of a patient on the grounds set out in paragraphs (a) and (b) of
18 Subsection (1) of Section 5.

19 (3) An application for treatment shall be founded on the written
20 recommendations of two medical practitioners, who shall each state that in
21 his opinion-

22 (a) the patient is suffering from one or more of the forms of mental
23 disorder referred to in Section 2 of this Bill;

24 (b) That the conditions set out in Subsection 2 of this section are
25 met.

26 6.-(1) Subject to the provisions of this Bill, an application for the
27 compulsory admission of a patient for observation or treatment following a
28 period of compulsory admission for observation pursuant to Subsection 3 of
29 Section 5 may be made either by the nearest relative of the patient or a health
30 worker, and shall be addressed to the Medical Director of the hospital to

Application for
compulsory
admission

	1	which admission is sought.
	2	(2) The consent of the nearest relative of the patient is needed to make
	3	the application, unless it becomes clear that in the circumstances further
	4	consultations to achieve this would occasion unreasonable delay.
Medical recommendation for Admission of a Patient	5	7.-(1) The medical recommendation necessary to back up an
	6	application for admission of a patient pursuant to the provisions of a of Section
	7	8 shall be given by two medical practitioners who have personally examined
	8	the patient either together or at an interval of not more than 7 days, and shall be
	9	signed on or a before the date of the application.
	10	(2) One of the two medical practitioners required for the purposed of
	11	Subsection (1) of this section shall be a medical practitioner who is a specialist
	12	psychiatrist, or one with the experience in the diagnosis and treatment of
	13	mental disorder.
Effect application for Admission	14	8.-(1) An application for admission of a patient to a hospital under the
	15	provisions of this part of this Bill duly completed in accordance therewith shall
	16	be sufficient authority for the applicant, or any person authorised by him to take
	17	and convey the patient to the hospital specified in such application-
	18	(a) in case of an emergency application, within 3 days beginning with
	19	the date on which the patient was examined by the medical practitioner giving
	20	the recommendation referred to in Section 5 of this Bill, or with the date of the
	21	application whichever is earlier;
	22	(b) in the case of an application other than an emergency application,
	23	within 14 days beginning with the date on which the patient was last examined
	24	by a medical practitioner before giving the medical recommendation.
	25	(2) The application shall be sufficient for the Medical Director of the
	26	hospital to which the patient is taken to detain him in the hospital in accordance
	27	with the provisions of this Bill.
	28	(3) The application shall be sufficient to render any previous
	29	application under this part of the Bill by virtue of which he was liable to be
	30	detained in a hospital no longer effective.

1 (4) A patient admitted to a hospital pursuant to an application for
2 admission and treatment may apply to a Mental Health Review Tribunal
3 within six months from the day on which he was so admitted.

4 9. An application for the admission of a patient to a hospital may
5 be made under this part of this Bill as follows-

Application in
respect of Patient
already in Hospital

6 (a) in the case of an application for admission for treatment of a
7 patient who is already liable for detention for observation, where an
8 application is so made, the patient shall be treated for the purposes of the Bill
9 as if he had been admitted to the hospital at the time when the application
10 was received by the Medical Director of the hospital;

11 (b) In the case of a patient under no detention application or order,
12 if it appears to the medical practitioner in charge of the patient that an
13 application ought to be made under this part of this Bill for admission he
14 may furnish a report in writing to that effect to the medical director of the
15 hospital, and in such cases, the patient may be detained in the hospital for a
16 period of 3 days from the day on which the report is furnished, pending when
17 all other necessary conditions pursuant to Sections 8 and 9 may be satisfied.

18 10.-(1) If an application for admission for observation or for
19 treatment or any medical recommendation given for the purposes of the
20 application is found to be defective or incorrect and this is within a period
21 not exceeding 14 days beginning with the day on which the patient is
22 admitted to a hospital pursuant to the application, the medical director of the
23 hospital shall give consent for the defect or error to be rectified by the person
24 by whom the application or recommendation was signed; and the said
25 application or recommendation shall have effect and shall be deemed to
26 have had effect as if it has been originally made as eventually amended.

Rectification of
application and
Recommendation

27 (2) If either of the medical recommendations given in accordance
28 with the provisions of this part of this Bill is found insufficient to warrant the
29 patient's detention pursuant to the application, the medical director of the
30 hospital may within the fourteen days mentioned in Subsection (I) of this

Duration of
authority for
detention and
renewal

1 section give notice in writing to that effect. A fresh medical recommendation
2 complying with the relevant provisions of this part of this Bill (other than the
3 provisions relating to the time, signature, and the interval between
4 examination) submitted to the medical director within that period shall suffice;
5 provided that the other medical recommendation on which the application is
6 founded too also complies with all the relevant provisions.

7 **11.-(1)** A patient admitted pursuant to an application for admission for
8 treatment may be detained in a hospital for a period of 365 days beginning with
9 the day on which the patient was so admitted, but shall not be detained for any
10 longer period unless the authority for his subsequent detention is renewed
11 under the provisions of this Section.

12 (2) Authority for the detention of a patient who has not previously
13 been discharged may be renewed under this section for periods of 365 days at a
14 time if it appears to the medical officer to be expedient. Provided that the
15 medical director of the hospital shall cause the patient to be informed on each
16 occasion, and the patient informed of his right to apply to a Mental Health
17 Review Tribunal.

Removal of
patient to a place
of safety

18 **12.-(1)** Where a Police Officer or a staff of Social Welfare Department
19 of Government finds in a place to which the public has access, a person who
20 appears to him to be suffering from mental and behavioural disorder and to be
21 in immediate need of care or control, the police officer or social welfare
22 worker, as the case may be, may if he thinks it necessary to do in the interest of
23 that person or for the protection of other persons, remove that person to a place
24 of safety with a view to making an application for his treatment and care under
25 this Bill.

26 (2) A person removed to a place of safety under this Section may be
27 detained there for period not exceeding 72 hours for the purpose of enabling
28 him to be examined by a medical practitioner and of making any necessary
29 arrangements for his treatment or care.

30 (3) A police officer or any other person required or authorised by this

1 Bill to take any person into custody or to convey or to detain any person shall
2 for the purposes of taking him into custody or conveying or detaining him,
3 have all the powers, authority, protection and privilege of a police officer in
4 the ordinary course of his duties as such.

5 (4) If any person being in lawful custody by virtue of this Section
6 escapes, he may be retaken and returned to the hospital or place of safety-

7 (a) by the person who had his custody immediately before the
8 escape; or

9 (b) by any officer or the staff of the hospital, his nearest relative, or
10 his guardian, or by a police officer if at the time of his escape he was liable to
11 be detained in a hospital.

12 13.-(1) The responsible medical officer may grant to any patient
13 who is for the time being liable to be detained in a hospital under this Bill,
14 leave to be absent from the hospital subject to such conditions, as that officer
15 considers necessary in the interest of the patient or for the protection of other
16 persons.

Grant of Leave
of absence from
Hospital

17 (2) Leave of absence may be granted under this Section either
18 indefinitely or for a specified period; and where leave is granted for a
19 specified period, that period may be further extended as the responsible
20 medical officer may deem fit.

21 (3) The responsible medical officer may by notice in writing to the
22 patient or to the person for the meantime in charge of the patient, revoke the
23 leave of absence for the recall of the patient to the hospital if it appears to him
24 that it is necessary so to do in the interest of the patient's health and safety
25 and for the protection of others.

26 (4) A patient to whom a leave of absence is granted under this
27 Section shall not be recalled under Subsection (3) of this Section after he has
28 ceased to be liable to be detained under this Bill.

29 (5) In all cases of removal of patient to hospital for the first time or
30 removal of a patient who breaches the condition of leave of absence, the

	1	police shall be available to render assistance.
Order of discharge of a patient	2	14. An order for discharge in respect of a patient detained under any
	3	Section of this part of this Bill may be made:
	4	(a) by the responsible medical officer or by the medical director of the
	5	hospital, where the patient is detained pursuant to an application for admission
	6	of observation; or
	7	(b) by the responsible medical officer, the medical director, or by the
	8	nearest relation, where the patient is detained pursuant to an application for
	9	admission for treatment. In other cases, the order shall be made pursuant to the
	10	responsible medical officer's report that the circumstances leading to his
	11	detention in the first place no longer exist.
Order of discharge of nearest relative	12	15.-(1) Subject to the provisions of this Section, the patient's nearest
	13	relative may at any time apply for the discharge of a patient detained in
	14	hospital.
	15	(2) The nearest relative of the patient in making such an application
	16	shall give a notice in writing in that regard not less than 72 hours to the medical
	17	director. In the event that the responsible medical officer furnishes the medical
	18	director of the hospital a report within 72 hours that in his opinion the patient, if
	19	discharged, would be likely to act in a manner dangerous to himself and to
	20	other persons-
	21	(a) the application by the relative will not be granted;
	22	(b) no further application for discharge of that patient shall be
	23	entertained from that relative during a period of 3 months beginning with the
	24	date of the medical report; and
	25	(c) the medical director of the hospital shall cause the nearest relative
	26	of the patient to be informed of his right to apply to a Mental Health Review
	27	Tribunal in respect of the patient within a period of 28 days beginning with the
	28	day on which he is so informed.

PART III - ADMISSION OF PATIENTS CONCERNED WITHIN

CRIMINAL PROCEEDINGS

16.-(1) Where a person is convicted before a High Court of a criminal offence, or before a Magistrate's Court of an offence punishable on summary conviction with imprisonment, the court may by a hospital order authorise his admission for observation in a hospital if it has cause to suspect that the person may be suffering from mental disorder.

Power of Court
to order Hospital
Admission

(2) Where the court is satisfied, on written evidence made within seven days of admission of two medical practitioners, one of whom is recognised to have special experience in the diagnosis and treatment of mental and behavioural disorders that-

(a) the offender is suffering from mental disorder, severe mental impairment or dis-social disorder;

(b) the mental disorder is of a severe nature or degree which warrants the detention of the patient in a hospital for medical treatment; and

(c) the offender is likely to benefit from such treatment with respect to future criminal tendency and behaviour.

The court may decide that the most suitable method of disposing of the case is by means of an order under this section.

(3) Where an order is made under this Section, the Court shall cause the further detention of the criminal in the hospital where the initial assessment of his mental state was made for further treatment until the patient (criminal) is assessed as having made sufficient improvement to be discharged therefrom, and a report in that respect from the medical practitioners who made the initial assessment is placed before the Court.

(4) On receiving such a report, the Court shall order the discharge of the patient from hospital within three days of receiving the report.

(5) The provisions of this section shall apply in the case of a substance abuser in breach of the provisions of the National Drug Law Enforcement Agency Act.

Compulsory
Order

1 **17.** Where the patient has not made satisfactory progress with
2 treatment pursuant to Subsection (3) of Section 18 within six months of the
3 initial order, and a report in that respect from the medical practitioners referred
4 to in Section 18 is placed before the Court, the court shall, in the interest of
5 public safety issue a compulsory order for the detention and treatment of the
6 patient for another period of six months and for multiple periods of six months
7 thereafter, provided that-

8 (a) the patient shall be advised on his right to appeal to the Mental
9 Health Review Tribunal; and

10 (b) a medical report on the desirability of subsequent detention and
11 treatment of the patient in the interest of public safety is made on each
12 occasion.

Compulsory Order
with restriction

13 **18.-(1)** Where the Court receives a report from the medical
14 practitioners referred to in Section to the effect that the mental disorder from
15 which the patient is suffering is of such severity as to warrant maximum
16 restriction of the patient, the Court shall issue a compulsory order with
17 restriction provided that the patient shall be advised on his right to appeal to the
18 Mental Health Review Tribunal of his case.

19 (2) A compulsory order with restriction shall not be issued by a Court
20 unless the Court in its wisdom and having regard to all the circumstances
21 including the nature, character and antecedents of the offender and to the other
22 available options (including terms of imprisonment) of dealing with him that
23 the most suitable method of disposing of the case taking into cognisance the
24 issue of public safety is by means of an order under this Section.

