

Extraordinary



National Assembly Journal

No. 01

Abuja - 19th January, 2023

Vol. 20

CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 2166	A Bill for an Act to Repeal the Produce (Enforcement of Export Standards) Act, Cap. P32 LFN, 2004 and Enact the Federal Produce Inspection Service (Establishment, Enforcement of Export Standards) Act, to provide for the Inspection and Enforcement of grades and quality standards of Produce and Commodities intended for Import into or Export from Nigeria at Ports of shipment and for Related Matters	C 1 - 29
HB. 2167	A Bill for an Act to Give effect to the Provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Nigeria and for Related Matters.....	C 31 - 66
HB. 2169	A Bill for an Act to Repeal the Standards Organisation of Nigeria Act, No.14 of 2015 and Enact the Standards Organisation of Nigeria Act, 2023 for the purpose of providing additional functions for the Organisation, creating new offences and increasing penalties for offences relating to Standardisation; and for Related Matters	C 67 - 98
HB. 2172	A Bill for an Act to Establish the Traditional, Complimentary and Alternative Medicine Council of Nigeria and for Related Matters	C 99 - 126

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

NASSP 01/191/2023/900

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

FEDERAL PRODUCE INSPECTION SERVICE BILL, 2023

ARRANGEMENTS OF SECTION

Section:

PART I - OBJECTIVES AND APPLICATION

1. Objectives
2. Application of this Act

PART II - ESTABLISHMENT OF THE FEDERAL PRODUCE

INSPECTION SERVICE

3. Establishment of the Federal Produce Inspection Service
4. Functions of the Service
5. Establishment and Composition of the Governing Board
6. Functions of the Board of the Service
7. Tenure of the Board
8. Cessation of membership of the Board
9. Removal of the Chairperson or member of the Board of the Service
10. Appointment of the Director-General of the Service
11. Removal of the Director-General of the Service
12. Appointment of other staff of the Service.
13. Application of the Pensions Reform Act
14. Structure of the Service
15. Operational areas of the Service
16. Emergency orders for pest control
17. Exportation of damaged produce
18. Pest infestation
19. Power to enter and seize
20. Treatment of detained produce
21. Power to re-examine produce
22. Duty to provide labour for inspection
23. Produce experts

PART III - FINANCIAL PROVISIONS

- 24. Funds of the Service
- 25. Expenditure of the Service
- 26. Accounts and Audit
- 27. Annual Reports
- 28. Power to accept gifts
- 29. Borrowing and investment powers of the Service

PART IV - OFFENCES AND PENALTY

- 30. Presumption as to intention to export
- 31. Effect of inspection, passing or grading
- 32. Wrongful grading as an offence
- 33. Unauthorised use or possession of seals, etc. of the Service
- 34. General offences
- 35. Offence in relation to samples of produce
- 36. Offences in relation to inspection, grading, etc. of produce
- 37. Offences by public officer
- 38. Forfeiture of produce

PART V - MISCELLANEOUS PROVISIONS

- 39. Powers of the Minister to make Regulations
- 40. Delegation
- 41. Limitation of suits against the Service
- 42. Power to sue for fees
- 43. Repeal and transitional provisions
- 44. Interpretation
- 45. Short title
- Schedule

A BILL EXECUTIVE

FOR

AN ACT TO REPEAL THE PRODUCE (ENFORCEMENT OF EXPORT STANDARDS) ACT, CAP. P32 LFN, 2004 AND ENACT THE FEDERAL PRODUCE INSPECTION SERVICE (ESTABLISHMENT, ENFORCEMENT OF EXPORT STANDARDS) ACT, TO PROVIDE FOR THE INSPECTION AND ENFORCEMENT OF GRADES AND QUALITY STANDARDS OF PRODUCE AND COMMODITIES INTENDED FOR IMPORT INTO OR EXPORT FROM NIGERIA AT PORTS OF SHIPMENT AND FOR RELATED MATTERS

[] Commencement

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

1 PART I - OBJECTIVES AND APPLICATION

2 1. The objectives of this Act are to- Objectives

3 (a) enforce grades and quality standards of produce and
4 commodities for shipment;

5 (b) monitor and inspect produce and commodities for export
6 before shipment;

7 (c) boost international trade to generate revenue for government
8 through commodity exportation and payment of requisite taxes and rates;

9 (d) ensure that produce and commodities to be .exported from
10 Nigeria complies with produce global standard requirement:

11 (e) ensure that any person that violates the provisions of this Act is
12 punished in accordance with this Act; and

13 (f) ensure that effective coordination of produce activities is
14 maintained and sustained.

15 2.-(1) This Act shall apply to produce intended for export as Application of
this Act
16 described in the First Schedule to this Act.

17 (2) The Minister may by an Order published in the Official Gazette

1 of Government, and to or delete from the First Schedule to this Act any
2 description of produce.

3 PART II - ESTABLISHMENT OF THE FEDERAL PRODUCE

4 INSPECTION SERVICE

Establishment
of the Federal
Produce Inspection
Service

5 **3.-(1)** There is established the Federal Produce Inspection Service
6 (“the Service”).

7 (2) The Service-

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

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

11 (c) may acquire, purchase, mortgage, hold or dispose of property,
12 whether movable or immovable; and

13 (d) shall be independent in carrying out its functions and duties under
14 this Act.

Functions of
the Service

15 **4.** The functions of the Service shall include-

16 (a) inspection and quality control of 'agricultural produce to ensure
17 compliance with global prescribed grades and standards pre-condition for
18 export or processing;

19 (b) arrival check test on produce delivered at a registered produce
20 store, warehouse or processing factory;

21 (c) pest control on produce, through pre-shipment fumigation or prior
22 to processing at the agro-processing mills;

23 (d) spraying and disinfestation of produce store, warehouse, ship
24 holds, hatches and container in order to control pest;

25 (e) monitoring of produce movement at the nation's border posts;

26 (f) enforcement of commodity export levy collection;

27 (g) ensuring that produce weight complies with approved standard
28 weight;

29 (h) inspection of packaging to ensure proper marking, sewing and
30 sealing of graded produce are adhered to;

1 (i) identification and rejection of poor-quality and deteriorated
2 produce in storage;

3 (j) conducting laboratory examination on produce for the
4 detection and control of mycotoxins, aflatoxins and arsenic;

5 (k) issuance of Certificate of Inspection on quality, weight,
6 fumigation and packaging for export-bound produce to facilitate
7 repatriation of foreign exchange on sale of exported produce and generate
8 data on export of agricultural produce; .

9 (l) monitoring of agricultural export at the nation's ports to ensure
10 compliance with export regulations and statistical data collection;

11 (m) organising training and enlightenment workshops, seminars
12 and conferences for relevant stakeholders;

13 (n) rendering of statistical data for the Export Commodity
14 Coordinating Committee (ECCC), to ascertain whether payment of
15 mandatory levies on produce exported from Nigeria are complied with;

16 (o) advising the Government and other stakeholders on produce
17 quality control and fumigation matters;

18 (p) representing the Federal Government of Nigeria in
19 international meeting of CODEX Alimentarius, where international
20 commodity standards are determined; and

21 (q) any other functions as may be necessary for the attainment of
22 the objectives of this Act.

23 **5.-(1)** The Service shall have a Governing Board ("the Board"),
24 consisting of the following members-

Establishment
and Composition
of the Governing
Board

25 (a) a Chairperson, appointed by the President on the
26 recommendation of the Minister, with not less than 10 years experience in
27 produce and commodity matters;

28 (b) the Director-General of the Service;

29 (c) a representative of the Minister;

30 (d) two representatives of each geopolitical zone of the federation

	1	from within the State Civil Service workforce, who shall not be below the rank
	2	of a Director, having technical experience in produce inspection for export; and
	3	(e) the Director Produce Inspection and Quality in the service.
	4	(2) The supplementary provisions contained in the Second Schedule
	5	to this Act, shall have effect with respect to the proceedings of the Board and
	6	other matters mentioned therein.
Functions of the Board of the Service	7	6. The functions of the Board shall be to-
	8	(a) ensure compliance with the objectives of this Act by the
	9	stakeholders;
	10	(b) advise the Minister and other stakeholders on issues connected to
	11	the enforcement of export standards;
	12	(c) encourage states to key into national programmes with a view to
	13	jointly boost international trade to generate revenue for government;
	14	(d) make recommendations to the Minister when required on matters
	15	relating to produce inspection and Regulations under the various State Produce
	16	Inspection Laws;
	17	(e) promote domestic and international collaboration to ensure
	18	compliance with global prescribed grades and standards; and
	19	(f) perform such other functions as may be relevant to realisation and
	20	performance of its functions under this Act.
Tenure of the Board	21	7.-(1) The Chairperson and other members of the Board shall hold
	22	office-
	23	(a) for a period of four years in the first instance and may be re-
	24	appointed for a further period of four years and no more; and
	25	(b) on such terms and conditions as may be specified in the instrument
	26	of appointment.
	27	(2) Notwithstanding subsection (1) of this section, the President may
	28	remove the Chairperson or a member of the Board for inability to discharge the
	29	functions or purpose of appointment, arising from infirmity of mind, body, any
	30	other cause or misconduct or is in the public interest for the President to do so.

1	8. Notwithstanding the provisions of section -; of this Act, a	Cessation of membership of the Board
2	member of the Board shall cease to hold office, where the member-	
3	(a) resigns his appointment as a member of the Board by notice in	
4	writing addressed to the President;	
5	(b) becomes bankrupt;	
6	(c) is convicted of a felony or any other offence involving	
7	dishonesty or corruption;	
8	(d) becomes incapable of discharging the functions of his office	
9	either arising from an infirmity of mind or body;	
10	(e) the President is satisfied that it is not in the interest of the	
11	Service and the public for such member to continue in office;	
12	(f) has been found guilty under the Code of Conduct or serious	
13	misconduct in relation to his duties; or	
14	(g) in the case of a person who becomes a member by virtue of the	
15	office the person occupies, cease to hold such office.	
16	9.-(1) Where it appears that the Chairperson or a member of the	Removal of the chairpersons or member of the Board of the Service
17	Board, other than an ex-officio member should be removed from office on	
18	the grounds of misconduct or inability to perform the functions of such an	
19	office, the Board shall make recommendation through the Minister to the	
20	President for approval.	
21	(2) Where the President, after making such inquiries as may be	
22	necessary, approve or decline the recommendation made through the	
23	Minister by the Board and the Secretary to the Government of the Federation	
24	shall in writing communicate the decision of the President to the Board.	
25	10.-(1) There shall be appointed for the Service, a Director-	Appointment of the Director-General of the Service
26	General, who shall be the Chief Executive and Accounting Officer of the	
27	Service.	
28	(2) The Director-General shall have requisite qualification,	
29	knowledge and not less than 15 years experience in produce management	
30	and inspection matters.	

- 1 (3) The Director-General shall-
- 2 (a) be appointed by the President on the recommendation of the
- 3 Minister;
- 4 (b) be responsible to the Board for the management of the affairs of
- 5 the Service;
- 6 (c) be responsible for the execution of the policy and the day-to-day
- 7 administration of the affairs of the Service;
- 8 (d) be entitled to earn a remuneration and allowances as may be
- 9 specified in the instrument of appointment;
- 10 (e) hold office for a period of four years at the first instance and may
- 11 be eligible for re-appointment for another period of four years on such terms
- 12 and conditions as may be specified in the letter of appointment and no more;
- 13 (f) keep proper books, records of the proceedings of the Board and
- 14 Committee of the Board;
- 15 (g) exercise control over employees of the Service, subject to the
- 16 supervision of the Board; and
- 17 (h) Appoints the Secretary to the Board whose remuneration shall not
- 18 be below that of a Deputy Director in the Service and whose tenure shall be
- 19 same with members of the Board and renewable once.
- 20 **11.** Notwithstanding the provisions of section 10 (3)(e) of this Act, the
- 21 Director-General of the Service shall cease to hold office, where the Director-
- 22 General-
- 23 (a) resigns his appointment;
- 24 (b) becomes of unsound mind;
- 25 (c) becomes bankrupt;
- 26 (d) is convicted of a felony or an offence involving fraud, dishonesty
- 27 or corruption;
- 28 (e) has been found guilty by the Code of Conduct Tribunal for any
- 29 serious misconduct in relation to his duties;
- 30 (f) becomes incapable of carrying out the functions of the office,

Removal of the
Director-General
of the Service

1 whether arising from infirmity of mind or body;

2 (g) is certified by the President that it is not in the best interest of the
3 Service or the public for the Director-General to continue in office; and

4 (h) is holding such an office by virtue of having professional
5 qualification and where the Director-General is disqualified or suspended
6 from practising his profession in any part of the world, by an order of
7 competent authority or court.

