

Extraordinary



National Assembly Journal

No. 40

Abuja - 7th December, 2022

Vol. 19

CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 2035	A Bill for an Act to Establish the Inter-Faith Chaplaincy of Nigeria Corps and for Related Matters	C 2619 - 2633
HB. 2036	A Bill for an Act to Establish the Projects Development Agency (PRODA), Enugu to conduct scientific, engineering and technological research aimed at facilitating the demestication and industrialisation of appropriate technology for socio-economic advancement of Nigeria; and for Related Matters	C 2635 - 2656
HB. 2115	A Bill for an Act to Provide for the Provision, Management and Utilization of Essential Drugs, Therapeutic Medical Devices and Hospital Consumables through the administration of the Drug Revolving Fund Scheme in Public Health Institutions in Nigeria and for Related Matters, 2022	C 2657 - 2712
HB. 2118	A Bill for an Act to Amend Federal Polytechnics Act Cap F17 Laws of the Federation of Nigeria 2004, to establish Federal College of Agriculture, Ode-Irele, Ondo State to conduct research, training and examinations that will lead to the award of diploma certificate and related academic qualifications and for Related Matters	C 2713 - 2713
HB. 2121	A Bill for an Act to Repeal the National Commission for Mass Literacy, Adult and Non-Formal Education Act; Act No. 18 of 2004 and Enact the National Commission for Mass Literacy, adult and Non-Formal Education Act and for Related Matters, 2022	C 2715 - 2729
HB. 2141	A Bill for an Act to Establish the Federal College of Dental Technology and Therapy, Danbatta, Kano State and for Related Matters ...	C 2731 - 2750

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

NASSP 40/712/2022/900

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INTER-FAITH CHAPLAINCY OF NIGERIA CORPS (ESTABLISHMENT) BILL

2022

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT AND GOVERNING BOARD

1. Establishment of the Inter-Faith Chaplaincy of Nigeria Corps
2. Governing Board

PART II - FUNCTIONS OF THE CORPS

3. Functions of the Corps and its affiliation with international organisations
4. Powers of the Board.

PART III - MEMBERSHIP AND ZONAL OFFICES OF THE CORPS

5. Membership of the Corps.
6. Zones and Zonal Offices of the Corps.
7. State Office.

PART IV - STAFF OF THE CORPS

8. Chaplain-General of the Corps.
9. Deputy-Chaplains-General and other employees of the Corps
10. Pensions, Cap. 346 LFN. 1990

PART V - FINANCIAL PROVISIONS

11. Funds of the Corps
12. Expenditure of the Corps
13. Annual estimates and accounts
14. Annual report
15. Power to accept gifts
16. Power to borrow
17. Investment, Cap.449 LFN.1990
18. Exemption from tax.

PART VI - DISCIPLINE

19. Discipline of Corps members.

PART VII - LEGAL PROCEEDINGS

20. Limitation of suits against the Corps, etc.
21. Service of documents.
22. Restriction on execution against property of the Corps
23. Indemnity of officers
24. Secrecy
25. Power to obtain information
26. Dissolution of the existing Inter-Faith Chaplaincy of Nigeria Corps
and savings
27. Directives by the Minister, etc.
28. Regulations
29. Interpretation
30. Citation

A BILL

FOR

AN ACT TO ESTABLISH THE INTER-FAITH CHAPLAINCY OF NIGERIA CORPS
AND FOR RELATED MATTERS

Sponsored by Hon. Dachung Musa Bagos

[] Commencement

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

1 PART I - ESTABLISHMENT AND GOVERNING BOARD OF THE CORPS

2 1.-(1) There is hereby established the Inter-Faith Chaplaincy of
3 Nigeria Corps (in this Act referred to as "the Corps)", which shall consist of
4 such number of volunteers and regular members as may, from time to time,
5 be recruited under the provisions of this Act.

Establishment
of the Inter-Faith
Chaplaincy of
Nigeria Corps

6 (2) The Corps-

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

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

10 (c) shall have its headquarters in the Federal Capital Territory,
11 Abuja.

12 2.-(1) The Immigration and Prisons Services Board established
13 under the Immigration and Prisons Services Board Act 1986, as amended,
14 including one representative each from the Nigerian Supreme Council for
15 Islamic Affairs, the Christian Association of Nigeria and the National
16 Council of Traditional Rulers shall constitute the Governing Board of the
17 Corps, and shall subject to this Act, have general control of the Corps.

Governing Board

18 (2) The supplementary provisions set out in the Schedule to this
19 Act shall, in addition to the provisions contained in the Immigration and
20 Prisons Services Board Act 1986, have effect with respect to the

Schedule

Functions of the
Corps and its
affiliation with
international
organisation

1 proceedings of the Board under this Act and the other matters contained
2 therein.

3 PART II - FUNCTIONS OF THE CORPS ETC.

4 3.-(1) The Corps shall-

5 (a) offer psycho-social support to victims of natural disasters and
6 persons in emergency situations to which any agency of either the Federal or
7 State governments shall refer to it;

8 (b) offer unpaid support and assistance to offenders incarcerated
9 under the powers of any court in Nigeria;

10 (c) offer conciliatory and mediatory services to parties III all courts of
11 the Federation;

12 (d) have power to arrest and handover to the Nigeria Police for further
13 investigation and prosecution any person suspected to be involved in an act or
14 activity which may result in-

15 (i) the commission of a crime;

16 (ii) breach of public peace;

17 (iii) frustrating any government programme or policy;

18 (iv) riot, civil disorder, revolt, strike or religious unrest;

19 (v) religious conflict; or

20 (vi) any other matter as may be directed by the Minister.

21 (e) Maintain presence in Federal Government institutions and schools
22 to disseminate instructions in morals and ethics;

23 (f) Partner with National Orientation Commission to realise the
24 Commission's objectives;

25 (g) Promote nationalism and nationhood;

26 (h) Assist in the planning and execution of amnesty programs of any
27 government of the Federation;

28 (i) Promote the eradication of cultism from all educational institutions
29 in Nigeria; and

30 (j) To provide entrepreneurship to youths in collaboration with

1 educational institution.

2 (2) The Corps shall be registered with the International Chaplaincy
3 Organisation and full membership requirements immediately upon the
4 commencement of this Act.

5 4.-(1) The Board shall be responsible for-

Powers of the
Board

6 (a) providing the general policies and guidelines relating to major
7 expansion programmes of the Corps;

8 (b) the overall management and general administration of the
9 Corps;

10 (c) recruiting volunteers and regular members of the Corps;

11 (d) approving all training requirements for members of the Corps;

12 and

13 (e) Fixing, with the approval of the Minister of interior, the terms
14 and conditions of service of members and employees of the Corps, including
15 their remuneration.

16 (2) The Board shall have power to do such other things which in the
17 opinion of the Board are necessary to ensure the efficient performance of the
18 functions of the Corps.

19 PART III - MEMBERSHIP AND ZONAL OFFICES OF THE CORPS

20 5.-(1) The Corps shall consist of such number of volunteers and
21 regular members as may, from time to time, be recruited by the Board to
22 meet the requirements of the Corps.

Membership of
the Corps

23 (2) Members of the Corps shall be made up of such officers and
24 other ranks as the Board may, from time to time determine.

25 6.-(1) The Board shall;

Zones and Zonal
Offices of the Corps

26 (a) divide Nigeria into such number of zones as it may, from time to
27 time, determine for the effective organisation of the Corps; and

28 (b) establish, in each geo-political zone of the Federation, a Zonal
29 Office.

30 (2) The Zonal Office shall, subject to the direction of the Office of

	1	the Chaplain- General, be responsible for co-ordinating the activities of the
	2	Corps in the zone.
State Office	3	7.-(1) The Corps shall have a State Office in each state of the
	4	Federation and the Federal Capital Territory, Abuja.
	5	(2) The State Office shall, subject to the direction and overall
	6	direction of the National Office of the Corps and Zonal Office, be responsible
	7	for carrying out the functions of the Corps in the State and the Federal Capital
	8	Territory, Abuja.
	9	PART IV - STAFF OF THE CORPS
Chaplain-General of the Corps	10	8.-(1) There shall be for the Corps a Chaplain-General who shall be
	11	appointed by the President, on the recommendation of the Minister.
	12	(2) The Chaplain-General shall hold office-
	13	(a) for a term of five years in the first instance and may be re-
	14	appointed for a further term of five years and no more; and
	15	(b) on such terms and conditions as may be specified in his letter of
	16	appointment.
Deputy Chaplains- General, etc. and other employees or the Corps	17	9.-(1) The Board shall appoint for the Corps such number of Deputy
	18	Chaplains-General, Assistant Chaplains-General, Chaplains and such officers
	19	and other ranks and employees as it may, from time to time, deem necessary for
	20	the purposes of the Corps.
	21	(2) The terms and conditions of service (including remuneration,
	22	allowances, benefits and pensions) of regular members and employees of the
	23	Corps shall be as determined by the Board using same criteria as Immigration
	24	and Prisons Services with the approval of the Minister.
	25	(3) The volunteers of the Corps shall, for any period they are on duty
	26	for the Corps, be paid such allowances and other benefits as may be approved
	27	by the Minister.
Pensions, Cap. 346 LFN, 1990	28	10.-(1) The service in the Corps shall be approved service for the
	29	purposes of the Pensions Act and, accordingly, regular members and
	30	employees of the Corps shall be entitled to pensions, gratuities and other

1 retirement benefits as are prescribed under the Pensions Act.

2 (2) Notwithstanding the provisions of subsection (1) of this
3 section, nothing in this Act shall prevent the appointment of a person to any
4 office on terms which preclude the grant of a pension, gratuity or other
5 retirement benefit in respect of that office.

6 (3) For the purposes of the application of the provisions of the
7 Pensions Act, any power exercisable by the Minister or other authority of the
8 Federal Government, other than the power to make regulations under
9 section 23 of the Act, is hereby vested in and shall be exercisable by the
10 Corps and not by any other person or authority.

11 PART V - FINANCIAL PROVISIONS

12 11. The Corps shall establish and maintain a fund into which shall
13 be paid and credited-

Funds of the
Corps

14 (a) all subventions and budgetary allocation from the Federal
15 Government; and

16 (b) all the sums accruing to the Corps, from time to time.

17 12. The Corps may, from time to time, apply the proceeds of the
18 Fund established in section 11 of this Act-

Expenditure of
the Corps

19 (a) to the cost of administration of the Corps;

20 (b) to the payment of salaries, fees, or other remuneration or
21 allowances, gratuities payable to the officers and other employees of the
22 Corps, so that no payment of any kind under this paragraph (except such as
23 may be expressly authorised) shall be made to any person who is in receipt
24 of emoluments from the Federal or State Government;

25 (c) for the maintenance of any property vested in the Corps; and

26 (d) for and in connection with all or any of its functions under this
27 Act.

28 13.-(1) The Corps shall, not later than 30th September in each year,
29 submit to the Minister an estimate of its expenditure and income (including
30 payments to the Corps Fund) during the next succeeding year.

Annual estimates
and accounts

	1	(2) The Corps shall keep proper accounts in relation to those accounts
	2	and shall cause its accounts to be audited within six months after the end of
	3	each year by auditors appointed from the list and in accordance with the
	4	guidelines supplied by the Auditor- General of the Federation.
Annual report	5	14. The Corps shall prepare and submit to the National Assembly
	6	through the Minister, not later than six months after the end of each year, a
	7	report in such form as he may direct on the activities of the Corps during the
	8	immediately preceding year, and shall include in such report a copy of the
	9	audited accounts of the Corps for that year and the auditor's report on the
	10	accounts.
Power to accept gifts	11	15.-(1) The Corps may accept any gift of land, money or other
	12	property on such terms and conditions, if any, as may be specified by the person
	13	or organisation making the gift.
	14	(2) The Corps shall not accept any gift if the conditions attached by
	15	the person or organisation offering the gift are inconsistent with the functions
	16	of the Corps.
Power to borrow	17	16.-(1) The Corps may, from time to time, borrow by way of overdraft
	18	or otherwise such terms as it may require for the performance of its functions
	19	under this Act.
	20	(2) The Corps shall not, without the approval of the Minister, borrow
	21	money which exceeds, at any time, the amount set by the Minister.
	22	(3) Notwithstanding subsection (2) of this section, where the sum to
	23	be borrowed is in foreign currency, the Corps shall not borrow the sum without
	24	the prior approval of the Minister.
Trustee Investment Act Cap 449 LFN 1990	25	17. The Corps may, subject to the provisions of this Bill and the
	26	conditions of any trust created in respect of any property, invest all or any of its
	27	funds in any security prescribed by the Trustee Investments Act or in such other
	28	securities as may, from time to time, be approved by the Minister.
Exemption from tax	29	18.-(1) The Corps shall be exempted from the payment of any income

1 tax or other tax any income accruing from investments made by the Board
2 for the Corps.

3 (2) The provisions of any enactment relating to the taxation of
4 companies or trust funds shall not apply to the Corps or the Board.

5 PART VI - DISCIPLINE

6 19. A Corps member who-

Discipline of
Corps Members

7 (a) performs his duties in contravention of the objects of the Corps,

8 (b) takes part in any subversive activity, including mutiny and
9 disturbance of public peace;

10 (c) abets, incites, conceals or condones the commission of any
11 offence,

12 (d) takes part in an illegal assembly of persons with intention to
13 breach public peace, destroy property or assault any person or group of
14 persons,

15 (e) having knowledge that an offence or any illegal act is about to
16 be committed, fails to inform his superior officer;

17 (f) takes part in a strike, or

18 (g) violently assaults his superior officer, commits an offence and
19 is liable on conviction to imprisonment for a term of not less than one year.

20 PART VII - LEGAL PROCEEDINGS

21 20.-(1) Subject to the provisions of this Bill, the provisions of the
22 Public Officers Protection Act shall apply in relation to any suit instituted
23 against any officer or employee of the Corps.

Limitation of
suits against the
Corps etc.
Cap. 379, LFN

24 (2) Notwithstanding anything contained in any other enactment,
25 no suit against any member of the Board or the Chaplain-General or any
26 other officer or employee of the Corps for any act done in pursuance or
27 execution of this Act or any other enactment or law, or of any public duty or
28 authority or in respect of any alleged neglect or default in the execution of
29 this Act or any other enactment or law, duty or authority, shall lie or be
30 instituted in any court unless it is commenced

1 (a) within three months after the act, neglect or default complained of;

2 and

3 (b) in the case of a continuation of damage or injury, within six
4 months after the ceasing thereof.

5 (3) No suit shall be commenced against a member or the Board or the
6 Chaplain- General or any other officer or employee of the Corps before the
7 expiration of a period of one month after written notice of intention to
8 commence the suit shall have been served on the Corps by the intending
9 plaintiff or his agent.

10 (4) The notice referred to in subsection (3) of this section shall clearly
11 and explicitly state-

12 (a) the cause of action;

13 (b) the particulars of claim;

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

15 (d) the relief which the plaintiff claims.

Service of
documents

16 **21.** A notice, summons or other document required or authorized to
17 be served documents on the Corps under the provisions of this Act or any other
18 enactment or law may be served by delivering it to the Chaplain-General or by
19 sending it by registered post and addressed to the Chaplain-General at the
20 principal office of the Corps.

Restriction on
execution against
the property of
the Corps

21 **22.-(1)** In any action or suit against the Corps, no execution or
22 attachment of execution against process in the nature thereof shall be issued
23 against the Corps unless a notice of not less than 3 months of the intention to
24 execute or attach has been given to the Corps.

25 (2) Any sum of money, which may, by the judgement of any Court, be
26 awarded against the Corps shall, subject to any directions given by the court
27 where notice of appeal against the judgement has been given, be paid from the
28 general reserve fund of the Corps.

Indemnity of
Officers

29 **23.** A member of the Board or the Chaplain-General or any officer or
30 employee of the Corps shall be indemnified out of the assets of the Corps

1 against any liability incurred by him in defending any proceeding, whether
2 civil or criminal, if the proceeding is brought against him in his capacity as a
3 member, Chaplain-General, officer or other employee of the Corps.

4 **24.-(1)** A member of the Board or the Chaplain-General or any other officer or employee of the Corps shall- Secrecy

6 (a) not, for his personal gain, make use of any information which
7 has come to his knowledge in the exercise of his powers or is obtained by
8 him in the ordinary course of his duty as a member of the Board as the
9 Chaplain-General, officer or employee of the Corps;

10 (b) treat as confidential any information which has come to his
11 knowledge in the exercise of his powers or is obtained by him in the
12 performance of his duties under this Act; or

13 (c) not disclose any information referred to under paragraph(b) of
14 this subsection except when required to do so by any court or in such other
15 circumstances as may be prescribed by the Board, from time to time.

16 (2) A person who contravenes the provisions of subsection (1) of
17 this section commits an offence and is liable on conviction to a fine of not
18 less than N20,000 or imprisonment for a term not exceeding two years.

19 **25.-(1)** For the purpose of carrying out the functions conferred on Power to obtain
information
20 the Corps under this Act, the Chaplain-General or any other officer or
21 employee of the Corps authorised in that behalf-

22 (a) shall have a right of access to all the records of any person or
23 authority affected by this Act for the specific purpose of discharging his
24 duties under this Act; and

25 (b) may by notice in writing served on any person or premises,
26 require that person or authority to furnish information on such matters as
27 may be specified in notice.

28 (2) The person or authority served with the notice under subsection
29 (1) shall furnish information as required under subsection(1) of this section
30 and comply with the notice within a reasonable time.

Dissolution of
the existing
Inter-faith
Chaplaincy of
Nigeria Corps
and savings

1 **26.-(1)** The body known as the Inter-faith Chaplaincy of Nigeria
2 Corps (in this section referred to as the "Dissolved Corps") existing before the
3 commencement of this Bill is dissolved.

4 (2) As from the commencement of this Act-

5 (a) all rights, interests, obligations and liabilities of the Dissolved
6 Corps existing immediately before the commencement of this Act under any
7 contract or instrument, or at law or in equity, shall by virtue of this Act be
8 assigned to and vested in the Corps;

9 (b) any contract or instrument as mentioned in paragraph (a) of this
10 subsection shall be of the same force and effect against or in favour of the Corps
11 and shall be enforceable as fully and effectively as if, instead of the Dissolved
12 corps, the corps had been named therein or had been a party thereto; and

13 (c) the Corps shall be subject to all obligations and liabilities to which
14 the Dissolved Corps was subject immediately before the commencement of
15 this Act, and all other persons shall, as from the commencement of this Act
16 have the same rights, power and remedies against the Corps as they had against
17 the Dissolved Corps immediately before the commencement of this Act.

18 (3) A proceeding or cause of action pending or existing immediately
19 before the commencement of this Act by or against the Dissolved Corps in
20 respect of any right, interest, obligations or liability of the Dissolved Corps
21 may be commenced, continued or enforced by or against the Corps as if this Act
22 has not been made.

23 (4) Notwithstanding the provisions of this Act, but subject to such
24 directions as may be issued by the Corps, a person who immediately before the
25 commencement of this Act was a volunteer or regular member of or held office
26 in the Dissolved Corps shall be deemed to have been transferred to the Corps on
27 terms and conditions not less favourable than those obtaining immediately
28 before the commencement of this Act, and service in the Dissolved Corps shall
29 be deemed to be service in the Corps for purposes of pension.

30 (5) All regular officers of the Corps before dissolution shall retain

1 their ranks and positions immediately this Act takes effect.

2 **27.**-(1) The Minister may give to the Corps or the Chaplain-
3 General such directives-

Directives by
the Minister etc.

4 (a) of a general nature or relating generally to matters of policy
5 with regard to the exercise of its functions; or

6 (b) with respect to the maintenance and securing of public safety
7 and order, as he may consider necessary. and the Corps or the Chaplain-
8 General shall comply with the directives or cause them to be complied with.

9 (2) Subject to the provisions of subsection(1) of this section, a
10 Governor of a state may give to a state Chaplain/Chaplain such directives
11 with respect to the maintenance and securing of public safety and order in
12 the state as he may consider necessary and it shall be the duty of the state
13 Chaplain shall comply with the directives or cause them to be complied
14 with.

15 **28.** The Corps may, with the approval of the Minister, make such
16 regulations as in its opinion are necessary or expedient for giving full effects
17 to the provisions of this Act and for the due administration of its provisions.

Regulations

18 **29.** In this Act-

Interpretation

19 "Board" means the Immigration and Prisons Service Board 1986 No.14
20 established under the Immigration and Prison Services Board Act 1986;

21 "Corps" means the Inter-Faith Chaplaincy of Nigeria Corps established
22 under section 1 of this Act;

23 "Minister" means the Minister charged with responsibility for matters
24 relating to internal affairs;

25 "Period of emergency" includes any period of disorder or unrest and
26 environmental or structural disaster.

27 **30.** This Bill may be cited as the Inter-Faith Chaplaincy of Nigeria
28 Corps (Establishment) Bill, 2022.

Citation

1 SCHEDULE

2 *Section 2(2)*

3 ADDITIONAL SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings*

5 1.-(1) The Board shall, for the purpose of this Act, meet not less than
6 three times in each year,

7 (2) The board shall meet whenever it is summoned by the Chairman
8 and if the Chairman is required to do so by a notice given to him by not less than
9 five other members, he shall summon a meeting of the Board to be held within
10 fourteen days from the date on which the notice is given.

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

16 *Committees*

17 2.-(1) The Board may appoint one or more committees to carry out, on
18 behalf of the Board, its functions under this Act as the Board may determine.

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

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

25 *Miscellaneous*

26 3.-(1) The fixing of the seal of the Corps shall be authenticated by the
27 signature of the Chairman or any other person authorised generally or
28 specifically to act for that purpose by the Board and the Chaplain-General.

29 (2) Any contract or instrument, which if made or executed by a person
30 not being a body corporate, would not be required to be under seal, may be

- 1 made or executed on behalf of the Board by the Chaplain-General or any
2 person generally or specially authorised to act for the purpose by the Board.
3 (3) Any document purporting to be a document duly executed
4 under the seal of the Board shall be received in evidence and shall, unless
5 and until the contrary is proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Inter-Faith Chaplaincy of Nigeria Corps and provide for its statutory functions including the promotion of peace, psycho-social support and counselling, to provide entrepreneurship to youth, the provision of reconciliatory and mediatory services to any person in the course of judicial proceedings or in emergencies.