The Child
offender

25 **19.-(1)** If in the case of a child or young person brought before a
26 juvenile or other Court-

27 (a) the Court is satisfied that the young person is in need of care or
28 protection that his parent or guardian is unable to control him, as the case may;
29 and

30 (b) the conditions which under Section 18 of this Bill are required to

1 be satisfied for the making of a hospital order in respect of a person
2 convicted as herein mentioned are so far as applicable, satisfied in the case
3 of the child or young person; the court shall have the like power to make a
4 hospital order or guardianship as if the child or young person had been
5 convicted by the Court of an offence punishable on summary conviction
6 with imprisonment and provisions of the said Section 18 shall with the
7 necessary modifications and substitutions apply accordingly.

8 **20.-(1)** If in the case of a person serving a sentence of
9 imprisonment, the Minister or the Governor, as the case may be is satisfied
10 by the report of a medical practitioner who has special experience in the
11 diagnosis and treatment of mental and behavioural disorders-

Removal to
Hospital of persons'
service sentence
of imprisonment

12 (a) that the said person is suffering from a mental and behavioural
13 disorder, severe mental impairment or dis-social disorder; and

14 (b) that the mental disorder is of a nature or degree which warrants
15 the detention of the patient in a hospital for medical treatment, the Minister
16 or Governor may, if he is of opinion having regard to the public interest and
17 all the circumstances that it is expedient to do so, direct by warrant, that the
18 person be so removed and detained in such hospital as may be specified in
19 the directive

20 (2) The transfer directive in the context of Subsection (1) of this
21 Section shall have the like force as a hospital order made in accordance with
22 the provisions of Section 18 of this Bill.

23 (3) The foregoing provisions of this Section shall apply for the
24 purpose of the transfer of any person in custody pending trial as they apply
25 for the purpose of any person serving a sentence of imprisonment.

26 (4) For the purposes of this Section-

27 (a) the Minister shall exercise the power to give a transfer directive
28 in the case of a person convicted of an offence committed under any
29 enactment made by the Government of the Federation; and

30 (b) the Governor shall exercise the power to issue a directive in

	1	respect of a person convicted for an offence committed under an enactment
	2	made by the Government of a State.
Mental health review Tribunal	3	21. -(1) The Minister may, for the purpose of dealing with applications
	4	and reference by and in respect of patient under this Bill constitute for each
	5	State or group of States, such number of Mental Health Review Tribunals, as he
	6	may with the approval of the President determine.
	7	(2) Each Mental Health Review Tribunal shall consist of such
	8	members as the Minister may by order published in the Gazette decide, which
	9	order shall similarly specify the regulation of the proceedings of the Tribunal.
	10	(3) The Mental Health Review Tribunal shall function in protecting
	11	the interests of patients who are subject to the provisions of this Bill. In doing
	12	so, it shall review treatments that require a second opinion, visit detained
	13	patients and investigate complaints, keep under review the exercise of
	14	statutory powers relating to detained patients, and carry out any other function
	15	as may be directed by the Minister.
	16	PART IV - PROPERTY AND AFFAIRS OF PATIENTS
Application of this Part	17	22. -(1) The provisions of this part shall apply in respect of a person,
	18	who in the considered opinion of a High Court Judge based on competent
	19	medical evidence is incapable by reason of mental disorder of managing and
	20	administering his property and affairs; and a person whom the Judge is
	21	satisfied to refer to as a patient for purpose of this Part of this Bill.
General function of the Judge with respect to property	22	23. -(1) The judge may, with respect to the property and affairs of a
	23	patient, do or secure the doing of all such things as to him appear necessary or
	24	expedient-
	25	(a) for the maintenance or other benefit of the patient;
	26	(b) for the maintenance or other benefit of members of the patient's
	27	family;
	28	(c) for making provision for other persons or purposes for whom or
	29	which the patient might be expected to provide if he were not mentally
	30	disordered; or

1 (d) otherwise for administering the patient's affairs.

2 (2) (a) In the exercise of the powers conferred by this Section,
3 regard shall be had first of all to the requirements of the patient, and the rules
4 of law which restrict the enforcement by a creditor of rights against property
5 under the control of the Judge;

6 (b) Subject to the provisions of paragraph (a) in this subsection, the
7 Judge shall, in administering a patient's affairs, have regard to the interests
8 of creditors and also the desirability of making provisions for obligations of
9 the patient notwithstanding that they may not be legally enforceable.

10 (3) Without prejudice to the provisions of Subsection (2) of this
11 Section, the Judge shall have power to make such orders and give such
12 directions and authorities as he thinks fit for the purposes of that section and
13 in particular may make orders or give directives or authorities tor-

14 (a) the control (with or without the transfer or vesting of property or
15 the payment into court of money or securities) and management of any
16 property of the patients;

17 (b) the settlement of any property of the patient or the gift of any
18 property of the patient to any person;

19 (c) the carrying on by any suitable person of any profession, trade
20 or business of the patient;

21 (d) the sale, exchange, charging or other disposition of any
22 property of the patient;

23 (e) the acquisition of any property in the name of the patient;

24 (f) the dissolution of any property of which the patient is a member;

25 (g) the carrying out of any property of which the patient is a
26 member;

27 (h) the conduct of any legal proceedings in the name of the patient
28 or on his behalf;

29 (i) the reimbursement out of the property of the patient, with or

	1	without interest, of money applied by any person for or for the benefit of the
	2	patient; or
	3	(j) the exercise of any power vested in the patient (including a power
	4	of consent) whether beneficially or as a guardian, trustee or otherwise however.
Judge's power in case of emergency	5	24. Where it is represented to the Judge and he has reason to believe
	6	that a person may be incapable by reason of mental disorder of managing or
	7	administering his property and affairs, and the Judge is of opinion that it is
	8	necessary to make immediately provision for any of the matters referred to in
	9	Section 25 of the Bill, the Judge may exercise any of the powers conferred on
	10	him by the said Section 25, so far as is requisite for enabling that provision to be
	11	made, pending the question whether the said person is incapable as afore said.
	12	PART V - TREATMENT
Consent to Treatment	13	25.-(1) This part of this Bill applies to any patient referred to in any
	14	Section of this Bill.
	15	(2) The following forms of medical treatment for mental disorder and
	16	behavioural disorders shall require consent-
	17	(a) any surgical operation for destroying brain tissue or for destroying
	18	the function of the brain tissue; and
	19	(b) such other forms of treatment requiring explanation of known
	20	risks to the patient to enable the patient to decide whether or not to accept such
	21	form of treatment.
	22	(3) A patient shall not be given any form of treatment unless-
	23	(a) the responsible medical officer or a registered medical practitioner
	24	has certified in writing that the patient is capable of understanding the nature,
	25	purpose and likely effects of the treatment and has consented to it; or
	26	(b) the medical officer referred to in paragraph (a) of this subsection
	27	certifies in writing that the patient has not consented to the treatment for reason
	28	of incapacitation or other, but that having regard to the likelihood of its
	29	alleviating or preventing a deterioration of his condition, the treatment should
	30	be given.

1 (4) A patient may, at any time before the completion of treatment
 2 for which he had previously given consent, withdraw such consent in
 3 writing if he so desires.

4 (5) Subsections (2) (a) and (b) of this Section shall not apply to any
 5 treatment-

6 (a) which is immediately to save the patient's life;

7 (b) which (not being irreversible) is immediately necessary to
 8 prevent a deterioration of his condition; or

9 (c) which (not being irreversible or hazardous) is immediately
 10 necessary to alleviate serious suffering by the patient; or

11 (d) which (not being irreversible or hazardous) is immediately
 12 necessary and represents the minimum interference necessary to prevent the
 13 patient from violence or being a danger to himself or to others ..

14 (6) In all circumstances the responsible medical officer shall take
 15 into account the condition of the patient, the need to obtain consent from the
 16 nearest relative, periods of lucid intervals and his/her personal moral
 17 decision to obtain consent.

18 PART VI - OFFENCES UNDER THIS BILL

19 **26.**-(1) Any person who with intent to deceive, forges or wilfully
 20 makes false entry or statement in any of the following documents-

Forgery or False
Entry of Statements

21 (a) an application for admission under this Bill;

22 (b) any medical report or recommendation under this Bill;

23 (c) any other document required or authorised to be made for any of
 24 the purposes of this Bill.

25 (2) Any person guilty of an offence under this Section of this Bill
 26 shall be prosecuted and if found liable shall be convicted to imprisonment
 27 for a term not exceeding 2 years or to a fine of N100,000 or to both.

28 **27.**-(1) It shall be an offence under this Section for a man or a with
 29 woman who is Sexual an officer or staff or is otherwise employed in or is one
 30 of the managers of a relationship Psychiatric hospital to have sexual

Sexual relationship
with patient

1 relationship (intercourse) with a woman or Patient a man as the case may be
2 who is-

3 (a) for the time being receiving treatment for mental disorder in that
4 hospital; or

5 (b) subject to his/her guardianship or otherwise in his/her custody or
6 care under this Bill in Psychiatric Hospital or other similar approved institution
7 for the treatment of mentally, disorder persons.

8 (c) for the time being receiving treatment as an out-patient.

9 (2) Any person guilty of an offence under this Section shall be liable to
10 prosecution, and on conviction, to imprisonment for a term not exceeding 1
11 year or to a fine of N100,000, or both of them. This shall not be prejudicial to
12 any other sanctions such a person may be liable to from bodies to which he may
13 belong as a member.

14 (3) No proceedings shall be instituted for an offence under this
15 Section, except by or with the consent of the Attorney-General of the State
16 concerned.

Assisting patient
to unlawful leave
absence

17 **28.-(1)** Any person who induces or knowingly assists any other
18 person-

19 (a) being liable to be detained in a hospital to absent himself without
20 leave; or

21 (b) being in legal custody by virtue of this Act to escape from such
22 custody, shall be guilty of an offence.

23 (2) Any person who knowingly harbours a patient who is absent
24 without leave of absent or is otherwise at large and liable to be retaken into
25 custody; or gives him assistance with intent to prevent, hinder or interfere with
26 his being taken into custody or returned to the hospital or other place or where
27 he ought to be detained shall be guilty of an offence.

28 (3) Any person guilty of an offence under this Section shall be liable
29 on conviction to 3 months imprisonment or to a fine of N100,000, or both of
30 them.

1 PART VII - IMMUNITY SAVINGS AND TRANSITIONAL PROVISIONS

2 29.-(1) No person shall be liable on any ground to civil or criminal
3 proceedings to which he would have been liable apart from this Section in
4 respect of any act done pursuant to this Bill or any regulations or rules made
5 under or in respect of anything done in discharge of any functions conferred
6 by this Bill, unless such act was done in bad faith or without reasonable care.

Immunity from
Legal Proceedings

7 (2) No civil or criminal proceedings shall be brought without leave
8 of the Attorney-General of the State concerned who shall not give such leave
9 unless he is satisfied that there is substantial ground for the contention that
10 the person to be prosecuted has acted in bad faith or without reasonable care.

11 30.-(1) The Minister may, with the approval of the President,
12 Commander-in-Chief of the Armed Forces, make regulations, for
13 prescribing anything which under this Bill ought to be prescribed and such
14 regulation or regulations shall be published in the Federal Government
15 Gazette.

Minister's power
to make regulations

16 (2) Without prejudice to the generality of the provisions of
17 Subsection (1) of this Section the regulations made under that Subsection
18 may-

19 (a) specify the hospitals and other institutions with facilities for the
20 time being for the reception, and treatment of patients requiring treatment
21 and care for mental disorder;

22 (b) specify access to the public into Psychiatric Hospitals and
23 similar other institutions, and their conduct while in such premises; and

24 (c) such other things as may appear to be lacking in this Bill but
25 necessary to achieve the aims and goals of the Bill.

26 31. In the Bill, unless the context otherwise requires-

Application

27 (a) "Mental Disorder" means any disability or disorder of mind or
28 brain, whether permanent or temporary, which results in an impairment or
29 disturbance of mental functioning. Social deviance or conflict alone without
30 disturbance of mental functioning is not mental disorder;

Interpretation

1 (b) "mental impairment" means a state of arrested or incomplete
2 development of mind which includes significant impairment of intelligence
3 and social functioning and is associated with abnormally aggressive or
4 seriously irresponsible conduct on the part of the person concerned.