8 **12.-(1)** The Service may appoint such other staff, as may be Appointment of
9 necessary to assist the Service in the performance of its functions under this other staff of the
10 Act. Service

11 (2) The staff of the Service, shall under this section be appointed on
12 such terms and conditions of service as the Service may in collaboration
13 with the National Salaries, Income and Wages Commission and Federal
14 Civil Service Commission may determine.

15 (3) The staff of the Service shall be public officers as defined in the
16 Constitution of the Federal Republic of Nigeria, 1999 (as altered).

17 **13.-(1)** Service in the employment of the Service shall be as Application of
18 approved service under the Pensions Reform Act, accordingly, employees the Pensions
19 of the Service shall, in respect of their service be entitled to pension and Reform Act
20 other retirement benefits as are prescribed in the Pensions Reform Act.

21 (2) Notwithstanding the provisions of subsection (1) of this
22 section, nothing in this Act shall prevent the appointment of a person to any
23 office on terms, which preclude the grant of a pension in respect of the
24 office.

25 (3) For the purposes of the application of the Pensions Reform Act,
26 any power exercisable thereunder by the President or authority other than
27 the Federal Government, not being the power to make Regulations under
28 this Act, shall be vested in and exercisable by the Service.

29 (4) Subject to subsection (2) of this section, the Pensions Reform
30 Act, shall in its application by virtue of subsection (3) of this section, have

	1	effect as if, the office is in the public service of the Federation within the
	2	meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as
	3	altered).
Structure of the Service	4	14. The Service shall have power to create such departments and units
	5	as may be necessary for its operation.
Operational areas of the Service	6	15.-(1) The Service may have offices in all the states of the federation
	7	and at every port of shipment in Nigeria, with its headquarter in Abuja.
	8	(2) The states offices shall be for the purposes of enforcement of
	9	export standards in bonded warehouses, land borders and processing mills,
	10	with each zonal headquarter to coordinate the activities of the number of states
	11	under its zone and report to the head office.
	12	(3) The Service at every port of shipment, including seaports and
	13	airports, shall be for the purpose of-
	14	(a) conducting quality test on imported agricultural commodities, to
	15	ensure they conform with prescribed quality standards before they are allowed
	16	to be loaded out of the ports to the hinterland;
	17	(b) boarding vessel to inspect ship holds, barges and hatches for
	18	imported pests or rodents and fumigate such receptacles to eliminate pests and
	19	prevent them from escaping into Nigeria;
	20	(c) examining export containers entering into the ports at the port
	21	gates so as to ensure that all export containers have been subjected to the
	22	Service's quality test before agricultural produce are allowed into the ports;
	23	(d) fumigating empty containers belonging to shipping lines or
	24	terminal operators at various terminals as required by law before they are
	25	loaded with already fumigated agricultural produce for exports;
	26	(e) issuance of certificate of fumigation to ship owners after
	27	fumigating their ship holds, barges and hatches as evidence that they are fit to
	28	load pest free agricultural produce out of Nigeria;
	29	(f) impounding poor-quality produce sited either at the port gate,
	30	inside a vessel or inside whatever receptacle to ensure no bad quality produce is

1 exported out of Nigeria;

2 (g) prosecuting any person found to have violated any of the
3 provisions or Regulations made under this Act for export or import of
4 agricultural produce; and

5 (h) ensuring that all statutory export and fumigation levies are
6 accurately paid by exporters of agricultural commodities before the produce
7 are released for export.

8 **16.**-(1) The Minister shall have the power to make an Emergency
9 order, which shall be published in the Official Gazette of Government in the
10 event of any outbreak of serious pest infestation to provide for immediate
11 steps as may be necessary to combat and contain the spread of the
12 infestation.

Emergency orders
for pest control

13 (2) The Minister may without prejudice to this section, order for the
14 prohibition of movement or for the destruction of infested produce.

15 (3) An order made under this section may prescribe a penalty for
16 offences against violation of any of the provisions of the order, which shall,
17 not exceed a fine of N500,000 or imprisonment for six months or to both.

18 (4) Where an order is made subject to this section, the Minister
19 shall within 21 days of the order, convene a meeting of the Board, to
20 deliberate and seek the advice of the Board as may be necessary in the
21 circumstance.

22 (5) The Minister may in addition to an order made under this
23 section, make Regulations subject to the order, which shall without
24 prejudice to anything lawfully done under the Regulations shall expire
25 unless it has expired under the provisions of the order itself.

26 **17.**-(1) Notwithstanding the provisions of this Act as to exportation
27 of produce, where produce which has been inspected and passed for export,
28 but later suffered damage or deteriorated in quality to such an extent that it
29 can no longer be made to conform to exportable standard, the Minister or
30 officer designated in writing, may grant a special permit to allow the export

Exportation of
damaged produce

1 of the produce on such conditions and purpose as may be specified in the
2 special permit.

3 (2) Where produce suffered damage or deterioration in quality to
4 conform with an exportable standard, the Minister or officer designated in
5 writing may, if satisfied that the damage or deterioration was due to
6 circumstances beyond the control of the owner of the produce, grant a special
7 permit to allow the produce on such conditions and purpose as may be specified
8 in the permit.

9 (3) Where produce is exported under the authority of a special permit
10 granted under this section, any seal or mark to indicate that such produce has
11 been graded for export shall be removed or destroyed by the person exporting
12 the produce to the satisfaction of appropriate authority and in the presence of a
13 produce officer of the Service at the port of shipment.

Pest infestation 14 **18.** Where produce is found to be infested or reasonably suspected to
15 be infested with any pest-

16 (a) a produce officer may make such order as may be necessary for the
17 treatment of such pest; and

18 (b) where the owner of produce fails to comply with the order of the
19 officer, any person authorised by the officer in that behalf in writing, may enter
20 upon any land or premises and carry out such measures as may be necessary to
21 prevent the spread of the pest, at the owner's expense.

Power to enter 22 **19.-(1)** A produce officer shall when carrying out his duties under this
and seize 23 Act, be in uniform and have power to-

24 (a) enter at a reasonable time, having regard to religious beliefs, social
25 customs and norms prevailing in the area to a building or place, which is
26 reasonably believed to harbor produce, which is subject to Regulations made
27 under this Act, to inspect and take samples of any of such produce stored,
28 notwithstanding that such produce has been previously inspected or graded;

29 (b) stop a person carrying or believed to be carrying produce, examine
30 such produce, search any vehicle, boat, canoe or animal carrying or believed to

1 be carrying produce and may call the person in charge of such vehicle, boat,
2 canoe or animal and where the person cannot be ascertained, the person
3 appearing to be in charge of the vehicle, boat, canoe or animal and may
4 require the person in charge of such produce to unload the produce for
5 examination;

6 (c) direct the person in charge of a vehicle, boat, canoe or animal
7 and the person in charge of produce seized under paragraph (d) of this
8 subsection, to convey the 'produce to the nearest suitable place to deposit the
9 seized produce;

10 (d) seize and detain any produce reasonably suspected to have been
11 adulterated or in respect of which an offence under this Act has been
12 committed, together with any receptacle in which such produce is contained
13 and shall seize and detain any article, register or document believed to be
14 connected with the offence;

15 (e) take possession of building or place in which produce regulated
16 under this Act is stored by counter-locking and affixing Federal Produce
17 Inspection Service sealing authority;

18 (f) call upon a person to make available any information as may
19 reasonably required for the purpose of investigation of an offence
20 committed under this Act; and

21 (g) release to the owner of a produce previously seized and
22 detained under the provisions of paragraph (d) of this subsection, where the
23 produce officer is satisfied that the owner did not know that the produce was
24 adulterated, so as to permit the owner to clean the produce and after
25 cleaning, release the produce and its receptacle in which the produce was
26 contained.

27 (2) A person who obtains information by virtue of this section
28 otherwise than in the execution of his duties under this Act, shall not disclose
29 the information except with the permission of the Director-General of the
30 Service.

Treatment of
detained produce

1 (3) Except as provided in paragraph (f) of subsection (1) of this
2 section, any person who seizes and detains any producer's receptacle under
3 subsection (1) of this section shall report the matter to the nearest magistrate for
4 prosecution.

5 **20.-(1)** Where the produce seized and detained is not packed in a
6 receptacle, a produce officer may order that it shall be so packed and the owner
7 of the produce and the person in charge of the produce at the time of seizure
8 shall be responsible for the provision of suitable receptacles and the labour that
9 is required to carry out the order.

10 (2) Save as is provided to the contrary in this section, every produce
11 seized and detained shall. be sealed in receptacles to the satisfaction of a
12 Produce Officer and shall not be removed or cleaned except with the written
13 permission of the Service or until a charge is preferred against the person for an
14 offence in respect of the produce or complaint laid for the purpose of forfeiture
15 under this Act has been determined.

16 (3) Where a person charged for an offence under this Act has been
17 acquitted or discharged, the court shall not order the release of the produce until
18 4 days from the date of the judgment of acquittal or discharge, during which
19 period a Produce Officer shall notify the Court in writing of its intention to
20 institute further proceedings in respect of the produce.

21 (4) Where a Produce Officer notifies the Court in writing within 4
22 days of its intention to institute further proceedings in respect of the produce or
23 to appeal against the judgment, the Court shall not order the release of the
24 produce pending the determination or withdrawal of such proceedings or
25 appeal.

26 (5) Notwithstanding the provisions of subsection (2) of this section,
27 where a Produce Officer deems it appropriate, may order produce under
28 seizure and detention to be removed and be kept in an approved premises.

29 (6) Where the owner of the produce or the person in charge of the
30 produce considers that the storage condition of the produce in detention may

1 result in further damage or deterioration to the produce, may make
2 application in writing to the Service for the purpose of obtaining permission
3 to clean the produce.

4 (7) Where approval is given by the Service to application made
5 under subsection (6) of this section, the produce officer may permit the
6 owner or the person in charge of the produce to clean it and after cleaning,
7 the produce shall be dealt with in accordance with the provisions of
8 subsections (2) or (3) of this section.

9 (8) Where an approval is granted to application made under
10 subsection (6) of this section, there shall be prepared in the presence of the
11 applicant and the produce officer or before an officer delegated by the
12 produce officer, a document showing the net weight of the produce, the
13 number of receptacles in which the produce is packed and the gross weight
14 of sample taken and such document when signed by applicant and produce
15 officer or officer delegated by the produce officer, shall be conclusive
16 evidence of the particulars stated in it.

17 (9) Notwithstanding the provisions of this section, the Service may
18 order a person in charge of seized or detained produce or person claiming to
19 be owner to clean it and may permit temporary release of the produce for the
20 purpose of cleaning and where such order is given, the provisions of
21 subsection (8) shall apply.

22 **21.-(1)** A produce officer may, after obtaining approval from the
23 Service, re-examine any produce earlier inspected, passed or graded, for
24 such purpose as may be deemed necessary.