PROJECTS DEVELOPMENT AGENCY (PRODA) ENUGU
(ESTABLISHMENT) BILL, 2022
ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF THE PROJECTS
DEVELOPMENT AGENCY (PRODA) ENUGU

1. Establishment of the Projects Development Agency
2. Establishment of the Board of the Agency
3. Membership of the Board
4. Tenure of office of members of the Board

PART II - POWERS AND FUNCTIONS OF THE BOARD

5. Functions of the Board
6. Powers of the Board
7. Resignation from office
8. Filling of vacancies
9. Remuneration of members of the Board.
10. Cessation of office of members of the Board

PART III - MANDATES, FUNCTIONS AND STRUCTURE OF THE AGENCY

11. Mandates of the Agency
12. Functions of the Agency
13. Structure of the Agency
14. Establishment of Scientific, Technical and Advisory Committee
15. Establishment of Demonstration Factories, Spin-off Companies and Industrial Parks
16. Establishment of liaison office in the FCT
17. Establishment of outreach centers in the six geopolitical zones of the Federation and FCT
18. Establishment of PRODA Consult

PART IV - APPOINTMENT OF DIRECTOR-GENERAL/CHIEF EXECUTIVE
OFFICER AND STAFF OF THE AGENCY

19. Appointment of Director-General/Chief Executive Officer

20. Appointment of principal officers of the Agency
21. Appointment of other members of staff of the Agency
22. Remuneration of employees of the Agency
23. Staff regulations, etc.
24. Service in the Agency or application of the Pension Reforms Act

PART V - FINANCIAL PROVISIONS

25. Funds of the Agency
26. Expenditure of the Agency (Fund Administration)
27. Exemption from income tax
28. Capital production income
29. Disposal of surplus funds
30. Annual estimates
31. Accounts and audit
32. Annual report
33. Financial year

PART VI - LEGAL ACTIONS AGAINST THE AGENCY

34. Limitation of Suit against the Agency
 35. Service of court processes
 36. Service of notice(s)
 37. Power to accept gifts
 38. Utilization of gifts
 39. Power to give directives
 40. Investment
 41. Exemption from tax accruing from investment
 42. Joint venture targets for technology acquisition
 43. Targets for in-country research and development projects
 44. Research and development
 45. Interpretation
 46. Citation
- Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE PROJECTS DEVELOPMENT AGENCY (PRODA),
ENUGU TO CONDUCT SCIENTIFIC, ENGINEERING AND TECHNOLOGICAL
RESEARCH AIMED AT FACILITATING THE DOMESTICATION AND
INDUSTRIALIZATION OF APPROPRIATE TECHNOLOGY FOR SOCIO-ECONOMIC
ADVANCEMENT OF NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem Abonta, Hon. Dachung Musa Bagos

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE PROJECTS

2 DEVELOPMENT AGENCY (PRODA) ENUGU

3 1.-(1) There is established the Projects Development Agency Establishment
4 (PRODA), Enugu (in this Act referred to as "the Agency"). of the Projects
5 Development
6 Agency

5 (2) The Agency:

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

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

9 (c) may, for the performance of its functions:

10 (i) acquire and hold movable or immovable property, and

11 (ii) enter into a contract or any other transaction performing its

12 functions under the Act.

13 2. There is established for the Agency a Governing Board (in the Establishment
14 Act referred to as "the Board") which shall formulate and supervise the of the Board of
15 functions of the Agency. the Agency

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

17 (a) the Chairman appointed by the President who shall be a person Membership of
18 of proven knowledge and experience in matters relating to global industrial the Board

- 1 research and development;
- 2 (b) the representative of:
- 3 (i) Ministry of Science, Technology and Innovation,
- 4 (ii) the representative of the Manufacturers Association of Nigeria
- 5 (MANL
- 6 (iii) the representative of the Nigerian Association of Small Scale
- 7 Industrialists (NASSIL
- 8 (iv) the representative of the Nigerian Society of Engineers (NSEL
- 9 and
- 10 (v) the representative of Nigerian Academy of Science;
- 11 (vi) the representative of the Academic Staff Union of Research
- 12 Institute; and
- 13 (2) The Director-General shall:
- 14 (a) serve as a member and secretary of the Board; and
- 15 (b) be the Chief Executive Officer of the Agency.
- 16 (3) The Chairman and members of the Board, other than the Director-
- 17 General shall serve on part-time basis.
- 18 (4) The supplementary provision set out in the Third Schedule to the
- 19 Act shall have effect with respect to the proceedings of the Board and other
- 20 matters contained in the Schedule.
- 21 **4.-(1)** A member of the Board other than the Director-General shall
- 22 hold office, subject to any other provision of this Act, on such terms and
- 23 conditions specified in his letter of appointment or as may be determined by the
- 24 President.
- 25 (2) A member of the Board is not entitled to appoint a proxy at any
- 26 meeting.
- 27 (3) The office of a member absent from meeting for a continuous
- 28 period of 12 months shall be declared vacant at the end of that period.
- 29 **PART II - POWERS AND FUNCTIONS OF THE BOARD**
- 30 **5.** The Board shall:

Tenure of office
of members of
the Board

Tenure of office
of members of
the Board

1 (a) be to formulate policies and guidelines for effective and
2 efficient delivery of functions or mandates of the Agency; and

3 (b) to advise the Federal Government on matters of capacity
4 building, research and development and technological advancement.

5 **6.** The Board shall have powers to:

Powers of the
Board

6 (a) provide the general policy guidelines relating to the functions
7 of the Agency in accordance with government regulations;

8 (b) review and streamline the plan of the Agency in all the areas of
9 its functions or mandates in accordance with government regulation;

10 (c) supervise, monitor and ensure the implementation of policies
11 and programmes of the Agency;

12 (d) do such other things which in its opinion are necessary to ensure
13 the efficient performance of the function of the Agency under the Act.

14 **7.** A member of the Board may, at any time by a notice in writing
15 addressed to the President of the Federal Republic of Nigeria, resign from
16 office.

Resignation from
office

17 **8.** Where the office of a member becomes vacant as a result of
18 death or resignation, the President shall, on the recommendation of Minister
19 of Science, Technology and Innovation, appoint another person to replace
20 the member.

Death or resignation
of members of
the Board

21 **9.-(1)** The allowances payable to members of the Board shall be in
22 accordance with such rates as may be approved by the Federal Government.

Allowances of
members of the
Board

23 (2) The Director-General shall be paid such emolument as may be
24 specified in his letter of appointment.

25 **10.** A member of the Board ceases to hold office as a member of the
26 Board if:

Cessation of office
of members of the
Board

27 (a) he resigns his appointment as a member of the Board;

28 (b) he becomes of unsound mind;

29 (c) he becomes incapable of performing functions of his office
30 either arising from an infirmity of mind or body;

1 (d) the President is satisfied that it is not in the interest of the Agency
2 or in the interest of the public for the person to continue in that office;

3 (e) he is convicted of a felony by a court of law or Code of Conduct
4 Tribunal;

5 (f) in the case of a person who becomes a member by virtue of the
6 office he occupied, he ceases to be a member on the expiration of his term in the
7 office; or

8 (g) he died.

9 PART III - MANDATES, FUNCTIONS AND STRUCTURE OF THE AGENCY

Maintenance
of the Members

10 11. The mandate of the Agency are to:

11 (a) conduct research in engineering machinery and equipment,
12 industrial materials and processes to pilot plant stages, including engineering
13 design, development and fabrication, and in particular to conduct research into
14 materials science and technology including metallurgy, foundry work, plastics
15 and synthetic fibres;

16 (b) processing of ceramic materials and other solid based minerals for
17 industrial use, including development of ceramics, glass and mineral
18 technologies;

19 (c) processing of agro produce into various bye-products through
20 development of appropriate technology and machinery requirements;

21 (d) carry out mechanical engineering including engineering design,
22 fabrication, machining and other processes;

23 (e) carry out coal conversion and utilization;

24 (f) carry out chemical plant development;

25 (g) carry out electrical and electronic elements particularly electrical
26 generators, motors, transformers, switchgear, batteries and other equipment;

27 (h) undertake economic evaluation of research results to establish
28 their viability in micro, small, medium and large enterprises development;

29 (i) carry out training in specialized technical areas and award
30 proficiency certificates;

1 (j) establish a specially advanced technology center with a post-
2 graduate degree awarding curriculum in science and technology in
3 collaboration with an accredited University;

4 (k) carry out technical, analytical and consultancy services for
5 existing and planned industries; and

6 (l) handle any other related matter as may be determined by the
7 Minister or President.

8 **12.** The Agency shall:

Functions of the
Agency

9 (a) review and supervise research and development projects in
10 engineering aimed at facilitating the Nation's drive towards technological
11 development, design and fabrication of processing machinery and
12 equipment needed by micro, small and medium enterprises (MSMEs) to
13 process local raw materials in producing consumer goods which will lead to
14 self-reliance;

15 (b) liaise with relevant establishment within and outside Nigeria in
16 pursuance of the functions of the Agency;

17 (c) establish and operate world class science, engineering
18 laboratories, workshops and library as centers of excellence for precision
19 research;

20 (d) establish demonstration factories, Spin-off companies and
21 Industrial parks to ensure rapid commercialization of its Research and
22 Development (Rand D) output and providing necessary avenues for training
23 and retraining of skilled labour and manpower (including students of
24 tertiary institutions on industrial attachment);

25 (e) establish skill acquisition platforms through the outreach
26 centers;

27 (f) encourage and promote the commercialization of Rand D
28 innovation results;

29 (g) establish and operate liaison office and outreach centers for
30 effective delivery and deployment of its services in Nigeria;

1 (h) provide technical, analytical consultancy services to local
2 manufacturing sector for revenue generation and for quality control;

3 (i) liaise with industries and tertiary institution to develop products,
4 curricula or modules for appropriate technology transfer programs for
5 effective commercialization; and

6 (j) achieve a high research and development output and revenue, and
7 make the desired impact on national socio-economic development.

8 (2) The Agency shall:

9 (a) be a corporate member of national and international engineering
10 or scientific bodies and affiliations;

11 (b) publicise the results of its research activities;

12 (c) develop facilities and capabilities for the following activities:

13 (a) research and development;

14 (b) collaboration with educational institutions and other relevant
15 government agencies, organizations, councils and commercial industries in
16 research, development and capacity building.

17 (d) provide such other services as the Agency may deem necessary for
18 the purposes mentioned in paragraph (c);

19 (e) invest surplus funds of the Agency in profit-yielding ventures in
20 accordance with extant regulations; and

21 (f) carryout such other activities as are necessary or expedient for the
22 performance of its functions under this Act.

Structure of the
Agency

23 **13.-(1) The Agency:**

24 (a) shall operate:

25 (i) a head office in Enugu, Enugu State,

26 (ii) Liaison Office at Abuja, and

27 (iii) outreach centers in the six geopolitical zones of the Federation,
28 including the Federal Capital Territory (FCT);

29 (b) is structured into the following eight Departments and Service
30 Units:

- 1 (a) Departments:
- 2 (i) Engineering Research, Development and Production ERDP)
- 3 Department,
- 4 (ii) Electrical Power and Electronic Development (EPED)
- 5 Department,
- 6 (iii) Applied Sciences and Energy Technology Development
- 7 (ASET) Department,
- 8 (iv) Ceramic Production (CPD) Department,
- 9 (v) Industrial Promotion, Information and Documentation (IPID)
- 10 Department,
- 11 (vi) Human Resources (HR) Department,
- 12 (vii) Finance and Account Department,
- 13 (viii) Metallurgy and Materials Development (MMD)
- 14 Department,
- 15 (ix) Information and Communication Technology (ICT)
- 16 Department,
- 17 (vi) Procurement Department,
- 18 (b) Service units:
- 19 (i) Internal Audit,
- 20 (ii) Legal Unit,
- 21 (iii) Works Unit,
- 22 (iv) Servicom,
- 23 (v) Procurement,
- 24 (vi) Anti-Corruption Transparency Unit (ATU),
- 25 (vii) Intellectual Property and Technology Transfer Unit {IPTIU},
- 26 (viii) Private Public Partnership Unit,
- 27 (ix) Any other unit may as have approved by the Federal
- 28 Government.
- 29 (2) Head of a Research Directorate shall be designated as Head of
- 30 Department who shall be of the Rank of Director and shall hold office for

1 four years in the first instance, renewable for another four years and no more

2 (3) In the absence of the Director, the most senior research officer not
3 below the rank of Chief Research Officer, shall be appointed in acting capacity.

4 (4) A Department shall consist of maximum of five Divisions and
5 each Division shall be headed by an officer of the rank of Deputy Director.

6 (5) Each Division shall consist of relevant numbers of sections with
7 each section headed by an officer of the rank of Chief Research Officer, Chief
8 Engineer or Chief Scientific Officer as the case may be.

9 (6) Each section shall also consist of relevant number of Units for
10 effective and efficient functioning.

Establishment of
Scientific, Technical
and Advisory
Committee

11 **14.**-(1) The Agency may establish Scientific, Technical and Advisory
12 Committee (in this Act referred to as the Advisory Committee") in the areas of
13 research to assist the Agency in various aspects of its responsibilities.

14 (2) The members of the Advisory Committee shall be persons with
15 requisite expertise and experience in the relevant areas of research and
16 mandate of the Agency.

17 (3) Subject to section 13 (c) of the Act, Research Directors are
18 automatic members of the Committee.

19 (4) The Advisory Committee shall have membership to a maximum
20 of seven.

21 (5) The Director-General shall appoint other members of the
22 committee.

Establishment of
Demonstration
Factories, Spin-off
Companies and
industrial Parks

23 **15.**-(1) The Agency may with the approval of the Minister and Board,
24 establish Demonstration Factories, Spin-off companies and Industrial Parks
25 which shall be located in six geo-political zones in Nigeria as may be selected
26 by the Agency, based on raw materials availability and other factors of
27 production of comparative advantage in such zones.

28 (2) Demonstration factories are pilot plant arising from research and
29 characterized by innovation to attract entrepreneurial interest for industrial
30 growth.

1 (3) Spin-off companies which are incidental outcomes of research
 2 will expand the scope of local raw material utilization leading to industrial
 3 growth and a conglomeration of all of the above would give rise to Industrial
 4 park.

5 (4) The demonstration factories, spin-off companies and industrial
 6 parks shall be fully equipped to carry out its production and business
 7 activities.

8 (5) A suitable association and collaboration of the Demonstration
 9 factories, spin off companies and industrial parks with universities, other
 10 institutions of higher learning and commercial industries should be
 11 encouraged.

12 **16.** The Agency with the approval of the Minister and the Board
 13 may establish a liaison office at the Federal Capital Territory (FCT) to
 14 facilitate contacts with other government agencies.

Establishment of
liaison office in
the FCT

15 **17.** The Agency may, with the approval of the Minister and Board,
 16 establish outreach centers in the six geopolitical zones of the Federation and
 17 FCT for effective and efficient delivery of its mandate.

Establishment of
Outreach Centers
in the six geopolitical
zones of the Federation
and FCT

18 **18.** The Agency may, with the approval of relevant authorities,
 19 establish and operate PRODA Consult which shall be a semi-autonomous
 20 body to commercialize inventions and innovations.

Establishment of
PRODA Consult

21 PART IV - APPOINTMENT OF DIRECTOR-GENERAL AND

22 STAFF OF THE AGENCY

23 **19.-(1)** The President shall appoint the Director-General
 24 recommendation of the Board subject to the approval of the supervising
 25 Minister.

Appointment of
Director-General/
Chief Executive
Officer

26 (2) The Director-General shall:

27 (a) be responsible for the execution of the policy and the
 28 administration of the affairs of the Agency;

29 (b) be the Chief Executive Officer of the Agency; and

30 (c) have a cognate experience and skills of at least 15 years post

1 qualification as a professional; and

2 (d) satisfy other criteria as contained in the Condition of Service for
3 research agencies.

4 (3) The Director-General shall hold office for a single non-renewable
5 tenure of five (5) years and thereafter he shall become a Research Director.

6 (4) In the absence of the Director-General the most senior Research
7 Director shall be appointed in acting capacity.

8 (5) The Director-General as well as Secretary to the Board shall:

9 (a) prepare the minutes of meetings of the Board and its Committees;

10 (b) keep and secure the corporate record of the Board;

11 (c) issue notices of meetings of the Board as may be directed by the
12 Board Chairman;

13 (d) be responsible for ensuring the implementation of the decisions of
14 the Board in accordance with extant government regulations;

15 (e) prepare draft expenditure, estimates and development plans for
16 the Board and Agency;

17 (f) have custody of the seal of the Agency; and

18 (g) perform such other functions as may be determined by the Board.

Appointment of
Principal Officers
of the Agency

19 **20.**-(1) The Agency shall have the following principal officers:

20 (a) head of Departments and Directors; and

21 (b) Deputy Directors.

22 (2) The Director or Head of Department shall assist the Director-
23 General in the management of the Agency.

24 (3) A Director or Head of Department:

25 (a) head the Directorate of the Agency which he coordinates;

26 (b) shall implement the policies of the Agency as they apply to the
27 directorate which he coordinates;

28 (c) shall prepare draft expenditure estimate and development plans of
29 his directorates;

1 (d) may serve on Scientific, Technical and Advisory Committee of
2 the Agency; and

3 (e) shall perform such other functions as may be determined by the
4 Director-General.

5 **21.**-(1) The Board may appoint such other persons as members of
6 staff of the Agency upon recommendation by the Director-General as may
7 be deemed necessary, subject to the extant rules and conditions of service for
8 research agencies.

Appointment of
other members of
staff of the Agency

9 (2) The members of staff of the Agency shall be public officers as
10 defined in the Constitution.

11 **22.** The salaries and benefits of all the members of staff of the
12 Agency shall be in accordance with the approved Salary Structures for
13 Research Agencies in Nigeria.

Remuneration of
employees of
the Agency

14 **23.** The staff regulation will be in accordance with approved
15 conditions or scheme of service for research agencies.

Staff
regulations, etc.

16 **24.**-(1) Service in the employment of the Agency shall be an
17 approved service under the Pensions Reform Act and, officers and
18 employees of the Agency shall in respect of their services be entitled to
19 pensions, gratuities and other retirement benefits as are prescribed under the
20 Pension Reform Act.

Service in the
Agency or application
of the Pension
Reforms Act

Act No. 4, 2004

21 (2) Notwithstanding the provisions of subsection (1), nothing in
22 the Act prevents the appointment of a person to any office on terms which
23 preclude the grant of a pension and gratuity in respect of that office.

24 (3) For the purposes of the application of the Pensions Reform Act,
25 any power exercisable by the Minister or authority other than the Federal
26 Government (not being the power to make regulations under section 22, is
27 vested in and shall be exercisable by the Agency and not by any other person
28 or authority.

29 (4) Subject to subsection (2), the Pensions Reform Act shall in its
30 application by virtue of subsection (3) to any office, have effect as of the

1 office where in the public service of the Federation within the meaning of the
2 Constitution.

3 PART V - FINANCIAL PROVISIONS

Funds of the
Agency

4 **25.**-(1) The Agency shall establish and maintain a fund (in this Act
5 referred to as "the Fund") which shall be applied towards the promotion of the
6 objectives specified in this Act.

7 (2) There shall be paid and credited to the fund:

8 (a) fees charged for services rendered by the Agency;

9 (b) contributions from the organized private sector;

10 (c) all sums accruing to the Agency by ways of gifts, testamentary
11 disposition and endowments or contributions from philanthropic persons; and

12 (d) such money as may be appropriated to it by the National
13 Assembly, foreign aid and assistance from bilateral and multilateral Agencies;
14 and

15 (e) commercialization of research and development products by the
16 Agency.

17 (3) Notwithstanding the provision of subsection (2), every
18 application for registration of the Agency's Journal shall attract a fee which
19 shall be credited and maintained in separate account by the Agency and part of
20 this fund shall be used for the publication of the Agency's Journal.

21 (4) The funds referred to in subsection (2) shall be as determined by
22 the Management of the Agency.

Expenditure of
the Agency (Fund
Administration)

23 **26.** The Agency shall from time to time apply the proceeds of the
24 funds under section 24 of the Act to:

25 (a) the cost of establishing and maintaining the head office as well as
26 the outstations of the Agency;

27 (b) pay the remuneration of members of the Board in accordance with
28 extant rules;

29 (c) sponsor local and international conferences, seminars, workshops
30 for members of staff of the Agency;

1 (d) provision of scholarship award for specialized training of
2 personnel;

3 (e) publicize and promote the activities of the Agency;

4 (f) support national and international scientific bodies and pay
5 annual and other contributions to International scientific organization in
6 which Nigeria subscribes;

7 (g) undertake any other activity in connection with all or any of the
8 functions of the Agency;

9 (h) act for and in connection with all or any of its functions under
10 the Act; and

11 (i) organize local and international conferences, seminars and
12 workshops.

13 **27.**-(1) All incomes derived by the Agency from the sources Exemption from
14 specified in section 25 (2) of the Act shall be exempted from income tax. income tax

15 (2) All other contributions to the Fund of the Agency shall be tax
16 deductible.

17 **28.**-(1) Subject to the approval of the Minister and Board, the Capital production
18 Agency may invest in the profitable productions of capital goods by joint income
19 venture, partnership, share- holding or as sole proprietor as the case may be.

20 (2) The net income so generated shall be paid into the Fund of the
21 Agency.

22 **29.** The Agency may, subject to the supervisory Ministry or in Disposal of surplus
23 conjunction with the Federal Ministry of Finance, invest any surplus fund in funds
24 profit-yielding ventures.

25 **30.** The Agency shall submit to the Board, not later than 31st Annual estimates
26 October in each year, its programme of work and estimates of its income and
27 expenditure for the following year.

28 **31.**-(1) The Agency shall keep proper accounts and records and Accounts and
29 shall prepare in respect of each year a statement of accounts in such forms as audit
30 may be directed by the Auditor-General for the Federation.

	1	(2) The accounts of the Agency shall be audited, not later than six
	2	months after the end of the year to which it relates by auditors appointed by the
	3	Agency from the list and in accordance with the guidelines supplied by the
	4	Auditor-General for the Federation.
Annual report	5	32.-(1) The Agency shall, as soon as possible after the expiration of
	6	each financial year but within six months after the end of the year prepare and
	7	submit to the supervisory Ministry through the Board, an annual report
	8	covering the activities and the operations of the Agency.
	9	(2) The annual report submitted under subsection (1) shall include the
	10	report of the Auditor.
	11	(3) The Agency shall, not later than 30th September in each year,
	12	submit to the Board the Annual Report of each of its outstations for the
	13	preceding year.
	14	(4) The Board shall also submit to the supervisory ministry other
	15	reports in writing requested by the supervisory Ministry.
Financial year	16	33. The financial year of the Agency shall be the same as that of the
	17	Government.
	18	PART VI - LEGAL ACTIONS AGAINST THE AGENCY
Limitation of suit against the Agency	19	34.-(1) Subject to the provisions of this Act, the provision of the
	20	Public Officers Protection Act shall apply in relation to any suit against any
	21	officer or employee of the Agency.
	22	(2) Notwithstanding anything contained in any other enactment or
	23	law, no suit shall lie or be in any court against any member of the Agency, the
	24	Director-General or Chief Executive Officer, or any other officer or employee
	25	of the Agency for any act done under or in execution of the Act or any
	26	enactment or law, duty or authority unless:
	27	(a) it is commenced within three months after the act, neglect or
	28	default complained of and there must be a three months pre- trial notice to that
	29	effect;
	30	(b) in the case of continuation of damage or injury, within six months

1 next after the cessation thereof

2 **35.**-(1) Any notice given by the Agency under or for the purpose of
3 this Act shall be sufficiently given if it is in writing, under the seal of the
4 Agency or is signed by the Director-General, or by one or more of the
5 principal officers of the agency, or by any person purporting to act by
6 direction of the Agency, and is served in accordance with section 34 of the
7 Act on the person or persons primarily concerned or on any person or
8 organization deemed by the Agency to represent the person or persons
9 primarily concerned with it.

Service of court
processes

10 (2) All documents purporting to be signed by or on behalf of the
11 Agency or to be sealed with the seal of the Agency shall, in all courts and in
12 all proceeding under the Act, be deemed to have been so signed or sealed
13 with due authority, unless the contrary is established.

14 **36.**-(1) Any notice or other document required or authorized to be
15 served on or given to any person for the purpose of this Act may be served or
16 given by delivering it to that person or by leaving it at his usual or last known
17 place of residence or business or at the address specified by him in any
18 notice, application, or other document made, given or tendered to the
19 Agency under the Act, or by posting it by registered main to him at that place
20 of residence or business or at that address.