5 **32.** In this Bill, unless the context otherwise requires-

6 (a) "Court order" means an order made out by Court committing a
7 criminal offender before the Court to compulsory admission with or without
8 restriction to a psychiatric facility for observation, assessment and advice on
9 his mental state;

10 (b) "hospital order" means an order signed by two doctors, one of
11 whom shall be a psychiatric doctor committing a patient for detention in a
12 psychiatric facility for observation and treatment;

13 (c) "leave of absence" means a period of trial away from hospital
14 granted by the responsible medical officer so as to enable the patient's family to
15 take him home to observe him and report on his progress with treatment;

16 (d) "medical director" means the chief executive medical practitioner
17 in charge of a psychiatric hospital to which this Bill applies;

18 (e) "medical practitioner" means a medical graduate registered within
19 the meaning of Medical and Dental Practitioners Act, 1988;

20 (f) "responsible medical officer" means a medical practitioner in
21 charge of a patient's case;

22 (g) "mental health professional/welfare" includes a qualified
23 psychiatrist; a medical officer working in a psychiatric hospital or unit, a
24 clinical psychologist, a psychiatric social worker, a psychiatric nurse;

25 (h) "Minister" means the Minister charged with the responsibility for
26 matters relating to Mental Health.

27 (i) "nearest relative" in relation to a patient, includes a husband or
28 wife, son or daughter; father 'or mother, brother or sister, grandparent or
29 grandchild, uncle or aunt, nephew/niece or Cousin;

30 (j) "patient" means a person suffering or appearing to be suffering

1 from mental disorder;
2 (k) "place of safety" in relation to the patient includes police station
3 or post, a hospital, any place of reverence - Church, Mosque, Palace.

4 33. This Bill may be cited as Mental Health Bill, 2021. Citation

5 SCHEDULE

6 FORM A

7 CERTIFICATE OF ADMISSION

8 Section 5

9 I certify that it is expedient for the welfare and safety of
10that he should be forthwith placed under
11 observation and treatment for a period not exceeding..... days.

12 My reasons for this conclusion are as follows-

13
14
15
16
17
18

19
20

21 Signed: Medical Officer

1 FORM B

2 INFORMATION [Relative, good neighbour]

3 A. B ofinforms the undersigned

4 Medical Officer that he has good cause to suspect and believe, and does suspect

5 and believe that CD of..... is in need of

6 mental healthcare.

7

8 *Social Welfare Officer/Nurse*

9 *Signature of Informant*

10 Taken and sworn at..... this.....day

11 of....., 20.....

12 Before me:

13

14 *Medical Officer*

1	FORM C
2	MEDICAL CERTIFICATE
3	<i>Section 9</i>
4	I, Dr a duly qualified medical practitioner hereby certify that I, on the day of
5	at inLGA of State personally examined
6	Mr/Mrs/Miss and I hereby certify that the said.....is
7	mentally ill and a proper subject or admission, and I have formed this
8	opinion upon the following grounds, namely:
9	(1) Facts indicating mental disorder observed by myself as hereunder stated
10	(2) Other facts (if any) indicating mental disorder communicated by as
11	hereunder stated:
12	(3) I have made inquiries of all persons known to me who seem likely to be
13	able to give information as to any facts of the previous history of the said
14likely to be of service with reference to his medical
15	treatment. The following statement contains all such facts known to me:
16	Name of Patient in full:
17	Sex and Age:
18	Marital Status:
19	Condition of life and previous occupation if any:
20	Religion:
21	Previous Place of Abode Whether first attack:
22	Age on first attack (if known):
23	When and where previously under care and treatment:
24	Duration of existing attack:
25	Supposed cause:
26	Whether subject to epilepsy:
27	Whether suicidal:
28	Whether dangerous to others:
29	Name in full and place of abode of nearest known relative of patient and
30	degree of Relationship:
	Any other facts:
	Dated this day of..... .
	Signed:
	Medical Practitioner
	(Place of abode)

1 FORM D

2 *Section 16*

3 CERTIFICATE OF RECOVERY AND DISCHARGE

4 (a) When granted by Medical Officer

5 I hereby certify that at present confined in this hospital has been under my care
6 and observation for months, and that I have examined him and have inquired
7 into all necessary facts relating to his case, and I believe that he has made such
8 progress as to be a proper person to be discharged therefrom.

9 Signature of Medical Officer

10 (b) When granted by two Medical Practitioners

11 We hereby certify that we have this day personally examined.....
12 at present confined at.....hospital, and after due inquiring
13 into all necessary facts relating to his case, we believe that he has now made
14 such progress as to be a proper person to be discharged therefrom.

15 Medical Officer I

16 Medical Officer II

EXPLANATORY MEMORANDA

This Bill seeks to make elaborate provisions for the management of Mental Health in Nigeria. The Bill makes sundry provisions for the formal admission for observation and/or treatment, it makes provisions for the protection of the interest of the mentally ill from the normal population, in various personal, civil and criminal matters as well as the protection of the general public interest from any antisocial behaviour associated with the mental disorder, especially in matters relating to criminality and recidivism.

A BILL

FOR

AN ACT TO AMEND THE NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY ACT CAP 379 LFN 2004 TO MANDATE THE AGENCY TO CREATE A FRAMEWORK TO MONITOR THE CYBERSECURITY OF THE MINISTRIES, DEPARTMENTS, AGENCIES, AND ORGANIZE A CONTINUOUS RELEVANT CYBERSECURITY TRAINING; AND FOR RELATED MATTERS

Sponsored by Hon. Ganiyu Abiodun Johnson

[] Commencement

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

- | | | |
|----|---|--------------------------------------|
| 1 | 1. The National Information Technology Development Agency | Amendment of
Cap 379, LFN
2004 |
| 2 | Act Cap 379 LFN 2004 (in this Bill referred to as "the Principal Act") is | |
| 3 | amended as set out in this Bill. | |
| 4 | 2. Section 6 of the Principal Act is amended by insertion of a new | Amendment of
Section 6 |
| 5 | Paragraph (n), (o) and (p) to the Section as follows, and renumbered | |
| 6 | accordingly: | |
| 7 | (n) Review the Cybersecurity Level of all the Ministries, | |
| 8 | Department, Agencies to identify risks and promote best practices; | |
| 9 | (o) Provide an Annual Report as to the state of Cybersecurity in | |
| 10 | Nigeria and particularly with regard to the Cyber infrastructure, | |
| 11 | Cybersecurity Awareness and Education, and Cyber Incident Response | |
| 12 | Plan. Such report shall not be subject to Public Inspection or Disclosure | |
| 13 | under the Freedom of Information Act and shall be made available to the | |
| 14 | President of Federal Republic of Nigeria, National Assembly, Office of | |
| 15 | National Security Adviser, Ministry of Defence; | |
| 16 | (p) Establish and oversee Cybersecurity Training for all Ministries, | |
| 17 | Departments, and Agencies and monitor their Compliance; and: | |

1 (i) Create a Framework for coordination, monitoring and evaluation
2 of the Performance Level of the Ministries, Departments, Agencies in term of
3 Cybersecurity and Cybersecurity Training;

4 (ii) Provide the Ministry, Department, Agencies with the necessary
5 Cybersecurity Training materials;

6 (iii) Establish the order in which the coursework is to be completed
7 and the training schedule. Such Cybersecurity Training shall be required on at
8 least a semi-annual basis;

9 (iv) All Ministries, Departments, Agencies shall ensure that their
10 employees complete Cybersecurity Training pursuant to the Framework
11 created by the Agency and submit their Report of compliance to the Agency;

12 (v) Any employee who fails to complete the Cybersecurity Training
13 pursuant to the Framework created by the Agency may be subject to formal
14 disciplinary action, up to and including termination; and

15 (vi) An employee or his or her supervisor may submit to the Agency
16 for approval a written request for an extension of time not to exceed 60 days to
17 complete the Cybersecurity Training.

Citation

18 **3.** This Bill may be cited as the National Information Technology
19 Development Agency Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Information Technology Development Agency Act Cap 379 LFN 2004 to mandate the Agency to Create a Framework to monitor the Cyber Security of the Ministries, Departments and Agencies of Government and be organizing relevant Training for them in line with the growing cyber incidents.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL ENTREPRENEURIAL DEVELOPMENT
INSTITUTE AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Chinedu Ogah

[] Commencement

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

PART I

1.-(1) There shall be established an institute to be known as the
National Entrepreneurial Development Institute (hereinafter in this Bill
referred to as the 'Institute') which shall be a body corporate with perpetual
succession and a common seal.

Establishment
of the National
Entrepreneurial
Development
Institute

(2) The function of the Institute shall be as follows:

(a) to serve as a focal point for business development process,
infrastructure and human resources for commercialisation of new
technologies and launch of business start-ups;

(b) to design, nurture, and grow new and small businesses,
products, innovations and entrepreneurs by supporting them through the
early stages of development;

(c) to facilitate government entrepreneurial support programmes to
academic institutions, research centres and private sectors, either
individually or in partnerships with the intention of creating and nurturing
business start-ups;

(d) to offer educational programmes, training, events and support
towards accessing funding to help students, faculty, researchers, and staff to
launch successful business start-ups;

(e) to provide a platform where entrepreneurs from across the
country can connect, collaborate and explore on how to turn ideas into

Establishment
and Membership
of the Council

1 business start-ups;

2 (f) perform such other functions as in the opinion of the Council may
3 serve to promote the objective of the Institute, including without prejudice to
4 the generality of the foregoing, the making of such regulations as may be
5 necessary for facilitating the functions of the Institute; and

6 (g) to establish and coordinate technology incubation centres across
7 the country.

8 **2.-(1)** There shall be established a body to be known as the Council of
9 the National Entrepreneurial Development Institute (hereinafter referred to as
10 'the Council').

11 (2) the Council shall consist of the following members:

12 (i) Chairman, who shall be appointed by the President subject to
13 confirmation of the Senate;

14 (ii) Director General of the Institute;

15 (iii) a representative of the Federal Ministry of Science and
16 Technology;

17 (iv) a representative the Federal Ministry of Finance;

18 (v) a representative of the Federal Ministry of Labour and
19 Productivity;

20 (vi) two representatives each from the six geo-political zones
21 appointed by the President and subject to confirmation of the Senate;

22 (3) the provisions set out in the Schedule to this Bill shall apply in
23 relation to the constitution of the Council and as to other matters therein
24 specified.

25 (4) the Chairman and non ex-officio members shall be appointed by
26 the President subject to confirmation by the Senate

27 (5) subject to the provisions of this Bill, members of Council other
28 than the ex officio members shall hold office:

29 (i) for a term of five years and no more; and

30 (ii) on such term as to remuneration, salaries and allowances as may

1 be determined by the Revenue Mobilisation, Allocation and Fiscal
2 Commission

3 **3.** Subject to the provisions of this Bill, the Council shall be the
4 governing body of the Institute and shall be responsible for the general
5 management of the affairs of the Institute and in particular, the control of the
6 property and finances of the Institute; and shall also have power to do
7 anything which in its opinion would facilitate the carrying out of the
8 functions of the Institute under this Bill.

General functions
of the Council

9 **4.-(1)** if it appears to the Council that a member of the Council who
10 is a member by virtue of subsection 2 (2) (ii) (iii) should be removed from
11 office on grounds of misconduct or inability to perform the functions of his
12 office, the Council shall, after consultation with the interest represented by
13 such member, make recommendation to that effect to the Minister; and if the
14 Minister approves the recommendation, he shall remove the member from
15 the membership of the Council.

Removal of
members of the
Council from
office

16 (2) if it appears to the Council that the Director General or any
17 other member of the academic or senior administrative staff of the Institute
18 should be removed from office or employment on grounds of misconduct or
19 inability to perform the functions of the office, the Council shall make a
20 recommendation to that effect to the Minister in line with the Institute's
21 approved condition of service and if the Minister approves the
22 recommendation, the Council shall remove the person concerned from his
23 office or employment.