Power to re-examine
produce

25 (2) Where the Service discovers during such re-examination that
26 produce has not been properly passed or graded or has deteriorated not to
27 conform to the quality or grade assigned to it on previous examination, such
28 produce shall not be exported until it has been properly graded, passed and
29 marked in accordance with the provisions of this Act or Regulations made
30 under this Act or until a special permit for its export has been granted by the

1 Minister or officer designated in writing, in accordance with the provisions of
2 this Act.

3 (3) Where a produce officer in the course of re-examination discovers
4 that the produce being re-examined has been adulterated or an offence relating
5 to the produce has been committed, the produce officer shall deal with the
6 produce in accordance with the provisions of section 20 of this Act.

7 (4) Where the produce officer re-examines the produce and find out
8 that the produce has been properly passed or graded, shall cause the produce to
9 be re-packaged, sealed and marked in accordance with this Act or Regulations
10 made under this Act.

11 (5) The owner of the produce re-examined under this section may
12 appeal within seven days to the Director-General of the Service or his
13 representative against the decision made on either the examination or the re-
14 examination.

Duty to provide
labour for
inspection

15 **22.** Where a produce officer is to examine or re-examine a produce for
16 any of the purposes under this Act, the owner of the produce shall provide
17 necessary labour to enable such examination or re-examination to be made.

Produce export

18 **23.-(1)** The Minister may by notice in the Official Gazette declare a
19 person as Produce Expert in respect of a particular produce.

20 (2) In any proceedings of an offence under this Act in which the
21 quality or condition of a produce is in issue, the Court may, direct produce
22 expert to examine the produce or sample of it and report to the Court on its
23 quality or condition and the written report of such produce expert shall be
24 sufficient evidence of the facts stated in the report unless the person charged
25 requires the produce expert to be called as a witness.

26 PART III - FINANCIAL PROVISIONS

Funds of the
Service

27 **24.-(1)** The Service shall establish and maintain an account to which
28 shall be paid-

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

1 (b) such monies as may, from time to time, be provided to the
2 Service by the Federal Government, a state government or a Local
3 Government Council;

4 (c) foreign aid and assistance;

5 (d) any other fund as may be approved for the development of
6 produce safety in Nigeria; and

7 (e) all other sums or assets that may from time to time be vested in
8 or accrue to the Service in the course of performing its duties under this Act.

9 (2) The Service funds shall be managed in accordance with extant
10 Financial Regulations applicable in the Public Service of the Federation and
11 Regulations made pursuant to this Act.

12 **25.** The Service may apply the proceeds of the fund established
13 pursuant to this Act-

Expenditure of
the Service

14 (a) for the payment of salaries, fees and other remunerations or
15 allowances, payable to employees, experts or professionals appointed by the
16 Service;

17 (b) to pay overhead, benefits and other administrative costs of the
18 Board;

19 (c) for the reimbursement of members of any committee set up by
20 the Board or such expenses as may be authorised in accordance with the
21 rates approved by the Government of the Federation;

22 (d) to publicise and promote the activities of the Service;

23 (e) for the maintenance of any property acquired or vested in the
24 Service; and

25 (f) to undertake any other activity, programmes or matter
26 connected with or any of the functions of the Service under this Act.

27 **26.-(1)** The Service shall keep proper accounts and records of its
28 funds and shall prepare in respect of each financial year, a statement of
29 accounts in such form as may be required and in conformity with best
30 practice and Financial Regulations.

Accounts and
audit

1 (2) The Service shall within six months after the end of each year to
2 which the accounts relate, cause its accounts to be audited by auditors
3 appointed from the list of auditors and in accordance with guidelines supplied
4 by the Auditor-General of the Federation.

5 (3) The auditors shall, on the completion of the audit of the accounts
6 of the Service for each year, prepare and submit to the Board reports setting
7 out-

8 (a) general observations and recommendations of the auditors on the
9 financial affairs of the Service for the year and on any important matter which
10 the auditors desire to bring to the notice of the Board; and

11 (b) detailed observations and recommendations of the auditors on all
12 aspects of the operations of the Service for the year under review.

Annual reports

13 **27.** The Service shall, not later than 30th September of every year,
14 prepare and submit to the Minister through the Board, a report on the activities
15 and administration of the Service during the preceding year and shall include in
16 the report a copy of the Audited Financial Statement of the Service for the
17 immediate preceding year and the auditor's report.

Power to accept
gifts

18 **28.-(1)** The Service may accept a gift of land, money or other property
19 on such terms and conditions, if any; as may be specified by the person or
20 organisation making the gift.

21 (2) The Service shall not accept any gift where the conditions attached
22 by the person or organisation making the gift are inconsistent with the
23 functions and objectives of the Service.

Borrowing and
investment powers
of the Service

24 **29.-(1)** The Service may, with the consent or in accordance with any
25 general authority given by the Board, borrow by way of loan or overdraft from
26 any source, specified amount of money required by the Service for its
27 obligations and functions under this Act.

28 (2) The Service may, subject to the provisions of this Act and the
29 conditions of a trust created in respect of a property, invest any of its funds with

1 the consent or general authority of the Board and Minister responsible for
2 finance.

3 (3) The Service may invest any of its surplus funds in such
4 securities as the Board may, from time to time, approve.

5 PART IV - OFFENCES AND PENALTY

6 **30.** In a proceeding against a person for an offence committed
7 under this Act, it shall not be necessary to prove that the produce, which is
8 the subject of the charge, was intended for export and such produce shall be
9 presumed to have been intended for export unless the contrary is proved.

Presumption as
to intention to
export

10 **31.** In any action relating to the quality or purity of a produce
11 inspected and passed or graded under this Act, the inspection, passing or
12 grading of such produce shall not be conclusive as to the quality or purity of
13 the produce.

Effect of
inspection, passing
or grading

14 **32.-(1)** A produce officer who knowingly passes or clears produce
15 for export, which is not of exportable standard and quality shall be guilty of
16 an offence of gross misconduct punishable in line with the extant provisions
17 of the Public Service Rules.

Wrongful grading
as an offence

18 (2) Where a person charged alleges unauthorised use of his seal,
19 press, punch-die or other sealing or marking appliance used for sealing
20 produce or for marking containers was used without his consent, the onus of
21 proving such unauthorised usage shall be on the person.

22 (3) In any prosecution under this section, it shall be sufficient for
23 the prosecution to prove the person charged is a produce officer who passed
24 or cleared the produce in question for export and that the produce was not of
25 exportable standard and the onus of defending that the wrong clearance was
26 not done knowingly shall be upon the person charged.

27 **33.-(1)** A person, other than delegated officer of the Service, who-
28 (a) make unauthorised use of prescribed types of seal, press,
29 punch-die or other sealing or marking appliance used for sealing produce or
30 for marking containers or any apparatus for sampling or testing produce or

Unauthorised
use or possession
of seals, etc. of
the Service

1 for extracting contents of bags of produce intended for export or detained under
2 the provisions of this Act;

3 (b) is found in possession of any of such article or any article so
4 closely resembling that of the Service, which may be mistaken for that of the
5 Service, without lawful excuse, the onus of proving such lawful excuse shall be
6 upon the person charged,
7 shall be guilty of an offence under this Act and is liable to a fine of not less than
8 N150,000 or imprisonment for one year or to both.

9 (2) Where the offence is committed by an employee of the Service, the
10 disciplinary procedure provided for in the Public Service Rules shall apply.

General offences

11 **34.-(1)** A person who at any port of shipment, without lawful excuse-

12 (a) hinders or molests a produce officer or person charged with the
13 duty or power under this Act or Regulations made under this Act in the exercise
14 of his duty or power;

15 (b) fails to comply with lawful order given under this Act or
16 Regulations made under this Act;

17 (c) remove, clean or tamper with produce or receptacle, seized or
18 detained by the Service in accordance with the provisions of this Act or
19 Regulations made under this Act;

20 (d) break or remove a seal placed upon a receptacle containing
21 produce by the produce officer, either after grading, seizure or detention of the
22 produce and receptacle in accordance with the provisions of this Act or break
23 the twine, wire or other means of securing such receptacle or seal;

24 (e) substitutes for a produce already inspected and passed or graded
25 another produce or add extraneous matter or any uninspected produce to a
26 produce, which has been inspected and passed or graded;

27 (f) fails to furnish any information lawfully demanded under this Act
28 or knowingly furnish false information in a material particular or does not
29 believe to be true;

30 (g) possess or has in his custody or under his control, whether for sale

1 or other purpose, for the use or his benefit or any other person or whether as
2 agent or employee of any other person, produce which has been-

3 (i) inspected, passed or graded and of which the containers have
4 been tampered with as described in this section, or

5 (ii) substituted for produce which has been passed or graded; or

6 (h) ships, exports or attempts to ship or export or delivers or cause
7 to be delivered for shipment or export any produce, which is not of
8 exportable standard, Is guilty of an offence and shall be liable to a fine of not
9 less than N1,000,000 or imprisonment for one year, or to both.

10 (2) In prosecution of offences under this section, the onus of
11 proving the existence of lawful excuse shall lie on the defendant.

12 (3) A person shall not be convicted for an offence in paragraph (g)
13 of subsection (1) of this section, where the person proves to the
14 satisfaction of the court-

15 (a) not to know and could not with reasonable diligence have
16 known that the produce or its containers had been tampered with or suffered
17 substitution;

18 (b) to have taken all reasonable precautions against the
19 commission of the offence;

20 (c) that as soon as it became clear that an offence had been or was
21 being committed, made immediate report in writing to the Service; and

22 (d) that when the Service demanded for an explanation, gave all the
23 information at his disposal with respect to the produce and the containers.

24 **35.** A person authorized to take samples under this Act, but
25 employs or disposes of such samples or any part of it for his own gain or use
26 it for any purpose other than for the purpose for which it was meant, commits
27 an offence of misconduct and is liable to be punished under the extant
28 provisions of the Public Service Rules.

Offence in relation
to samples of
produce

29 **36.** Any produce officer, who without reasonable excuse, delays,
30 detains, or refuses to inspect, pass or grade produce for export commits an

Offences in relation
to inspection and
grading of produce

	1	offence and is guilty of misconduct punishable under the extant provisions of
	2	the Public Service Rules.
Offences by public officer	3	37. Where a proceeding, either civil or criminal is brought against a
	4	public officer in respect of an act done pursuant to the provisions of this Act, it
	5	shall be a good defense for the officer to show that there was reasonable and
	6	probable cause for the act in respect of which such proceeding is brought.
Forfeiture of produce	7	38. -(1) Where a person is convicted of an offence' under this Act, of
	8	which the owner of the produce is a beneficial owner, the Court may, in
	9	addition to the penalty imposed, order that the produce and the receptacles in
	10	respect of which the offence was committed, be destroyed or forfeited to the
	11	Service.
	12	(2) Produce forfeited under this section shall be cleaned by the
	13	Service and released for sale or for export.
	14	(3)Where a produce or a receptacle is seized and detained under this
	15	Act and the-
	16	(a) owner of such produce or receptacle is unknown or cannot be
	17	found; or
	18	(b) produce is adulterated or is of such inferior quality that-
	19	(i) it cannot be cleaned to an exportable standard,
	20	(ii) its retention in its present condition may endanger the quality of
	21	other produce, which may come into contact with it, or
	22	(iii) produce expert by reason of its inferiority standard suggest that it
	23	should be destroyed; a complaint shall be made after seven days from the day of
	24	seizure of the produce and receptacle, before a magistrate having jurisdiction
	25	over the area where the produce or receptacle is detained for the purpose of
	26	enforcing forfeiture of such produce or receptacle.
	27	(4) The magistrate shall cause notice to be given in such manner as
	28	may be required or necessary, for cause to be shown to the contrary at a place
	29	and time stated in the notice why the produce or receptacle shall not be
	30	forfeited.