Service of
notice(s)

21 (2) If any notice or other document is sent to any person by
22 registered mail, then, unless the contrary is shown, it is deemed to have been
23 delivered to him when it would have been delivered in the ordinary course of
24 posting a mail unless the contrary is established and in proving the delivery,
25 it shall be sufficient to prove that there is return post office slip showing
26 actual delivery.

27 (3) Where for any purpose under this Act, a notice or document is
28 required to be served on a firm or company, the notice or document may be
29 served on the secretary, executive officer, manager, or other officer holding
30 a similar position in the association or body and shall, unless otherwise

	1	directed by the Agency, be deemed to be service on all person who are members
	2	of the Association or body or who are represented in the association or body by
	3	those members.
	4	(4) Any service of notice or process on the Agency shall be by proven
	5	registered post or by personal service on any principal officer of the Agency.
Power to accept gifts	6	37.-(1) The Agency may accept gifts of land, money or other property,
	7	whether within or outside Nigeria upon such terms and conditions, if any, as
	8	may be specified by the person or organization making the gift, provided that
	9	the terms and conditions are not contrary to the objectives and functions of the
	10	Agency.
	11	(2) The Agency shall not accept any gift if the conditions attached by
	12	the person or organization making the gift are inconsistent with the objectives
	13	and functions of the Agency.
Utilization of gifts	14	38.-(1) A gift intended by a person for the Agency, or project of the
	15	Agency shall be made directly to the Agency which shall utilize the gift for its
	16	objectives under the Act.
	17	(2) In deciding to what use to put a gift, the Agency shall consider the
	18	expressed wishes of the donor of the gift as are not inconsistent with the
	19	objectives of the Agency and in the case of an inconsistency arising between
	20	the expressed wishes of the donor of a gift and the objectives of the Agency, the
	21	gift may be utilized by the Agency in furtherance of any of the objectives of the
	22	Agency.
Power to give directives	23	39. The Board may give to the Agency directives of a general
	24	character relating to the policies and functions of the Agency, and the Agency
	25	shall comply with such directives in accordance with government extant rules.
Investment	26	40. The Agency may, subject to the provisions of this Act, with
Cap. 124, LFN, 2004	27	approval from the Supervisory Ministry and in conjunction with the Federal
	28	Ministry of Finance and conditions of any trust created in respect of any
	29	property's invest all or any of its funds in any security prescribed by the
	30	Investment and Securities Act or in such other securities as may from time to

1 time, be approved by the Agency.

2 **41.**-(1) The Agency shall be exempted from the payment of income
3 tax in any income accruing from investment made by the Agency.

Exemption from
tax accruing from
investment

4 (2) The provision of any enactment relating to the taxation of
5 companies or trust funds shall not apply to the Agency.

6 **42.** The Agency shall impose conditions and set targets for the
7 formation of joint ventures or partnership between multinational services,
8 research agencies, institution or service companies in all sectors of the
9 economy and certified indigenous services companies for the purpose of
10 technological training and acquisition.

Joint venture
targets for technology
acquisition

11 **43.** The Agency shall make regulation with target to ensure full
12 utilization and steady growth of in-country capacity of indigenous research
13 and development in science, engineering technology and agro-allied
14 materials and other facilities in national economy.

Targets for
in-country research
and development
projects

15 **44.** The Agency shall make regulations with requirements and
16 targets for the growth of research and development in the areas as prescribed
17 by the mandate but not limited thereof as may be reviewed by the Agency, in
18 particular Nigerian industry.

Research and
development

19 **45.** In this Act:

Interpretation

20 "Agency" means Projects Development Agency (PRODA);

21 "Board" means the governing body of the Agency;

22 "Chairman" means the Chairman of the Board of the Agency;

23 "Fund" means the fund of the Agency as established under the section 25 of
24 the Act;

25 "member" means a member of the Board and this includes the Chairman;

26 "Minister" means Minister of Science, Technology and Innovation

27 "President" means President of the Federal Republic of Nigeria;

28 "principal officer" means the Directors and other officers as specified in
29 Section 20 of this Act;

30 "Public Service" has the meaning assigned to it in the Constitution of the

- 1 Federal Republic of Nigeria, 1999;
- 2 "Secretary" means the Director-General or Chief Executive Officer of the
- 3 Agency who is the Secretary to the Board.
- Citation 4 **46.** This Bill may be cited as the Projects Development Agency
- 5 (PRODA) Enugu (Establishment) Bill, 2022.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

3 *Proceedings of the Board*

4 1.-(1) Subject to the Act and Section 44 of the Interpretation Act,
5 the Board may make standing orders regulating its proceedings or those of
6 any of its committees.

7 (2) The quorum of the Board shall be the Chairman or person
8 presiding the meeting and four other members of the Board and the quorum
9 of any committee of the Board shall be as determined by the Board.

10 (3) The Board shall meet in full sessions not more than four times in
11 each year precluding emergency meetings thereto.

12 (4) The Chairman shall summon all meetings by a notice given to
13 him by not less than three other members and he shall summon a meeting of
14 the Board to be held within 28 days from the date on which the notice is
15 given.

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

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

24 *Committee*

25 2.-(1) The Board may set up one or more committees to perform,
26 on behalf of the Board, such functions as the Board may determine.

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

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

3 (4) The validity of any proceeding of the Board or of a committee is
4 not affected by any vacancy in the membership of the Board or of a committee.

5 (5) Any member of the Board or any person, holding office on a
6 committee of the Board, who has personal interest in any contract or
7 arrangement shall disclose his interest to the Board and shall not influence on
8 any matter relating to the contract or arrangement.

9 *Miscellaneous*

10 3.-(1) The fixing of the seal of the Board shall be authenticated by the
11 signature of the Director-General or any person generally or specifically
12 authorized by the Board to act for that purpose.

13 (2) Any contract or instrument which, if made or executed by a person
14 not being a body corporate, would not be required to be under seal, may be
15 made or executed on behalf of the Board by the Director-General or any person
16 generally or specifically authorized by the Board to act for that purpose.

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

20 (4) The validity of any proceeding of the Board or a committee shall
21 not be affected by:

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to among other things to put in place a legal framework for the continuous growth and existence of Projects Development Agency (PRODA), Enugu.

ESSENTIAL DRUGS, THERAPEUTIC MEDICAL DEVICES AND HOSPITAL
CONSUMABLES PROVISION, MANAGEMENT AND UTILIZATION IN PUBLIC
HEALTH INSTITUTIONS IN NIGERIA BILL, 2022

ARRANGEMENT OF SECTIONS

Sections

PART I - ESTABLISHMENT OF THE DRUG REVOLVING FUND SCHEME

1. Establishment of the Drug Revolving Fund Scheme
2. Objectives of the Scheme
3. Establishment of the Drug Revolving Fund

PART II - ORGANISATION AND MANAGEMENT

4. Operations of the Scheme as business concern
5. Management Committee
6. Functions of staff under the Scheme

PART III - SCOPE OF APPLICATION

7. Scope of application

PART IV - THE FEDERAL MINISTRY OF HEALTH AND THE SCHEME

8. The position of the Ministry in the Scheme
9. Legal Proceedings

PART V - FINANCIAL PROVISIONS

10. Management of Funds of the Scheme
11. Records of the Scheme
12. Audit Procedure
13. Cost Recovery and Pricing
14. Financial year, budgeting and annual report

PART VI - BASIC PRINCIPLES FOR THE PROVISION OF ESSENTIAL DRUGS,
THERAPEUTIC MEDICAL DEVICES AND HOSPITAL CONSUMABLES

15. Basic Principles for the Provision of Essential Drugs, Therapeutic Medical Devices and Hospital Consumables.

PART VII - ORGANISATION OF ESSENTIAL DRUGS, THERAPEUTIC MEDICAL
DEVICES AND HOSPITAL CONSUMABLES PROCUREMENTS

16. Approving authority
17. Essential Drugs, Therapeutic Medical Devices and Hospital Consumables Procurement planning
18. Essential Drugs, Therapeutic Medical Devices and Hospital Consumables Procurement implementation
19. Pre-qualification of bidders

PART VIII - PROCUREMENT METHODS FOR ESSENTIAL DRUGS,
THERAPEUTIC MEDICAL DEVICES AND HOSPITAL CONSUMABLES

20. Open Competitive bidding
21. Invitation of bid
22. Submission of bids
23. Rejection of bids
24. Validity period of bids, modification and withdrawal of tenders
25. Bid opening
26. Examination of bids
27. Evaluation of bids
28. Acceptance of bids
29. Mobilization fees
30. Procedure for payment of suppliers and contractors
31. Record of procurement proceeding

PART IX - SPECIAL METHODS OF PROCUREMENT FOR ESSENTIAL DRUGS,
THERAPEUTIC MEDICAL DEVICES AND CONSUMABLES

32. Restricted Tendering
33. Request for quotation
34. Direct Procurement
35. Emergency Procurement

PART X - RECEIPT OF PROCUREMENTS AND STORAGE OF ESSENTIAL
DRUGS, THERAPEUTIC MEDICAL DEVICES AND, HOSPITAL
CONSUMABLES

36. Receipt of essential drugs, therapeutic medical devices and
hospital consumables supplies and storage

PART XI - UTILIZATION OF ESSENTIAL DRUGS, THERAPEUTIC MEDICAL
DEVICES AND HOSPITAL CONSUMABLES

37. Establishment of Drugs and Therapeutic Committee.
38. Prescription and dispensing of Essential drugs, therapeutic
medical devices and hospital consumables
39. Drug information services
40. Pharmacovigilance
41. Loss of Essential drugs, therapeutic medical devices and hospital
consumables
42. Exemptions from payments
43. Usage of Essential drugs, therapeutic medical devices and hospital
consumables drugs by staff
44. Payment procedure for Essential drugs, therapeutic medical
devices and hospital consumables utilized

PART XII - OFFENCES AND PENALTIES

45. Offences and Penalties

PART XIII - MISCELLANEOUS PROVISIONS

46. Miscellaneous Provisions
47. Interpretation
48. Short title

A BILL

FOR

AN ACT TO PROVIDE FOR THE PROVISION, MANAGEMENT AND UTILIZATION OF ESSENTIAL DRUGS, THERAPEUTIC MEDICAL DEVICES AND HOSPITAL CONSUMABLES THROUGH THE ADMINISTRATION OF THE DRUG REVOLVING FUND SCHEME IN PUBLIC HEALTH INSTITUTIONS IN NIGERIA AND FOR RELATED MATTERS, 2022

Sponsored by Hon. Dele Gboluga Ikengboju

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE DRUG REVOLVING FUND SCHEME

2 1.-(1) There is hereby established by this Act, a Drug Revolving
3 Fund Scheme in each public health institution in Nigeria (in this Act referred
4 to as "the Scheme"). Establishment of the Drug Revolving Fund Scheme

5 (2) The Scheme shall strengthen the supply and quality assurance
6 of essential drugs, therapeutic medical devices and hospital consumables at
7 affordable cost in each public health institution, ensure the elimination of
8 out-of-stock syndrome and guarantee equitable cost recovery, subject to the
9 provisions of this Act.

10 2.-(1) The objectives of the Scheme are:

Objectives of the Scheme

11 (a) To ensure the continuous and uninterrupted supply of quality
12 essential drugs, therapeutic medical devices and hospital consumables at
13 affordable cost in public health institutions;

14 (b) To ensure the elimination of out-of-stock syndrome for
15 essential drugs, therapeutic medical devices and hospital consumables in
16 public health institutions;

17 (c) To harmonize the prevalent practices on provision,
18 management and utilization of essential drugs, therapeutic medical devices

1 and hospital consumables in the public health institutions in Nigeria ensuring
2 probity, accountability and transparency in the procurement process;

3 (d) To ensure the application of fair, competitive, transparent, value-
4 for-money standards and practices for the provision, management and
5 utilization of essential drugs, therapeutic medical devices and hospital
6 consumables and Pharmaceutical services in public health institutions; and

7 (e) To ensure transparency, competitiveness, cost effectiveness and
8 professionalism in the public health institution procurement supply chain
9 system for essential drugs, therapeutic medical devices and hospital
10 consumables.

Establishment
of the Drug
Revolving Fund

11 **3.-(1)** There is hereby made in this Act, a provision for the setting
12 aside in each public health institution, a special intervention fund by name
13 Drug Revolving Fund for the operation of Drug Revolving Fund Scheme
14 established in Section 1 (1) (in this Act referred to as "the fund").

15 (2) The fund shall be deployed solely to drive the operations of the
16 essential drugs, therapeutic medical devices and hospital consumables
17 procurement-supply chain system to guarantee an uninterrupted supply and
18 availability of essential drugs, therapeutic medical devices and hospital
19 consumables in the public health institutions and to address other drugs
20 specific related transactions and matters thereto as provided in this Act.

21 (3) The objective of the fund is to guarantee the continued and
22 uninterrupted provision of essential drugs, therapeutic medical devices and
23 hospital consumables by collecting sufficient funds through user charges to
24 patients for the aforementioned products consumed to cover full replacement
25 cost.

26 PART II - ORGANISATION AND MANAGEMENT

Operation of the
Scheme as a
Business Concern

27 **4.-(1)** The scheme shall be positioned and operated based on business
28 principles within the public health institutions across Nigeria.

29 (2) The responsibility for the overseeing of and pursuit of the
30 successful day-to-day running of the scheme shall rest on a Project Director,

1 who shall be the most senior Pharmacist and shall also serve as the
2 Head/Director of Pharmaceutical Services in- charge of the Department of
3 Pharmaceutical Services of the public health institution and shall be
4 responsible to the Chief Executive/Accounting officer.

5 5.-(1) It is hereby established by this Act in each public health The Management
6 institution a Drug Revolving Fund Scheme Committee, to supervise and Committee
7 oversee the overall management of the Scheme, in this Act referred to as the
8 "Management Committee".

9 (2) Subject to the provisions of this Act, the membership of the
10 Management Committee shall include:

11 (a) the Head/Director of Pharmaceutical Services in-charge of the
12 Pharmaceutical Services Department of the public health institution, who
13 shall be the Project Director of the Scheme and Chairman of the Committee,

14 (b) the representative of Chief Medical Director/ Medical Director/
15 Medical Officer in-charge/ Director of Medical Services, by any name
16 whatsoever called but being the administrative head of the public health
17 institution, who shall be a medical practitioner,

18 (c) Pharmacist in-charge of Pharmacy Stores, who shall be the
19 Head of the Supply Chain Management division of the Pharmaceutical
20 Services Department and shall be responsible to the Project Director and
21 shall be the Secretary of the Committee;

22 (d) the Fund's Accountant, who shall be an accounts officer
23 working in the health institution and shall be responsible for the financial
24 management system of the scheme;

25 (e) a representative of the procurement unit of the public health
26 institution.

27 (f) a representative of Nursing Services Department of the public
28 health institution, and

29 (g) a representative of the Department of Medicine or Medical
30 Services, who shall be a medical practitioner.

Functions of
staff under the
scheme

1 (3) The Management Committee may, subject to the approval of the
2 Chief Executive/Accounting Officer, co-opt any person to attend its meeting
3 but the person so co-opted shall not have a casting vote or be counted towards
4 quorum.

5 **6.-(1)** The Chief Executive/Accounting Officer:

6 (a) The Chief Executive/Accounting officer of a public health
7 institution shall be the administrative head of the public health institution and
8 shall be the person charged with overall supervision of the conduct of all
9 procurement processes under this Act; or officer of co-ordinate responsibility;

10 (b) The Management Committee of the scheme in every public health
11 institution shall have overall responsibility for the planning of, organization of
12 tenders, evaluation of tenders and execution of all provision of essential drugs,
13 therapeutic medical devices and hospital consumables subject to the approval
14 of the Chief Executive/Accounting officer;

15 (c) The Chief Executive/Accounting officer in particular shall be
16 responsible for:

17 (i) ensuring compliance with the provisions of this Act by his
18 institution and liable in person for the breach or contravention of this Act or any
19 regulation made hereunder whether or not the act or omission was carried out
20 by him personally or any of his subordinates and it shall not be material that he
21 had delegated any function, duty or power to any person or group of persons;

22 (ii) ensuring that adequate appropriation is provided specifically for
23 the provision of essential Drugs, therapeutic medical devices and hospital
24 consumables;

25 (iii) integrating his institution's Pharmaceuticals provision
26 expenditure into its yearly budget;

27 (iv) ensuring that no reduction of values or splitting of procurements
28 is carried out such as to evade the use of the appropriate procurement method;

29 (v) ensuring that this Act, financial management policies, procedures
30 and guidelines of the scheme are strictly adhered to at all times by operators of

1 the scheme as provided in this Act;

2 (vi) shall execute the function as provided in paragraph (ii) through
3 the project director and the Fund's Accountant;

4 (vii) shall also ensure that the approved systems are operated at all
5 times, taking the appropriate measures that the Auditors might recommend
6 and by taking all necessary disciplinary actions;

7 (viii) shall be the Chief Accounting Officer of the scheme;

8 (ix) enforce the overall implementation of scheme;

9 (x) shall be a signatory to the fund's account.

10 (2) Management Committee:

11 The functions of the Management Committee shall include the following:

12 (a) overall responsibility for the planning of, organization of
13 tenders, evaluation of tenders and execution of all procurements of essential
14 drugs, therapeutic medical devices and hospital consumables subject to the
15 approval of the Chief Executive/Accounting officer;

16 (b) ensuring the regular supply of essential drugs, therapeutic
17 medical devices and hospital consumables to guarantee the elimination of
18 stock out syndrome in the public healthcare institution;

19 (c) carrying out analysis of quotations or tenders from suppliers
20 during her meetings;

21 (d) making appropriate recommendations to Executive
22 /Accounting Officer for the procurement therapeutic medical devices and
23 hospital consumables;

24 (e) supervising the overall operations of the scheme;

25 (f) making recommendations to the Chief Executive/Accounting
26 officer to ensure quality, availability, accessibility and sustainability of
27 essential medicines, therapeutic medical devices and hospital consumables
28 as well as ensure growth of the scheme.

29 (3) Project Director:

30 (a) shall act as the project director for the whole scheme

- 1 responsible for the day-to- day management of the scheme;
- 2 (b) shall supervise the ordering, storage, distribution and dispensing
3 of essential drugs, therapeutic medical devices and hospital consumables;
- 4 (c) shall establish in liaison with the fund's Accountant, appropriate
5 prices for drugs therapeutic medical devices and hospital consumables;
- 6 (d) shall undertake documentation in respect of all activities relating
7 to essential drugs, therapeutic medical devices and hospital consumables
8 including pharmacovigilance and drug information services;
- 9 (e) shall initiate and monitor the procurement steps for items on the
10 essential drugs list, essential medical supplies list and the public health
11 institution's hospital drug formulary;
- 12 (f) shall supervise the proper storage of essential drugs, therapeutic
13 medical devices and hospital consumables and maintenance of store records;
- 14 (g) shall supervise the sale and dispensing of essential drugs,
15 therapeutic medical devices and hospital consumables on cash basis, retainer-
16 ship basis with public/private organizations and or through the National Health
17 Insurance Scheme;
- 18 (h) shall liaise with appropriate organs or departments for the
19 organization of necessary training for scheme's staff;
- 20 (i) shall produce annual report of the scheme;
- 21 (j) shall report to the Management Committee and the Chief
22 Executive/Accounting Officer of the institution;
- 23 (k) shall ensure the prompt payment of suppliers, manufacturers and
24 contractors as provided in this Act;
- 25 (l) shall be a compulsory signatory to the account of the fund in line
26 with the National Drug Policy; and
- 27 (m) shall serve as the Chairman of the Management Committee.
- 28 (4) Fund's Accountant:
- 29 (a) shall be responsible to the Chief Executive/Accounting officer of
30 the institution through the Head/Director of Finance and Accounts;

1 (b) shall be functionally responsible to the project director of the
2 scheme;

3 (c) shall be the senior financial officer of the scheme responsible
4 for overseeing all financial aspects of the scheme and providing financial
5 advice to the scheme's management and or Chief Executive/ Accounting
6 officer;

7 (d) shall ensure that the quarterly interim performance report of the
8 scheme is produced;

9 (e) shall prepare all financial plans including budget;

10 (f) shall maintain proper books and records of accounts of all
11 scheme's transactions;

12 (g) shall establish in liaison with the project director, appropriate
13 prices for essential drugs, therapeutic medical devices and hospital
14 consumables and monitor the prices;

15 (h) shall develop and amend accounting procedures in the light of
16 the circumstances;

17 (i) shall operate satisfactory accounting controls over the scheme's
18 assets and liabilities;

19 (j) shall provide statistical, financial and management information
20 reports which are required by management;

21 (k) shall participate in quarterly stock count in conjunction with the
22 Pharmacist in- charge of supply chain management division or his/her
23 representative;

24 (l) shall supervise the activities of cashiers/revenue collectors
25 working with him;

26 (m) shall perform other functions/ responsibilities and specific
27 tasks as provided in the financial management manual of the scheme.

28 (5) Head/Director of Finance and Accounts:

29 (a) shall supervise the activities of the fund's accountant;

30 (b) shall ensure that not more than 50% of the quarterly surplus of

1 the scheme is removed from the fund by the public health institution's
2 management; and

3 (c) shall be a signatory to the fund's account.

4 (6) Pharmacist In-charge of Drug supply chain management division:

5 (a) shall be responsible to the Project Director;

6 (b) shall be in-charge of Pharmacy stores;

7 (c) shall ensure stock security and the maintenance of the quality and
8 proper storage conditions for essential drugs, therapeutic medical devices and
9 hospital consumables throughout their shelf life;

10 (d) shall maintain an inventory of items on essential drugs list,
11 essential medical supplies list and or hospital's drug formulary;

12 (e) shall maintain books of accounts for stocks showing inventory
13 quantities;

14 (f) shall undertake stock replenishment action;

15 (g) shall be responsible for the initiation of essential drugs,
16 therapeutic medical devices and hospital consumables procurement planning;

17 (h) shall undertake quantification of items for procurement;

18 (i) shall ensure quarterly stock count in the presence of the Fund's
19 Accountant or his/her representative and other relevant staff of the institution;

20 (j) shall generate and issue final job completion certificates for all
21 procurements supplied; and

22 (k) shall carry out all other tasks assigned to him by the project
23 director.

24 (7) Dispensing Pharmacists:

25 (a) shall be responsible to the project director of scheme;

26 (b) shall validate and audit all prescriptions before dispensing;

27 (c) shall dispense drugs in accordance with the approved
28 prescriptions;

29 (d) shall collaborate with prescribers in carrying out the functions;

30 (e) shall ensure that essential drugs, therapeutic medical devices, and

- 1 hospital consumables are not dispensed for private use;
- 2 (f) shall provide counselling services on dispensed drugs,
3 therapeutic medical devices and hospital consumables;
- 4 (g) shall undertake drug information services to patients and
5 caregivers;
- 6 (h) shall monitor and report adverse drug reactions by patients to
7 administered drugs;
- 8 (j) shall ensure that drugs, therapeutic medical devices and hospital
9 consumables are only dispensed after seeing evidence of payment, where
10 necessary; and
- 11 (k) shall take physical stock along with supervising Pharmacist and
12 reconcile quantities with relevant records.
- 13 (8) A Representative of the Procurement Unit:
- 14 (a) shall serve as member of the management committee;
- 15 (b) shall advice the management committee on the procurement
16 procedures required by financial regulations and standing orders or as
17 provided in this Act and subsequent reviews thereof.
- 18 (9) A Representative of Internal Audit Unit:
- 19 (a) Appraisal of the effectiveness of accounting, financial and
20 operational controls;
- 21 (b) Making appropriate recommendations to management as to the
22 identified weaknesses in the controls indicating steps to be taken to rectify
23 the weaknesses;
- 24 (c) Evaluating the extent of compliance with the provisions of the
25 financial management system manual, plans and procedures;
- 26 (d) Assessing the reliability of the accounting records as a basis for
27 the preparation of financial statements that will show a true and fair view of
28 the state of affairs of the scheme at any particular day;
- 29 (e) Verification of the scheme's assets and liabilities;
- 30 (f) Ensuring timely preparation of management accounts and

1 reports by the personnel involved;
 2 (g) Ensuring that necessary controls are in place to safeguard the
 3 assets of scheme and for the prevention/or detection of errors and fraud;
 4 (h) Continuously checking of the financial and other departmental
 5 operations and reporting directly to the Chief Executive/Accounting officer on
 6 their findings.