24 (3) nothing in subsection (2) of this section shall be construed as
25 precluding the Council from exercising disciplinary control (other than the
26 power of removal from office or employment) in relation to the person to
27 whom that section applies; and in the operation of subsection (2) of this
28 section, the Council shall have power at any time to suspend the person
29 concerned from his office or employment.

30 (4) other categories of staff shall for the purpose of discipline be

	1	subject to the authority of the Director General, howsoever that no member of
	2	such staff (except members who are daily paid) shall be removed from office
	3	contrary to the provisions of the Institute's approved condition of service
	4	without the approval of the Council; and shall in exercise of his authority under
	5	this section, the Director General shall have power to appoint, in any case
	6	where he considers it appropriate so to do, a disciplinary panel of such number
	7	of members of staff of the Institute as may in his discretion determine for the
	8	purpose of advising him on any particular matter relating to discipline
Power of the Institute to enter into contracts, to hold property and to invest	9	5.-{1) the Institute may enter into such contracts as may be necessary
	10	or expedient for carrying into effect the provisions of this Bill.
	11	(2) the Institute may acquire and hold movable or immovable
	12	property as may be necessary or expedient for carrying into effect the
	13	provisions of this Bill, and for the same purpose may sell, lease, mortgage or
	14	otherwise alienate or dispose of any property so acquired.
	15	(3) subject to section 11 of this Bill, the Institute may invest its funds
	16	in such manner and to such extent as it may think necessary or expedient.
	17	PART II - SUPPLEMENTARY PROVISIONS
Director General and other Principal Staff of the Institute	18	6.-{1) there shall be appointed for the Institute, a Director General
	19	who shall possess appropriate qualifications and cognate experience;
	20	(2) the Director General of the Institute who shall be the chief
	21	academic and administrative officer, shall be appointed by the President on the
	22	recommendation of the Minister in charge of Science and Technology, and he
	23	shall have responsibility for matters relating to the day-to-day management
	24	and operations of the Institute; power to exercise general authority over the
	25	staff, and shall be responsible for the discipline of the Institute.
	26	(3) the Director General shall hold office for a term of five years
	27	subject to renewal for another term and no more.
	28	(4) the Heads of Departments and any other academic and senior
	29	administrative staff shall be appointed by the Council on the recommendation
	30	of a Committee appointed under paragraph (3) of the schedule to this Bill, and

1 such committee shall be known as the Appointment Committee which shall
2 be charged by the Council with the responsibility for the making of
3 recommendations for the appointment of academic and senior
4 administrative staff.

5 (5) the power to appoint other category of staff shall be exercised
6 by the Director General with the assistance of such committee as may be
7 constituted by him for such purpose

8 7.-(1) Subject to the provisions of any bye-law made under the
9 provisions of section 12 of this Bill, the Director General shall have power to
10 exclude or suspend for such period as he may in his discretion determine any
11 student from attending the Institute for any course which the Director
12 General considers adequate to warrant such action; and any such exclusion
13 or suspension shall be reported to the Council so soon thereafter as may be
14 convenient.

Discipline of
students

15 (2) A student may, with the approval of the Council, be expelled by
16 the Director General for misconduct.

17 PART III - FINANCIAL PROVISIONS

18 8.-(1) So soon after the end of December in any year after the
19 commencement of this Bill, the Council shall cause to be prepared a
20 statement of its income and expenditure during the previous financial year
21 together with a statement of the assets and the liabilities of the Institute as at
22 the last day of that financial year.

Annual budget
and estimates, etc.

23 (2) The statements referred to in subsection (1) of this section shall,
24 when certified by the Director General, be audited by an independent firm of
25 auditors appointed by the Council shall be published within six months
26 thereafter in the Federal Gazette or a national newspaper.

27 (3) The Council shall cause to be prepared not later than first of
28 September in any year estimates of revenue and expenditure for the ensuing
29 financial year and when prepared they shall be submitted to the Council for
30 approval.

Revenue of the Institute	1	9. The revenue of the institute shall include but not limited:
	2	(a) Fees charged by and payable to the Institutes in respect of its
	3	training activities;
	4	(b) Any other fund, amount, charges or dues recoverable by the
	5	institute;
	6	(c) Revenue, from time to time, accruing to the institute by way of
	7	consultancy services, subvention, grants-in-aid, endowment or otherwise;
	8	(d) Interests/profits on investments;
	9	(e) Donations and legacies accruing to the institute from any source
	10	for the general or special purpose of the institute; and
	11	(f) Annual Budgetary allocation.
Donations for particular purposes	12	10.-(1) Donations of money to be applied for any particular purpose
	13	shall be placed to the credit of a special reserve account and may be invested in
	14	such securities or other investments as may be approved by the Minister until
	15	such time as they may be expended in fulfilment of such purposes:
	16	Provided that the Institute shall not be obliged to accept a donation for a
	17	particular purpose unless it approves of the terms and conditions attaching to
	18	such donation.
	19	(2) The interest derived from the investments referred to in subsection
	20	(1) of this section, unless the terms of the donation otherwise require, shall be
	21	deemed to be revenue of the Institute.
Payment into bank	22	11. All sums of money received on account of the Institute shall be
	23	paid into such bank as may be approved by the Council for the credit of the
	24	Institutes general, current or deposit account: Provided that the Council may
	25	invest, as it deems fit, any money not required for immediate use other than
	26	donations of money referred to in subsection (1) of section of 10 of this Bill
	27	PART IV - MISCELLANEOUS
Power to make bye-laws	28	12. -(1) The Council may, within the scope of its authority under this
	29	Bill, make bye-laws relating to any internal and domestic matters placed by
	30	this Bill under its control and superintendence other than matters for which

1 provision is to be made by standing orders under paragraph 7 of the schedule
2 or in pursuance of paragraph 8 of the said schedule.

3 (2) All such bye-laws shall be in writing and shall come into force
4 when sealed with the seal of the institute, unless some other date for
5 commencement are therein prescribed.

6 (3) Nothing in subsection (2) of this section shall make it obligatory for the
7 Council to publish any of the said bye-laws in the Federal Gazette.

8 **13.** Subject to the provisions of this Bill and any standing orders or
9 bye-laws made thereunder the quorum and procedure of any body of persons
10 established by this Bill shall be such as may be determined by that body.

Quorum and
procedure of bodies
established by
this Bill

11 **14.** In this Bill, unless the context otherwise requires-
12 "bye-laws" means bye-laws made under section 15 of this Bill;
13 "Council" means the governing body of the Institute established under
14 Section 2 of this Bill;
15 "Government" means the Federal Government of Nigeria;
16 "Institute" means the National Entrepreneurial Development Institute
17 established under Section 1 of this Bill;
18 "Minister" means the Minister charged with the responsibility for matters
19 relating to Science and Technology;
20 "Property" includes rights, liabilities and obligations;
21 "Senate" means the Senate of the Federal Republic of Nigeria
22 "Staff" mean all persons employed by the Council to serve at the Institute.

Interpretation

23 **15.** This Bill may be cited as the National Entrepreneurial
24 Development Institute Bill, 2021.

Short title

1 SCHEDULE

2 [Section 2(3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

4 *Terms of office of members*

5 1.-(1) A member of the Council who is a member by virtue of section 2
6 (2) (i), (vi) or (vii) of this Bill shall hold office for a period of three years
7 beginning with the date on which he is appointed.

8 (2) A member of the Council holding office as specified in sub-
9 paragraph (1) of this paragraph may, by notice to the Council, resign his office.

10 (3) A person ceasing to hold office as a member of the Council
11 otherwise than by removal for misconduct, shall be eligible for reappointment.

12 2.-(1) Where a vacancy occurs in the membership of the Council, that
13 vacancy shall be filled by the appointment of the successor to hold office for the
14 remainder of the term of office of his predecessor, so however that the
15 successor shall represent the same interest as his predecessor.

16 (2) The Council may act, notwithstanding any vacancy in its
17 membership or the absence of any member.

18 *Committees*

19 3.-(1) The Council may appoint one or more committees to which it
20 may delegate any of its functions.

21 (2) No decision of a committee shall have effect unless confirmed by
22 the Council.

23 *Meetings of Council*

24 4.-(1) The Council shall meet for the conduct of business at such times
25 and places as the Chairman may appoint but shall not meet less than twice in a
26 year.

27 (2) The Chairman may at any time, and shall at the request in writing
28 of not less than four members of the Council, summon a meeting.

29 (3) Particulars of the business to be transacted at any meeting shall be

1 circulated by the Secretary to the Council to members with the notice of
2 meeting.

3 *Power to co-opt members*

4 5.-(1) Where the Council desires to obtain the advice of any person
5 on a particular matter, it may co-opt such person as a member for a meeting
6 whether or not expressly convened for the purpose of considering the
7 particular matter.

8 (2) Such member shall not be entitled to vote nor shall he count
9 towards a quorum.

10 *Questions how decided*

11 6.-(1) Every question put before the Council at a meeting shall be
12 decided by majority of the votes of the members present and voting.

13 (2) Six members shall form a quorum at any meeting of the
14 Council.

15 (3) The Chairman shall, at any meeting have a vote and, in the case
16 of any equality of votes, may exercise a casting vote.

17 *Standing orders*

18 7. Subjects as aforesaid, the Council shall make standing orders
19 with respect to the holding of meetings, the nature of notices to be given, the
20 proceedings thereat, the keeping of minutes of such proceedings and the
21 custody and production for inspection of such minutes.

22 *Absence of the chairman*

23 8. If the chairman is absent from a meeting of the Council, the
24 members present shall elect one of their number to act as chairman for the
25 purpose of that meeting.

26 *Contracts and instruments*

27 9.-(1) Any contract or instrument which if entered into or executed
28 by a person not being a body corporate would not be required to be under
29 seal may in like manner be entered into or be executed on behalf of the

1 Institute by any person generally or specifically authorised by it for that
2 purpose.

3 (2) Any member of the Council or of a committee thereof, who has a
4 personal interest in any contract or arrangement entered into or proposed to be
5 considered by the Council or a committee thereof, shall forthwith disclose his
6 interest to the Council and shall not vote on any question relating to such
7 contract or arrangement.

8 *Seal of the Institute*

9 10.-(1) The common seal of the Institute shall not be used or affixed to
10 any document except in pursuance of a resolution duly passed at a properly
11 constituted meeting of the Council and recorded in the minutes of such
12 meeting.

13 (2) The fixing of the seal of the Institute shall be authenticated by the
14 signature of the Chairman or some other member authorized generally or
15 specifically by the Council to act for that purpose.

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

EXPLANATORY MEMORANDUM

This Bill seeks among other things to create an enabling framework for the establishment, operation and administration of the National Entrepreneurial Development Institute.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR HYPERTENSION AND
DIABETICS RESEARCH AND TREATMENT, AND FOR RELATED MATTERS,
2021

Sponsored by Hon. Chinedu Ogah

[] Commencement

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

- 1 1.-(1) There is hereby established the National Institute for
- 2 Hypertension and Diabetics Research and Treatment (hereinafter in this Bill
- 3 referred to as the Institute"),
- 4 (2). The Institute:
- 5 (a) shall be a body corporate with perpetual succession and a
- 6 common seal; and
- 7 (b) may sue and be sued in its corporate name.
- 8 (3). The Institute shall:
- 9 (1) (a) provide national leadership in Hypertension and Diabetics
- 10 research, control and treatment;
- 11 (b) guide scientific improvements to hypertension and diabetes
- 12 prevention, treatment and care;
- 13 (c) coordinate and liaise between the wide range of groups and
- 14 health care providers with an interest in hypertension and diabetes treatment
- 15 and management;
- 16 (d) make recommendations to the Government about cancer policy
- 17 and priorities;
- 18 (e) oversee a dedicated budget for research into hypertension and
- 19 diabetes;
- 20 (f) assist with the implementation of Government policies and

Establishment
of the National
Institute for
Hypertension and
Diabetics Research
and Treatment

1 programmes in hypertension and diabetes control;
 2 (g) provide financial assistance, out of money appropriated by the
 3 National Assembly, for research and treatment and for the implementation of
 4 policies and programmes mentioned in paragraph (f) of this subsection

5 (2) The Institute may carry out such other activities as are necessary
 6 or expedient for the full performance of any of the functions of the Institute
 7 under this Bill.