1 (5) The magistrate shall, unless cause is shown to the contrary,
2 order that the produce or receptacle be forfeited and disposed of in such
3 manner as may be requested by the Service.

4 PART V - MISCELLANEOUS PROVISIONS

5 **39.** The Service, in the exercise of its powers under this Act, may in
6 consultation and approval of the Minister, make Regulations and orders in
7 accordance with the provisions of this Act. Powers of the
Minister to make
Regulations

8 **40.** The Minister may delegate any of his powers under this Act to
9 the Service except the power to make Regulations. Delegation

10 **41.**-(1) Subject to the provisions of this Act, the provisions of the
11 Public Officers Protection Act, shall apply to a suit instituted against the
12 Service, an officer or employee of the Service. Limitation of suits
against the Service

13 (2) A suit shall not lie or be instituted in a court against the Service,
14 a member of the Board or any principal officer or employee of the Service
15 for action carried out in pursuance to the execution of this Act or any
16 enactment or of any public duty in respect of an alleged neglect or default in
17 the execution of this Act or any other enactment or law, duty or authority,
18 unless it is commenced-

19 (a) within three months of such act, neglect or default complained
20 of; or

21 (b) in the case of a continuation of damages or injury, within six
22 months after the ceasing of the act, neglect or default.

23 (3) A suit shall not be commenced against the Service, a member of
24 the Board or any principal officer or employee of the Service before the
25 expiration of a period of one month after written notice of the intention to
26 commence a suit has been served on the Service by the intending plaintiff or
27 his agent.

28 (4) The notice referred to in subsection (3) of this section shall
29 clearly state the cause of action, particulars of the claim, the name and place
30 of abode of the intending plaintiff and the relief sought.

Power to sue
for fees

1 **42.**-(1) The Service shall have power to institute a court proceeding
2 against a person for the recovery of a civil debt under this Act or Regulations
3 made under this Act.

4 (2) Fees recovered for and by the Service shall be paid into the
5 Federation Account.

Repeal and
transitional
provisions

6 **43.**-(1) The Produce (Enforcement of Export Standards) Act, Cap.
7 P.32 LFN, 2004 is repealed.

8 (2) Notwithstanding the repeal of the Produce (Enforcement of
9 Export Standards) Act, Cap. P.32 LFN, 2004 ("the repealed Act")-

10 (a) the rights, interests, obligations and liabilities in the repealed Act
11 existing under this Act, under any contract, instrument either in law or equity,
12 apart from any contract or instrument, shall by virtue of this Act be assigned to
13 and vested in the Service established by this Act;

14 (b) a document referring to a provision of the repealed Act shall be
15 construed as a reference to the corresponding provision of this Act; and

16 (c) where an offence, being an offence for the continuance of which
17 penalty was provided, has been committed under the repealed Act, in respect of
18 the continuance of the offence after the commencement of this Act, in the same
19 manner as if the offence had been committed under the corresponding
20 provisions of this Act.

21 (3) A proceeding pending or existing immediately before the
22 commencement of this Act against a member of the Service, shall be continued
23 or commenced, as the case may be a-id a determination of a court or other
24 authority or person may be enforced against the Service to the same extent that
25 the proceeding or other action or determination could have been continued,
26 commenced or enforced against such member.

27 (4) A forfeiture having effect under the repealed Act immediately
28 before the commencement of this Act, shall continue to 'have the same effect
29 notwithstanding the repealed Act.

30 (5) Any document made before the commencement of this Act, which

1 would have been admissible in evidence under the provisions of the repealed
2 Act, shall be admissible to the extent and in the same proceedings
3 notwithstanding that the repealed Act has ceased to have effect.

4 (6) Nothing in this Act shall invalidate any act or things done by a
5 person, authority or by the Service before the commencement of this Act and
6 the act or the thing done shall be considered to have been duly executed and
7 shall continue to be in force in accordance with the provisions of this Act.

8 **44.** In this Act-

Interpretation

9 "Board" means the Produce Inspection Board for the Federation established
10 under this Act;

11 "Buy" includes exchange or barter, whether for goods or services and any
12 agreement or contract to buy, exchange or barter;

13 "Buyer" means the person who conducts the transaction of buying, whether
14 personally or for another person;

15 "Chief Produce Officer" subject to the provision of subsection (2) of this
16 section, means an officer of that rank in the Federal Produce Inspection
17 Service;

18 "Clean" means to free produce from any foreign, superfluous or inferior
19 matter by picking, boiling or using other means and includes the extraction
20 of excessive moisture from produce;

21 "Export" with its grammatical variations and cognate expressions, means to
22 take or cause to be taken out of Nigeria;

23 "Exportable standard" means a standard which is not lower than that
24 prescribed for produce intended for export, under the provisions of the
25 Export of Nigerian Produce Act or any other law:

26 "Expose for sale" includes to place any produce on premises on which
27 produce is habitually bought by, or for eventual delivery, to any exporter,
28 produce or licensed buying agent, whether the person' placing such produce
29 intends to offer it for sale or not;

30 "Government" means the Government of the Federation or of a State;

1 "Inspector", means a produce officer of the Federal Produce Inspection
2 Service, and includes a person appointed as an inspector or examiner for the
3 purposes of this Act;

4 "Licence" means a licence issued in accordance with the provisions of this Act;

5 "Licensed buying Agent" means a person or firm or an employee of such
6 person or firm holding a holding d license in that behalf issued by an
7 appropriate licensing authority;

8 "Licensing Authority" means an authority empowered to grant a license for
9 buying produce;

10 "Minister" mea n the Minister charged with responsibility for matters relating
11 to Industry, Trade and Investment;

12 "Pest Control Inspector" means any officer of that rank in the Federal Produce
13 Inspection Service;

14 "Pest" means any vermin, insect, parasite, fungus, bacterium or disease
15 harmful to produce;

16 "Port of Shipment" means the place from which produce is exported by any
17 means;

18 "Possess for sale" includes constructive possession of produce, which is
19 exposed for sale, or of produce which is found upon the premises of any store in
20 respect of which there is "in force a certificate of registration issued in
21 accordance with provisions of any Regulations made under this Act;

22 "Produce Officer" means an officer of that rank in the Federal Produce
23 Inspection Service;

24 "Sell" includes exchange of barker, whether for goods or services, and any
25 agreement or contract to sell, exchange or barter; and

26 "Senior Produce Officer" means an officer of that rank in the Federal Produce
27 Inspection Service;

Short title

28 **45.** This Bill may be cited as the Federal Produce Inspection Service
29 (Establishment and Enforcement of Export Standards) Bill, 2023.

FIRST SCHEDULE

[section 3]

Produce under this Act

- | | |
|----------------------------|---|
| (1) Cocoa Bean | (33) Aya (Tiger Nut) |
| (2) Ginger | (34) Alligator Pepper |
| (3) Cashew | (35) other specie of Corn |
| (4) Dried Hibiscus | (36) Palm Kernel Shell |
| (5) Cotton Lint | (37) Moringa |
| (6) Cotton Seed | (38) Cassia Tora |
| (7) Sesame Seed | (39) Capsicum |
| (8) Gum Arabic | (40) Coffee |
| (9) Crush Bone & Hoof Meat | (41) Rubber |
| (10) Soya Beans | (42) Palm Kernel |
| (11) Copra | (43) Palm Oil |
| (12) Kola nut | (44) Palm Kernel Cake |
| (13) Shea nuts | (45) Palm Kernel Oil |
| (14) Cotton Seed Powder | (46) Ground Nuts/Peanut |
| (15) Cotton Waste | (47) Ground Nut/Cake |
| (16) Cotton Yarn | (48) Ground Nut Oil |
| (17) Cotton Seed Oil | (49) Ground Nut Powder |
| (18) Forest Nut | (50) Hide and Skin |
| (19) Garri | (51) Honey Comb |
| (20) Garlic | (52) Cotton Seeds Cake |
| (21) Maize | (53) Sugar Cane |
| (22) Onion | (54) Tumeric |
| (23) Potato | (55) Yam |
| (24) Rice | (56) Sesamised Cake |
| (25) Shea Butter | (57) Tobacco |
| (26) Sorghum | (58) Wheat Bread |
| (27) Cassava Starch | (59) Black Stone Flower |
| (28) Cassava Chips | (60) Raffia Cane/Raffia Seed |
| (29) Cashew Kernel | (61) Millet |
| (30) Bitter Kola nut | (62) Locus Bean |
| (31) Bee Wax | (63) Kenaf |
| (32) Bean (Cow Pea) | (64) Cocoa Powder |
| | (65) Bambara Nut |
| | (66) Cocoa Liquor |
| | (67) Cocoa Butter |
| | (68) Pigeon Pea |
| | (69) Fruits |
| | (70) Fruits Produce (other than oil) |
| | (71) Charcoal |
| | (72) Melon seeds |

1 SECOND SCHEDULE

2 [Section 5(3)]

3 *Meeting and Proceedings of the Board*

4 (1) Subject to the provisions of this paragraph, the Board may make
5 standing orders to provide for the proper conduct of its business.

6 (2) Meetings of the Board shall be convened by the chairman, but four
7 members may by notice in writing signed by them, request the chairman to
8 convene a special meeting of the Board for the purposes specified in such
9 notice and upon receipt of such notice, the chairman shall convene a special
10 meeting for such purposes at the earliest convenient date.

11 (3) The Board may constitute committee to carry out, on behalf of the
12 Board, such functions as the Board may determine.

13 (4) A committee appointed under this paragraph shall consist of such
14 number of persons {not necessarily members of the Board as may be
15 determined by the Board and a person other than a member of the Board; shall
16 hold office on the committee in accordance with the terms of his appointment.

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

19 (6) Where upon any special occasion the Board desires obtain the
20 advice of any person upon any matter, may co-opt such person to be a member
21 of such meeting as may be required and the person shall, whilst so co-opted,
22 have all the rights and privileges of a member of the Board, save that the person
23 shall not be entitled to vote on any question.

24 (7) Issues and questions proposed for decision of the Board shall be
25 determined by the majority of the votes of the members present and voting.

26 (8) The chairman shall have an original vote and also, if upon any
27 question the votes are equally divided, a casting vote.

28 (9) At a meeting of the Board the chairman and ten other members
29 shall form a quorum.

30 (10) The Board shall not be disqualified for the transaction of any

- 1 business by reason only of any vacancy among the members and in case of
- 2 the absence of the chairman or his representative from any meeting of the
- 3 Board} the Director General or the Controller of Produce Inspection and
- 4 Quality, shall serve as temporary chairman.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Produce (Enforcement of Export Standards) Act, Cap. P32 LFN, 2004 and Enact the Federal Produce Inspection Service (Establishment, Enforcement of Export Standards) Act, to provide for the Inspection and Enforcement of grades and quality standards of Produce and Commodities intended for Import into or Export from Nigeria at Ports of shipment.