7 **PART III - SCOPE OF APPLICATION**

Scope of
Application

8 **7.-(1)** The provisions of this Act shall apply to all supplies and
 9 utilization of essential drugs, therapeutic medical devices and hospital
 10 consumables as well as other services carried out by:

11 (a) the Pharmaceutical Services Department of every public health
 12 institution in Nigeria owned by the Federal Government of Nigeria;

13 (b) the Pharmaceutical Services Department of every clinic, medical
 14 centre, health centre and or health institutions in Nigeria owned and operated
 15 by Ministries, Departments and Agencies of the Federal Government of
 16 Nigeria.

17 (2) The provisions of this Act shall not apply to essential drugs,
 18 therapeutic medical devices and hospital consumables donated to public health
 19 institutions by donor agencies, non-governmental organization and or
 20 government for the treatment of patients under special programmes.

21 **PART IV - THE FEDERAL MINISTRY OF HEALTH AND THE SCHEME**

The position of
the Ministry in
the Scheme

22 **8.-(1)** A department by name Pharmaceutical Supplies Services in the
 23 Ministry is hereby created by this Act and is specifically charged with the
 24 responsibilities of general supervision, oversight, monitoring and evaluation
 25 of all essential drugs, therapeutic medical devices and hospital consumables
 26 provision, management and utilization in public health institutions as provided
 27 in this Act.

28 (2) The department of Pharmaceutical Supplies Services in the
 29 Ministry shall be headed by a Pharmacist of the status of a Director, who shall

1 also be well versed in health commodities logistics and supply chain
2 management system.

3 9.-(1) Subject to the provisions of this Act, no suit shall be
4 commenced against the public health institution before the expiration of 30
5 days after written notice of an intention to the Ministry to commence the suit
6 shall have been served upon the Ministry and copied the public health
7 institution by the intending plaintiff or his agent; and the notice shall clearly
8 and explicitly state.

Legal
Proceedings

9 (a) the cause of action;

10 (b) the particulars of the claim;

11 (c) the name and address of legal practitioner of the intending
12 plaintiff; and

13 (d) the relief being sought.

14 (2) The Chief Executive/Accounting officer of the public health
15 institution, its officers, employees or agents shall not personally be subject
16 to any action, claim or demand by, or liable to in person in respect of
17 anything done or omitted to be done in exercise of any functions or power
18 conferred by this Act upon the public health institution, its accounting
19 officer, officers, employees or agents.

20 (3) A member of the Management Committee or Chief Executive/
21 Accounting officer of the Public health institution or any officer or
22 employee of the public health institution shall be indemnified out of the
23 assets of the scheme against any liability incurred by him in defending any
24 proceeding, if civil, if the proceeding is brought against him in his capacity
25 as a member, Chief Executive/ Accounting officer, officer or other
26 employee of the public health institution.

27 (4) A notice, summons or other documents required or authorized
28 to be served upon the public health institution under the provisions of this
29 Act or any other law enacted may be served by delivering it to the Chief
30 Executive/Accounting officer or by sending it by registered post and

1 addressed to the Chief Executive/Accounting officer at the principal office of
2 the public health institution.

3 **PART V - FINANCIAL PROVISIONS**

Management
of Funds of the
Scheme

4 **10.-(1)** There is established as provided in this Act, a fund which shall
5 consist of:

6 (a) all monies held by the scheme in each public health institution
7 before the commencement of this Act;

8 (b) fund set aside pursuant to the objectives of the scheme as provided
9 in section 3(1) of this Act;

10 (c) The fund shall be paid and credited with:

11 (i) all monies approved by the Ministry for the running of the scheme;

12 (ii) all subventions, aids, fees and charges for services rendered under
13 the scheme;

14 (iii) all funds generated from the sales of essential drugs, therapeutic
15 medical devices and hospital consumables;

16 (iv) all assets of the scheme held before the commencement of this
17 Act; and

18 (iv) all other assets which may from time to time accrue to the scheme.

19 (c) The scheme shall charge its fund to meet all its expenditure and as
20 may be approved by the Ministry for the development and maintenance of any
21 property vested in or owned by the scheme in a public health institution;

22 (d) The Ministry may make regulations for the scheme:

23 (i) specifying the minimum seed money for the scheme in each health
24 institution;

25 (ii) specifying the manner in which assets or the fund of the scheme
26 are to be held; and

27 (iii) requiring the keeping of proper accounts and records for the
28 purposes of the fund in such form as may be specified in the rules.

29 (2) A separate account for the fund with the title "Drug Revolving

1 Fund" shall be maintained in the Central Bank of Nigeria (CBN) by each
2 public health institution.

3 (3) The account referred to in sub-section (2) of this section shall
4 serve as a reservoir for the "fund" from which all transactions connected
5 therewith shall be conducted.

6 (4) The proceeds from the sale of essential drugs, therapeutic
7 medical devices and hospital consumables and or deposits for exemptions as
8 the case may be, and the provision of related services shall be lodged into the
9 account referred to in sub-section (2) of this section on a daily basis, save for
10 weekends.

11 (5) All payments into and out of the fund shall be carried out in
12 accordance with the provisions of this Act

13 (6) The scheme shall, from time to time, apply the proceeds of the
14 fund for:

15 (a) the cost of administration of the scheme;

16 (b) the payments of suppliers and or contractors of the scheme;

17 (c) any matter connected with all or any of the functions of the
18 scheme under this Act; and

19 (d) any expenditure connected with all or any of the functions of
20 the scheme under this Act

21 (7) Under no circumstances whatsoever, shall the fund be used to
22 finance other public health institution's expenditure unless as provided in
23 this Act.

24 (8) The integrity of the fund shall be protected at all times and the
25 fund shall not be diverted for any other expenditure of the public health
26 institution unless as provided in sub-section (6) of this section until a
27 quarterly interim performance report and accounts of the scheme for a
28 preceding quarter is produced by the fund's Accountant and or as provided in
29 this Act.

30 (9) The management of the public health institution shall cause to

1 be removed from the fund's account referred to in sub-section (2) of this section
2 under the circumstance referred to in subsection (8) of this section not more
3 than 50% of the surplus declared in a preceding quarter as prepared by the
4 fund's Accountant.

5 (10) In this Act, provision is hereby made for the payment of an
6 incentive by name, Drug Revolving Fund Allowance, at the rate of not more
7 than 10% of annual surplus of the scheme to all personnel involved in the
8 running of the scheme.

9 (11) At the end of the financial year following an audit of the scheme
10 as provided by section 12(1) of this Act, the management of the public health
11 institution may apply to the Ministry and may secure approval to remove from
12 the fund's account monies in excess of, and not required for its Pharmaceutical
13 procurement expenditure for the new year for the purposes of improving
14 facilities that would enhance the performance of the scheme, in so far as such
15 removal does not adversely affect the capital for the operations of the scheme.

16 (12) It shall be an offence to violate any of the provisions of this
17 section of this Act.

Records of the
Scheme

18 **11.-(1)** There shall be maintained by each public health institution for
19 the scheme's transactions adequate accounting records and such records shall
20 be properly and promptly updated in a manner that will guarantee the
21 completeness and reliability of the records.

22 (2) A detailed manual incorporating financial management and
23 accounting system for the scheme shall be prepared by the Ministry and
24 provided for each public health institution.

25 (3) The use of the manual referred to in sub-section (2) of this section
26 shall be compulsory in the overall management of the scheme by each public
27 health institution.

28 (4) All accounting and financial management systems of the scheme
29 shall be conducted strictly in accordance with the prescription of the manual
30 referred to in sub-section (2) of this section.

1 12.-(1) The scheme in each public health institution shall be Audit Procedure
2 audited annually by an independent firm of chartered auditors approved by
3 the Auditor General of the Federation at the instance of the management of
4 the public health institution.

5 (2) The report of this audit referred to in sub-section (1) of this
6 section shall be submitted to the Auditor General of the Federation who shall
7 cause same to be transmitted to the Ministry.

8 (3) Upon the submission of the audit report referred to in sub-
9 section (2) and an infraction or breach of any of the provisions of this Act and
10 or the financial management and accounting manual is established, the
11 Auditor General of the Federation or an officer acting in his stead shall cause
12 to be issued an audit query to the Chief Executive/ Accounting Officer or the
13 officer involved in the offending public health institution.

14 (4) Whereby the query is issued the Chief Executive/Accounting
15 officer or the affected officer, he shall have a period of twenty working days
16 to reply the query, exculpating himself and or the management committee of
17 the scheme in the public health institution.

18 (5) Wherein the Auditor General of the Federation is satisfied with
19 the reply of the Chief Executive/Accounting officer or the affected officer to
20 the query, no further action shall be taken on the matter but where the
21 otherwise is the case; the matter shall be referred to the relevant authority for
22 further necessary actions.

23 13.-(1) Upon the enactment of this Act, full cost recovery for Cost Recovery
24 essential drugs, therapeutic medical devices and hospital consumables shall and Pricing
25 be put into effect:

26 (a) Full cost recovery entails recovering the full replacement costs
27 of essential drugs, therapeutic medical devices and hospital consumables;

28 (b) Such costs referred to in sub-section (1)(a) of this section shall
29 be determined after considering-

30 (i) landing cost (cost of bringing the drugs, therapeutic medical

1 devices and hospital consumables to the Pharmacy warehouse or store of the
2 institution as the case may be);

3 (ii) Re-packaging cost;

4 (iii) Deterioration expiry;

5 (iv) Currency depreciation;

6 (v) Inflation and other direct operational costs of the scheme;

7 (vi) Insurance;

8 (vii) Acceptable losses;

9 (viii) Deferrals and Exemptions;

10 (c) Fixed operating costs such as salaries and wages and fixed assets
11 depreciation shall be excluded in recovery cost.

12 (2) The selling prices of drugs and related products in each public
13 health institution shall be fixed having regard to the particular circumstance of
14 its location.

15 (3) The prices of essential drugs, therapeutic medical devices and
16 hospital consumables fixed shall be dictated by the prevailing realities in the
17 Pharmaceutical market.

18 (4) The mark up for essential drugs, therapeutic medical devices and
19 hospital consumables stocked at each public health institution's Pharmacy
20 shall be between 25% and 30 % of the total arrived cost at sub-section (1)(a) of
21 this section taking into consideration Pharmaceutical market prices of the
22 commodities and affordability.

Financial year,
budgeting and
annual report

23 **14.-(1)** The financial year of the scheme shall be the same as that of
24 the Federal Government.

25 (2) Not later than 6 months before the end of the financial year, the
26 fund's Accountant shall submit to the management committee an estimate of its
27 projected expenditure and projected income during the succeeding year.

28 (3) A budget for the provision of essential drugs, therapeutic medical
29 devices and hospital consumables for a succeeding year produced by the fund's
30 Accountant taking into consideration essential drugs, therapeutic medical

1 devices and hospital consumables consumption pattern made available to
2 him by the Project Director and approved by the management committee
3 shall be submitted to the Board of management of the public health
4 institution by Chief Executive/Accounting Officer before the end of
5 September of the every year.

6 (5) A detailed report on the operations of the scheme for the
7 preceding year shall be produced by the Project Director in the first quarter
8 of a new year for onward submission to the Board of management of the
9 public health institution through the Chief Executive/Accounting Officer.

10 (6) The scheme shall keep proper accounts and records of its
11 receipts, payments, assets and liabilities and shall in respect of each
12 financial year prepare a statement of account in such form as the Accountant
13 General of the Federation may direct.

14 (7) The scheme shall at the end of each financial year, prepare and
15 submit to the Ministry a report in such form as shall accurately capture all
16 the activities of the scheme during the preceding year and shall include in the
17 report a copy of the audited accounts of the scheme for that year.

18 PART VI - BASIC PRINCIPLES FOR THE PROVISION OF ESSENTIAL DRUGS,
19 THERAPEUTIC MEDICAL DEVICES AND HOSPITAL CONSUMABLES

20 **15.-(1)** Subject to any exemption allowed by this Act, all
21 procurements of essential drugs, therapeutic medical devices and hospital
22 consumables shall be conducted:

23 (a) to guarantee the continuous availability of essential drugs,
24 therapeutic medical devices and hospital consumables at economical prices;

25 (b) at regular periodic intervals of monthly and or quarterly;

26 (c) from only the ones enumerated in the Essential Drugs List and
27 or public healthcare institution's drugs formulary and Essential Medical
28 Supplies List;

29 (d) directly from either registered local manufacturers or importers
30 or wholesalers;

Basic Principles
for the provision
of Essential Drugs,
Therapeutic Medical
Devices and
Hospital
Consumables

1 (e) subject to the approval limit of the Chief Executive/Accounting
2 Officer of the public health institution as approved by the Bureau or Ministry or
3 financial regulations;

4 (f) with recourse to only essential drugs, therapeutic devices and
5 hospital consumables related duly registered in Nigeria by the National
6 Agency for Food, Drugs Administration and Control, except for orphan drugs;

7 (g) with due regard to the use of official International non-proprietary
8 (generic) names as provided in the National Drug Formulary;

9 (h) with preference to locally manufactured essential drugs,
10 therapeutic medical devices and hospital consumables;

11 (i) based on accurate quantification of essential drugs, therapeutic
12 medical devices and hospital consumables requirements by the
13 Pharmaceutical supply-chain management division of the Pharmaceutical
14 Services Department of the public health institution;

15 (j) such quantification referred in (i) above, shall be based on previous
16 consumption data;

17 (k) based only on procurement plans supported by prior budgetary
18 appropriations and no procurement proceeding shall be commenced until the
19 public health institution has ensured that funds are available to meet its
20 obligations to the suppliers;

21 (l) by open competitive bidding;

22 (m) in a manner which is transparent, timely, equitable for ensuring
23 accountability and conformity with this Act and regulations deriving
24 therefrom;

25 (n) with the aim of achieving value for money and fitness for purpose;

26 (o) in a manner which promotes competition, economy and
27 efficiency; and

28 (p) in accordance with the procedures and time-line laid down in this
29 Act.

30 (2) A supplier or manufacturer or contractor and or service provider

1 shall be a body corporate or legal person involved in the business of
2 Pharmacy practice duly registered with the Corporate Affairs Commission
3 and licensed by the Pharmacists Council of Nigeria.

4 (3) Suppliers, manufacturers, contractors or service providers
5 acting alone or jointly are individually or jointly and severally liable for all
6 obligations and or responsibility arising from this Act and the non-
7 performance or improper performance of any contract awarded pursuant to
8 this Act.

9 (4) A transparent mode of prequalification of interested suppliers
10 duly registered to provide essential drugs, therapeutic medical devices and
11 hospital consumables shall be carried out by the drug quality assurance
12 division of the Pharmacy facility of the public health institution.

13 (5) The quality of essential drugs, therapeutic medical devices and
14 hospital consumables supplied shall be guaranteed by the drug quality
15 assurance division of the Pharmacy facility of the public health institution.

16 (6) All bidders for the supply of essential drugs, therapeutic
17 medical devices and hospital consumables in addition to requirements
18 contained in any bid solicitation documents shall:

19 (a) possess the necessary:

20 (i) professional and technical qualifications to carry out particular
21 procurements;

22 (ii) financial capability;

23 (iii) a current professional practicing licence;

24 (iv) shall have adequate personnel to perform the obligations of the
25 procurement contracts;

26 (v) relevant equipment to enter into the procurement contract.

27 (b) possess the legal capacity to enter into the procurement
28 contract;

29 (c) not be in receivership, the subject of any form of insolvency or

1 bankruptcy proceedings or the subject of any form of winding up petition or
2 proceedings;

3 (d) have fulfilled all its obligations to pay taxes, pensions and social
4 security contributions;

5 (e) not have any director who has been convicted in any country for
6 any criminal offence relating to fraud or financial impropriety or criminal
7 misrepresentation or falsification of acts relating to any matter;

8 (f) accompany every bid with an affidavit disclosing whether or not
9 any officer of the scheme in a public health facility is a present director,
10 shareholder or has any pecuniary interest in the bidder and confirm that all
11 information presented in its bid are true and correct in all particulars.

12 (7) The public health institution may require a bidder to provide
13 documentary evidence or other information it considers necessary as proof that
14 the bidder is qualified in accordance with this Act and the bid solicitation
15 documents and for this purpose any such requirements shall apply equally to all
16 bidders.

17 (8) Whenever it is established by a procuring entity that any or a
18 combination of the situations set out exist, a bidder may have its bid or tender
19 excluded from any particular procurement proceeding if:

20 (a) there is verifiable evidence that any supplier, contractor or
21 manufacturer has given or promised a gift of money or any tangible item, or has
22 promised, offered or given employment or any other benefit, item or a service
23 that can be quantified in monetary terms to a current employee of a procuring
24 entity, in an attempt to influence any action, or decision making of any
25 procurement activity;

26 (b) a supplier, contractor or manufacturer during the last three years
27 prior to the commencement of the procurement proceedings in issue, failed to
28 perform or to provide due care in performance of any procurement;

29 (c) the bidder is in receivership or is the subject of any type of
30 insolvency proceedings or if being a private company under the Companies

1 and Allied Matters Act, is controlled by a. person or persons who are subject
2 to any bankruptcy proceedings or who have been declared bankrupt and or
3 have made any compromises with their creditors within two calendar-years
4 prior to the initiation of the procurement proceeding;

5 (d) the bidder is in arrears regarding payment of due taxes, charges,
6 pensions, or social insurance contributions, unless such bidders have
7 obtained a lawful permit with respect to allowance, difference of such
8 outstanding payments or payment thereof in instalments;

9 (e) the bidder has been validly sentenced for a crime committed in
10 connection with a procurement proceeding, or any other crime committed to
11 gain financial profit;

12 (f) the bidder has in its management or is in any portion owned by
13 any person that has been validly sentenced for a crime committed in
14 connection with a procurement proceeding, or other crime committed to
15 gain financial profit; and

16 (g) the bidder fails to submit a statement regarding its dominating
17 or subsidiary relationships with respect to other parties to the proceedings
18 and persons acting on behalf of the public health institution participating in
19 same proceeding or whom remains in subordinate relationship with other
20 participants to the proceedings.

21 (9) In such cases the public health institution shall inform the
22 person referred to in subsection (8) of this section, in writing that the bid or
23 tender in question has been excluded and the grounds for the exclusion and
24 to keep a record of same in the file pertaining to the procurement proceeding
25 in question.

26 (10) All communications and documents issued by public health
27 institution shall be in English language.

28 (11) All communications regarding any matter deriving from this
29 Act or proceedings of procurement shall be in writing or such other form
30 acceptable by procurement laws.

1 (12) Every public health institution shall maintain both file and
2 electronic records of all procurement proceedings made within each financial
3 year and the procurement records shall be maintained for a period of five years
4 from the date of the award.

5 (13) Copies of all procurement records shall be transmitted to the
6 Ministry through the Chief Executive/Accounting officer not later than three
7 months after the end of the financial year and shall show:

8 (a) information identifying the public health institution and the
9 contractors

10 (b) the dates of award of contracts;

11 (c) the value of the contracts: and

12 (d) the detailed records of the procurement proceedings.

13 (14) All unclassified procurement records shall be open to inspection
14 by the public at the cost of copying and certifying the documents plus an
15 administrative charge as may be prescribed from time to time by the Ministry.

16 (15) The criteria stipulated as the basis upon which suppliers or
17 contractors would be evaluated shall not be changed in the course of any
18 procurement proceeding.

19 (16) The burden of proving fulfilment of the requirements for
20 participation in any procurement proceeding shall lie on the supplier or
21 contractor.

22 (17) A contract shall be awarded taking into cognizance cost
23 effectiveness of the drugs, medical devices and hospital consumables from the
24 bidders.

25 (18) The Chief Executive/Accounting Officer may direct either that
26 the procurement proceedings be entirely cancelled or that the Management
27 Committee conduct a re-tender.

28 (19) The Chief Executive/Accounting officer of a public health
29 institution and any officer to whom responsibility is delegated are responsible
30 and accountable for any actions taken or omitted to be taken either in

1 compliance with or in contravention of this Act.

2 (20) The Chief Executive/Accounting officer of a public health
3 institution has the responsibility to ensure that the provisions of this Act and
4 any other regulations laid down by the Ministry are complied with, and
5 concurrent approval by the Management Committee shall not absolve the
6 Accounting officer from accountability for anything done in contravention
7 of this Act or the regulations laid down hereunder.

8 (21) Procurement decisions of a public health institution shall be
9 taken in strict adherence to the provisions of this Act and any other
10 regulations as may from time to time be laid down by the Ministry.

11 (22) Persons who have been engaged in preparing for a
12 procurement or part of the proceedings thereof may neither bid for the
13 procurement in question or any part thereof either as main contractor or sub-
14 contractor nor may they cooperate in any manner with bidders in the course
15 of preparing their tenders.

16 (23) A public health institution shall not request or stipulate that a
17 bidder should engage a particular subcontractor as a requirement for
18 participating in any procurement proceedings.

19 (24) All procurement contracts shall contain provisions for arbitral
20 proceedings as the primary forms of dispute resolution.

21 (25) The values in procurement documents shall be stated in
22 Nigeria? currency only.

23 (26) All procurement contracts shall contain evidence of efficacy,
24 quality and safety of the drugs, therapeutic medical devices and hospital
25 consumables and exercise of requisite skills in service provision.

26 PART VII - ORGANISATION OF ESSENTIAL DRUGS, THERAPEUTIC
27 MEDICAL DEVICES AND HOSPITAL CONSUMABLES PROCUREMENTS

28 16.-(1) Subject to the monetary approval limit of the Chief
29 Executive/Accounting Officer for procurement as may from time to time be
30 determined by financial regulations or as provided in this Act, the approving

Approving
Authority

1 authority for the conduct of essential drugs, therapeutic medical devices and
2 hospital consumables procurement in a public health institution shall be vested
3 in the Chief Executive/Accounting officer based on the recommendations of
4 the Management Committee,

5 (2) The monetary approval limit of the Chief Executive/Accounting
6 Officer for procurement of drugs, therapeutic medical devices and hospital
7 consumables per purchase order may be provided in the financial management
8 and accounting manual as approved by the Ministry.

Essential Drugs,
Therapeutic Medical
Devices and
Hospital
Consumables
Procurement
Planning

9 **17.**-(1) Subject to regulations as provided here in this Act or by the
10 Ministry, a public health institution shall plan its essential drugs, therapeutic
11 medical device and hospital consumables procurement-

12 (a) preparing the needs assessment and evaluation as carried out by
13 the project director;

14 (b) identifying the essential drugs, therapeutic medical devices and
15 hospital consumables or services required;

16 (c) carrying appropriate market and statistical surveys and on that
17 basis prepare analysis of the cost implications of the proposed procurement;

18 (d) aggregating its requirements whenever possible, both within the
19 institution and between institutions, to obtain economy of scale and reduce
20 procurement cost;

21 (e) integrating its essential drugs, therapeutic medical devices and
22 hospital consumables procurement expenditure into its yearly budget;

23 (f) prescribing any method for effecting the procurement subject to
24 the necessary approval under this Act; and

25 (g) ensuring that the procurement functions stipulated in this section
26 shall be carried out by the Management Committee.