Establishment
and Membership
of the Board

8 **2.-(1)** There is hereby established the National Institute for
 9 Hypertension and Diabetics Treatment Board (herein referred to in this Bill as
 10 lithe Board").

11 (2) The Board shall consist of:

- 12 (a) a chairman to be appointed by the President;
- 13 (b) a representative of the Ministry responsible for health matters;
- 14 (c) a representative each of-
- 15 (i) Pharmaceutical Council of Nigeria,
- 16 (ii) Medical and Dental Council of Nigeria, and
- 17 (iii) Nursing and Midwifery Council of Nigeria;
- 18 (d) eight persons with relevant qualifications and experience each to
 19 represent:

- 20 (i) Radiologists,
- 21 (ii) Medical Laboratory Scientists,
- 22 (iii) Physiotherapists,
- 23 (iv) Civil Society Organizations,
- 24 (v) National Complementary and Alternative Medical Association,
- 25 and
- 26 (vi) National Association of Nigeria Traditional medicine
 27 Practitioners; and

28 (e) the Director General of the Institute.

Tenure of office
of members

29 **3.-(1)** Subject to the provision of this section, a member of the Board
 30 shall hold office for a term of four years and may be eligible for re-appointment

1 for a further term of four years and no more.

2 (2) Notwithstanding the provisions of subsection (1) of this
3 section, the President may at any time remove a member from the Board. If
4 he is satisfied that it is not in the interest of the Institute or public that a
5 member continues in office.

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

8 (4) The office of a member of the Board is vacant if:

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

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

13 (c) he is guilty of misconduct in his office as a member and a
14 resolution of the Board approves the termination of his membership; or

15 (d) he dies, resigns or is removed from office.

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

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

23 (7) The provisions contained in the Schedule to this Bill shall have
24 effect with respect to the proceedings of the Board and other matters
25 contained in the Schedule.

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

Powers of the
Board

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

30 (b) encourage and provide for research at the Institute;

- 1 (c) accept gifts, legacies and donations which are consistent with the
2 objects of this Institute;
3 (d) enter into contract;
4 (e) acquire and bold movable and immovable property;
5 (f) with the approval of the Minister:
6 (i) and subject to the Land Use Act, sell, mortgage, transfer or
7 otherwise deal with movable or immovable property,
8 (ii) borrow, at interest on the security of land or movable property of
9 the Board, such money as the Board may require for the purpose of this Bill,
10 (iii) invest the funds of the Board as it deems fit; and
11 (g) do anything which, in its opinion, may advance the objects for
12 which the Institute was established.

Director of the
Institute

- 13 **5.-(1)** The President shall, on the recommendations of the Minister,
14 appoint a Director General of the Institute.
15 (2) A person shall not be qualified to be appointed as the Director
16 General unless the person is a medical consultant with at least 10 years research
17 experience and preferably a Professor with administrative experience.
18 (3) The Board shall not exercise any disciplinary control over the
19 Director General without the approval of the Minister.
20 (4) Subject to the provision of this Bill and the control of the Board
21 over the matters affecting finance of the Institute, the Director General shall be
22 the Chief Executive of the Institute and shall be charged with the general
23 responsibility for the management and administration of the affairs of the
24 Institute and, in particular:
25 (a) direct and regulate the programme of work at the Institute;
26 (b) promote research within and outside the Institute;
27 (c) keep safe custody of ail records of the Institute;
28 (d) demand and receive, from any person attending training or
29 courses at the Institute, foes as the Board may determine;
30 (e) prepare and present to the Board annual and other reports on the

1 progress of work at the Institute and on the expenditure or liabilities of the
2 Institute;

3 (f) be responsible for the day-to-day running and management of
4 the Institute;

5 (g) exercise such powers and discharge such duties as may be
6 determined by the President;

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

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

12 (j) be responsible for establishing preventive protocol according to
13 age and family history of every Nigerian with a view to carrying out a public
14 awareness campaigns for screening right from the primary health centre to
15 the secondary and tertiary hospitals with the ultimate referral centre for
16 related condition.

17 **6.-(1)** There shall be for the Institute an administrative secretary
18 who shall be appointed by the Board to discharge such duties as may be
19 assigned to him by the Board.

Appointment of
Secretary and
other Staff

20 (2) The Board may appoint such other staff for the Institute as it
21 may determine and pay to its staff such remunerations and allowances
22 payable to persons on equivalent grade in the Civil Service of the
23 Federation.

24 **7.-(1)** Service in the Institute shall be approved service for the
25 purposes of the Pension Reform Act.

Pensionable
service

26 (2) Officers and staff of the Institute are entitled to pensions,
27 gratuities and other retirement benefits as prescribed in the Pension Reform
28 Act, and nothing in this Bill shall prevent the appointment of a person to any
29 office on terms which preclude the grant of a pension or other retirement
30 benefit in respect of that office.

Financial provisions	<p>1 8.-(1) The Board shall establish and maintain a fund from which shall</p> <p>2 be defrayed, with the general or specified approval of the Minister in any case,</p> <p>3 all expenditure incurred by the Board.</p> <p>4 (2) There shall be paid and credited to the Fund established under</p> <p>5 subsection (1):</p> <p>6 (a) such sums as may be provided by the Federal Government or a</p> <p>7 State Government;</p> <p>8 (b) all money raised for the general purposes of the Institute;</p> <p>9 (c) all money accruing to the Board on behalf of the Institute by any</p> <p>10 means, including grants-in- aid, endowments and donations; and</p> <p>11 (d) all charges, dues and fees for services rendered by the Fund.</p> <p>12 (3) The Board shall establish Public Private Partnership (PPP)</p> <p>13 wherever possible for providing clinical services using PPP model to defray</p> <p>14 costs and maximise efficiency.</p>
Account and audit	<p>15 9.-(1) The Board shall keep proper accounts in respect of each year</p> <p>16 and proper records in relation to those accounts and shall cause to be prepared</p> <p>17 in each year-</p> <p>18 (a) a statement showing the income and expenditure of the Institute</p> <p>19 for immediately preceding year; and</p> <p>20 (b) a statement of the assets and liabilities of the Institute as at the last</p> <p>21 day of the immediately preceding year.</p> <p>22 (2) The Board shall cause every statement prepared under this section</p> <p>23 to be audited within six months after the end of the year to which the statement</p> <p>24 relates by auditors appointed from the list, and in accordance with the</p> <p>25 guidelines, supplied by the Auditor-General for the Federation.</p>
Annual estimates	<p>26 10.-(1) The Board shall:</p> <p>27 (a) cause to be prepared, not later than 1st June in each year, an</p> <p>28 estimate of the expenditure necessary to carry out the programme approved by</p> <p>29 the Board during the immediately preceding year; and</p> <p>30 (b) not later than 31st October in each year, submit to the Minister the</p>

1 estimate of expenditure and that of its income during the next succeeding
2 year.

3 **11.** The Board shall prepare and submit to the Minister, once every Annual report
4 year, a report, in such form as the Minister may direct, on the activities of the
5 Board during the immediately preceding year, and shall include in the report
6 a copy of the audited accounts of the Institute for that year and the auditor's
7 report.

8 **12.** The Minister may give directives of a general nature with Power to give
directives
9 regard to the carrying out the objects of the Institute under this Bill and the
10 Institute shall comply with such directive.

11 **13.** The Board may, with the approval of the Minister, make Regulations
12 regulations generally for bringing into effect the provisions of this Bill and
13 due administration of the Institute.

14 **14.** In this Bill: Interpretation
15 "Board" means the National Institute for Cancer Research and Treatment
16 Board established under section 2 (1) of this Bill;
17 "Director General" means the Director General of the Institute appointed
18 under section 5 (1) of this Bill;
19 "Institute" means the National Institute for Hypertension and Diabetics
20 Research and Treatment established under section 1 (1) of this Bill;
21 "Minister" means the Minister charged with the responsibility for matters
22 relating to health; "power" includes duties and functions.

23 **15.** This Bill may be cited as the National Institute for Citation
24 Hypertension and Diabetics Research and Treatment (Establishment) Bill,
25 2021.

1 SCHEDULE

2 *Section 3 (7)*

3 PROCEEDINGS OF THE BOARD, ETC

4 1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the
5 Board may make standing orders to regulate proceedings or that of any
6 committee.

7 (2) The Board shall meet, at least two times in every year, for the
8 performance of its functions under this Act and at such times and places as the
9 Chairman may appoint.

10 (3) The Chairman shall, if required to do so by notice in writing by at
11 least five other members, call a special meeting of the Board to be held within
12 28 days from the date on which the notice is given.

13 (4) Any notice given under subparagraph (2) shall state the matters to
14 be discussed at the special meeting and any matter not so stated shall not be
15 discussed at the meeting.

16 (5) At every meeting of the Board, the Chairman shall preside and, in
17 his absence, the members present shall appoint one of them to preside at that
18 meeting.

19 2.-(1) the quorum of the Board shall be four and the quorum of any
20 committee of the Board shall be determined the Board.

21 (2) the minutes of every meeting of the Board shall be regularly
22 entered in a book to be kept for the purpose and after approval by members, be
23 signed by the Chairman at the next meeting.

24 3. The Board may act notwithstanding:

25 (a) any vacancy in its membership; or

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

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

28 4.-(1) The seal of the Board shall not be used or affixed to any
29 document except in pursuance of a resolution duly passed at a properly
30 constituted meeting of the Board.

1 (2) The fixing of the seal of the Board shall be authenticated by the
2 signature of the Chairman, the Director or any other member authorized
3 generally or specifically to act for that purpose by the Board.

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

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

11 5. Members of the Board who are not public officers shall be paid,
12 out of the money at the disposal of the card, such traveling and other
13 allowances in accordance with such scales as may be approved by the
14 Minister,

15 6. Any member of the Board or a committee who has a personal
16 interest in any contract or arrangement entered to or proposed to be
17 considered by the Board or committee shall disclose his interest to the Board
18 or Committee and shall not vote on any question relating to such contract or
19 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide an enabling framework for the establishment,
administration and management of the Institute for Hypertension and
Diabetics Treatment of Patients in Nigeria.

NATIONAL APPRENTICESHIP TRAINING INSTITUTE
(ESTABLISHMENT, ETC.) BILL, 2021
ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE NATIONAL APPRENTICESHIP
TRAINING INSTITUTE

1. Establishment of National Apprenticeship Training Institute
2. Objectives of the Institute
3. Functions of the Institute
4. Governing Council of the Institute
5. Membership of the Council of the Institute
6. Tenure of office of members of the Council
7. Powers of the Council
8. Visitation
9. The Academic Board and its functions
10. Power of Minister to give direction to the Council
11. The Director General of the Institute
12. Structure of the Institute
13. Establishment of the Management Committee.
14. Other staff of the Institute
15. Pensions

PART II - FINANCIAL PROVISIONS

16. Establishment of fund of the Institute.
17. Power to accept gifts
18. Accounts and audit
19. Annual reports.

PART III - MISCELLANEOUS AND SUPPLEMENTARY

20. Offices and premises
21. Discipline of students
22. Interpretation
23. Citation

SCHEDULE

Supplementary provisions relating to the Council, etc.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL APPRENTICESHIP TRAINING INSTITUTE, TO CREATE AN APPRENTICESHIP SYSTEM, TO CO-ORDINATE ALL ASPECTS OF APPRENTICESHIP TRAINING, TO INCLUDE YOUTH APPRENTICESHIP AND PRE-APPRENTICESHIP, AND TO PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN APPRENTICESHIP; AND FOR RELATED MATTERS

Sponsored by Hon. Abiola Peter Makinde

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL APPRENTICESHIP

2 TRAINING INSTITUTE AND ITS GOVERNING COUNCIL

3 1.-(1) There is established National Apprenticeship Training
4 Institute (in this Bill referred to as "the Institute") which shall have such
5 powers and exercise such functions as are conferred on it by this Bill.