AFRICAN UNION CONVENTION FOR THE PROTECTION AND ASSISTANCE
OF INTERNALLY DISPLACED PERSONS
(DOMESTICATION AND ENFORCEMENT) BILL, 2023

ARRANGEMENTS OF SECTIONS

PART I - OBJECTIVE, APPLICATION AND ENFORCEMENT

1. Objectives
2. Enforcement of the African Union Convention for the Protection and

PART II - PREVENTION OF INTERNAL DISPLACEMENT

3. Prevention of arbitrary internal displacement
4. Safeguards and relocation procedures during disaster
5. Internal displacement induced by development projects
6. Environmental and socio-economic impact assessment

PART III - PROTECTION AND ASSISTANCE

7. Protection of internally displaced persons
8. Protection of internally displaced persons against disaster
9. Protection of internally displaced persons during evacuation
10. Needs assessment and initiation of international assistance
11. Termination of international assistance
12. Procedure for relocation of persons displaced by project
13. Family Reunification
14. Registration and documentation
15. Assistance to internally displaced persons
16. Internally displaced persons with special needs
17. Communities with special dependency and attachment to land
18. Facilitation and protection of humanitarian activities and personnel
19. Obligations relating to international organisations and humanitarian agencies

PART IV - RIGHTS OF INTERNALLY DISPLACED PERSONS

20. Protection of civil and political rights of internally displaced persons

21. Economic, social and cultural rights
22. Basic shelter and housing
23. Education
24. Health
25. Food, water and sanitation
26. Employment, economic activities and social protection
27. Access to information
28. Freedom of movement
29. Access to judicial mechanisms

PART V - EFFECTIVE REMEDIES AND DURABLE SOLUTIONS

30. Effective remedies
31. Resettlement and reintegration

PART VI - NATIONAL COORDINATION

32. Establishment of Internal Displacement Coordination Committee
33. Functions of the Committee

PART VII - INTERNALLY DISPLACED PERSONS MANAGEMENT FUND

34. Establishment of Internally Displaced Persons Management Fund
35. Annual estimates, accounts and audit
36. Annual report

PART VIII - OFFENCES AND PENALTIES

37. Offences in relation to arbitrary displacement
38. Offences against internally displaced persons
39. Offences against humanitarian workers or personnel
40. General offences

PART IX - MISCELLANEOUS

41. Jurisdiction
 42. Power to give directive
 43. Power to make Regulations
 44. Interpretation
 45. Short title
- Schedules

A BILL

FOR

AN ACT TO GIVE EFFECT TO THE PROVISIONS OF THE AFRICAN UNION
CONVENTION FOR THE PROTECTION AND ASSISTANCE OF INTERNALLY
DISPLACED PERSONS IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Dachung M. Bagos

[] Commencement

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

1 PART I - OBJECTIVE, APPLICATION AND ENFORCEMENT

2 1. The objectives of this Act are to-

Objectives

3 (a) provide a legal and institutional framework for the prevention,
4 mitigation and elimination of root causes of internal displacement;

5 (b) make provision for the protection, assistance and durable
6 solutions for internally displaced persons in Nigeria;

7 (c) ensure the protection of the human rights of internally displaced
8 persons in line with the provisions of the Constitution, relevant laws, and
9 international instruments to which Nigeria is a party;

10 (d) provide for the obligations, responsibilities and roles of
11 government agencies ("competent authorities") and non-state actors;

12 (e) provide a comprehensive and gender friendly framework for
13 national response, coordination and collaboration for the protection,
14 assistance and humanitarian interventions relating to internal displacement;
15 and

16 (f) promote solidarity, cooperation, durable solutions and mutual
17 support among-

18 (i) State Parties to the Convention,

19 (ii) State Parties and non-state actors,

20 (iii) competent authorities, and

	1	(iv) non-state actors in collaboration with relevant agencies, in order
	2	to combat displacement and address its consequences.
Application	3	2. This Act shall apply to causes and situations of internal
	4	displacements.
Enforcement of the African Union Convention for the Protection and Assistance of Internally Displaced Persons	5	3. Subject to the provisions of this Act, the provisions of the African
	6	Union Convention for the Protection and Assistance of Internally Displaced
	7	Persons in Africa ("Kampala Convention") shall have the force of law and
	8	effect in Nigeria.
	9	PART II - PREVENTION OF INTERNAL DISPLACEMENT
Prevention of arbitrary displacement	10	4.-(1) A competent authority, shall-
	11	(a) refrain from taking actions that may result in the arbitrary
	12	displacement of persons;
	13	(b) take measures to prevent arbitrary displacement of persons;
	14	(c) create public awareness, sensitisation, training and education on
	15	the causes, impact and consequences of displacement, means of prevention,
	16	early warning, disaster risk reduction and relocation;
	17	(d) monitor and evaluate areas inhabited by persons at risk of
	18	displacement from time to time, to enable preventive actions;
	19	(e) take measures to safeguard areas where internally displaced
	20	persons are located, and-
	21	(i) protect such locations against infiltration by armed groups and
	22	other criminal elements, and
	23	(ii) disarm and separate armed groups or criminal elements from
	24	internally displaced persons; and
	25	(f) integrate internal displacement preventive measures in
	26	contingency planning and adaptation programmes.
	27	(2) A competent authority shall prevent arbitrary displacement during
	28	armed conflicts, generalised violence, civil unrest, human rights violations,
	29	natural or human-made disasters and development projects.
	30	(3) For the purpose of preventing arbitrary displacement of persons,

1 the competent authority, armed groups and non-state actors, shall in all
 2 circumstances, comply with their obligations under the Constitution,
 3 international law, this Act and other relevant laws.

4 (4) Mitigation measures involving relocation of populations or
 5 communities shall be undertaken with the participation and in consultation
 6 with affected population and in compliance with human rights standards.

7 5. For the purpose of safeguards, public security and relocation
 8 during disaster, relevant competent authority shall-

Safeguards and
relocation procedures
during disaster

9 (a) take appropriate and necessary measures to relocate the
 10 affected population;

11 (b) consult with internally displaced persons and other civilian
 12 population, taking into account their security and rights to life, dignity and
 13 liberty;

14 (c) take measure to ensure that law enforcement agents comply
 15 with human rights standards in their operations;

16 (d) ensure that the communities affected have access to
 17 information relating to-

18 (i) the nature and level of the disaster they are facing,

19 (ii) the possible risk mitigation measure that may be taken,

20 (iii) early warning information,

21 (iv) on-going humanitarian assistance or recovery efforts, and

22 (v) entitlements, if any; and

23 (e) take measures to safeguard the property and possessions
 24 involuntarily left behind by affected population against destruction,
 25 arbitrary or illegal appropriation, occupation or use.

26 6.-(1) The competent authority shall take measures to prevent
 27 displacement likely to be caused by project carried out by government or
 28 non-state actors in the public interest.

Internal
displacement
induced by
development
projects

29 (2) Subject to the provisions of the Constitution, relevant
 30 competent authority shall, prior to the decision to carry out any development

- 1 project that may lead to displacement of persons-
- 2 (a) comply with the provisions of section 5 of this Act; and
- 3 (b) inform and sensitise the affected population-
- 4 (i) on the impending development project, and
- 5 (ii) that the displacement is unavoidable and without feasible
- 6 alternatives.
- 7 (3) Competent authorities shall ensure that the development project
- 8 referred to in this Act is not carried out unless-
- 9 (a) reasonable time is given to the affected population, including for
- 10 relocation; and
- 11 (b) there is provision of effective remedial measures to the affected
- 12 population in accordance with section 44 of the Constitution.
- 13 (4) The relevant competent authority shall-
- 14 (a) ensure that the displacement induced by project is carried out in a
- 15 manner that respects the dignity and the rights of those likely to be affected by
- 16 the project; and
- 17 (b) take in to account the protection of community land and the
- 18 special needs of women, children and persons with special needs, by
- 19 providing-
- 20 (i) information and ensure their effective participation in the
- 21 planning, management of the displacement, and in defining suitable durable
- 22 solutions,
- 23 (ii) safe, adequate and habitable sites and proper accommodation, and
- 24 (iii) satisfactory conditions of safety, nutrition, health, hygiene and
- 25 the protection of the family unity; and
- 26 (c) be present when relocation is to be effected.
- 27 (5) Where relocation is to be effected, the competent authority shall
- 28 ensure that the relocation is observed by an independent body.
- 29 (6) In this section, "independent body" means bodies other than
- 30 competent authority and includes development partners, the media and civil

1 society organisations.

2 7.-(1) A Competent authority and non-state actors, including Environmental
3 companies involved in projects and with the participation of the affected and socio-economic
4 population shall carry out socio-economic and environmental impact impact assessment
5 assessment of any proposed project prior to the decision to undertake such a
6 project.

7 (2) The environmental impact assessment shall include
8 exploration of alternatives and strategies to minimise harm.

9 (3) The impact assessments shall take into account, the differential
10 impacts of forced evictions on women, children, the elderly, marginalised or
11 vulnerable persons, based on the collection of disaggregated data.

12 PART III - PROTECTION AND ASSISTANCE

13 8.-(1) Parties involved in armed conflicts shall not forcefully Protection of
14 displace civilian population unless the measure is intended to ensure the internally displaced
15 security of the civilians. persons

16 (2) Internally displaced persons shall be protected from-

17 (a) genocide, murder, summary or arbitrary executions, and
18 enforced disappearance;

19 (b) direct, indirect, indiscriminate attack or other acts of violence;

20 (c) starvation as a strategy for war;

21 (d) being used as a shield for military operations or any form of
22 operation during armed conflict;

23 (e) rape, mutilation, torture, cruel, inhuman, or degrading
24 treatment, or punishment and other violation of personal dignity, including
25 gender-specific violence, forced prostitution, sale and trafficking in
26 persons, illegal organ transfer and any other form of indecent assault;

27 (f) direct and indirect participation and recruitment of their
28 children in armed conflicts;

29 (g) slavery or any other contemporary forms of slavery, including

1 sale into forced marriage, sexual exploitation, forced labour, child
2 exploitation;

3 (h) acts of terror;

4 (i) internment or confinement into a camp, except for their protection;

5 (j) forced recruitment into the military or any form of forced
6 recruitment into an armed group.

7 (3) The property and possession of internally displaced persons shall
8 be protected against-

9 (a) pillage;

10 (b) direct, indirect or indiscriminate attacks or other forms of
11 violence;

12 (c) being used to shield military operation or other forms of armed
13 conflict;

14 (d) reprisal; and

15 (e) being destroyed or appropriated as a form of collective
16 punishment, destruction, arbitrary or illegal appropriation, occupation or use.

17 (4) Parties to a conflict shall-

18 (a) respect the freedom of persons to movement, including the right to
19 freely move in and out of camps or other forms of shelter; and

20 (b) ensure the protection of family unity.

21 (5) Where internal displacement occurs, measures shall be taken to
22 ensure that-

23 (a) the affected populations are, without discrimination, protected
24 under satisfactory conditions of shelter, hygiene, health, education, safety and
25 nutrition; and

26 (b) family members of the affected populations are not separated and
27 receive appropriate psychosocial support.

28 (6) A competent authority and non-state actors shall respect the rights
29 of internally displaced persons to voluntarily return in safety and dignity to
30 their homes or places of habitual residence as soon as the reasons for their

1 displacement cease to exist.

2 (7) A relevant competent authority shall take measures to-

3 (a) establish a system for the investigation and tracing of missing
4 persons, and notify the next of kin of the missing person of the outcome of
5 the investigation;

6 (b) collaborate with relevant national and international
7 organisations in the investigation and tracing of missing persons;

8 (c) collect and identify the mortal remains of deceased persons,
9 prevent damage or mutilation, and facilitate the return of the remains to the
10 next-of-kin or dispose such mortal remains respectfully;

11 (d) establish camps and settlements where the possibility of self-
12 sustainability or fast rehabilitation assistance is not readily available;

13 (e) grant priority access to such groups as women, communities
14 with special attachment to land, single-headed households, the elderly,
15 persons with disabilities, and unaccompanied and separated children; and

16 (f) maintain law and order in the camps and their vicinity,
17 evacuation sites and the site where the displaced settle spontaneously.

18 **9.** A competent authority shall-

19 (a) ensure that persons displaced by disaster have unimpeded and
20 non-discriminatory access to basic services necessary to meet their
21 immediate needs;

22 (b) protect persons displaced by disaster against secondary hazards
23 and dangers of other potential risks;

24 (c) take effective measures to ensure the security of populations
25 affected by disasters;

26 (d) take measures to ensure that those displaced by disasters are
27 given access to psychosocial assistance and social services, when
28 necessary; and

29 (e) ensure that forced evacuations of individuals in cases of natural,
30 human made disasters or other causes are not undertaken, unless such

Protection of
internally displaced
persons due to
disaster

Protection of
internally displaced
persons during
evacuation

1 measures are justified by considerations of the safety and health of the affected
2 population.