Essential Drugs,
Therapeutic
Medical Devices
and Hospital
Consumables
Procurement
Implementation

27 **18.**-(1) Subject to regulations as made by this Act, or may be made by
28 the Ministry, a public health institution shall, in implementing its procurement
29 plan:

30 (a) advertise and solicit for bids for essential drugs, therapeutic

1 medical devices and hospital consumables in adherence to this Act and
2 guidelines as may be issued by the Ministry from time to time;

3 (b) receive, evaluate and make a selection of the bids received in
4 adherence to this Act and guidelines as may be issued by the Ministry from
5 time to time;

6 (d) obtain approval of the approving authority before making an
7 award;

8 (e) resolve complaints and disputes if any; obtain and confirm the
9 validity of any performance Guarantee;

10 (f) execute all Contract Agreements; and

11 (g) announce and publicize the award in the format stipulated by
12 this Act and guidelines as may be issued by the Ministry from time to time.

13 **19.-(1)** Where a public health institution has made a decision with
14 respect to the prequalification of bidders, minimum qualifications of
15 suppliers, contractors or service providers by requesting interested persons
16 to submit applications, to pre-qualify, it shall set out precise criteria upon
17 which it seeks to give consideration to the applications in reaching decision
18 as to which supplier, contractor or service provider qualifies, apply only the
19 criteria set out in the prequalification documents and no more.

Pre-qualification
of bidders

20 (2) Public health institutions shall supply a set of pre qualification
21 documents to each supplier or contractor that request them, and the price
22 that a public health institution may charge for the prequalification
23 documents shall reflect only the cost of printing and provision to suppliers or
24 contractors.

25 (3) The prequalification document shall include:

26 (a) instructions to prepare and submit prequalification application;

27 (b) a summary of the main terms and conditions required for the
28 procurement contract to be entered into as a result of the procurement
29 proceedings;

30 (c) any documentary evidence or other information that must be

1 submitted by suppliers, contractors or manufacturers to demonstrate their
2 qualifications;

3 (d) the manner and place for the submission of applications to pre-
4 qualify and the deadline for the submission, expressed as a specific date and
5 time in line with this Act, which allows sufficient time for suppliers, or
6 contractors to prepare and submit their applications, taking into account the
7 reasonable need of the public health institution; and

8 (e) any other requirement that may be established by the public health
9 institution in conformity with this Act and procurement regulations relating to
10 the preparation and submission of applications to prequalify and to the
11 prequalification proceedings.

12 (4) The public health institution shall respond to any request by a
13 supplier or contractor for clarification of the prequalification documents if the
14 request is made at least five working days before the deadline for the
15 submission of applications to prequalify.

16 (5) The response by the public health institution shall be given within
17 a reasonable time and in any event within a period of at most seven working
18 days so as to enable the supplier or contractor to make a timely submission of
19 its application to prequalify.

20 (6) The response to any request that might reasonably be expected to
21 be of interest to other supplier or contractor or manufacturer shall, without
22 identifying the source of the request, be communicated to other suppliers or
23 contractors provided with the prequalification documents by the public health
24 institution.

25 (7) A public health institution shall promptly notify each supplier or
26 contractor or manufacturer which submitted an application to pre-qualify of
27 whether or not it has been pre-qualified and shall make available to any
28 member of the general public upon request, the names of the suppliers or
29 contractors who have been pre-qualified.

30 (8) Suppliers or contractors or manufacturers who have been pre-

1 qualified may participate further in the procurement proceeding.

2 (9) The public health institution shall upon request communicate to
3 suppliers or contractors or manufacturers who have not been pre-qualified,
4 the grounds for disqualification.

5 (10) The public health institution may require a supplier or
6 contractor or manufacturer or service provider who has been pre-qualified
7 to demonstrate its qualifications again in accordance with the same criteria
8 used to pre-qualify the supplier or contractor or manufacturer.

9 (11) The public health institution shall promptly notify each
10 supplier or contractor or manufacturer or service provider requested to
11 demonstrate its qualifications again whether or not the supplier, contractor
12 or manufacturer or service provider has done so to the satisfaction of the
13 public health institution.

14 (12) The public health institution shall disqualify any supplier,
15 contractor or service provider who fails to demonstrate its qualification
16 again if requested to do so.

17 **PART VIII - PROCUREMENT METHODS FOR ESSENTIAL DRUGS,**
18 **THERAPEUTIC DEVICES AND HOSPITAL CONSUMABLES**

19 **20.**-(1) Except as provided by this Act, all procurements of
20 essential drugs, therapeutic medical devices and hospital consumables and
21 services by all public health institutions shall be conducted by open
22 competitive bidding. Open competitive
bidding

23 (2) Any reference to open competitive bidding in this Act means
24 the process by which a public health institution based on previously defined
25 criteria, effects essential drugs, therapeutic medical devices and hospital
26 consumables procurements by offering to every interested bidder equal
27 simultaneous information and opportunity to offer the essential drugs,
28 therapeutic medical devices and hospital consumables procurements and
29 services needed.

30 (3) The winning bid shall be that which is the lowest evaluated

1 responsive bid which has been responsive to the bid with regards to
2 specification and standard.

3 (4) Except as provided by this Act, all procurements of essential
4 drugs, therapeutic medical devices and hospital consumables by public health
5 institution shall be made from suppliers, importers, manufacturers,
6 wholesalers, state drug distribution centres, mega drug distribution centres and
7 or federal central medical stores of the ministry.

Invitation of bids

8 **21.**-(1) Invitations to bid shall be by way of Competitive Bidding and
9 the Ministry shall from time to time set the monetary thresholds for which
10 procurements shall be undertaken within the approval limit of the Chief
11 Executive/Accounting Officer.

12 (2) Every invitation to an open competitive bid shall be advertised on
13 the notice board or website of the public health institution for two weeks before
14 the deadline for submission of the bids for essential drugs, therapeutic medical
15 devices, hospital consumables and services.

Submission of
bids

16 **22.**-(1) All bids in response to an invitation to open competitive
17 bidding shall be submitted in writing and in addition to any other format
18 stipulated in the tender documents, signed by an official authorized to bind the
19 bidder to a contract and placed in a sealed envelope.

20 (2) All submitted bids shall be deposited in a secured tamper-proof
21 bid-box.

22 (3) All bids submitted shall be in English language.

23 (4) The public health institution shall issue a receipt showing the date
24 and time the bid was delivered.

25 (5) Any bid received after the deadline for the submission of bids shall
26 not be opened and must be returned to the supplier or contractor or
27 manufacturer which submitted it.

28 (6) No communication shall take place between a public health
29 institution and any supplier or contractor or manufacturer after the publication
30 of a bid solicitation other than as provided in this Act.

1	23. A public health institution may:	Rejection of bids
2	(a) reject all bids at any time prior to the acceptance of a bid,	
3	without incurring thereby any liability to the bidders; and	
4	(b) cancel the procurement proceedings in the public interest,	
5	without incurring any liability to the bidders.	
6	24. -(1) The period of validity for a bid shall be the period specified	Validity period of
7	in the tender If documents.	bids, modification
8	(2) A public health institution may request suppliers or contractors	and withdrawal
9	or manufacturers to extend the period of validity for an additional specified	of tenders
10	period of time.	
11	(3) A supplier or contractor or manufacturer may refuse the request	
12	for the extension of bid, in which case the effectiveness of its bid will	
13	terminate upon the expiration of the unextended period of effectiveness.	
14	(4) A supplier or contractor or manufacturer may modify or	
15	withdraw its bid prior to the deadline for the submission of bids.	
16	(5) The modification or notice of withdrawal is effective if it is	
17	received by the public health institution before the deadline for the	
18	submission of tenders.	
19	25. All bids shall be submitted before the deadline or date specified	Bid opening
20	in the tender documents or any extension of the deadline for submission and	
21	the public health institution shall:	
22	(a) permit attendees to examine the envelopes in which the bids	
23	have been submitted to ascertain that the bids have not been tampered with;	
24	(b) cause all the bids to be opened in public, in the presence of the	
25	bidders or their representatives and any interested member of the public;	
26	(c) ensure that the bid opening takes place immediately following	
27	the deadline stipulated for the submission of bids or any extension thereof;	
28	(d) ensure that a register is taken of the names and addresses of all	
29	those present at the bid opening and the organizations they represent which	
30	is recorded by the Secretary of the Management Committee; and	

Examination
of bids

1 (e) call-over to the hearing of all present, the name and address of each
2 bidder, the individual amount of each item in the bid document and shall ensure
3 that these details are recorded by the Secretary of the Management Committee
4 or his delegate in the minutes of the bid opening.

5 **26.-(1)** All bids shall be first examined to determine if they:

6 (a) meet the minimum eligibility requirements stipulated in the
7 bidding Documents;

8 (b) have been duly signed;

9 (c) are substantially responsive to the bidding documents; and

10 (d) are generally in order.

11 (2) A public health institution may ask a supplier or a contractor or
12 manufacturer for clarification of its bid submission in order to assist in the
13 examination, evaluation and comparison of bids.

14 (3) The following shall not be sought, offered or permitted

15 (a) changes in prices;

16 (b) changes of substance in a bid; and

17 (c) changes to make an unresponsive bid responsive

18 (4) Notwithstanding sub-section (3) of this Section, the public health
19 institution may correct purely arithmetical errors that are discovered during the
20 examination of tenders.

21 (5) The public health institution shall give prompt notice of the
22 correction to the supplier or contractor or manufacturer that submitted the
23 tender.

24 (6) A major deviation shall result in a rejection of bid while a minor
25 deviation shall be subject to clarification.

26 (7) The following shall be considered as major deviations

27 (a) with respect to clauses in an offer;

28 (i) unacceptable sub-contracting,

29 (ii) unacceptable time schedule if time is of essence, and

30 (iii) unacceptable price adjustment.

- 1 (b) with respect to the status of the bidder
- 2 (i) the fact that he is ineligible or not pre-qualified, and
- 3 (ii) the fact that he is uninvited;
- 4 (c) with respect to bid documents an unsigned bid:
- 5 (d) with respect to time, date and location for submission:
- 6 (i) any bid received after the date and time for submission
- 7 stipulated in the solicitation document,
- 8 (ii) any bid submitted at the wrong location.
- 9 (8) In cases of major deviations, bids shall not be considered any
- 10 further and, where unopened, shall be returned as such to the bidder.
- 11 (9) In all cases of rejection, a letter stipulating the reasons for
- 12 rejection shall be sent, and the bidder shall not be permitted to amend his bid
- 13 to become compliant.
- 14 (10) Subject to any provision to the contrary, the following shall be
- 15 considered as minor deviations:
- 16 (a) the use of codes:
- 17 (b) the difference in standards;
- 18 (c) modified liquidated damages;
- 19 (d) omission in minor items;
- 20 (e) discovery of arithmetical errors;
- 21 (f) sub-contracting that is unclear and questionable;
- 22 (g) difference in final delivery date;
- 23 (h) difference in delivery schedule;
- 24 (i) completion period where these are not of essence;
- 25 (j) non-compliance with some technical local regulation;
- 26 (k) payment terms; and
- 27 (l) any other condition that has little impact on the bid.
- 28 (11) In cases not mentioned above and where there exists a doubt as
- 29 to whether a particular condition in a bid is a major or a minor deviation, the
- 30 following rules shall apply:

1 (a) where the impact on the costs is major, it shall be regarded as a
2 major deviation and

3 (b) where the impact on the costs is minor, it shall be regarded as a
4 minor deviation.

5 (12) In cases of minor deviations, written clarification may be
6 obtained from the supplier or contractor or manufacturer and, where
7 applicable, an offer made for the correction of the minor deviation.

8 (13) Where a supplier or contractor does not accept the correction of a
9 minor deviation, his bid shall be rejected.

10 (14) At the stage of evaluation and comparison, all minor deviations
11 shall be quantified in monetary terms.

12 (15) For the rejection of a bid, a written notice shall be given promptly
13 to the Supplier or contractor or manufacturer.

Evaluation of
bids

14 **27.-(I)** For the evaluation and comparison of bids that have been
15 adjudged as valid for the purposes of evaluation, no other method or criteria
16 shall be used except those stipulated in the solicitation documents.

17 (2) The objective of bid evaluation shall be to determine and select the
18 lowest evaluated responsive bid for each item in the bid document from bidders
19 that have responded to the bid solicitation.

20 (3) In the course of its determination of the lowest evaluated
21 responsive bid for each item in the bid document from the bidders that have
22 responded to the bid solicitation the Management Committee shall, in
23 particular, undertake the following processes as applicable:

24 (a) checking of deviations;

25 (b) checking of omissions with quantification of same ;

26 (c) application of discounts, as applicable;

27 (d) clarification with bidders of questionable minor deviations;

28 (e) quantification in monetary terms of such questionable deviations;

29 (f) calculation and tabulation of bid amount with domestic preference

30 where applicable;

- 1 (g) determination of the lowest calculated prices in order of rank;
- 2 (h) post-qualification of bidders, where applicable
- 3 (i) listing of rejection of bids, where applicable;
- 4 (j) decision of rejection of all bids where justifiable;
- 5 (k) recommendation for award; and
- 6 (l) writing up of the bid evaluation report.
- 7 (4) All relevant factors, in addition to price, that will be considered
- 8 for the purposes of bid evaluation and the manner in which such factors will
- 9 be applied shall be stipulated in the solicitation documents.
- 10 (5) Such factors shall be calculated in monetary terms as stipulated
- 11 in the solicitation documents and shall include:
- 12 (a) for essential drugs, therapeutic medical devices and hospital
- 13 consumables, costs of transportation and insurance, payment schedule,
- 14 delivery time, operating costs, efficiency, compatibility of the equipment,
- 15 availability of services, related training, safety, environmental benefits or
- 16 losses by damages;
- 17 (b) for services, in addition to factors stipulated in Section 35(1) of
- 18 this Act, and subject to Section 35(2) of this Act, if time is a critical factor,
- 19 the value of early completion; and
- 20 (c) the value of early completion under Section 38(2) of this Act
- 21 shall not be taken into account unless, in conformity with criteria pre-set in
- 22 the bidding documents, the conditions of contract provide for
- 23 commensurate penalties in case of late delivery.
- 24 (6) If suppliers were pre-qualified, verification of the information
- 25 provided in the submission for prequalification shall be confirmed at the
- 26 time of award of contract and award may be denied to a bidder who no longer
- 27 has the capability or resources to successfully perform the contract.
- 28 (7) After opening of bids, information relating to the examination,
- 29 clarification and evaluation of bids and recommendations concerning award
- 30 shall not be disclosed to bidders or to persons not officially concerned with

	1	the evaluation process until the successful bidder is notified of the award.
Acceptance of bids	2	28. -(1) The successful bid shall be that submitted by the lowest cost
	3	bidder from the bidders responsive as to the bid solicitation.
	4	(2) Notwithstanding subsection (1) of this Section, the selected bidder
	5	needs not be the lowest cost bidder provided the public health institution can
	6	show good grounds derived from the provisions of this Act to that effect.
	7	(3) Notice of the acceptance of the bid shall immediately be given to
	8	the successful bidder,
Mobilization fees	9	29. -(1) This Act, however, makes no provision for payment of
	10	mobilization fees to suppliers, contractors or manufacturers of essential drugs,
	11	therapeutic medical devices and hospital consumables to public health
	12	institutions.
	13	(2) All supplies of essential drugs, therapeutic medical devices and
	14	hospital consumables to public health institutions shall be made on credit as
	15	shall be stipulated in the terms of the contract.
Procedure for the Payment of suppliers	16	30. -(1) Full Payment for the supplies of essential drugs, therapeutic
	17	medical devices and hospital consumables and services shall be settled
	18	promptly and diligently within thirty days on completion of supplies.
	19	(2) Full payment shall only be carried out where there is evidence of
	20	invoice issued in respect of the particular supply or service and final contract
	21	performance certificate issued by the supply chain management division of the
	22	Pharmaceutical services department, countersigned by the project director.
	23	(3) Any payment due for more than sixty days from the date of the
	24	submission of the invoice, issuance of final contract performance certificate of
	25	confirmation or authentication by the project director shall be deemed a
	26	delayed payment.
	27	(4) All delayed payments shall attract interest at the rate specified in
	28	the contract document.
	29	(5) All contracts shall include terms, specifying the interest for
	30	delayed payment of more than sixty days from the date of completion as well as

1 charges for non- performance by a supplier, contractor and or a
2 manufacturer.

3 **31.-(1)** Every public health institution shall maintain a record of
4 the comprehensive procurement proceedings.

Record of
procurement
proceedings

5 (2) The portion of the record referred to in this section shall. on
6 request, be made available to:

7 (a) any person after a tender, proposal, offer or quotation has been
8 accepted or after procurement proceedings have been terminated without
9 resulting in a procurement contract; and

10 (b) Suppliers, contractors or manufacturers or service providers
11 that submitted tenders, proposals offers or quotations, after a tender,
12 proposal, offer or quotation has been accepted or procurement proceeding
13 have been terminated without resulting in a procurement contract.

14 (3) A disclosure of procurement proceeding records, prior to award
15 of contract may be ordered by a court, provided that when ordered to do so
16 by a court, the procuring entity shall not disclose such information, if its
17 disclosure would.

18 (a) be contrary to law;

19 (b) impede law enforcement; or

20 (c) prejudice legitimate commercial interests of the parties.

21 (4) The public health institution shall not be liable to suppliers,
22 contractors, manufacturers or service providers for damages owing solely to
23 failure to maintain a record of the procurement proceedings in accordance
24 with this Section.

25 (5) The records and documents maintained by public health
26 institutions on procurement shall be made available for inspection by the
27 Ministry. an investigator appointed by the Ministry and the Auditor General
28 upon request and where donor funds have been used for the procurement,
29 donor officials shall also have access upon request to procurement files for
30 the purpose of audit and review.

Restricted
Tendering

1 PART IX - SPECIAL METHODS OF PROCUREMENT FOR ESSENTIAL DRUGS,
2 THERAPEUTIC MEDICAL DEVICES AND CONSUMABLES

3 **32.-(1)** A public health institution may for reasons of economy and
4 efficiency engage in procurement of essential drugs, therapeutic medical
5 devices and hospital consumables by means of restricted tendering if:

6 (a) the drugs, therapeutic medical devices and hospital consumables
7 or services are available only from a limited number of suppliers or
8 manufacturers or service providers;

9 (b) the time and cost required to examine and evaluate a large number
10 of tenders is disproportionate to the value of the drugs, related products or
11 services to be procured; or

12 (c) the procedure is used as an exception rather than norm.

13 (2) where a public health institution engages in restricted tendering on
14 the basis that:

15 (a) the essential drugs, therapeutic medical devices and hospital
16 consumables and or services are available only from a limited number of
17 suppliers or contractors or manufacturers it shall invite tenders from all the
18 suppliers, manufacturers and contractors or service provider who can provide
19 the aforementioned commodities or services; and

20 (b) the time and cost required to examine and evaluate a large number
21 of tenders is disproportionate to the value of the commodities or services, it
22 shall select in a non- discriminatory manner of the number of suppliers or
23 contractors or manufacturers to ensure effective competition;

24 (3) For the purposes of subsection (2), of this section, the public
25 health institution shall cause a notice of the selected tendering proceedings to
26 be published in its notice board and or website.

27 (4) The provisions of this Act regarding the open competitive bidding
28 procedure shall apply to the selective tendering proceedings, except to the
29 extent that those provisions are varied by this section.

- 1 **33.**-(1) A public health institution may carry out procurements for Request for
2 essential drugs, therapeutic medical devices and hospital consumables by quotation
3 requesting for quotations from suppliers or contractors or manufacturers.
- 4 (2) Generally quotations shall be obtained from at least three
5 unrelated contractors or suppliers or manufacturers.
- 6 (3) Each contractor or supplier or manufacturer or service provider
7 from whom a quotation is requested shall-
- 8 (a) be informed whether any factors other than the charges for the
9 commodities, or services themselves, such as any applicable transportation
10 and insurance charges, customs duties and taxes are to be included in the
11 price; and
- 12 (b) give only one quotation and shall not be allowed to change or
13 vary the quotation.
- 14 (4) No negotiation shall take place between a public health
15 institution and a contractor or supplier or manufacturer or service provider
16 with respect to a quotation.
- 17 (5) The procurement shall be awarded to the qualified contractor or
18 supplier or manufacturer or service provider that gives the lowest priced
19 responsive quotation.
- 20 **34.**-(1) A public health institution may carry out any direct Direct
21 procurement where: Procurement
- 22 (a) essential drugs, therapeutic medical devices or hospital
23 consumables or services are only available from a particular supplier or
24 contractor or manufacturer or service provider, or if a particular supplier or
25 contractor or service provider has exclusive rights in respect of the
26 commodities or services, and no reasonable alternative or substitute exists; or
- 27 (b) there is an urgent need for the commodities or services and
28 engaging in tender proceedings or any other method of procurement is
29 impractical due to unforeseeable circumstances giving rise to the urgency

1 which is not the result of dilatory conduct on the part of the public health
2 institution;

3 (c) owing to a catastrophic event, there is an urgent need for the
4 commodities, making it impractical to use other methods of procurement
5 because of the time involved in using those methods;

6 (d) a public health institution which has procured commodities or
7 equipment or services from a supplier or contractor or service provider,
8 determines that:

9 (i) additional supplies need to be procured from that supplier or
10 contractor or manufacturer because of standardization,

11 (ii) there is a need for compatibility with existing commodities or
12 equipment or services, taking into account the effectiveness of the original
13 procurement in meeting the needs of the public health institution,

14 (iii) the limited size of the proposed procurement in relation to the
15 original procurement provides justification,

16 (iv) the reasonableness of the price and the unsuitability of
17 alternatives to the commodities or services in question merits the decision.

18 (e) the public health institution seeks to enter into a contract with the
19 supplier or contractor or manufacturer for research, experiment, study or
20 development, except where the contract includes the production of essential
21 drugs or therapeutic medical devices or hospital consumables in quantities to
22 establish commercial viability or recover research and development costs ; or

23 (f) the public health institution applies this Act for procurement that
24 concerns national security such as vaccines, and determines that single-source
25 procurement is the most appropriate method of procurement.

26 (2) The public health institution:

27 (a) may procure the essential drugs, therapeutic medical devices and
28 hospital consumables or services by inviting a proposal or price quotation from
29 a single supplier or contractor or manufacturer;

30 (b) shall include in the record of procurement proceedings a statement

1 of the grounds for its decision and the circumstances in justification of single
2 source procurement.

3 **35.-(1)** A public health institution may for the purpose of this Act,
4 carry out an emergency procurement where:

Emergency
Procurement

5 (a) the rendering of Pharmaceutical services in a public health
6 institution is either seriously threatened by or actually confronted with a
7 disaster, catastrophe, insurrection or Act of God;

8 (b) there is a potential threat of stoppage of provision of
9 Pharmaceutical services in a public health institution occasioned by lack of
10 essential drugs or therapeutic medical devices or hospital consumables.

11 (2) In an emergency situation, the Project Director of the Scheme in
12 a public health institution with the approval of the Chief Executive Officer
13 may engage in direct procurement of essential drugs, therapeutic medical
14 devices or hospital consumables and services.