Establishment
of the National
Apprenticeship
Training Institute

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

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

11 (4) The Institute shall be located in Ondo West, Ondo State.

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

Objectives of
the Institute

13 (a) provide apprenticeship training opportunities, and facilities for
14 such training;

15 (b) establish a vocational education and training system which
16 includes both basic and specialized training to, meet the needs of both the
17 formal and the informal sectors;

- 1 (c) satisfy the demands of the labour market for employees with trade
 - 2 skills in order to improve production and productivity of the economy;
 - 3 (d) promote on-the-job training in industry for both apprenticeship
 - 4 training and for skill up-dating and upgrading;
 - 5 (e) promote and to provide short tailor-made course programmes and
 - 6 in-service training in order to improve the performance both of quality and
 - 7 productivity of the national economy;
 - 8 (f) carry out research pertaining to apprenticeship training in Nigeria;
 - 9 (g) provide courses of instruction and other facilities for the pursuit of
 - 10 learning related to apprenticeship, and to make those facilities available on
 - 11 proper terms to such persons as are equipped to benefit from them;
 - 12 (h) relate its activities to the social, cultural and economic needs of the
 - 13 people of Nigeria; and
 - 14 (i) undertake other activities appropriate for the highest standard of an
 - 15 Institute.
- 16 **3.-(1)** For the carrying out of its objects as specified in clause 2 of this
- 17 Bill, the Institute shall have power to:
- 18 (a) Formulate a national apprenticeship system, develop policies on
 - 19 apprenticeship and vocational training and supervise their implementation on a
 - 20 national level;
 - 21 (b) organise apprenticeship, in-plant training and training
 - 22 programmes for industrial workers, and to train the instructors and training
 - 23 officers required for that purpose;
 - 24 (c) provide for vocational guidance and career development;
 - 25 (d) develop training standards and trade testing;
 - 26 (e) initiate a continuing study of the country's manpower
 - 27 requirements at the skilled worker level; establish and maintain technical and
 - 28 cultural relations with international organisations and other foreign institutions
 - 29 engaged in activities connected with vocational training;
 - 30 (f) Promote and awareness activities to include:

Functions of the
Institute

1 (i) supporting the development or scaling of apprenticeship models
2 nationally, promoting the effectiveness of youth apprenticeship, pre-
3 apprenticeship, and apprenticeship programs,

4 (ii) providing promotional materials to State apprenticeship
5 agencies, State workforce development systems or local workforce
6 development systems, State educational agencies or local educational
7 agencies, employers, trade associations, professional associations, industry
8 groups, labor organizations, joint labor-management organizations,
9 education and training providers,

10 (iii) providing promotional materials and training programmes to
11 Federal and State correctional facilities, veterans-service organizations, and
12 prospective apprentices in such programs;

13 (g) Promoting greater diversity in the national apprenticeship
14 system to include;

15 (h) promoting outreach to nontraditional apprenticeship
16 populations, by engaging schools that participate in a Primary and
17 Secondary school-wide program,

18 (i) disseminating best practices to recruit nontraditional
19 apprenticeship populations including women, long-term unemployed,
20 persons with a disability, individuals recovering from substance abuse
21 disorders, veterans, military spouses, individuals experiencing
22 homelessness, individuals impacted by the criminal or juvenile justice
23 system, and foster and former foster youth, and engaging small, medium-
24 size, women-owned businesses, and employers in high-skill, high-wage,
25 and in-demand industry sectors and occupations that are nontraditional
26 apprenticeship industries or occupations;

27 (j) Providing technical assistance to:

28 (i) assist State apprenticeship agencies and sponsors in complying
29 with the requirements of this Bill, including developing the State plan for
30 manage all recognized State apprenticeship agencies,

1 (ii) receive and resolve comments or complaints from youth
2 apprentices, pre- apprentices, or apprentices, sponsors, employers, State
3 apprenticeship agencies, State local workforce agencies or local workforce
4 agencies, State educational agencies or local educational agencies, qualified
5 intermediaries, labor organizations, joint labor-management organizations, or
6 other stakeholders,

7 (iii) assist sponsors, employers, qualified intermediaries, and
8 education and training or related instruction providers, or other entities
9 interested in becoming sponsors, or seeking support for developing programs
10 under the national apprenticeship system or effectively carrying out such
11 programs, including providing assistance for remote or virtual learning or
12 training, as necessary,

13 (iv) assist those applying for or carrying out grants, contracts, or
14 cooperative agreements, including through facilitating the sharing of best
15 practices,

16 (v) share, through a national apprenticeship system clearinghouse,
17 high-quality materials for programs under the national apprenticeship system,
18 such as related instruction or training materials, in user-friendly formats and
19 languages that are easily accessible, and assist State apprenticeship agencies in
20 establishing or expanding apprenticeship hubs;

21 (vi) Cooperating with the Ministry of Education in:

22 (i) providing technical assistance for the development and
23 implementation of related instruction under the national apprenticeship system
24 that is aligned with Federal education systems and education and training
25 providers,

26 (ii) supporting the portability of academic credit and credentials
27 earned as part of such programs, including through articulation agreements and
28 career pathways,

29 (iii) State workforce development systems to promote awareness of
30 opportunities under the national apprenticeship system,

1 (k) Collaborate with the Attorney General of the Federation and the
 2 Comptroller General of the Nigerian Correctional Service to support the
 3 establishment or expansion of pre-apprenticeships and apprenticeship
 4 programs to all Federal and state correctional institutions;

5 (l) hold examinations and award certificates and other distinctions
 6 to persons who have pursued a course of study approved by the Institute and
 7 have satisfied such other requirements as the Institute may specify;

8 (m) establish on the recommendation of the Governing Council
 9 campuses, departments and other units of learning and research as the
 10 Institute may require;

11 (n) subject to clause 16 of this Bill, to acquire, hold, grant, charge or
 12 otherwise deal with or dispose of movable and immovable property
 13 wherever situate;

14 (o) accept gifts, grants and donations, but without obligation to
 15 accept the same for a particular purpose, unless it approves the terms and
 16 conditions;

17 (p) enter into contracts, establish trusts, act as trustee, solely or
 18 jointly with any other person, and employ and act through agents;

19 (q) erect, provide, equip and maintain libraries, laboratories,
 20 lecture halls, halls of residence, refectories, sports grounds, playing fields
 21 and other buildings or things necessary, suitable or convenient for any of the
 22 objects of the Institute;

23 (r) hold public lectures and undertake printing, publishing and
 24 book selling;

25 (s) borrow, whether on interest or not, and infeed be, upon the
 26 security of any or all of the property movable or immovable of the Institute,
 27 such moneys as the Council may, from time to time in its discretion, find
 28 necessary or expedient to borrow or to guarantee any loan, advance or credit
 29 facility;

30 (t) do anything which it is authorised or required by this Bill or by

	1	any other Statute to do; and
	2	(u) do all such acts or things, whether or not incidental to the
	3	foregoing powers, as may advance the objects of the Institute.
Governing Council of the Institute	4	4.-(1) The governance of the Institute and the direction of its affairs
	5	shall vest in the Governing Council of the Institute (in this Bill referred to as
	6	"the Council").
	7	(2) Without prejudice to the generality of sub clause (1) of this clause,
	8	it shall be the responsibility of the Council to consider and approve:
	9	(a) the plan of activities of the Institute;
	10	(b) the programme of studies, courses, and research to be undertaken
	11	by the Institute;
	12	(c) the annual estimates and expenditures of the Institute; and
	13	(d) the investment plans of the Institute.
Membership of the Council of the Institute	14	5.-(1) The Council of the Institute shall consist of a chairman and the
	15	following members, to be appointed by the President, on recommendation of
	16	the Minister:
	17	(a) a representative of the Federal Ministry responsible for labour;
	18	(c) six persons, each representing a geo-political zone in the country,
	19	who should have wide experience of service in the public or private sector;
	20	(d) two representatives of the Academic Board of the Institute;
	21	(e) one representative of the Nigerian Labour Congress;
	22	(f) one representative of the Trade Union Congress; and
	23	(g) the Director General of the Institute.
	24	(2) Persons to be appointed to the Council shall be persons of proven
	25	integrity, knowledgeable and familiar with the activities of the Institute.
Tenure of office of members of the Council	26	6.-(1) A member of the Council, other than an ex-officio member,
	27	shall hold office for a term of three years and subject to the provisions of sub
	28	clause (2) of this clause, shall be eligible for reappointment for a further term of
	29	three years:
	30	(a) A member of the Council shall cease to hold office if:

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

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

6 7.-(1) For the carrying out of the functions of the Institute, the Powers of the
7 Council shall have power to: Council

8 (a) provide amenities for and make such other provision for the
9 welfare of the staff of the Institute;

10 (b) make gifts for any charitable purpose;

11 (c) invest the funds of the Institute in securities specified by law or
12 in such other securities in Nigeria as may be approved by the Minister;

13 (d) borrow money within Nigeria in such manner and upon such
14 security as the Minister may from time to time authorise;

15 (e) enter into such contracts as may be necessary or expedient for
16 carrying into effect the objectives of the Institute;

17 (f) establish and maintain teaching units within the Institute or
18 departments as the Council may, from time to time, decide;

19 (g) institute and award fellowships, medals, prizes and other titles;

20 (h) mount exhibitions and displays designed to foster an
21 appreciation of trends in and the scope and requirements of education;

22 (i) erect, provide, equip and maintain such educational,
23 recreational and residential facilities as the Institute may require;

24 (j) create lectureships and other academic posts and offices and to
25 make appointments;

26 (k) encourage and make provision for research in the Institute; and

27 (l) do such acts and things whether or not incidental to the
28 foregoing powers as may advance the objects of the Institute.

29 8.-(1) The Minister shall be the Visitor of the Institute. Visitation

30 (2) The Visitor shall, at least once in every five years, conduct a

	1	visitation of the Institute or appoint a visitation panel consisting of not less than
	2	five experts to conduct the visitation:
	3	(a) for the purpose of evaluating the academic and administrative
	4	performance of the Institute; or
	5	(b) for such other purpose or in respect of any other affairs of the
	6	Institute as the Visitor may deem fit.
The Academic Board and its functions	7	9.-(1) There shall be established for the Institute a Board to be known
	8	as the Academic Board which shall consist of the following members:
	9	(a) the Director General of the Institute who shall be the chairman;
	10	(b) all heads of departments;
	11	(c) the Institute Librarian; and
	12	(d) not more than two members of the academic staff other than heads
	13	of departments to be appointed by the Council.
	14	(2) The Academic Board shall be responsible for:
	15	(a) the direction and management of academic matters of the Institute
	16	including the regulation of admission of students, the award of certificates,
	17	scholarships, prizes and other academic distinctions;
	18	(b) making periodic reports on such academic matters to the Council
	19	as the Council may from time to time direct; and
	20	(c) discharging any other functions which the Council may from time
	21	to time delegate to it.
Power of Minister to give directives to the Council	22	10. Subject to the provisions of this Bill, the Minister may give to the
	23	Council directions of a general character or relating generally to matters of
	24	policy with regard to the exercise by the Council of its functions under this Bill
	25	and it shall be the duty of the Council to comply with such directions.
The Director General of the Institute	26	11.-(1) (a) There shall be a Director General of the Institute (in this
	27	Bill referred to as "the Director General") who shall appointed by the President
	28	on the recommendation of the Minister;
	29	(b) have qualifications and experience as are appropriate for a person
	30	required to perform the functions of that office under this Bill; and

1 (c) hold office for a single tenure of 5 years on such terms and
2 conditions as to emoluments and conditions of service as may be in the letter
3 of appointment.

4 (2) Where a vacancy occurs in the office of Director General, the
5 Council shall:

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

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

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

11 (b) constitute a search team consisting of:

12 (i) a member of the Council not being a member of the Academic
13 Board, as chairman;

14 (ii) two members of the academic Board not below the rank of chief
15 lecturer;

16 (iii) two members of the academic community of the Institute not
17 below the rank of chief lecturer to be selected by the Council, to identify and
18 draw up a short list of suitable persons who are not likely to apply for the post
19 for any reason whatsoever.