3 **10.-(1)** Where imminent natural disaster is likely to create a serious
4 risk to life, physical integrity or health of affected population, relevant
5 competent authority, in line with human rights standards, shall-

6 (a) take appropriate measures necessary to protect evacuated persons
7 that may be in danger, including vulnerable groups;

8 (b) ensure that evacuation measures are carried out in a manner that
9 protects the right to life, dignity, liberty and security of evacuated persons,
10 including-

11 (i) safeguarding homes and assets left behind by evacuated persons,

12 (ii) registering evacuated persons and monitoring their evacuation,

13 and

14 (iii) ensuring that evacuated persons enjoy access to protection and
15 assistance provided to internally displaced persons.

16 (2) A competent authority shall, at the end of the emergency phase,
17 guarantee the evacuated persons the option to choose whether to-

18 (a) return to their homes and places of habitual residence;

19 (b) remain in the area to which they were evacuated; or

20 (c) relocate to another part of Nigeria.

21 (3) The choice specified under subsection (2) of this section shall not
22 be subjected to any restrictions, except as provided by law for the protection of
23 national security, safety and security of affected populations, public order,
24 public health or the rights and freedom of others.

Procedure for
relocation of persons
displaced by
development
project

25 **11.** The following procedures and guarantees shall apply to relocation
26 of persons due to displacement by projects-

27 (a) competent authorities shall take measures to address the relocation
28 of the affected populations;

29 (b) persons and groups to be affected by the measures shall have
30 access to information on -

- 1 (i) the reasons and procedure for the displacement, and
2 (ii) compensation and relocation, where applicable;
3 (c) the competent authorities shall give priority to efforts aimed at
4 securing free and informed consent or the cooperation of those to be
5 displaced, while reserving legitimate enforcement action as measures of last
6 recourse;
7 (d) law enforcement measures may be carried out by competent
8 authorities in compliance with the Constitution, relevant laws and
9 applicable human rights standards;
10 (e) relocation measures shall safeguard the rights of women,
11 children, persons with disabilities, groups and persons requiring particular
12 protection, including their right to property and access to basic services and
13 resources;
14 (f) competent authorities shall ensure that necessary amenities,
15 services and economic opportunities are provided at the relocation site;
16 (g) internally displaced persons shall not be relocated without
17 reasonable notification or being given options;
18 (h) relocation process shall be carried out with the participation of
19 affected populations, including-
20 (i) women, children, the elderly, persons with disabilities,
21 (ii) people with special attachment to and dependency on land due
22 to their culture and spiritual values; and
23 (i) competent authorities shall give consideration to alternative
24 plans proposed by the affected populations.
25 **12.-(1)** Competent authorities shall -
26 (a) prior to a disaster and based on an initial estimate, evaluate the
27 needs of internally displaced persons;
28 (b) ensure that timely, reliable, and disaggregated data is available
29 on the displacement-related needs and vulnerabilities of affected
30 communities; and

Needs assessment

Registration and
documentation

1 (c) seek, in collaboration with relevant statistical authorities,
2 inclusion of internal displacement in national statistical efforts in line with the
3 international recommendations on internally displaced persons' statistics.

4 (2) Competent authorities shall determine whether domestic
5 capacities are sufficient to effectively respond to the needs of internally
6 displaced persons and affected population.

7 **13.-(1)** Competent authorities shall-

8 (a) establish a mechanism for the registration and collection of
9 information on internally displaced persons;

10 (b) ensure that non-registration, loss or lack of personal documents
11 shall not be used to-

12 (i) justify the denial of essential relief items and services,

13 (ii) prevent internally displaced persons from travelling to safe areas
14 or from returning to their homes, or

15 (iii) impede their access to employment opportunities;

16 (c) take necessary measures to facilitate the registration of internally
17 displaced persons located in urban areas, rural environment or any other forms
18 of settlement or living within communities;

19 (d) facilitate timely recovery or re-issuance of necessary documents
20 including passports, personal identification, birth certificates, marriage
21 certificates, licences and educational certificates, lost or damaged during
22 displacement;

23 (e) develop and publish a simplified procedure for issuing necessary
24 documents upon application by internally displaced persons; and

25 (f) respect the confidentiality of the documents of internally displaced
26 persons, as appropriate.

27 (2) Persons with disabilities, women and unaccompanied or separated
28 children shall be issued with the necessary documents in their own name and
29 consideration shall be given to their special needs and peculiarities.

- 1 **14.**-(1) A relevant competent authority shall- Family reunification
- 2 (a) facilitate the reunification, without delay, of families separated
- 3 by displacement and assist them in that regard;
- 4 (b) take measures to reunify separated and unaccompanied
- 5 children with their families;
- 6 (c) facilitate response to the inquiries made by family members;
- 7 and
- 8 (d) where necessary, cooperate with local and international
- 9 humanitarian organisations engaged in family reunification for the purpose
- 10 of paragraphs (a) to (c) of this section.
- 11 (2) Competent authority shall where expedient, allow members of
- 12 displaced families who wish to remain together to do so during the
- 13 emergency phase, return or relocation.
- 14 (3) Family reunification shall be conducted in the best interest of
- 15 the child and where such reunion may lead to the violation of fundamental
- 16 rights of the child, the competent authority and relevant non-state actors
- 17 shall ensure that the reunion is not conducted.
- 18 (4) An unaccompanied or separated child shall be returned to the
- 19 parents except where further separation is necessary for the best interests of
- 20 the child, taking into account the rights of the child.
- 21 (5) Competent authorities shall cooperate with law enforcement
- 22 agencies and international organisations in tracing family members.
- 23 **15.**-(1) A competent authority shall, in providing assistance to Assistance to
- 24 internally displaced persons, be responsible for- internally displaced
- 25 (a) providing assistance without discrimination;
- 26 (b) taking appropriate measures to ensure that internally displaced
- 27 persons are received and settled in conditions of safety, dignity and security;
- 28 (c) recognizing particular situations of displaced pastoralist
- 29 populations;
- 30 (d) requesting from international donor agencies, assistance

1 where available resources are not adequate to provide the required assistance to
2 the affected population;

3 (e) facilitating a rapid and unimpeded access by humanitarian
4 organisations;

5 (f) upholding and ensuring respect for humanitarian principles of
6 humanity, neutrality, impartiality and independence of humanitarian actors;
7 and

8 (g) ensuring the participation of internally displaced persons in the
9 planning, execution and evaluation of humanitarian assistance programmes.

10 (2) Competent authorities shall not persecute or punish internally
11 displaced persons for requesting or seeking assistance in accordance with
12 relevant national and international laws.

Internally displaced
persons with
special needs

13 **16.-(1)** Competent authorities shall provide special protection and
14 assistance to internally displaced persons with special needs, including
15 children, widows, widowers, expectant mothers and mothers with young
16 children, single mothers, the elderly, the wounded, the sick, those with
17 communicable diseases and persons with disabilities.

18 (2) Assistance to persons with special needs shall take into account-

19 (a) the specific needs required by their individual circumstances;

20 (b) health needs;

21 (c) reproductive health care; and

22 (d) appropriate counseling, including access to psychological and
23 social counseling.

24 (3) A person shall not engage in harmful traditional practices that may
25 affect internally displaced persons, particularly women and children.

26 (4) Competent authorities shall take measures in accordance with
27 relevant laws to combat sexual and gender base violence, and provide
28 appropriate psychosocial support for internally displaced persons who have
29 become victims of sexual and other related abuses.

30 (5) Competent authorities shall take appropriate measures to protect

1 affected populations against forced or compulsory labour, human
 2 trafficking or other contemporary forms of slavery, including child labour,
 3 forced marriage, forced prostitution, and sexual exploitation.

4 **17.-(1)** Where a community has special attachment to and
 5 dependency on land, the competent authority shall ensure that-

Communities with
 special dependency
 and attachment
 to land

6 (a) special interest in such land is duly recognised and protected;

7 (b) land leases and agreements take into account their rights and
 8 interests;

9 (c) they are not displaced from the land except for compelling and
 10 overriding public interest;

11 (d) their cultural and spiritual values are preserved and protected
 12 from being displaced from such lands; and

13 (e) they are allowed to participate or through their representatives
 14 in the process of land leases and agreements.

15 (2) Competent authority shall, where possible, take appropriate
 16 measures to ensure the restoration of lands of communities with special
 17 dependency and attachment to such lands.

18 **18.** The competent authority shall-

Facilitation and
 protection of
 humanitarian
 activities and
 personnel

19 (a) ensure rapid and accelerated passage of-

20 (i) personnel deployed for any internally displaced persons
 21 interventions, and

22 (ii) relief consignments and equipment to internally displaced
 23 persons;

24 (b) ensure protection and security for personnel of local,
 25 international, civil society organisations and other relevant actors; and

26 (c) ensure that humanitarian supplies are not subject of attack.

27 **19.-(1)** Where the domestic capacities are not sufficient to
 28 effectively respond to the needs of internally displaced persons and affected
 29 population, the relevant competent authority shall, without delay, advise the
 30 President on the need to request for international assistance.

Limitation and
 termination of
 international
 assistance

1 (2) International assistance may be terminated on the basis of
 2 effective assessment of the needs of the internally displaced persons and the
 3 affected population, based on a wide and effective consultation with internally
 4 displaced persons and international organisations providing such assistance.

5 (3) The notice of termination of international assistance shall be
 6 issued three months prior to the effective date of the termination.

7 (4) Competent authorities shall undertake measures to minimise the
 8 negative impacts of the termination under subsection (3) of this section on the
 9 internally displaced persons and affected population.

Obligations relating
to local and
international
organisations

10 **20.** Local and international organisations shall, in providing
 11 assistance to internally displaced persons,-

12 (a) respect the rights of internally displaced persons and conduct their
 13 activities in accordance with the Constitution, international law and other
 14 relevant laws;

15 (b) be bound by the humanitarian principles of humanity, neutrality,
 16 impartiality and independence of humanitarian actors;

17 (c) ensure respect for relevant international standards and codes of
 18 conduct relating to the rights of internally displaced persons; and

19 (d) respect the primary responsibility of the competent authorities in
 20 protecting and assisting internally displaced persons.

21 PART IV - RIGHTS OF INTERNALLY DISPLACED PERSONS

Protection of
civil and political
rights of internally
displaced persons

22 **21.-(1)** Internally displaced persons shall not be denied -

23 (a) civil and political rights and other rights provided for in the
 24 Constitution; particularly, the right to vote and be voted for in accordance with
 25 relevant laws; and

26 (b) opportunity for employment and participation in economic
 27 activities.