15 (3) All procurements made under emergencies shall be handled
16 with expedition but along principles of accountability, due consideration
17 being given to the gravity of each emergency.

18 (4) Immediately after the cessation of the situation warranting any
19 emergency procurement, the Project Director of the Scheme in a public
20 health institution shall file a detailed report thereof with the Ministry
21 through the procurement unit of the public health institution which shall
22 verify same and if appropriate issue a Certificate of 'No Objection'.

23 PART X - RECEIPT AND STORAGE OF ESSENTIAL DRUGS, THERAPEUTIC

24 MEDICAL DEVICES AND HOSPITAL CONSUMABLES

25 **36.-(1)** The delivery of all procurements made under the scheme by
26 the public health institution shall be made to the Pharmacy store of the
27 public health institution in the presence of personnel of the internal audit
28 unit.

Receipt and Storage
of Essential Drugs,
Therapeutic Medical
Devices and
Hospital
Consumables

29 (2) The storage of all such procurements referred to in subsection
30 (1) of this section shall be under the supervision and custody of the

1 Pharmacist in-charge of supply chain management division.

2 (3) The drug quality assurance division of the Pharmaceutical
3 Services Directorate of each public Health institution shall be responsible for
4 the certification of the quality of all essential drugs, therapeutic medical
5 devices and hospital consumables procured under the scheme at the point of
6 receipt of such drugs and related medical products to ensure that they are of
7 good quality in accordance with procurement specifications and Pharmacopeia
8 standards.

9 (4) There shall be conducted by the internal audit unit of each public
10 health institution a physical verification and confirmation of the stocks
11 supplied in the presence of the store Pharmacist.

12 (5) The storage of essential drugs, therapeutic medical devices and
13 hospital consumables shall be to ensure stock security and the maintenance of
14 the quality of drugs throughout their shelf life.

15 (6) There shall be provided in each public health institution a suitably
16 located, constructed and equipped storage facilities for the storage of essential
17 drugs, therapeutic medical devices and hospital consumables.

18 (7) There shall be deployed in storage facilities good storage
19 processes to ensure essential drugs, therapeutic medical devices and hospital
20 consumables do not expire or deteriorate on the shelf.

21 (8) Regular checks on the quality of stored drugs shall be undertaken
22 to ensure that they do not deteriorate under storage conditions.

23 (9) The temperature of all drug storage facilities shall be maintained at
24 appropriate temperature for each product type.

25 (10) The temperature of storage facilities for vaccines and biological
26 products shall be maintained at cold storage conditions in accordance with the
27 specification of the product.

28 (11) The management of each public health institution shall prioritize
29 power supply to the Pharmacy storage facility.

30 (12) It shall be the duty of the store Pharmacist to report to the

1 National Agency for Food, Drugs Administration and Control through the
2 Project Director for disposal, all expired essential drugs, therapeutic
3 medical devices and hospital consumables within six months of such expiry.

4 PART XI - UTILIZATION OF ESSENTIAL DRUGS, THERAPEUTIC MEDICAL
5 DEVICES AND HOSPITAL CONSUMABLES

6 37.-(1) There shall be established in all tertiary and secondary
7 public health institutions a Drugs and Therapeutic Committee so as to
8 promote, implement and monitor the concept of rational drug use.

Establishment of
Drugs and Therapeutic
Committee

9 (2) The membership of such committee shall comprise the
10 representatives of:

- 11 (a) Pharmaceutical Services;
- 12 (b) Nursing Services;
- 13 (c) Medical Services; and
- 14 (d) Administrative Services.

15 (3) The Head of Department/Director of Pharmaceutical Services
16 shall serve as the Chairman of the Committee.

17 (4) The Secretariat of the committee shall be situated in the
18 Department of Pharmaceutical Services of the public health institution and
19 shall be headed by the Pharmacist in-charge of monitoring and evaluation in
20 the Department.

21 (5) The Committee referred to in subsection (1) of this section shall
22 be responsible for:

- 23 (a) The selection of drugs for use in the public health institutions
24 based on the National Essential Drugs List, National Essential Medical
25 Supplies List and Hospital Drug Formulary;
- 26 (b) The accurate estimation of Pharmaceutical requirements for the
27 health institution;
- 28 (c) Monitoring of the use of therapeutic guidelines and overall drug
29 utilization; and
- 30 (d) Monitoring of the rational use of drugs in the health institution.

Prescription and dispensing of Essential Drugs, Therapeutic Medical Devices and Hospital Consumables	1	38.-- (1) There shall be provided in each public health institution an
	2	up-to-date Standard Treatment Guidelines and a hospital formulary shall be
	3	made available to all prescribers.
	4	(2) The prescription of drugs shall be from the items contained in the
	5	National Essential Drugs List and or hospital formulary using international
	6	non-proprietary (generic) names for the drugs.
	7	(3) The dispensing of essential drugs, therapeutic medical devices
	8	and hospital consumables shall be carried out to ensure that patients receive
	9	adequate information on the use of dispensed drugs and related commodities.
	10	(4) The dispensing of drugs and related products shall only be carried
	11	out in duly licensed premises.
	12	(5) The minimum information requirement on the label of a dispensed
	13	drug shall include the following-
Drug Information Services	14	(a) Name of patient;
	15	(b) Generic name of dispensed drug;
	16	(c) Strength of the drug;
	17	(d) Dosage instructions in symbols or words as may be appropriate;
	18	(e) Duration of treatment;
	19	(f) Date of dispensing;
	20	(g) Name and signature of dispensing pharmacist;
	21	(h) Name of the institution where the drug was dispensed.
	22	(6) There shall be provided in the Pharmacy of each public health
	23	institution a environment conducive for effective communication for the
	24	counselling of patients on the use of dispensed drugs.
	25	(7) The dispensing of drugs shall be carried out in a suitable container
	26	that will be child-proof and ensure the stability of the dispensed drug.
	27	39.-- (1) There shall be established in each public health institution a
	28	drug information services unit for the provision of drug information services.
	29	(2) The drug information services unit shall be equipped and provided
	30	with up-to-date reference materials and equipment including an information,

1 communication and technology facilities to guarantee the acquisition and
2 dissemination of current and accurate information.

3 (3) The drug information services unit shall have a functional
4 library.

5 (4) The drug information services unit shall be manned by
6 Pharmacists.

7 **40.**-(1) There shall be established in Pharmacy facility of each Pharmacovigilance
8 public health institution, a Pharmacovigilance unit to collect, evaluate and
9 disseminate relevant information on adverse drug reactions and poisons and
10 forward same to the National Pharmacovigilance Centre of the National
11 Agency for Food, Drug Administration and Control.

12 (2) All essential drugs, therapeutic medical devices and hospital
13 consumables administered or used shall be regularly monitored with respect
14 to efficacy, safety, quality as well as adverse reactions.

15 **41.**-(1) Each Pharmacy facility of each public health institution Loss of Essential
Drug, Therapeutic
Medical Devices
and Hospital
Consumables
16 shall take necessary steps to ensure that losses of essential drugs, therapeutic
17 medical devices and hospital consumables due to expiry or damage are
18 avoided.

19 (2) A maximum provision of 3% of total stock in a year is hereby
20 made as an acceptable degree of loss for damages, breakages and stock
21 expiry.

22 (3) A case of theft by an officer reported and proven shall not
23 constitute a loss but an offence and shall be punished in accordance with the
24 provisions of the civil service rules and the criminal justice procedures and
25 or as provided in this Act.

26 **42.**-(1) The criteria for determining who would be exempted from Exemptions from
payments
27 payment for drugs, therapeutic medical devices and hospital consumables
28 shall be determined by the management committee of the scheme in each
29 public health institution subject to the provisions of sub-section (5) of this
30 section.

1 (2) All exempt cases shall only be approved by the Chief
2 Accounting/Executive Officer of the public health institution.

3 (3) For all exempt cases, payment for the essential drugs, therapeutic
4 medical devices consumed shall be made by government, the management of
5 the particular public health institution and or Non-governmental organizations
6 and or donor agencies.

7 (4) The cost of treating exempt cases shall be included in the annual
8 budget of each public health institution such that adequate funds can be made
9 available by government.

10 (5) The following shall constitute the likely groups to be considered
11 for exemption-

12 (a) By target population;

13 (i) Paupers and destitute;

14 (ii) Prisoners;

15 (iii) NYSC members;

16 (iv) Emergencies (until stabilized and thereafter only if confirmed as
17 destitute).

Usage of Essential
Drugs, Therapeutic
Medical Devices
and Hospital
Consumables
by staff

18 **43.**-(1) All members of staff of each public health institution shall
19 make cash payments for essential drugs, therapeutic medical devices and
20 hospital consumables consumed or through the National Health Insurance
21 Scheme payment mechanism.

Procedure for
payments for
utilized Essential
drugs, Therapeutic
Medica; Devices
and Hospital
Consumables

22 **44.**-(1) The dispensing of all drugs, therapeutic medical devices and
23 hospital consumables to patients by the Pharmacy facility of every public
24 health institution shall be on a cash and carry basis or retainer-ship basis with a
25 public/private organization or through the National Health Insurance Scheme
26 mechanism.

27 (2) All monies recovered from the sale of drugs and related products
28 by the Pharmacy facility of every public health institution shall be paid into the
29 account of the scheme domiciled with the Central Bank of Nigeria.

30 (3) The management of every public health institution may engage

1 the services of a revenue consultant or a financial manager for the purposes
2 of proper collection of all revenue due to the scheme such as to avoid
3 revenue losses or leakages.

4 PART XII - OFFENCES AND PENALTIES

5 45.-(1) Under this Act, failure by an officer or group of officers of
6 the scheme to make available essential drugs, therapeutic medical devices
7 and hospital consumables in the public health institution under any guise
8 whatsoever by any act of omission or commission shall constitute an offence
9 and such an officer or group of officers shall be liable on conviction to a term
10 of imprisonment not less than 2 calendar years but not exceeding 5 calendar
11 years or an option of a fine of Five Million Naira each.

Offences and
Penalties

12 (2) Any natural person not being a public officer who contravenes
13 any provision of this Act commits an offence and is liable on conviction to a
14 term of imprisonment not less than 2 calendar years but not exceeding 5
15 calendar years or an option of Five Million Naira only.

16 (3) Any offence in contravention of this Act shall be tried by the
17 Federal High Court.

18 (4) Prosecution of offences under this Act shall be instituted in the
19 name of the Federal Republic of Nigeria by the Attorney-General of the
20 Federation or such other officer of the Federal Ministry of Justice as he may
21 authorize so to do, and in addition, without prejudice to the Constitution of
22 the Federal Republic of Nigeria 1999 (as amended), he may:

23 (a) after consultation with the Attorney-General of any state of the
24 federation, authorize the Attorney-General or any other officer of the
25 Ministry of Justice of that state; or

26 (b) if the relevant authority so requests, authorize any legal
27 practitioner in Nigeria to undertake such prosecution directly or assist
28 therein.

29 (4) The following shall also constitute offences under this Act:

30 (a) entering or attempting to enter into a collusive agreement,

1 whether enforceable or not, with a manufacturer or supplier or contractor or
2 service provider where the prices quoted in their respective tenders, proposals
3 or quotations are or would be higher than would have been the case had there
4 not been collusion between the persons concerned;

5 (b) conducting or attempting to conduct procurement fraud by means
6 of fraudulent and corrupt acts, unlawful influence, undue interest, favour,
7 agreement, bribery or corruption;

8 (c) directly, indirectly or attempting to influence in any manner the
9 procurement process to obtain an unfair advantage in the award of a
10 procurement contract;

11 (d) splitting of tenders to enable the evasion of monetary thresholds
12 set;

13 (e) bid-rigging;

14 (f) altering any procurement document with intent to influence the
15 outcome of a tender proceeding;

16 (g) wilful procurement and or receipt of essential drugs, therapeutic
17 medical devices and hospital consumables way in excess of the need of the
18 public health institution outside calculated consumption.

19 (h) altering or using fake documents or encouraging their use;

20 (i) wilful refusal to allow the Ministry or its officers to have access to
21 any procurement records;

22 (j) undue delay in payment of suppliers or contractors in excess of
23 three months;

24 (k) diversion of the fund in utter contravention of the provisions of
25 this Act;

26 (l) Aiding and or abetting the diversion of a prescription from a public
27 health institution by an officer of the institution;

28 (m) False or wrongful computation of the surplus of the scheme;

29 (n) any form of theft or pilfering of essential drugs, therapeutic
30 medical devices and hospital consumables; and

- 1 (o) any breach of any of the provisions of this Act
- 2 (5) Any person who while carrying out his duties as an officer of
- 3 any public health institution, or the Bureau or the Ministry who contravenes
- 4 any provision of this Act commits an offence and is liable on conviction to a
- 5 cumulative punishment of:
- 6 (a) a term of imprisonment of not more than 5 calendar years or an
- 7 option of fine of Five Million Naira only; and
- 8 (b) summary dismissal from government services.
- 9 (6) Any legal person that contravenes any provision of this Act
- 10 commits an offence and is liable on conviction to a cumulative penalty of:
- 11 (a) debarment from all public health institution's procurements for
- 12 a period not less than 5 calendar years; and
- 13 (b) a fine equivalent to 200% of the value of the procurement in
- 14 issue.
- 15 (7) Where any legal person shall be convicted pursuant to
- 16 subsection (4) of this Section, every director of the company as listed on its
- 17 records at the Corporate Affairs Commission shall be guilty of an offence
- 18 and is liable on conviction to a term of imprisonment not less than 3 calendar
- 19 years but not exceeding 5 calendar years or an option of fine of Five Million
- 20 Naira only.
- 21 (8) An alteration pursuant to subsection 4(f) shall include:
- 22 (a) insertion of documents such as pension compliance certificate
- 23 or tax clearance certificate which were not submitted at bid opening; and
- 24 (b) request for clarification in a manner not permitted under this
- 25 Act.
- 26 (9) Collusion shall be presumed from a set of acts from which it can
- 27 be assumed that there was an understanding, implicit, formal or informal,
- 28 overt or covert under which each person involved reasonably expected that
- 29 the other would adopt a particular course of action which would interfere
- 30 with the faithful and proper application of the provisions of this Act.

1 (10) Bid-rigging pursuant to subsection 4 (e) means an agreement
2 between persons whereby:

3 (a) offers submitted have been pre-arranged between them; or

4 (b) their conduct has had the effect of directly or indirectly restricting
5 free and open competition, distorting the competitiveness of the procurement
6 process and leading to an escalation or increase in costs or loss of value to the
7 fund.

8 (11) For the purposes of the presumption under subsection (7) of this
9 Section, consideration shall be given to a suspect's ability to control the
10 procurement proceedings or to control a solicitation or the conditions of the
11 contract in question, whether total or partial.

12 (12) For the purposes of subsection (5) of this Section, it shall be
13 sufficient to prove that a reasonable business person should have known that
14 his action would result in his company or firm having an undue advantage over
15 other bidders to the detriment of the fund.

16 **PART XIII - MISCELLANEOUS PROVISIONS**

Miscellaneous

17 **46.-(1)** The fixing of the seal of the Scheme in each public health
18 institution shall be authenticated by the signature of the Chief
19 Executive/Accounting officer and or the Project Director or of any other
20 person authorized generally or specially to act for that purpose by this Act

21 (2) Any contract or instrument which, if made or executed by a person
22 not being a body corporate, will not be required to be under seal may be made or
23 executed on behalf of the Scheme by the Project Director or any person
24 generally or specially authorized to act for that purpose by this Act in cases of
25 emergency.

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

29 (4) The validity of any of the Management Committee's proceedings
30 thereof shall not be adversely affected by any vacancy in the membership of the

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

4 (5) The quorum of any meeting of the Management Committee
5 shall be four of its members present and participating in the said meeting in
6 so far as the Chairman of the Committee /Project Director and the Secretary
7 or his representative are present for the Management Committee meeting.

8 47. In this Act:

Interpretation

9 "Accounting officer" means the person charged with line supervision or the
10 conduct of all procurement processes;

11 "Approving authority" means the person charged with overall responsibility
12 for the functioning of the public health institution;

13 "Assets" includes tangible and intangible things which have been or maybe
14 sold or procured for consideration;

15 "Bureau" means the Bureau of Public Procurement as established by the
16 Public Procurement Act, 2007;

17 "Debar" means the placing of a firm company on a list of person ineligible to
18 participate in any procurement proceedings under this Act;

19 "Commodities" means all materials, essential drugs, therapeutic medical
20 devices and consumables used in a hospital or clinic for the prophylaxis,
21 diagnosis, mitigation and treatment of ailments and diseases

22 "Contract" means an agreement entered in writing;

23 "Contractor or supplier" means any potential party to a procurement
24 contract with the public health institution and includes any corporation,
25 partnership, joint stock company, joint venture or any other legal entity
26 through which business is conducted;

27 "Dispensing" means the issuance of drugs and or related products to a
28 patient(s) or a healthcare provider by a licensed Pharmacist providing
29 adequate information on the use of the dispensed drugs or products in order
30 to derive the desired benefits to them;

1 "Drug" means any substance or mixture of substances manufactured, sold or
2 advertised for use in the diagnosis, treatment, mitigation or prevention of any
3 disease disorder, abnormal physical state, or the symptoms thereof, in man or
4 in animals; restoring, correcting or modifying organic functions in man or
5 animals; disinfection, or control of vermin, insects or pests; or contraception
6 and also includes related medical products formulated or designed for use in
7 man and or animals;

8 "Drugs and Therapeutic Committee" means institutionalized mechanisms for
9 promoting, implementing and monitoring the concept of rational drug use in
10 health care institutions;

11 "Drug Information" means the provision of unbiased, scientifically validated
12 information on drugs to promote rational prescribing, dispensing and use;

13 "Drugs Procurement" means the acquisition by any means of drugs,
14 therapeutic medical devices, hospital consumables and related medical
15 products or services by the public health institution;

16 "Essential Drugs" means drugs that meet and satisfy the healthcare needs of the
17 population in a given community;

18 "Excessive price" means a monetary value proposed by a bidder for any
19 procurement which is in the estimation of the Ministry unreasonable and
20 injudicious after consideration of the actual value of the item in question plus
21 all reasonable imputations of cost and profit;

22 "Final Performance Certificates" means evidence that a contractor or supplier
23 or manufacturer or service provider has performed its obligations under a
24 procurement contract up to a level stipulated in the contract terms as having
25 been completed;

26 "Fund" means money set aside pursuant to the achievement of the objective of
27 the scheme;

28 "Goods" means objects of every kind and description including raw materials,
29 products and equipment and objects in solid, liquid or gaseous form and
30 electricity as well as services incidental to the supply of the goods;

- 1 "Ministry" is the Federal Ministry of Health;
- 2 "Minor Value" means a monetary value which is not in excess of the
- 3 monetary thresholds set for any approving authority by the Ministry;
- 4 "Monetary Approval Limits" means the value limit in Naira set by the
- 5 Ministry outside of which an approving authority may not award a
- 6 procurement contract;
- 7 "Negotiation" means discussions to determine the terms and conditions of a
- 8 contract or procurement;
- 9 "Open Competitive Bidding" means the offer of prices by firms competing
- 10 for a contract, privilege or right to supply specified drugs, therapeutic
- 11 medical devices and hospital consumables or services;
- 12 "Orphan drugs" means a pharmaceutical agent intended for the treatment,
- 13 prevention or diagnosis of a rare disease or life-threatening or chronically
- 14 and seriously debilitating condition affecting few persons usually not more
- 15 than 5 in 10,000 persons.
- 16 "Pharmaceuticals" means any matter, article, substances or preparation
- 17 relating to Pharmacy and drugs also including excipients, adjuncts and or
- 18 galenicals used in the preparation of medicines;
- 19 "Pharmacovigilance" means a continuous monitoring, collection,
- 20 evaluation, reporting and dissemination of adverse reactions and poisoning
- 21 of the body by drugs administered to patients;
- 22 "Prescription" means a written order by a licensed medical practitioner or
- 23 appropriate healthcare personnel designated by government for the
- 24 administration or use of drugs and or related products or other intervention
- 25 on a patient;
- 26 "Procurement" means acquisition;
- 27 "Procurement proceedings" means the initiation of the process of effecting a
- 28 procurement up to award of a procurement contract;
- 29 "Rational Drug Use" means the usage of right drugs for the right indications
- 30 in the right dose and dosage form for the right duration;

1 "Relevant authority" includes Economic and Financial Crimes Commission
2 and Independent corrupt Practices and related offences Commission;
3 "Services" means the rendering by a contractor or supplier or service provider
4 of his time and effort and includes any object of procurement other than
5 essential drugs, therapeutic medical devices and hospital consumables;
6 "Solicitation Documents" means the bid solicitation documents or any other
7 documents for solicitation of offers proposals or quotations;
8 "Substantially Responsive" means the response to bid solicitations which
9 virtually answers to all the needs of a procuring entity as stipulated in the bid
10 solicitation documents;
11 "Supplier" means a legal person that provides supply of essential drugs,
12 therapeutic medical devices and H=hospital consumables;
13 "Surplus" means a sum indicating the difference between the total revenue
14 from sales of essential drugs, therapeutic medical devices and hospital
15 consumables including the actual value of balance of stock and all purchases
16 plus other expenditures related to the scheme at a given time;
17 "Threshold" refers only to the approving and not the actual process of award;
18 "Validity Period" means the period during which a bidder agrees not to increase
19 the cost of its bid or to remove any components of the bid.

Short title

20 **48.** This Bill may be cited as the Essential Drugs, Therapeutic
21 Medical Devices and Hospital Consumables Provision, Management and
22 Utilization in Public Health Institutions in Nigeria Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Provision, Management and Utilization of Essential Drugs, Therapeutic Medical Devices and Hospital Consumables through the administration of the Drug Revolving Fund Scheme in Public Health Institutions in Nigeria.

A BILL
FOR

AN ACT TO AMEND FEDERAL POLYTECHNICS ACT CAP F17 LAWS OF THE
FEDERATION OF NIGERIA 2004, TO ESTABLISH FEDERAL COLLEGE OF
AGRICULTURE, ODE-IRELE, ONDO STATE TO CONDUCT RESEARCH,
TRAINING AND EXAMINATIONS THAT WILL LEAD TO THE AWARD OF
DIPLOMA CERTIFICATE AND RELATED ACADEMIC QUALIFICATIONS AND FOR
RELATED MATTERS

Sponsored Hon. Gboluga Dele Ikengboju

[] Commencement

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

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1. The Federal Polytechnics Act Cap F17 Laws of the Federation

of Nigeria 2004 (in this bill referred to as "the Principal Act") is amended as

set out in this Bill.

2. The First Schedule to the Principal Act is amended, by inserting

after the existing paragraph (p), new paragraph “(r)”-

“(r) Federal College of Agriculture in Ode-Irele in Ondo State”,

3. This Bill may be cited as Federal Polytechnics Act

(Amendment) Bill, 2022.
- Amendment of
Federal Polytechnics
Act Cap F17
LFN 2004

Amendment of
First Schedule
to the Principal
Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend Federal Polytechnics Act Cap F17 Laws of the
Federation of Nigeria 2004, to establish Federal College of Agriculture,
Ode-Irele, Ondo State to conduct research, training and examinations that
will lead to the award of diploma certificate and related academic
qualifications.