20 **12.-(1)** There shall be established for the Institute, such
21 Departments as the Institute may deem necessary.

Structure of the
Institute

22 (2) Each Department shall be headed by a Director who shall be a
23 professionally qualified person appointed by the Council.

24 (3) Subject to the approval of the Council, the Management
25 Committee may create additional departments, divisions and units as it may
26 deem necessary to achieve the objectives of the Institute.

27 **13.-(1)** There is established for the Institute, a Management
28 Committee comprising the Director- General and Directors of the various
29 Departments.

Establishment
of the Management
Committee

30 (2) The Director-General shall be the Chairman of the

1 Management Committee.

(3) The Management Committee shall be responsible for the general administration of the Institute, discipline and promotion of staff.

3 administration of the Institute, discipline and promotion of staff.

Other staff of the Institute

4 **14.** The Council may appoint such other persons to be employees of
5 the Institute as the Council may determine.

5 the Institute as the Council may determine.

Pensions

6 **15.-(1)** Service in the Institute shall be approved service for the
7 purposes of the Pensions Act and, accordingly, officers and other persons
8 employed in the Institute shall in respect of their service in the Institute be
9 entitled to pensions, gratuities and other retirement benefits as are prescribed in
10 the Act, however nothing in this Bill shall prevent the appointment of a person
11 to any office on terms which preclude the grant of a pension and gratuity in
12 respect of that office.

7 purposes of the Pensions Act and, accordingly, officers and other persons

8 employed in the Institute shall in respect of their service in the Institute be

9 entitled to pensions, gratuities and other retirement benefits as are prescribed in

10 the Act, however nothing in this Bill shall prevent the appointment of a person

11 to any office on terms which preclude the grant of a pension and gratuity in

12 respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by a Minister or other authority of the Government of the Federation (other than the power to give directions under clause (10) shall be exercisable by the Institute and not by any other person or authority.

14 Pensions Act, any power exercisable by a Minister or other authority of the

15 Government of the Federation (other than the power to give directions under

16 clause (10) shall be exercisable by the Institute and not by any other person or

17 authority.

18 PART II - FINANCIAL PROVISIONS

Establishment
of fund of the
Institute

Institute

19 **16.-(1)** The Council shall establish and maintain a fund which shall be
20 applied towards the promotion of the objectives specified in this Bill.

20 applied towards the promotion of the objectives specified in this Bill.

21 (2) There shall be paid and credited to the fund established under sub
22 clause (1) of this clause:

22 clause (1) of this clause:

23 (a) such sums as may from time to time be granted to the Council by
24 the Federal Government:

24 the Federal Government:

(b) all moneys raised for the purposes of the Council by way of gifts, grants-in-aid or testamentary disposition; and

26 grants-in-aid or testamentary disposition; and

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

28 Council and all other sums that may accrue to the Council from any source.

29 (3) The Council shall submit to the Minister, not later than three
30 months before the end of each financial year or at such other time as he may

30 months before the end of each financial year or at such other time as he may

1 direct, an estimate of its revenue and expenditure for the next succeeding
2 financial year.

3 **17.**-(1) The Council may accept gifts of land, money or other Power to accept
4 property upon such terms and conditions if any, as may be specified by the gifts
5 person making the gift.

6 (2) The Council shall not accept any gift if the conditions attached
7 by the person making the gift are inconsistent with the functions of the
8 Council.

9 **18.** The Council shall keep proper accounts of its receipts, Accounts and
10 payments, assets and liabilities and shall in respect of each year cause the audit
11 accounts to be audited.

12 **19.** The Council shall as soon as may be after the expiration of each Annual reports
13 financial year, prepare and submit to the Minister a report of its activities
14 during the immediately preceding financial year and shall include in the
15 report a copy of the audited accounts of the Institute for that year and of the
16 auditor's report on the accounts.

17 PART III - MISCELLANEOUS AND SUPPLEMENTARY

18 **20.**-(1) For the purpose of providing offices and premises Offices and
19 necessary for the performance of its functions, the Council may: premises

20 (a) purchase any interest in or take on lease any land; and

21 (b) build, equip and maintain offices and premises.

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

25 **21.**-(1) The Council may make rules providing for the Director Discipline of
26 General to conduct enquiries into alleged breaches of discipline (including students
27 lack of diligence) by students and such rules may make different provisions
28 for different circumstances.

29 (2) The rules shall provide for the procedure and rules of evidence
30 to be followed at enquiries under this clause.

1 (3) Subject to the provisions of sub clause (1) of this clause, where it is
2 proved during the enquiry that any student of the Institute has been guilty of
3 misconduct, the Director General may, without prejudice to any other
4 disciplinary powers conferred on him by this Bill or any regulations made there
5 under, direct:

6 (a) that the student shall not, during such period as may be specified in
7 the direction, participate in such activities of the Institute, or make use of such
8 facilities of the Institute, as may be specified;

9 (b) that the activities of the student shall during such period as may be
10 specified in the directions, be restricted in such manner as may be so specified;

11 (c) that the student may be suspended for such period as may be
12 specified in the direction; or

13 (d) that the student be expelled from the Institute.

14 (4) Where there is temporarily no Director General or where the
15 Director General refuses to apply any disciplinary measures, the Council may,
16 either directly or through some other staff, apply such disciplinary actions as
17 are specified in sub clause (3) of this clause to any student of the Institute who is
18 guilty of misconduct.

19 (5) Where a direction is given under sub clause (3) (c) or (d) of this
20 clause in respect of any student, the student may, within 21 days from the date
21 of the letter communicating the decision to him, appeal against the direction to
22 the Council, and where such an appeal is brought, the Council shall, after
23 causing such inquiry to be made in the matter as the Council considers just,
24 either confirm or set aside the direction or modify it in such manner as the
25 Council may think fit.

26 (6) The fact that an appeal on a direction is brought in pursuance of
27 sub clause (5) of this clause shall not affect the operation of the direction while
28 the appeal is pending.

29 (7) The Director General may delegate his powers under this clause to

1 a disciplinary committee consisting of such members of the Institute as he
2 may nominate.

3 (8) Nothing in this clause shall be construed as preventing the
4 restriction or termination of a student's activities at the Institute otherwise
5 than on the ground of misconduct.

6 (9) the direction under sub clause (3) (a) of this clause may be
7 combined with a direction under sub clause (3) (b) of this clause.

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

10 **22.** In this Bill: Interpretation

11 "Appropriate authority" means any person, body or authority authorized by
12 law to act in a specific or general capacity in relation to a subject matter;

13 "Campus" means any campus which may be established by the Institute;

14 "Chairman" means the chairman of the Council;

15 "Council" means the Governing Council of the Institute established by
16 clause 4 of this Bill;

17 "Director General" means the Director General of a Institute appointed
18 under clause 11 of this Bill;

19 "Functions" includes powers and duties;

20 "Minister" means the Minister charged with responsibility for matters
21 relating to labour;

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

23 **23.** This Bill may be cited as the National Apprenticeship Training Citation
24 Institute (Establishment, Etc.) Bill, 2021.

SCHEDULE

[Clause 4]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of service

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

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

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

Proceedings

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

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

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

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

(5) The quorum of the Council shall be one half of the total members

1 of the Council, at least one of whom shall be a member appointed by the
2 Minister.

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

5 *Miscellaneous*

6 5.-(1) The fixing of the seal of the Institute shall be authenticated
7 by the signature of the chairman, Director General and of some other
8 members of the Council authorised generally or specially by the Council to
9 act for that purpose.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Apprenticeship Training Institute, to create an apprenticeship system, to co-ordinate all aspects of apprenticeship training, to include youth apprenticeship and pre-apprenticeship and to provide full-time courses of teaching, instruction and training in apprenticeship.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF MARKET
DEVELOPMENT AGENCY OF NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Adelegbe Oluwatimehin E.

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. OF THE MARKET DEVELOPMENT

2 AGENCY OF NIGERIA

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

5 (2) The Agency-

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

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

9 (c) May acquire, hold and dispose of property whether moveable or
10 Immovable.

11 2.-(1) There is hereby established for the Agency a Board (in this
12 Act referred to as "the Board"). Establishment
of the Board

13 (2) The Board shall consist of:

14 (a) a Chairman;

15 (b) a representative each of:

16 (i) the Federal Ministry of Commerce,

17 (ii) the Federal Ministry of Investment, Trade and Industry,

18 (iii) the Federal Ministry of Finance,

19 (c) three persons who shall have the requisite qualifications and
20 Experience in economics and commerce and specializing in trade and
21 requisite knowledge in the development of Market Economy;

	1	(d) one person to represent the Academia;
	2	{e) one person to represent the Civil Society in Nigeria;
	3	(f) the Director- General of the Agency.
	4	(3) The Chairman and members of the Board other than the Director-
	5	General shall serve on part- time basis.
	6	(4) The Chairman and members of the Board shall each be:
	7	(a) appointed by the President on the recommendation of the
	8	Minister;
	9	(b) a person of proven integrity.
	10	(5) The supplementary provisions set out in the Schedule to this Act
	11	shall have effect with respect to the proceedings of the Board and the other
	12	matters contained therein.
Tenure of office	13	3.-(1) The Chairman and members of the Board other than the ex-
	14	Officio members shall each hold office:
	15	(a) for a term of 4 years in the first instance and may be re- appointed
	16	for a further term of 4 years and no more; and
	17	(b) on such terms and conditions as may be specified in his letter of
	18	appointment.
	19	4. Notwithstanding the provisions of section 3 of this Act, a member
	20	of the Board shall cease to hold office as a member of the Board if:
	21	(a) he resigns his appointment as a member of the Board by notice,
	22	under his hand, addressed to the President
	23	(b) he becomes of unsound mind;
	24	(c) he becomes bankrupt or makes a compromise with his creditor(s);
	25	(d) he is convicted of a felony or of any offence involving dishonesty
	26	or corruption;
	27	(e) he becomes incapable of carrying on the functions of this office
	28	either arising from infirmity of mind or body; or
	29	(f) the President is satisfied that it is in the interest of the Agency or in
	30	the interest of the public for the person to discontinue in office and President

1 remove him from office.

2 **5.** The chairman and members of the Board shall be paid such Allowances
3 emoluments, allowances and benefits as the Federal Government may, from
4 time to time, approve.

5 **6.** The Board shall:

6 (a) approve policies, strategies and procedures to be adopted by the Functions of the
7 Agency for the achievement of its objectives; Board

8 (b) review, from time to time, the economic and trade impact of
9 Market Development strategies on the Nigerian economy and make
10 recommendations to the Federal Government through the Minister;

11 (c) appoint, as and when necessary, technical committees
12 comprised of persons with requisite technical competence from the private
13 or public sector of the Nigerian economy to advise the Agency on such
14 matters as may be determined by the Board;

15 (d) perform such other functions as may, from time to time, be
16 necessary to achieve the objectives of the Agency under this Act.

17 PART II - OBJECTIVES AND FUNCTIONS OF THE AGENCY

18 **7.** The objectives of the Agency shall be to: Objectives of the
19 Agency

20 (a) promote the efficiency, adaptability and sustainable
21 development of Nigerian market economy through local and international
22 trade;

22 (b) protect Nigerian industries from unfair trade practices;

23 (c) ensure, from time to time, that the multi-lateral rule- based
24 International trading system is promoted in Nigeria and applied to Nigeria's
25 Advantage;

26 (d) ensure that Nigeria's market potentials are fully exploited to
27 unlock the huge market benefits that the country offers;

28 **8.** The Agency shall have the responsibility for:

29 (a) the administration of Nigeria's market development laws and Functions of the
30 policies in an objective manner; Agency

- 1 (b) the provision of independent analysis, information and support on
 2 Matter of tariffs, international trade and Nigerians competitiveness to the
 3 President, through the Minister as well as the National Assembly;
 4 (c) the maintenance of the Harmonised Tariffs Schedule (HTS) of
 5 Nigeria;
 6 (d) the formulation of measures to create public awareness through
 7 seminars, workshops, studies and other activities;
 8 (e) making recommendations to the relevant ministries, extra-
 9 ministerial departments and agencies regarding market development;
 10 (g) giving and receiving advice from any regulatory authority on all
 11 matters relating to market development;
 12 (h) making, from time to time, recommendations to the Minister on
 13 the review of relevant policies, legislations and subsidiary legislations, and;
 14 (i) the performance of such other duties which in the opinion of the
 15 Agency are required for the effective performance of its functions under this
 16 Act.