28 (2) The competent authority shall protect internally displaced
 29 persons from-

30 (a) genocide, crimes against humanity, war crimes and other

- 1 violations of international humanitarian law;
- 2 (b) arbitrary killing, summary execution, abduction, enforced
- 3 disappearance or torture and other forms of cruel, inhuman or degrading
- 4 treatment or punishment;
- 5 (c) rape, sexual and gender based violence in all its forms;
- 6 (d) harmful practices, slavery, starvation, forced labour,
- 7 recruitment of children and their use in hostilities; and
- 8 (e) human trafficking and smuggling.
- 9 (3) The competent authority shall ensure that internally displaced
- 10 persons are-
- 11 (a) not subjected to discriminatory and arbitrary detention; and
- 12 (b) protected against adverse reaction for exchanging information
- 13 or expressing their opinions and concerns regarding disaster relief, recovery
- 14 and reconstruction efforts.
- 15 (4) The relevant competent authority shall take measures to
- 16 provide and facilitate procedures for internally displaced persons to be
- 17 registered as voters and for a waiver of requirements that may likely prevent
- 18 internally displaced persons from registration and voting.
- 19 **22.-(1)** The relevant competent authorities shall subject to
- 20 available resources, ensure that the rights of internally displaced persons to
- 21 economic, social and cultural rights are not violated in accordance with the
- 22 Constitution, relevant national laws, international and regional human
- 23 rights instruments.
- 24 (2) Competent authorities shall as a minimum, provide internally
- 25 displaced persons with security and ensure safe access to-
- 26 (a) essential food and potable water;
- 27 (b) basic shelter and housing;
- 28 (c) appropriate clothing;
- 29 (d) essential medical services and sanitation;
- 30 (e) education; and

Economic, social
and cultural rights

	1	(f) animal health services.
	2	(3) The relevant competent authorities shall take measures to ensure
	3	participation of women, children and persons living with disabilities in the
	4	planning and distribution of basic services.
Basic shelter and housing	5	23. A relevant competent authority shall-
	6	(a) establish procedures to identify and prioritize basic shelter and
	7	adequate housing on the basis of need and particular vulnerability of internally
	8	displaced persons;
	9	(b) remove legal and administrative obstacles contained in building
	10	codes and similar instruments, for the construction of transitional shelters or
	11	the rebuilding of houses for the return or relocation of internally displaced
	12	persons; and
	13	(c) protect internally displaced persons against forced evictions.
Education	14	24. A relevant competent authority shall-
	15	(a) take measures to ensure that displaced children, receive education,
	16	which shall be free and compulsory at the primary level, having regard to their
	17	cultural identity, language and religion;
	18	(b) undertake special efforts to ensure the full and equal participation
	19	of women and girls in educational programmes;
	20	(c) undertake measures to facilitate the accessibility of education to
	21	internally displaced persons in areas where the formal school system might not
	22	be available or easily accessible; and
	23	(d) take measures to ensure that educational and training facilities are
	24	made available to internally displaced persons.
Health	25	25. A relevant competent authority shall-
	26	(a) take measures to ensure that wounded and sick internally
	27	displaced persons and those with disabilities receive medical care and attention
	28	without delay and discrimination;
	29	(b) ensure that internally displaced persons have access to
	30	psychological and social services;

1 (c) give attention to the health needs of women, including access to
2 female health care providers and services, such as reproductive health care,
3 counseling for victims of sexual and other abuses;

4 (d) provide necessary healthcare services for the prevention of
5 infectious diseases among internally displaced persons;

6 (e) establish procedures to identify and prioritise beneficiaries of
7 health services on the basis of need and peculiar vulnerability;

8 (f) pay special attention to the health needs of groups with special
9 needs, including provision of appropriate clothing and hygienic supplies,
10 access to female healthcare providers and such services as reproductive
11 health care;

12 (g) provide for the waiver of standard and universal requirements
13 such as specific documentation, residency requirements, health insurance
14 coverage that limit or exclude access of internally displaced persons to free
15 access to health services on particular vulnerability.

16 **26.** A relevant competent authority-

Food, water and
sanitation

17 (a) shall take measures to provide essential food and potable water
18 for internally displaced persons;

19 (b) may request for assistance from international donor agencies,
20 where the need of internally displaced persons to food and potable water
21 cannot be sufficiently satisfied at the local level;

22 (c) shall establish procedures to identify and prioritise internally
23 displaced persons for food, nutritional aid, water and sanitation services on
24 the basis of need and vulnerability; and

25 (d) shall facilitate the importation of food aid, including exemption
26 from import restrictions and quotas, custom duties and other taxes.

27 **27.** A relevant competent authority shall-

Employment,
economic activities
and social protection

28 (a) take measures to entrench the right to work and access to social
29 protection for internally displaced persons; and

30 (b) promote measures to assist internally displaced persons to

Access to
information

1 regain their livelihoods or engage in new economic activities, including
2 provisional work programmes, micro-credit systems, vocational training or
3 distribution of agricultural inputs.

4 **28.-(1)** A relevant competent authority shall establish procedures for
5 data protection, sharing and exchange of personal information relating to
6 internally displaced persons with humanitarian organisations involved in the
7 provision of humanitarian and protection services for the purpose of-

8 (a) avoiding imminent danger or physical harm to internally displaced
9 persons;

10 (b) protecting public health;

11 (c) facilitating family reunification; or

12 (d) any other reason as may be considered appropriate and necessary.

13 (3) A relevant competent authority shall provide prompt and
14 accessible information to affected population about a disaster, stating-

15 (a) the possible risk mitigation measures that can be taken;

16 (b) early warning information;

17 (c) humanitarian aid available; and

18 (d) recovery efforts.

19 (4) The competent authorities shall facilitate the involvement of
20 internally displaced persons and relevant civil society actors in the
21 development and implementation of early warning system, disaster reduction
22 strategies, emergency and disaster preparedness and management measures

Freedom of
movement

23 **29.-(1)** A relevant competent authority shall ensure that an internally
24 displaced person's freedom of movement and choice of place of residence is
25 not subject to any restriction except as prescribed by law for the purposes of
26 national security, public order or health, morals or other people's rights and
27 freedoms.

28 (2) The right of internally displaced persons to move freely in and out
29 of camps or other settlements shall not be restricted unless it is done under
30 transparent rules based on public necessity.

1 (3) A relevant competent authority shall take measures to ensure
2 that internally displaced persons seeking safety in another part of Nigeria are
3 protected against forceful return or relocation to any place where their life,
4 safety, liberty or health may be at risk.

5 **30.** Internally displaced persons shall have access to courts, legal Access to justice
6 aid scheme, mediation and other alternative dispute resolution mechanisms
7 to seek appropriate redress consistent with the Constitution and other
8 relevant laws.

9 **PART V - EFFECTIVE REMEDIES AND DURABLE SOLUTIONS**

10 **31.**-(1) Competent authorities shall take measures to ensure that Effective remedies
11 fair and just reparation is made for loss of life, property or goods, including
12 rights or interests in property.

13 (2) Pursuant to subsection (1) of this section, reparation shall be
14 provided without discrimination for economically quantifiable damage, as
15 may be appropriate and proportional to the circumstances of each case, such
16 as-

- 17 (a) loss of life or limb;
- 18 (b) physical or mental harm;
- 19 (c) lost opportunities, including employment, education and social
- 20 benefits;
- 21 (d) material damages and loss of earnings; and
- 22 (e) costs required for -
- 23 (i) legal or expert assistance,
- 24 (ii) medical services, and
- 25 (iii) psychological and social services.

26 (3) Competent authorities shall facilitate the provision of free legal
27 advisory services for affected indigent internally displaced persons.

28 (4) Notwithstanding the provisions of this section, internally
29 displaced persons may seek for the review of reparation provided, from a
30 relevant competent authority in accordance with this Act.

Durable solutions 1 32.-(1) A competent authority shall ensure that internally displaced
2 persons participate in the planning and management of their return, local
3 integration and relocation.
4 (2) A competent authority shall ensure that internally displaced
5 persons are-
6 (a) allowed to make free and informed decision on whether to return,
7 integrate locally or relocate;
8 (b) to relocate in safety and dignity, to their homes or places of
9 habitual residence, integrate locally or relocate voluntarily in any part of
10 Nigeria; and
11 (c) protected from abuse and human rights violations, attacks or threat
12 of attacks in their chosen place of return, local integration and relocation.
13 (3) A competent authority shall, for the purpose of finding and
14 implementing durable solutions, collaborate with the African Union, the
15 United Nations and non-state actors.
16 (4) A competent authority shall not permit the return of internally
17 displaced persons to their homes or places of habitual residence, where their
18 homes or place intended to return are in danger of potential hazards and other
19 disaster risks.
20 (5) The restrictions under subsection (4) of this section, shall last as
21 long as such danger and risk exists.
22 (6) A competent authority shall ensure the preservation of the human
23 rights of internally displaced persons on their return, local integration and
24 relocation as to-
25 (a) long-term safety, protection and security;
26 (b) enjoyment of humane standard of living without discrimination,
27 including shelter, food, water, sanitation, health and medical care and
28 education;
29 (c) equal and unimpeded access to generally available public
30 programmes, such as social housing or welfare measures and poverty

- 1 alleviation programmes;
- 2 (d) where applicable, access to employment and livelihoods;
- 3 (e) access to documentation;
- 4 (f) family reunification and location of the whereabouts of missing
- 5 relatives;
- 6 (g) participation in public affairs; and
- 7 (h) access to justice.
- 8 (7) Where a displaced spouse is deceased, the competent authority
- 9 shall take measures to eliminate gender inequality and give attention to the
- 10 protection concerns of the returning spouse and any other person with
- 11 respect to disputes on the ownership of family or other property.
- 12 (8) A competent authority shall ensure that the rights of children,
- 13 including right to inherit family property in the event of death of parents is
- 14 not violated and create trust for such children's inheritance.
- 15 (9) A competent authority shall ensure that property of returning
- 16 communities, pastoralists and other groups whose means of livelihood
- 17 depends on attachment to their lands is protected and such communities,
- 18 pastoralists and other groups may be reintegrated to areas previously
- 19 occupied.
- 20 (10) Where communities, pastoralists and other groups cannot be
- 21 reintegrated to areas previously occupied, they shall-
- 22 (a) be provided with land, at least equal in value to the land
- 23 previously occupied; and
- 24 (b) where alternative land of equal value cannot be allocated,
- 25 compensation package may be made available to them.
- 26 (11) A competent authority shall ensure that internally displaced
- 27 persons who have returned to their homes or places of habitual residence, or
- 28 relocated in another part of the country are not discriminated against for
- 29 having been displaced and denied participation in public affairs or access to
- 30 public services.

	1	PART VI - NATIONAL COORDINATION
Establishment of Internal Displacement Coordination Committee	2	33.-(1) There is established, a Committee to be known as the Internal
	3	Displacement Coordination Committee ("the Committee"), which shall
	4	consist of -
	5	(a) the Minister or his representative as Chairperson;
	6	(b) a representative not be below the rank of a Director from the
	7	Ministry responsible for-
	8	(i) Humanitarian affairs,
	9	(ii) Justice,
	10	(iii) Communications,
	11	(iv) Education,
	12	(v) Environment,
	13	(vi) Finance,
	14	(vii) Health,
	15	(viii) Interior,
	16	(ix) Agriculture,
	17	(x) Water Resources,
	18	(xi) Women Affairs,
	19	(c) representative of the Office of the National Security Adviser;
	20	(d) Chief executives of the following-
	21	(i) National Commission for Refugees, Migrants and Internally
	22	Displaced Persons,
	23	(ii) National Emergency Management Agency,
	24	(iii) National Bureau of Statistics,
	25	(iv) National Identity Management Commission,
	26	(v) National Human Rights Commission,
	27	(vi) National Population Commission,
	28	(vii) Institute of Peace and Conflict Resolution,
	29	(viii) National Centre for Disease Control,

1 (ix) National Disaster Early Warning, Preparedness and
2 Management Mechanism;

3 (e) representative of the-

4 (i) Nigeria Police Force,

5 (ii) Nigeria Security and Civil Defence Corps;

6 (f) representative of the following organisations-

7 (i) National Red Cross and Red Crescent Society,

8 (ii) Non-Governmental Organizations with relevant expertise in
9 humanitarian issues, who may from time to time be appointed, where the
10 need arises,

11 (iii) representatives of internally displaced persons;

12 (g) representatives of the following bodies, serving as observers-

13 (i) United Nations agencies with mandate on internally displaced
14 persons, and

15 (ii) International Committee of the Red Cross.

16 (2) Notwithstanding the provisions of subsection (1) of this
17 section, the Minister may, as the need arises, co-opt any agency or body on
18 ad-hoc basis.