NATIONAL COMMISSION FOR MASS LITERACY, ADULT AND
NON-FORMAL EDUCATION BILL, 2022

ARRANGEMENT SECTIONS

Section:

PART I - REPEAL OF THE NATIONAL COMMISSION FOR MASS LITERACY,
ADULT AND NON-FORMAL EDUCATION ACT OF 2004 AND PASSAGE INTO
LAW OF THE NATIONAL COMMISSION FOR MASS LITERACY, ADULT AND
NON-FORMAL EDUCATION ACT, 2014

1. Repeal of the National Commission for Mass Literacy, Adult and Non-Formal Education
2. Establishment of the National Commission for Mass Literacy, Adult and Non-Formal Education
3. Corporate Personality of the Commission
4. Establishment of the Governing Board of the Commission
5. Appointment and Tenure of the Board
6. Proceedings of the Board

PART II - FUNCTIONS OF THE COMMISSION

7. Functions and Objectives of the Commission
8. Powers of the Commission
9. Power to Accept Gifts
10. Directives by the Minister to the Commission

PART III - STAFF OF THE COMMISSION

11. Appointment of the Executive Secretary
12. Appointment of other Staff of the Commission
13. Application of the Pensions Act 2004

PART IV - FINANCIAL PROVISION

14. Funds of the Commission
15. Annual Estimates and Accounts

PART V - ESTABLISHMENT OF THE NATIONAL CENTRES FOR NON-FORMAL
EDUCATION, ETC.

16. Establishment of the National Centres for Non-Formal Education
17. Objectives of the Centres
18. Funds of the Centres
19. Secretary and other employees

PART VI - MISCELLANEOUS PROVISIONS OF THE CENTRE

20. Annual Reports
 21. Power to obtain Information
 22. Regulations
 23. Interpretation
 24. Citation
- Schedule

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL COMMISSION FOR MASS LITERACY, ADULT AND NON-FORMAL EDUCATION ACT; ACT NO. 18 OF 2004 AND ENACT THE NATIONAL COMMISSION FOR MASS LITERACY, ADULT AND NON-FORMAL EDUCATION ACT AND FOR RELATED MATTERS, 2022

Sponsored by Hon. Julius O. Ihonvbere

[] Commencement

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

1 PART I - REPEAL OF THE NATIONAL COMMISSION FOR MASS LITERACY,
2 ADULT AND NON- FORMAL EDUCATION ACT NO. 18 2004 AND ENACT
3 THE NATIONAL COMMISSION FOR MASS LITERACY ADULT
4 AND NON-FORMAL EDUCATION ACT, 2014

5 1. That the Mass Literacy Adult and Non-Formal Education Act
6 No.18 2004 is hereby repealed. Repeal of Act
No. 18 of 2044

7 2. There is hereby established a body corporate to be known as the
8 National Commission for Mass Literacy, Adult and Non-Formal Education
9 (hereinafter in this Act referred to as 'the Commission'). Establishment
of the National
Commission for
Non-Formal
Education

10 3. The Commission shall be a body corporate with perpetual
11 succession and common seal with right to own properties, transact business,
12 may sue and be sued in its corporate name. Corporate
personality of the
Commission

13 4. There is hereby established for the Commission a Governing
14 Board, which shall provide the general policy guidelines and pivotal
15 contacts for the day to day administration of the Commission and shall
16 comprise- Establishment
of the Governing
Board of the
Commission

17 (a) A part-time chairman, who shall be an Educationist with not
18 less than first degree and five other persons who shall in the opinion of the
19 President contribute to the growth of the Commission;

	1	(b) One person to represent each of the following Federal Ministries
	2	and Agencies-
	3	(i) Education;
	4	(ii) Information;
	5	(iii) Agriculture;
	6	(iv) Women Affairs;
	7	(v) Finance;
	8	(vi) Youth Development;
	9	(vii) Culture;
	10	(viii) Universal Basic Education Commission;
	11	(ix) National Commission for Colleges of Education;
	12	(x) One relevant NGO;
	13	(xi) ALGON;
	14	(xii) National Council of Adult Education (NCAE).
	15	(c) Two (2) persons to represent the Education Development of each
	16	of the three Universities or Colleges of Education in rotation;
	17	(d) The Executive Secretary of the Commission who shall serve as the
	18	Secretary of the Board.
Appointment and Tenure of the Board	19	5. The Chairman and members of the Board shall be appointed by the
	20	President and Commander-in-chief of the Armed Forces for a one renewable
	21	term of five (5) years, on the recommendation of the Minister of Education.
	22	PART II- FUNCTIONS OF THE COMMISSION
Proceedings of functions and objectives of the Commission	23	6. The Functions and objectives of the Commission shall be to:
	24	(a) Formulate policies and guidelines in all matters relating to Non-
	25	Formal Education in Nigeria;
	26	(b) Source for funds (internally and externally) for-
	27	(i) The Research and Capacity development for the improvement of
	28	Non- Formal Education in Nigeria;
	29	(ii) The Development of Programmes on Non-Formal Education; and
	30	(iii) Source (Nationally and Internationally) for Equipment, technical

1 and other Instructional materials (including teaching aides and amenities),
2 establishment of model learning centres and other facilities relating to Non-
3 Formal Education.

4 (c) Arrange effective assessment, accreditation, monitoring and
5 evaluation of the activities of agencies concerned with Non-Formal
6 Education at all levels in Nigeria;

7 (d) Establish, manage and maintain Non-Formal Education
8 Centres and classes across Nigeria, allocate funds from the Federal
9 Government to relevant Institutions on all recognized Mass Literacy, Non-
10 Formal Education Programmes;

11 (e) Collate, analyze and publish information and data bank relating
12 to Non- Formal Education in Nigeria, and obtain the relevant data, funding
13 and other supports from State Governments, Local Governments,
14 International Donor-Agencies, Corporate Bodies, Non-Governmental
15 Organizations and individuals;

16 (f) Monitor and co-ordinate the implementation of all activities for
17 the eradication of illiteracy in Nigeria and ensure the collection and
18 dissemination of information on the implementation;

19 (g) Monitor and co-ordinate activities relating to the National Mass
20 Literacy Campaign in order to ensure the rapid and successful eradication of
21 illiteracy in Nigeria;

22 (h) Design and promote strategies and programmes for the conduct
23 and implementation of a National Mass Literacy campaign in consultation
24 with appropriate- agencies of the Federal and State Governments, the
25 Universities and Non-Governmental Agencies;

26 (i) Organize in-service professional training courses for
27 Management and Staff of the Commission;

28 (j) Demand and disseminate teaching materials in Distant
29 Education Programme aimed at early Primary and Secondary School

- 1 leavers, as well as Mass Literacy, Adult and Non-Formal Education personnel;
- 2 (k) Demand and receive from all Local Government Agencies and
- 3 States Ministries of Education in the States of the Federation and other
- 4 education organizations throughout Nigeria, annual reports and data on their
- 5 Mass Literacy, Adult and Non-Formal Education Programmes;
- 6 (l) Conduct research such as curriculum development, learning and
- 7 teaching methodologies, appropriate educational technologies, motivation of
- 8 learners and instructors and needs assessment in Mass Literacy and Adult and
- 9 Non-Formal Education;
- 10 (m) Organize Bi-Annual Conference for Stakeholders in Nigeria;
- 11 (n) Organize writers' workshops in order to develop and promote
- 12 teaching and learning materials in various languages, especially for primers,
- 13 for graded readers, including follow up reading materials, posters,
- 14 demonstration kits, package courses, audio visual materials and flash cards;
- 15 (o) Run National and International Training Workshops and
- 16 Seminars, and also act as a co-coordinator and cleaning house for National
- 17 Training for and Non-Formal Education;
- 18 (p) Prescribe the manner and methods of integrating Non-Formal
- 19 system of Education and for this purpose grant such necessary accreditation to
- 20 courses of studies to private providers;
- 21 (q) Receive regular progress reports on the general situation on Non-
- 22 Formal Education in relation to each National Development Plan for planning
- 23 and sharing best practices/experiences;
- 24 (r) Allocate fund from the Federal Government to relevant institutions
- 25 on all recognized mass literacy, adult and non-formal education programmes;
- 26 (s) Motivate and mobilize people to participate in Mass Literacy,
- 27 Non- Formal education Programmes through the mass media, especially the
- 28 mobile cinema and National Orientation Agency;
- 29 (t) Liaise with agencies concerned with nomadic education in order to
- 30 accelerate the development of Mass Literacy and Non-Formal Education;

1 (u) Carry out such other activities as are conducive to the discharge
 2 of its functions under this Act such as vocational model skill and acquisition
 3 centres.

4 **7.** The Commission may, from time to time, collate materials and Collation of
 5 information on mass literacy, adult and non-formal education in Nigeria for materials and
 6 the use of the: information

7 (a) Commission;

8 (b) Federal Ministry of Education; and

9 (c) United Nations Educational Scientific and Cultural
 10 Organization through the Federal Ministry Education

11 The Commission may delegate any of the functions of the Commission
 12 specified in subsection (1) of this section to any of the Centres established
 13 pursuant to section 19 of this Act.

14 **8.** The Commission shall have power:

Power of the
Commission

15 (a) Subject to the Land Use Act 1978, or any subsequent legislation
 16 thereto, to acquire, purchase, hold and dispose of any movable or
 17 immovable property.

18 **9.-(1)** The Commission may accept any gift, grant or donation from Power to accept
 19 any person upon such terms and conditions, if any, as may be specified by gifts
 20 the person making the gift, grant or donation.

21 (2) The Commission shall not accept any gift, grant or donation
 22 under subsection (1) of this section if the conditions attached thereto are
 23 inconsistent with the functions of the Commission under this Act.

24 **10.** Subject to this Act, the Minister may give to the Commission Directives by the
 25 directives of a general nature or specific directives relating generally to a Minister to the
 26 particular matter with regard to the carrying out of the functions of the Commission
 27 Commission under this Act and it shall be the duty of the Commission to
 28 comply with such directives

29 **PART III - STAFF OF THE COMMISSION**

30 **11.-(1)** There shall be appointed by the President, Commander-in- Appointment of
the Executive
Secretary

1 Chief of the Armed Forces on the recommendation of the Minister of
2 Education, an Executive Secretary for the Commission who shall be an expert
3 in the field of education with not less than 10 years' experience with a minimum
4 qualification of 2nd Degree.

5 (2) The Executive Secretary shall be the Chief Executive of the
6 Commission and shall be responsible for the execution of the policy of the
7 Commission and the day-to-day running of the affairs of the Commission.

8 (3) The Executive Secretary shall hold office in the first instance for a
9 period of five years and shall be eligible for re-appointment for such further
10 terms of five years as the President, Commander-in-Chief of the Armed Forces
11 may, from time to time determine.

12 (4) Subject to the provisions of this section, the Executive Secretary
13 shall hold office on such terms as to emoluments and otherwise as may be
14 specified in his letter of appointment

Appointment
of other staff
of Commission

15 **12.**-(1) The Commission may appoint Heads of Department who shall
16 be professionally relevant to the needs of the Commission and such other
17 persons to be officers and employees of the Commission to assist the Executive
18 Secretary in the exercise of his/her functions and the functions of the
19 Commission under this Act.

20 (2) The remuneration and tenure of office of the Heads of Department
21 and other officers and employees of the Commission shall be determined by the
22 Board in line with the extant Public Service Rules.

23 (3) Notwithstanding the provisions of subsection (1) of this section,
24 the Heads of Department or any of the other officers and employees of the
25 Commission may be appointed by the Commission by way of transfer or
26 secondment from any of the Public Service in the Federation.

Pension Act,
2004

27 **13.**-(1) Service or employment in the Commission shall be as
28 approved service for the purposes of the Pensions Act 2004 and, accordingly,
29 officers and other persons employed in the Commission shall be entitled to
30 pensions, gratuities, and other retirement benefits as are prescribed there under,

1 so however that nothing in this Act shall prevent the appointment of a person
2 to any office on terms which preclude the grant of a pension, gratuity or
3 other retirement benefit in respect of that office.

4 (2) For the purposes of the application of the provisions of the
5 Pensions Act any power exercisable there under by a Minister or other
6 authority of the Government of the Federation, other than the power to make
7 regulations under the Pension Act 2004.

8 PART IV - FINANCIAL PROVISIONS

9 14.-(1) The Board shall establish and maintain a fund which shall
10 consist of-

Fund of the
Commission

11 (a) 1% of the total 2% of the Federal Government Block grant for
12 Basic Education derived from Federal Government Consolidated Revenue
13 Funds;

14 (b) Regular Annual Budgetary Allocations of the Commission
15 from the Federal Account of equity contribution from annual/quarterly
16 grants of all the state governments appropriate for their ministries of
17 education;

18 (c) Support from International Donors Agencies;

19 (d) Subscriptions, fees and proceeds from sale of materials,
20 publications and property;

21 (e) Direct remittance to the Commission from the Federal Account
22 of 5% equity contribution from annual/quarterly grants of all the state
23 Governments appropriate for their ministries of education;

24 (f) Grants, gifts and donations made by and to the Commission,
25 subject to Section 5(2) of this Act; and

26 (g) Such other sum as may accrue, from time to time to the
27 Commission;

28 (2) The Board shall, from time to time, apply the proceeds of the
29 funds established pursuant to subsection (1) of this section:

30 (a) to the cost of administration of the Commission;

1 (b) to the payment of salaries, fees or other remuneration or
2 allowances, pensions, and gratuities payable to the officers and employees of
3 the Commission, so however that no payment of any kind under this paragraph
4 (except such as may be expressly authorized) shall be made to any person who
5 is in receipt of emoluments from the Government of the Federation or of a
6 State, except if specifically contracted for consultancy or professional service;

7 (c) for reimbursing members of the Commission or of any Committee
8 set up by the Commission for such expenses as may be expressly authorized by
9 the Board in accordance with the financial regulations approved by the Federal
10 Government of Nigeria;

11 (d) for the maintenance of any property vested in the Commission;
12 and

13 (e) For and in connection with all or any of the functions of the
14 Commission under this Act.

Annual estimates
and accounts

15 **15.**-(1) The Commission shall, not later than 3rd October in each year,
16 submit to the Minister of Education an estimate of its expenditure and income
17 (including payments into the fund of the commission) during the next
18 succeeding year.

19 (2) The Commission shall keep proper accounts in respect of each
20 year (and proper records in relation thereto) and shall cause its accounts to be
21 audited within 6 months after the end of each year by Auditors General
22 appointed from the list and in accordance with the guidelines supplied by the
23 Auditor General of the Federation.

Establishment
of the National
Centre for Non-
Formal Education

24 **16.** There shall, in addition to the centre already in existence in Kano,
25 be established one in each of the six (6) Geopolitical Zones, from time to time,
26 on the basis of proven needs, Centres each to be known as National Centre for
27 Non-Formal Education (hereafter, in this act referred to as "The Centres")
28 which shall be part of the Commission-

29 (a) There shall be one zonal office in each of the six geo-political
30 zones from time to time on the basis of proven needs to be headed by zonal

1 coordinator who takes charge of supervision, monitoring of the activities of
 2 the centre as well as the states under the zonal office for effective
 3 management

4 **17.** The Objectives of each Centre shall, subject to section 3 of this Objectives of
 5 Act, be to- the Centre

6 (a) serve as a Zonal Non-Formal Education Library and
 7 Documentation Centre;

8 (b) serve as a Zonal Resource Centre for Mass Literacy and Non-
 9 Formal Education and, in particular, provide prototype teaching and
 10 learning materials, written visual and audio, for State and Non-
 11 Governmental Agencies;

12 (c) provide in-service training for senior staff of Mass literacy and
 13 Non-Formal Education Agencies (both Government and Non-
 14 Governmental);

15 (d) Organize distant teaching programmes of general and civic
 16 education, skills improvement literacy programmes for early school leavers
 17 and non-literates;

18 (e) offer technical advice on:

19 (i) the training of workers at local levels in vocational education;

20 (ii) the development of curriculum and training for such workers;

21 (f) carry out research in the fields of Non-Formal Education;

22 (g) organize conferences, workshops, symposia, lectures and
 23 seminars and issues of Youth, Adult and Non-Formal Education;

24 (h) perform such other functions as may be delegated to it, from
 25 time to time, by the Commission under section three (3) of this Act.

26 **18.** Each Centre shall be funded by monies received from the Funds of the
 27 Commission including zonal office and such other sums as may accrue to Centre
 28 the Centre from any other sources on the approval of the Commission

29 **19.-(1)** There shall be for each centre, a Director who shall be Center Coordinator
 30 appointed by the Commission as such other employees as may be required, and other employees
of the Centre

	1	to be appointed by the centre or employed by the Commission for carrying out
	2	the functions of the Centre under this part of the Act.
	3	(2) The Director and other principal employees of the Centre shall
	4	hold office on such terms and conditions as may be set out in their letter of
	5	appointment.
	6	PART V - MISCELLANEOUS
Annual report	7	20. The Commission shall prepare and submit to the Federal
	8	Executive Council and the National Council on Education through the
	9	Minister, not later than 30th March in each year and report, in such form as he
	10	may direct, on the activities of the Commission during the immediate
	11	preceding year, and shall include in such report copies of the audited accounts
	12	of the Commission for that year and the Auditor- General's report thereon.
Power to obtain information	13	21.-(1) For the purpose of carrying out the functions conferred on the
	14	Commission under this Act, The Executive Secretary or any other officer of the
	15	Commission authorized in that behalf:
	16	(a) Shall have a right of access to all the records of any institution or
	17	authority to which this act applies for the specific purpose of discharging
	18	his/her duties under this Act;
	19	(b) May, by choice in writing served on any person in charge of any
	20	institution or authority responsible for Non-Formal Education, require that
	21	person to furnish information on such matters as may be specified in the notice.
	22	(2) it shall be the duty of any person required to furnish information
	23	pursuant to subsection (1) of this section to comply with the notice within a
	24	reasonable period of time, or as specified in the letter or demand.
Regulations	25	22. The Board of the Commission may, with the approval of the
	26	Minister, make regulations for the purpose of this Act.
Interpretation	27	23. In this Act, unless the context otherwise requires
	28	"Board" means a National Commission for Mass Literacy, Non-Formal
	29	Education Board, established pursuant to section 12 of this Act;
	30	"Commission" means the National Commission for Non-Formal Education

1 established by section 1 of this Act;

2 "Minister" means the Minister charged with responsibility for matters
3 relating to Education in the Federal Republic of Nigeria;

4 **24.** This Bill may be cited as the National Commission for Mass Citation
5 Literacy, Adult and Non-Formal Education Bill, 2022

6 SCHEDULE

7 *Section 2 (3)*

8 SUPPLEMENTARY PROVISION RELATING TO THE BOARD

9 *Tenure of Office of Members*

10 1.-(1) A member of the Board, other than ex-officio member, shall,
11 subject to the following provisions of the paragraph, hold office for a period
12 of five years beginning with the date of his appointment as a member and
13 shall be eligible for re-appointment for one further period of five years.

14 (2) This Act may be cited as the National Commission for Mass
15 Literacy, Adult and Non-Formal Education Act, 2014

16 *Proceedings of the Board*

17 2.-(1) Subject to the Act and to section 26 of the interpretation Act
18 1964, the Board may make standing orders regulating its proceedings or of
19 any committee thereof

20 3.-(1) The Board shall meet not less than four times in each year
21 and, subject thereto, the Board shall meet whenever it is summoned by the
22 chairman, and if the chairman is required to do so by notice given to him by
23 not less than seven other members, he shall summon a meeting of the board
24 to be held within fourteen days from the date on which the notice is given.

25 (2) At any meeting of the Board, the Chairman shall preside; but if
26 he is absent, the members present at the meeting shall appoint one of their
27 members to preside at that meeting.

28 (3) Where the Board desires to obtain the advice of any person on
29 any particular matter, the Board may co-opt him as a member for such period
30 as it thinks fit; provided that a person who is a member by virtue of this sub-

1 paragraph shall not be entitled to vote at any meeting of the Board and shall not
2 count towards the quorum.

3 (4) The quorum of the Board shall be 1/3 (one third) and quorum of
4 any committee of the Board shall be as determined by the Board.

5 *Committees*

6 4.-(1) The Board may appoint one or more committees to carry out on
7 behalf of the Board such of its functions as the Board may determine.

8 (2) A committee appointed under this paragraph shall consist of such
9 numbers of persons (not necessarily all members of the Board) as may be
10 determined by the Board;

11 and a person, other than a member of the Board shall hold office on the
12 committee in accordance with the terms of his appointment.

13 5.-(1) The fixing of the seal of the Commission shall be authenticated
14 by the signature of the Chairman, the Executive Secretary and of any other
15 member authorized generally or specially by the Board to act for the purpose.

16 (2) Any contract or instrument which, if made or executed by a person
17 not being a corporate body, would not be required to be under seal may be made
18 or executed on behalf of the Commission by the Executive Secretary or any
19 other person authorized generally or specially by the Board to act for that
20 purpose.

21 6. Members of the Board who are not public officers shall be paid, out
22 of moneys at the disposal of the Commission such remuneration, fee or
23 allowances in accordance with such scales as may be approved, from time to
24 time, by the Minister.

25 7. The validity of any proceedings of the Board or of a committee
26 thereof shall not be adversely affected by any vacancy in the membership of the
27 Board or of a committee or by reason that a person not entitled to do so take part
28 in the proceedings.

29 8. A member of the Board or a committee thereof who has a personal
30 interest in any contract or arrangement entered into or proposed to be

- 1 considered by the Board or committee shall forthwith disclose his interest to
- 2 the Board or committee and shall not vote on any question relating to the
- 3 contract arrangement.

EXPLANATORY NOTE

*(This note does not form part of the above Act but is intended
to explain its purpose)*

The Bill seeks to establish National Commission for Non-Formal Education and charges it with the duty, amongst others, of laying down and implementation of a National Policy on Non-Formal Education, geared towards the overall social and economic development of Nigeria.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF DENTAL TECHNOLOGY AND THERAPY, DANBATT, KANO STATE, TO PROVIDE FOR COURSES LEADING TO THE AWARD OF DEGREES, DIPLOMAS AND CERTIFICATES IN DENTAL TECHNOLOGY, DENTAL THERAPY AND FOR RELATED MATTERS

Sponsored by Hon, Badamosi Ayuba

[] Commencement

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

- | | |
|---|--|
| <p>1 1. There is established a Federal College of Dental Technology</p> <p>2 and Therapy Danbatta, Kano State (in this Bill referred to as "the College")</p> <p>3 which shall have the functions and powers conferred on it by this Bill.</p> <p>4 (2) The College shall be a body corporate with perpetual</p> <p>5 succession and a common seal and may sue and be sued in its corporate</p> <p>6 name.</p> | <p>Establishment
of the College</p> |
| <p>7 2. -(1) There is established for the College the Governing Council</p> <p>8 (in this Bill referred to as "the Council").</p> <p>9 (2) The Council shall consist of:</p> <p>10 (a) a Chairman who shall be appointed by the President on</p> <p>11 recommendation of the Minister;</p> <p>12 (b) a representative each of the following Federal Ministries:</p> <p>13 (i) Health;</p> <p>14 (ii) Education;</p> <p>15 (c) a representative of each of the following professional bodies:</p> <p>16 (i) Dental Technologists Registration Board of Nigeria;</p> <p>17 (ii) Dental Therapists Registration Board of Nigeria;</p> <p>18 (d) two persons, at least one of whom shall be a woman, selected on</p> <p>19 their personal merit based on their contribution either to the development of</p> | <p>Establishment
and composition
of the Governing
Council of the
College</p> |

	1	dental technology and dental therapy, or their special interest in technological
	2	education;
	3	(e) the Rector of the College;
	4	(f) a representative of the Academic Board of the College.
	5	(3) The supplementary provisions set out in the Schedule to this Bill
	6	shall have effect with respect to the proceedings of the Council and other
	7	matters contained therein.
Tenure of office of Member of Council	8	3. -(1) A member of the Council (other than an ex-officio member)
	9	shall hold office for a term of four years and subject to subsection (2) of this
	10	section, shall be eligible for re appointment for a further period of four years
	11	and no more.
	12	(2) A member of Council other than an ex officio member may, by
	13	notice addressed to the Council, resign his appointment.
	14	(3) The Minister may, in writing, with the approval of the President,
	15	remove any member of the Council if he is satisfied that it is not in the interest
	16	of the College that the member concerned should continue in office.
	17	(4) Members of the Council other than ex-officio members shall be
	18	paid such remuneration and allowances as may from time to time be
	19	determined by the President.
Functions of the College	20	4. The functions of the College shall be to:
	21	(a) provide courses of instruction, training and research in:
	22	(i) Dental Technology;
	23	(ii) Dental Therapy;
	24	(iii) such other fields of applied learning relevant to the needs of the
	25	development of Nigeria in the areas of Dental Technology and Dental Therapy
	26	and other Para-dental courses, and for research in the development and
	27	adaptation of techniques as the Council may from time to time determine
	28	leading to award of relevant degrees and certificates;
	29	(b) produce technical, professional and such other skilled personnel
	30	normally required for dental technology and dental therapy;

1 (c) arrange conferences, seminars and study groups relevant to the
2 fields of learning specified in paragraph (a) above;

3 (d) perform such other functions as in the opinion of the Council
4 may serve to promote the objectives of the College.