Power of the
Agency

- 17 **9.** The Agency shall have power to administer and implement the
 18 provisions of this law and any other law relating to market policy and its
 19 strategic development.

20 PART III - STAFF OF THE AGENCY

Appointment
of the Director-
General

- 21 **10.-(1)** There shall be for the Agency a Director-General, who shall be
 22 appointed by the President on the recommendation of the Minister.
 23 (2) The Director- General shall:
 24 (a) have such qualifications and experience as are appropriate for a
 25 person required to perform the functions of that office under this Act;
 26 (b) hold office for a term of 4 years in the first instance and may be re-
 27 appointed for another term of 4 years and no more;
 28 (c) be responsible to the Agency for policy direction and the day to
 29 day administration of the Agency.

- 1 **11.**-(1) The Agency shall with the approval of the Minister, have Establishment
2 power to establish such number of departments to assist in the performance of the departments
3 of its duties and functions under this Act.
- 4 (2) The Board shall appoint a Director to head each department
5 established pursuant to subsection (1) of this section and each Director shall
6 have the requisite qualification and experience of not less than 20 years as
7 may be required for the effective implementation of the functions of their
8 respective departments and the Agency under this Act.
- 9 **12.**-(1) The Agency may, with the approval of the Board, appoint Appointment of
10 such staff or employees as, in the opinion of the Agency, may be expedient of other staff
11 and necessary for the proper and efficient performance of its functions under
12 this Act.
- 13 (2) The terms and conditions of service (including remuneration,
14 allowances, benefits and pensions) of the employees of the Agency shall be
15 as determined by the National Salaries and Wages Commission.
- 16 (3) The Agency shall have power to appoint either on transfer or on
17 secondment from any public service in the Federation, such employees as
18 may, in the opinion of the Agency, be required to assist the Agency in the
19 discharge of any of its functions under this Act, and shall have the power to
20 pay to persons so employed such remuneration (including allowances) as
21 the Board may, after consultation with the National Salaries and Wages
22 Commission, determine.
- 23 **13.**-(1) The Board may subject to the provisions of this Act, and
24 with the approval of the Agency make regulations generally relating to the
25 Conditions of service of the staff of the Agency and without prejudice to the
26 generality of the foregoing, such regulations may provide for:
- 27 (a) the appointment, promotion and discipline (including
28 dismissal) of staff;
- 29 (b) appeals by such staff against dismissal or other disciplinary
30 measures, and until such regulations are made, any instrument relating to the

	1	.conditions of service of offices in the civil service of the Federation shall be
	2	applicable with such modifications as may be necessary.
	3	(2) Staff regulations made under subsection (L) of this section shall
	4	not have effect until approved by the Minister and when so approved the Board
	5	shall cause them to be brought to the notice of all affected persons in such
	6	manner as it may, from time to time, determine
Pensions	7	14. Service in the Agency shall be approved service for the purpose of
	8	the Pensions Act.
	9	PART IV - FINANCIAL PROVISIONS
Establishment of the Fund	10	15.-(1) The Agency shall establish and maintain a fund from which
	11	shall be defrayed all expenditure incurred by the Agency.
	12	(2) There shall be paid and credited to the Fund established pursuant
	13	to subsection (I) of this section:
	14	(a) the initial take - off grant from the Federal Government;
	15	(b) annual budgetary subventions from the Federal Government
	16	(c) such monies as may, from time to time, be granted to the Agency;
	17	(d) all fees, levies and charges statutorily chargeable by the Agency;
	18	(e) all sums of money accruing to the Agency by way of grants - in -
	19	aid for approvals, testings, licences, certifications or any services, as may be
	20	provided for by the Commission in the exercise of its powers under Part II of
	21	this Act;
	22	(e) all sums of money accruing to the Agency by way of grants- in-
	23	aid, gifts, testamentary dispositions and endowments and contributions from
	24	any other sources whatsoever.
	25	(3) The fund shall be managed in accordance with the rules made by
	26	the Board and without prejudice to the generality of the power to make rules
	27	under this subsection, the rules shall in particular contain provisions:
	28	(a) specifying the manner in which the assets or the fund of the
	29	Agency are to be held, and regulating the making of payments into and out of
	30	the fund; and

1 (b) requiring the keeping of proper accounts and records for the
2 purpose of the fund in such form as may be specified in the rules.

3 **16.** The Agency shall apply the proceeds of the fund established
4 pursuant to section 15 of this Act to:

5 (a) the cost of administration of the Agency;

6 (b) the payment of salaries, fees and other remuneration,
7 allowances, pensions and gratuities payable to employees of the Board and
8 to experts or consultants appointed by the Agency;

9 (c) the payment for all consultancies, contracts, including
10 mobilization, fluctuation, variations, legal fees and costs of contract
11 administration;

12 (d) the payment for all purchases; and

13 (e) undertake such other activities as are connected with all or any
14 of the functions of the Agency under this Act.

15 **17.-(1)** The Agency may accept gift of land, money or other
16 property upon such terms and conditions, if any, as may be specified by the
17 person or organization making the gift.

Power to accept
gifts

18 (2) The Agency shall not accept any gift if the conditions attached
19 by the person or organization making the gift are inconsistent with the
20 objectives of the Agency under this Act.

21 **18.-(1)** The Board shall, not later than 30th of September in each
22 year submit to the Minister an estimate of the expenditure and income of the
23 Agency during the next succeeding year.

24 (2) The Board shall cause to be kept proper accounts of the Agency
25 in respect of each year and proper records in relation thereto and shall cause
26 the account to be audited not later than 6 months after the end of each year by
27 auditors appointed from the list and in accordance with the guidelines
28 supplied by the Auditor- General of the Federation.

29 **19.** The Board shall prepare and submit to the Minister not later
30 than 30th July in each year, a report in such form as the Minister may direct on

1 the activities of the Agency during the immediate preceding year, and shall
2 include in the report a copy of the audited accounts of the Agency for that year
3 and the auditor's report thereon.

4 PART V - MISCELLANEOUS PROVISIONS

Application of
Public Officers
Protection Act

5 **20.**-(1) Subject to the provisions of this Act, the provisions of the
6 Public Officers Protection Act shall apply in relation to any suit instituted
7 against any officer or employee of the Agency.

8 (2) Notwithstanding anything contained in any other enactment or
9 law, no suit shall lie or be instituted in any court against any member of the
10 Board, the Director- General or any other officer or employee of the Agency
11 from any act done in pursuance or execution of this Act or any other enactment
12 or law, or of any public duty or authority in respect of any alleged neglect or
13 default in the execution of this Act or such enactment or law, duty or authority
14 unless:

15 (a) it is commenced within 3 months next after the act, neglect or
16 default complained of; or

17 (b) in the case of a continuation of damage or injury, within 6 months
18 next after the cessation thereof.

19 (3) No suit shall be commenced against a member of the Board, the
20 Director- General, officer or employee of the Agency before the expiration of a
21 period of one month after written notice of intention to commence the suit shall
22 have been served upon the Agency by the intending plaintiff or his agent.

23 (4) The notice referred to in subsection (3) of this section shall clearly
24 and explicitly state:

25 (a) the cause of action;

26 (b) the particulars of the claim;

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

28 (d) the relief which he claims.

Notice/Summons

29 **21.** A notice, summons or other documents required or authorized to
30 be served upon the Agency under the provisions of this Act or any other law or

1 enactment may be served by delivering it to the Director-General or by
2 sending it by registered post and addressed to the Director-General at the
3 principal office of the Agency.

4 **22.** The Minister may, on the recommendation of the Agency, make Regulations
5 regulations generally for the effective implementation and operation of this
6 Act, and in particular relating to procedures to regulate the activities of the
7 Agency.

8 **23.** In this Act, unless the context otherwise requires- "Board" Interpretation
9 means the Government Board of the Market Development Agency of
10 Nigeria established under section 2 of this Act;
11 "Chairman" means the Chairman of the Market Development Agency of
12 Nigeria; "Agency" means the Market Development Agency of Nigeria;
13 established under section 1 of this Act;
14 "member" means a member of the Governing Board pursuant to section 2(1)
15 of this Act and includes the Chairman; and
16 "Minister" means the Minister charged with the responsibility for matters
17 Relating to Trade and Commerce.

18 **24.** This Bill may be cited as the Market Development Agency of Citation
19 Nigeria (Establishment) Bill, 2022.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

3 *Proceedings of the Board*

4 1. Subject to this Act and section 27 of the Interpretation Act (which
5 provides for decisions of a statutory body to be taken by a majority of its
6 members and for the persons presiding at any meeting, to have a second or
7 casting vote), the Board may make standing orders regulating its proceedings
8 or that of its committees.

9 2. At every meeting of the Board, the Chairman shall preside and in
10 his absence the members present at the meeting shall appoint one of their
11 members to preside at the meeting

12 3. The quorum at a meeting of the Board shall consist of the Chairman
13 (or, in an appropriate case, the person presiding at the meeting pursuant to
14 paragraph 2 of this Schedule and four other members.

15 4. The Board shall for the purposes of this Act, meet not less than three
16 times in each year and subject thereto, the Board shall meet whenever it is
17 summoned by the members, he shall summon a meeting of the Board to be held
18 within 14 days from the date on which the notice is given.

19 5. Where the Board desires to obtain the advice of any person on a
20 particular matter, the Board may co-opt such a person for such a period as it
21 thinks fit, but a person who is a member by virtue of this subparagraph shall not
22 be entitled to vote at any meeting of the Board and shall not count towards a
23 quorum.

24 *Committees*

25 6.-(1) Subject to its standing orders, the Board may appoint such
26 number of standing and ad hoc committees as it thinks fit to consider and report
27 on any matter within the Agency's mandate.

28 (2) A committee appointed under this paragraph shall:

29 (a) consist of such number of persons (not necessarily members of the
30 Board as may be determined by the Board), and a person, other than a member

1 of the Board, shall hold office on the committee in accordance with the terms
2 of his appointment; and

3 (b) be presided over by a member of the Board.

4 (3) The quorum of any committee set up by the Board shall be as
5 may be determined by the Board.

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

8 *Miscellaneous*

9 7. The fixing of the seal of the Agency Board shall be
10 authenticated by the signature of the Chairman or any other person generally
11 or specifically authorized by the Board to act for that purpose.

12 8. Any contract or instrument which, if made by a person not being
13 a body corporate, would not be required to be under seal may be made or
14 executed on behalf of the Board by the Chairman or by any other person
15 generally or specifically authorized by the Board to act for that purpose.

16 9. Any document purporting to be a contract, instrument or other
17 document duly signed or sealed on behalf of the Board shall be received in
18 evidence and shall, unless the contrary is proved, be presumed without
19 further proof to have been so signed or sealed.

20 10. The vacancy in the membership of the Board or any of its
21 committees shall not be affected by:

22 (a) any vacancy in the membership of the Board, or committee, or

23 (b) any defect in the appointment of a member of Board or
24 committee; or

25 (c) reason that any person not entitled to do so took part in the
26 proceedings of the Board or committee.

27 11. A member of a committee who has a personal interest in any
28 contract or arrangement entered into or proposed interest in any committee
29 shall disclose his interest to the committee and shall not vote on any question
30 relating to the contract or arrangement.

1 12. No member of the Board shall be personally liable for any act or
2 omission done or made in good faith while engaged on the business of the
3 Board.

4 13. The members of the Board shall subscribe to and be bound by a
5 code of ethics to be approved by the Agency.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Market Development Agency of Nigeria for the purpose of developing a comprehensive market development policy and strategic implementation of market development to drive an intensive market economy in line with the diversification strategy of the Federal Government.