5 **5.-(1)** Subject to the provisions of this Bill, the Council shall be the Functions of the
Council
6 Governing Body of the College and shall control the management of the
7 affairs, property and finances of the College and shall have power to
8 promote the interest of the College.

9 (2) The Council may acquire and hold such movable or immovable
10 property as may be necessary or expedient for carrying into effect the
11 provisions of this Bill and for the same purpose may sell, lease, mortgage or
12 otherwise alienate or dispose of any property so acquired.

13 (3) The Council may enter into such contracts as may be necessary
14 or expedient for carrying into effect the provisions of this Bill.

15 **6.** The College shall have power to- Powers of the
College

16 (a) award degrees, diplomas and certificates for courses provided
17 by it under section 4 of this Bill;

18 (b) enter into such contracts as may be necessary or expedient for
19 carrying into effect the provisions of this Bill;

20 (c) acquire, hold, lease, sell, mortgage or otherwise alienate or
21 dispose of any property, moveable or immovable;

22 (d) invest its funds in such manner and to such extent as it may
23 think necessary or expedient;

24 (e) establish and maintain a library, comprising such books,
25 journals, records, reports and other publications and information systems as
26 may be required for the discharge of the functions conferred on the College
27 by this Bill;

28 (f) accept gifts of land, money or other property upon such terms
29 and conditions, if any, as may be specified by the person or organization
30 making the gift, but shall not accept any gift(s) if the terms and conditions

	1	attached thereto are inconsistent with the functions of the College under the
	2	Bill;
	3	(g) establish and maintain such colleges and other teaching units
	4	within the College or extramural departments as the Council may from time to
	5	time decide.
Directives by the Minister	6	7. The Minister may give the Council directives of a general character
	7	or relating generally to matters of policy with regard to the exercise by the
	8	Council of functions under this Bill and it shall be the duty of the Council to
	9	comply with such directives.
Appointment of the Rector of the College	10	8.-(1) There shall be a Rector for the College (in this Bill referred to as
	11	"the Rector") who shall be appointed by the President in accordance with the
	12	provisions of this section.
	13	(2) The Rector shall be the head of the College.
Qualification for the post of Rector	14	9. A person to be appointed Rector shall possess:
	15	(a) PhD in Dental Technology or Dental Therapy with evidence of
	16	publications in the relevant fields;
	17	(b) appropriate professional qualifications in Dental Technology or
	18	Dental Therapy and be registered with the Dental Technologists or Dental
	19	Therapists Board of Nigeria;
	20	(c) not less than 15 years cognate experience in the field of Dental
	21	Technology or Dental Therapy;
	22	(d) evidence of community service or hospital administration
	23	experience.
Duties of the Rector	24	10. The Rector shall be responsible for:
	25	(a) the day to day affairs of the College;
	26	(b) the exercise of authority over the employees of the College; and
	27	© the discipline of the students in the College.
Tenure of office of the Rector	28	11. The Rector shall hold office for a period of four years and may be
	29	re-appointed for a further period of four (4) years and no more.

1	12. The Rector shall hold office on such terms and conditions as	Terms and conditions of office of the Rector
2	may be determined by the Minister as set out in his letter of appointment.	
3	13. Where the post of the Rector is vacant, the Council shall:	Vacancy of office of Rector
4	(a) advertise the vacancy in a reputable journal and three widely	
5	circulated newspapers in Nigeria specifying:	
6	(i) the qualities of a person who may apply for the position; and	
7	(ii) the terms and conditions of service applicable to the post, and	
8	thereafter, draw up a short list of suitable candidates for consideration;	
9	(b) A Joint Committee of the Council and the Academic Board	
10	consisting of:	
11	(i) the Chairman of the Council;	
12	(ii) two members of the Council not being members of the	
13	Academic Board not below the rank of Chief Lecturer shall consider the	
14	candidates on the short list drawn up under subparagraph (a) (ii) of this	
15	section through an examination of their curriculum vitae and interaction	
16	with them and recommend to the Council, qualified candidates for its	
17	consideration.	
18	14.-(1) There shall be a Registrar for the College who shall be	Registrar of the College
19	responsible to the Rector for the day-to-day administration of the College	
20	and shall perform such other duties as the Council or, as the case may be, the	
21	Rector may from time require him to do.	
22	(2) The Registrar shall be the Secretary to the Council, the	
23	Academic Board and any committee of the Council and shall attend all the	
24	meetings of those bodies unless excused for good cause or reason by the	
25	Chairman of the Council.	
26	(3) Where the Registrar is absent for a meeting of the Council, the	
27	Chairman of the Council may, after consultation with the Rector, appoint a	
28	suitable person to act as Secretary for any particular meeting of the Council.	
29	(4) The Secretary to the Council or a person appointed to act under	
30	subsection (3) of this section shall not be entitled to vote on any question	

	1	before the Council or be counted towards a quorum unless such a person is so
	2	entitled as a member of the Council.
Tenure of office of the Registrar	3	15.-(1) A Registrar-
	4	(a) shall hold office for a period of five years effective from the date of
	5	his appointment and on such terms and conditions as may be specified in the
	6	letter of his appointment; and
	7	(b) may be re-appointed for one further period of five years and no
	8	more.
	9	(2) Where on the commencement of this Bill, a Registrar has held
	10	office:
	11	(a) for five years or less, he shall be deemed to be serving his first term
	12	of office and may be re-appointed for a further term of five years;
	13	(b) for more than five years but less than ten years, he shall complete
	14	the maximum period of ten years and thereafter relinquish his position and be
	15	assigned other duties in the College;
	16	(c) for ten years or more, the Council may allow him to serve as
	17	Registrar for a further period of one year only and thereafter he shall relinquish
	18	his post and be assigned other duties in the college.
Appointment of the Deputy Rector	19	16.-(1) There shall be for the College a Deputy Rector.
	20	(2) The Council shall appoint the Deputy Rector from among the
	21	chieflecturers in the College in one of the following ways:
	22	(a) from a list of three candidates, in order of preference, submitted by
	23	the Rector; or
	24	(b) on the recommendation of the Selection Board constituted for the
	25	College.
	26	(3) The Selection Board referred to in subsection (2) of this section-
	27	(a) shall consist of-
	28	(i) the Chairman of the Council;
	29	(ii) the Rector;

1 (iii) two members of the Council not being members of the
2 Academic Board;

3 (iv) two members of the Academic Board; and

4 (b) make such inquiries as it deems fit before making the
5 recommendation required under subsection (2) (b).

6 (3) The Deputy Rector shall:

7 (a) assist the Rector in the performance of his functions;

8 (b) perform the functions of the Rector when the post of Rector is
9 vacant or if the Rector is for any reason absent or unable to perform his
10 functions as Rector; and

11 (c) perform such other functions as the Rector may, from time to
12 time, assign to him.

13 (4) The Deputy Rector-

14 (a) shall hold office for a period of two (2) years and on such terms
15 and conditions as may be specified in his letter of appointment; and

16 (b) may be re-appointed for one further period of two years and no
17 more.

18 **17.-(1)** There shall be for the College the following other principal
19 officers in addition to the Registrar, that is:

Other principal
officers of the
College

20 (a) the Bursar; and

21 (b) the Librarian, who shall be appointed by the Council on the
22 recommendation of the Selection Board constituted under section 16 (3) of
23 this Bill.

24 (2) The Bursar shall be the Chief Financial Officer of the College
25 and shall be responsible to the Rector for the day to day administration and
26 control of the financial affairs of the College.

27 (3) The Librarian shall be responsible to the Rector for the
28 administration of the College Library and the co-ordination of the library
29 services in the teaching units of the College.

30 (4) The Bursar or Librarian-

1 (a) shall hold office for a period of four (4) years in the first instance
2 and on such terms and conditions as may be specified in his letter of
3 appointment;

4 (b) may be re-appointed for a further period of four (4) years and no
5 more.

6 (5) Where on the commencement of this Bill, a Bursar or Librarian
7 has held office:

8 (a) for four (4) years or less, he shall be deemed to be serving his first
9 term of office and may be reappointed for a further term of four (4) years;

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

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

Resignation of
appointment by
principal officers

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

16 (a) in the case of the Rector, by notice to the President;

17 (b) in any other case, by notice to the Council.

Appointment
of other employees
of the College

18 **19.**-(1) The Council may appoint such other persons to be employees
19 of the College as the Council may determine to assist the Rector and the
20 principal officers of the College in the performance of their functions under
21 this Bill.

22 (2) The power to appoint all other staff of the College apart from the
23 Rector and the principal officers shall be exercised:

24 (a) in the case of a senior staff, by the Council on the recommendation
25 of the Senior Staff Appointments and Promotions Committee set up under the
26 provisions of paragraph 2 (2) (a) of the Schedule to this Bill;

27 (b) in the case of a junior staff, by the Rector on the recommendation
28 of the Junior Staff Appointments and Promotions Committee set up under
29 paragraph 2 (2) (b) of the Schedule to this Bill.

30 (3) The remuneration and tenure of office of staff of the College shall

1 be determined by the Council with the approval of the Minister.

2 **20.**-(1) The Council may, subject to the provisions of this Bill, Staff regulations
3 make staff regulations relating generally to the conditions of service of the
4 staff of the College and without prejudice to the generality of the foregoing,
5 such regulations may provide for:

6 (a) the appointment, promotion and discipline of employees of the
7 College; and

8 (b) appeals by such employees against dismissal or other
9 disciplinary measures, and until such regulations are made, any instrument
10 relating to the conditions of service of public officers in the university
11 system shall be applicable, with such modifications as may be necessary, to
12 employees of the College.

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

18 **21.**-(1) There shall be established for the College a board to be Establishment
19 known as the Academic Board which shall consist of the following of an academic
20 members: board for the
College

21 (a) the Rector of the College, as the Chairman;

22 (b) the Deputy Rector of the College;

23 (c) all Heads of Departments;

24 (d) the Librarian; and

25 (e) not more than two members of the academic staff other than
26 heads of departments who may be appointed by the Academic Board.

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

28 (a) the direction and management of academic matters of the
29 College including the regulation of admission of students, the award of

1 certificates and diploma, scholarships, prizes and other academic distinctions;

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

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

Removal of the
Rector from
office

7 **22.**-(1) Where it appears to the Council that the Rector should be
8 removed from office on the ground of misconduct or inability to perform the
9 functions of his office, the Council shall make a recommendation to that effect
10 to the President and if the President, after making such inquiries as he considers
11 necessary, approves the recommendation, the President shall in writing,
12 declare the office of the Rector vacant.

Removal of staff
of the College
from office

13 **23.**-(1) Where it appears to the Council that there are reasons for
14 believing that any person employed as a member of the academic,
15 administrative or technical staff of the College, other than the Rector, should be
16 removed from office on the ground of misconduct or inability to perform the
17 functions of his office, the Council shall:

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

19 (b) afford him an opportunity of making representations in person on
20 the matter to the Council within a specific period of time; and

21 (c) if the person in question is an administrative staff, he may request
22 in writing that a Committee of the Council be constituted to conduct a joint
23 investigation of the reasons for the removal with the Administrative Board of
24 the College, and the joint investigation Committee shall submit its report to the
25 Council within one month of constituting the joint investigation committee and
26 the decision of the Council on the matter shall be final;

27 (d) if the person in question is an academic staff, he may request in
28 writing that a Committee of the Council be constituted to conduct a joint
29 investigation of the reasons for the removal with the Academic Board of the
30 College, and the joint investigation Committee shall submit its report to the

1 Council within one month of constituting the joint investigation committee
2 and the decision of the Council on the matter shall be final;

3 (e) if the person in question is a technical staff, he may request in
4 writing that a Committee of the Council be constituted to conduct a joint
5 investigation of the reasons for the removal with the Technical Board of the
6 College, and the joint investigation Committee shall submit its report to the
7 Council within one month of constituting the joint investigation committee
8 and the decision of the Council on the matter shall be final;

9 (f) on the other hand, any three (3) members of the Council may
10 request that a Committee of the Council be constituted to conduct a joint
11 investigation of the reasons for the removal with the Administrative Board,
12 Academic Board or Technical Board of the College depending on category
13 of the person sought to be removed notwithstanding that the person sought
14 to be removed did not make such request, and the joint investigation
15 Committee shall submit its report to the Council within one month of
16 constituting the joint investigation committee and the decision of the
17 Council on the matter shall be final.

18 (2) The Rector may, in the case of misconduct by a member of the
19 staff which in the opinion of the Rector is prejudicial to the interests of the
20 College, suspend such member and any such suspension shall forthwith be
21 reported to the Council.

22 (3) A member of staff may be suspended from office for good
23 cause, or his appointment may be terminated by the Council. For the purpose
24 of this subsection, 'good cause' means:

25 (a) any physical or mental incapacity which the Council, after
26 obtaining advice from a panel of two (2) medical experts constituted by the
27 Council, considers to be such as to render the person concerned unfit for the
28 discharge of the functions of his office; or

29 (b) any physical or mental incapacity which the Council, after
30 obtaining medical advice from a panel of two (2) medical experts unfit to

1 constituted by the Council, considers to be such as to render the person
2 concerned unfit to continue to hold his office; or

3 (c) conduct of a scandalous or disgraceful nature which the Council
4 considers to be such as to render the person concerned unfit to continue to hold
5 his office; or

6 (d) conduct which the Council considers to be such as to constitute
7 failure or inability of the person concerned to discharge the functions of his
8 office or to comply with the terms and conditions of service.

9 (4) Any person suspended pursuant to subsection (2) or (3) of this
10 section, shall be placed on half pay and the Council shall before the expiration
11 of the three months after the date of such suspension consider the case against
12 that person and come to a decision as to:

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

15 (b) whether to reinstate such person, in which case the Council shall
16 restore his full emoluments to him with effect from the date of suspension;

17 (c) whether to terminate the appointment of the person in question, in
18 which case such a person, will not be entitled to the proportion of his
19 emoluments withheld during the period of suspension; or

20 (d) whether to take such lesser disciplinary action against such person
21 (including the restoration of such proportion of his emoluments that might
22 have been withheld) as the Council may determine, and in any case where the
23 Council, pursuant to this section, decides to continue a person's suspension or
24 decides to take further disciplinary action against a person, the Council shall
25 before the expiration of a period of three months from such decision come to a
26 final determination in respect of the case concerning any such person.

27 (5) It shall be the duty of the person by whom an instrument of
28 removal is signed in pursuance of subsection (1) above to use his best
29 endeavours to cause a copy of the instrument to be served as soon as reasonably
30 practicable on the person to whom it relates.

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

4 **24.** -(1) The Council may make rules providing for the Rector to Discipline of
5 enquire into alleged acts of misconduct and indiscipline among students.
6 (2) The rules shall provide for the procedure and rules of evidence

7 to be followed at enquiries under this section.
8 (3) Subject to the provisions of this section, where it appears to the

9 Rector that any student of the College has been guilty of misconduct, the
10 Rector may, without prejudice to any other disciplinary powers conferred on
11 him by this Bill or regulations, made hereunder direct:

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

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

18 (c) that the student be suspended for such period as may be
19 specified in the directions; or

20 (d) that the student be expelled from the College.

21 (4) Where the post of the Rector is vacant or where the Rector
22 refuses to apply any disciplinary measures, the Council may, either directly
23 or through some other staff, apply such disciplinary actions as are specified
24 in subsection (1) of this section to any student of the College who is
25 considered guilty of misconduct.

26 (5) Where a direction is given under subsection (3) (c) or (d) above
27 in respect of any student, the student may, within a period of twenty one (21)
28 days from the date of the letter communicating the decision to him, appeal
29 from the direction to the Council; and where such an appeal is brought, the
30 Council shall, after causing such inquiry to be made in the matter as the

1 Council considers just either confirm or set aside the direction or modify it in
2 such manner as the Council may think fit.

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

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

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

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

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

Audit of accounts

16 **25.** -(1) The Council shall keep proper records and accounts of its
17 activities and shall cause to be prepared not later than 1st October in each
18 financial year an estimate of its revenue and expenditure for the ensuing
19 financial year and when prepared the estimates shall be submitted to the
20 Minister for approval.

21 (2) At the end of each financial year but not later than 30th June, the
22 Council shall cause to be prepared a statement of its income and expenditure
23 during the previous financial year. The statement referred to in subsection (2)
24 above shall, when certified by the Rector, be audited by a firm of auditors
25 appointed by the Council from a list of four (4) firms in accordance with the
26 guidelines supplied by the Auditor General of the Federation and shall be
27 published in the annual report of the College.

Establishment
of fund for the
College

28 **26.**-(1) The College shall establish and maintain a fund from which
29 shall be defrayed all expenditure incurred by the College in the performance of
30 its functions under this Bill.

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

2 (a) such sums as may, from time to time, be granted to the College
3 by the Federal Government of Nigeria;

4 (b) fees charged and payable to the College by the students;

5 (c) any other amount, charged or dues recoverable by the College;

6 (d) revenue from time to time accruing to the College by way of
7 subvention, grants-in-aid, endowment or otherwise;

8 (e) interest on investments; and

9 (f) donations and legacies accruing to the College from any source,
10 for the general or special purpose of the College.

11 **27.**-(1) Donations of money to be applied to any particular purpose Donations for
12 shall be placed to the credit of a special reserve account approved by the particular purposes
13 Council until such time as they may be expended in fulfilment of such
14 purpose.

15 (2) The Council shall not be obliged to accept a donation for a
16 particular purpose unless it approves of the terms and conditions attached to
17 such donation.

18 **28.** All sums of money received on account of the College shall be Payment into
19 paid into such bank as may be approved for the credit of the College's bank
20 general, current or deposit account.

21 **29.** The Council shall on or before 31st December in each year Annual report
22 prepare and submit to the President through the Minister a report of its
23 activities during the preceding financial year and shall include in the report,
24 the audited accounts of the College in respect of that financial year and the
25 auditor's comments on the account.

26 **30.**-(1) The Council may make bye-laws relating to any matter Power to make
27 within its competence under this Bill other than matters for which provision bye-laws
28 is to be made by standing orders pursuant to paragraph (6) of the Schedule to
29 this Bill.

30 (2) All such bye-laws shall be in writing and shall come into force

	1	when sealed with the seal of the Council unless some other date for their
	2	commencement is prescribed therein.
	3	(3) Nothing in subsection (2) above shall make it obligatory for the
	4	Council to publish any of the said bye-laws in the Gazette but the Governing
	5	Council shall bring such bye-laws to the notice of all affected persons.
Exclusion or discrimination on account of race, religion, etc.	6	31. -(1) A person shall not on ground of race, place of birth, sex,
	7	family background, religious or political interest be denied:
	8	(a) admission into the College;
	9	(b) appointment at the College;
	10	(c) membership of any body established in pursuant to this Bill; or
	11	(d) be given/preferential advantage or be subjected to any other form
	12	of discrimination.
	13	(2) Notwithstanding the provision of subsection (1) above, the
	14	College shall not be prevented from imposing any restriction on any person(s)
	15	where a person willfully refuses on grounds of the above circumstances to
	16	undertake any duty which may be imposed on national interest or any other
	17	justifiable reasons.
Interpretation	18	32. In this Bill, unless the context otherwise requires:
	19	"Academic Board" means the board established under section 21 of this Bill;
	20	"Senior Staff Appointments and Promotions Committee" means a body by that
	21	name established under paragraph 2 (2) (a) of the Schedule to this Bill;
	22	"Junior Staff Appointments and Promotions Committee" means a body by that
	23	name set up under paragraph 2 (2) (b) of the Schedule to this Bill;
	24	"Minister" means Minister charged with responsibility for matters relating to
	25	Health;
	26	"Registrar" means the Registrar of the College appointed under section 14 (1)
	27	of this Bill;
Citation	28	33. This Bill may be cited as the Federal College of Dental
	29	Technology and Therapy, Danbatta Bill, 2022.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

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

6 *Committees*

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

9 (2) Without prejudice to the generality of subparagraph (1) of this
10 Schedule, the Council shall appoint the following committees, that is:

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

13 (i) consist of a chairman and four (4) members who shall be
14 appointed by the Council, and four (4) other members who shall be
15 appointed by the Rector from members of the senior staff of the College;

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

22 (b) the Junior Staff Appointments and Promotions Committee
23 which shall consist of a Chairman and four (4) other members to be
24 appointed by the Rector and shall have the powers set out in sections 19 (2)
25 (b) of this Bill.

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

28 (i) a Chairman who shall be appointed by the Rector from among
29 the senior employees of the College;

30 (ii) one member of the Council;

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

12 *Proceedings of the Council*

13 3.-(1) The Council shall meet for the conduct of business at such times
14 as the Chairman of the Council may appoint but the meeting of the Council
15 shall hold not less than twice in a year.

16 (2) The Chairman of the Council may at any time and shall at the
17 request in writing of not less than five members of the Council summon a
18 meeting of the Council.

19 (3) Particulars of the business to be transacted by the Council shall be
20 circulated to members with the notice of the meeting at least two weeks before
21 the date of the meeting.

22 4.-(1) Where the Council desires to obtain the advice of any person on
23 any particular matter, it may co-opt such person as a member for a meeting
24 whether or not expressly convened for the purpose of considering the particular
25 matter but no co-opted member shall be entitled to vote or considered as part of
26 the quorum.

27 5.-(1) Every question put before the Council at a meeting shall be
28 decided by a simple majority of the members present and voting.

29 (2) Seven members shall form a quorum at any meeting of the
30 Council.

(3) The chairman shall, at any meeting of the Council, have a vote and in the case of an equality of votes, may cast a deciding vote.

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

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

Miscellaneous

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

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

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

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Dental Technology and Therapy, Danbatta, Kano, to make the institution more effective in the discharge of its functions by strengthening the organisational framework; and to bring its provisions in conformity with current democratic principles and operations of existing educational and technological institutions, and the laws of the Federal Republic of Nigeria.

The Bill also empowers the College to Provide Courses of instruction Leading to the Award of Degrees, Diplomas and Certificates in Dental Technology, Dental Therapy.