19 (3) The Ministry shall provide Secretariat services for the
20 Committee.

21 (4) The supplementary provisions set out in the First Schedule to
22 this Act shall have effect in relation to the proceedings of the Committee and
23 other matters specified therein.

24 **34.** The Committee shall-

Functions of the
Committee

25 (a) assist in the formulation of guidelines, strategies and action
26 plan to be used by the Ministry for periodic monitoring and evaluation of the
27 implementation of this Act;

28 (b) monitor and evaluate the level of implementation of Nigeria's
29 commitments and obligations under regional and international conventions
30 on internally displaced persons;

1 (c) ensure and monitor timely intervention of relevant competent
2 authority and humanitarian communities towards providing lasting solutions
3 to internal displacement issues in Nigeria;

4 (d) provide enabling environment for the participation of internally
5 displaced persons in the decision-making processes affecting their lives;

6 (e) engender effective cooperation and collaboration among the
7 competent authorities and relevant humanitarian organisations providing
8 interventions on internal displacement;

9 (f) receive and resolve complaints, petitions and grievances of
10 internally displaced persons or their host communities as they relate to their
11 fundamental rights, safety, security and well-being in line with the
12 Constitution, this Act, regional protocols, conventions and regulations;

13 (g) liaise with the competent authority and agencies to develop the
14 requisite technical capacity, human and material resources to respond to
15 internal displacement situations in Nigeria;

16 (h) review the plan and programmes of relevant authorities under
17 different sectoral guidelines and policies to ensure that internally displaced
18 persons access and benefit on an equal basis.

19 (i) advise the competent authorities on any other issue relating to the
20 provision of effective assistance and protection to internally displaced persons
21 in Nigeria;

22 (j) liaise with a State Emergency Management Agency and Local
23 Government Emergency Management Committee, where there is mass
24 displacement in such state or local government; and

25 (k) perform such other functions as are necessary for giving effect to
26 the provisions of this Act.

27 PART VII - INTERNALLY DISPLACED PERSONS MANAGEMENT FUND

Establishment
of Internally
Displaced Persons
Management Fund

28 **35.-(1)** There is established an Internally Displaced Persons
29 Management Fund ("the Fund") into which shall be paid-

30 (a) funds appropriated by the National Assembly;

1 (b) such intervention funds as may be provided by the Federal
2 Government;

3 (c) donations, gifts or endowment from individuals, corporate
4 entities, bilateral and multilateral donor agencies and other developmental
5 partners; and

6 (d) such other monies that may accrue to the Fund from time to
7 time.

8 (2) The Fund shall be utilised in the management of the internally
9 displaced persons.

10 (3) The Minister shall with the approval of the President, issue
11 guidelines for the management and utilisation of the Fund.

12 **36.**-(1) The Minister shall not later than 30th September of each
13 year, submit its estimates of income and expenditure of the Fund for the next
14 financial year to the President for approval.

Annual estimates,
accounts and audit

15 (2) The Ministry shall-

16 (a) keep proper records of all accounts of income and expenditure
17 of the Fund; and

18 (b) prepare statement of account in respect of each financial year.

19 (3) The Minister shall, not later than 30th June of each financial
20 year, cause the income and expenditure of the Fund to be audited by auditors
21 appointed from the list of qualified auditors in accordance with guidelines
22 laid down by the Auditor-General for the Federation.

23 **37.** The Minister shall, not later than 30th June of each financial
24 year, submit to the President, in respect of the preceding financial year, an
25 annual report on the activities of the Committee and the Auditor-General's
26 report pursuant to section 36 (3) of this Act.

Annual report

27 PART VIII - OFFENCES AND PENALTIES

28 **38.** A person who-

29 (a) causes displacement of persons based on discrimination or
30 other similar practices aimed at, or resulting in altering the ethnic,

Offences in relation
to arbitrary
displacement

- 1 communal or religious composition of the population;
- 2 (b) causes displacement of civilians population, in situations of armed
- 3 conflict, unless the security of the civilians involved or imperative military
- 4 reasons so demand, in accordance with the Constitution, other relevant laws
- 5 and international humanitarian law;
- 6 (c) intentionally displaces persons as a method of warfare or due to
- 7 other violations of international humanitarian law in situations of armed
- 8 conflict;
- 9 (d) causes displacement of persons by generalised violence or
- 10 violations of human rights;
- 11 (e) causes displacement of persons by way of harmful practices;
- 12 (f) causes forceful evacuations without lawful justification in cases of
- 13 natural or human made disasters or other causes, where the evacuations are not
- 14 required for the safety and health of those affected;
- 15 (g) causes displacement using collective punishment;
- 16 (h) causes displacement by any act of comparable gravity to the
- 17 offences prescribed in paragraphs (a) to (g) of this section and which is not
- 18 justified under the Constitution and other relevant laws and international law,
- 19 including human rights and international humanitarian law; and
- 20 (i) causes displacement amounting to genocide, war crimes or crimes
- 21 against humanity,
- 22 commits an offence and is liable on conviction to imprisonment for a term of
- 23 not less than two years and a fine of not less than N5,000,000 or to both.

Offences against
internally displaced
persons

- 24 **39.** A person who-
- 25 (a) restricts the freedom of movement of internally displaced persons
- 26 within and outside their areas of residence without just cause;
- 27 (b) recruits internally displaced children or requiring or permitting
- 28 them to take part in hostilities under any circumstances;
- 29 (c) forcefully recruits internally displaced persons, kidnaps, abducts
- 30 or takes hostage, engages in sexual slavery and trafficking in persons

1 especially of internally displaced women,
 2 commits an offence and is liable on conviction to imprisonment for a term of
 3 not less than two years and a fine of not less than N5,000,000 or to both.

4 **40.** A person who attacks or otherwise harms a humanitarian
 5 worker or personnel deployed for any internally displaced persons
 6 interventions, commits an offence and is liable on conviction to
 7 imprisonment for a term of not less than two years or a fine of not less than
 8 N2,000,000 or to both.

Offences against
humanitarian
workers or personnel

9 **41.** A person who-

General offences

10 (a) denies internally displaced persons, food, water, health and
 11 shelter, and the right to live in satisfactory conditions of dignity, security,
 12 sanitation, or separate members of the same family;

13 (b) impedes humanitarian assistance and passage of relief
 14 consignments, equipment and personnel to internally displaced persons; or

15 (c) attacks or destroy resources or other materials deployed for the
 16 assistance or benefit of internally displaced persons or steals, loots, abuses,
 17 misuses, confiscate or divert such materials-

18 commits an offence and is liable on conviction to, in the case of-

19 (i) a body corporate, a fine of not less than N10,000,000; and

20 (ii) an individual, imprisonment for a term of not less than two
 21 years or a fine of not less than N2,000,000 or to both.

22 PART IX - MISCELLANEOUS

23 **42.** The Federal High Court, High Court of the Federal Capital
 24 Territory and High Court of a State shall have jurisdiction to try and
 25 determine offences under this Act.

Jurisdiction

26 **43.** The President may give directive of a general or specific nature
 27 to the Committee or relevant competent authority in connection with the
 28 objectives of this Act.

Power to give
directive

29 **44.** The Minister may make Regulations or guidelines to give
 30 effect to the provisions of this Act.

Power to make
Regulations

Interpretation	1	45.-(1) This Act shall be construed and interpreted in line with the
	2	African Union Convention for the Protection and Assistance of Internally
	3	Displaced Persons, subject to the Constitution of the Federal Republic of
	4	Nigeria, 1999;
	5	(2) In this Act-
	6	"affected population" include affected persons and communities;
	7	"arbitrary displacement" means arbitrary displacement as described in section
	8	38 of this Act;
	9	"armed groups" means dissident armed forces or other organised armed groups
	10	that are distinct from the armed forces of Nigeria;
	11	"basic services" means service provision systems that meets basic human
	12	needs such as water, sanitation and hygiene, energy, healthcare, psychosocial
	13	support, education, shelter and food;
	14	"competent authority or competent authorities" means Ministries,
	15	Departments and Agencies responsible for the management of the internally
	16	displaced persons as specified in the Second Schedule to this Act;
	17	"Constitution" means constitution of the Federal Republic of Nigeria, 1999 as
	18	altered;
	19	"disaggregated data" means data collected based on different categorisations,
	20	including sex, age, religion, literacy level, location, vocation, etc;
	21	"disaster" means a calamitous event or series of events resulting in widespread
	22	loss of life, great human suffering and distress, displacement of population or
	23	large-scale material or environmental damage, thereby seriously disrupting the
	24	functioning of society;
	25	"durable solution" means a situation where internally displaced persons no
	26	longer have specific assistance and protection needs that are linked to
	27	displacement, and such persons can enjoy their human rights without
	28	discrimination resulting from their displacement modalities;
	29	"enforced disappearance" means the arrest, detention, abduction or any other
	30	form of forced deprivation of liberty by agent of the state, person or group of

- 1 persons acting with or without the authorisation, support or acquiescence of
2 the relevant authority followed by a refusal to acknowledge the deprivation
3 of liberty, or by concealment of the fate or whereabouts of the disappeared
4 person, which place such a person outside the protection of the law;
5 "evacuation" means relocation of population from endangered areas such as
6 settlement or camps, conflict or disaster areas to another part of the country
7 justified for reasons of public security, health or safety and other risk to life
8 including the presence of armed elements and health risk;
9 "harmful practices" means all behaviour, attitudes or practices which
10 negatively affect the fundamental rights of persons, such as but not limited
11 to their right to life, health, dignity, education, and mental and physical
12 integrity;
13 "internal displacement" means the involuntary or forced movement,
14 evacuation or relocation of persons or groups of persons within
15 internationally recognised State borders;
16 "internally displaced persons" means persons or groups of persons who have
17 been forced or obliged to flee or to leave their homes or places of habitual
18 residence, in particular as a result of or in order to avoid the effects of armed
19 conflict, situation of generalised violence, violation of human rights or
20 natural or human-made disasters and who have not crossed an
21 internationally recognised State border;
22 "Kampala Convention" means African Union Convention for the Protection
23 and Assistance of Internally Displaced Persons, adopted by the Special
24 Summit of the African Union, held in Kampala, Uganda on the 22nd
25 October, 2009;
26 "Minister" means minister responsible for matters relating to humanitarian
27 affairs;
28 "Ministry" means Federal Ministry responsible for matters relating to
29 humanitarian affairs;
30 "non-state actors" means actors who are not public officials of the State,

1 including individuals, companies, communities, civil society organisations,
2 international humanitarian and development partners and any other relevant
3 actor whose acts cannot be officially attributed to the State;
4 "protection" means activities aimed at ensuring full respect for the rights of
5 internally displaced persons in accordance with this Act;
6 "relocation" means a planned process in which an internally displaced persons
7 are moved or assisted to move away from their homes or places of temporary
8 residence, settled in a new location and provided with conditions for rebuilding
9 their lives;and
10 "reparation" includes restitution, compensation, rehabilitation, reimbursement
11 or payment of damages, satisfaction and guarantee of non-repetition.

Short title

12 **46.** This Bill may be cited as African Union Convention for the
13 Protection and Assistance of Internally Displaced Persons (Domestication and
14 Enforcement) Bill, 2023.

1 FIRST SCHEDULE

2 *[Section 32 (3)]*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS

4 OF THE COMMITTEE

5 *Meeting and Proceedings of the Committee*6 (1) Subject to the provisions of this paragraph, the Committee may
7 make standing orders to provide for the proper conduct of its business.8 (2) Meetings of the Committee shall be convened by the
9 chairperson, but four members may by notice in writing signed by them,
10 request the chairperson to convene a special meeting of the Committee for
11 the purposes specified in such notice and upon receipt of such notice, the
12 chairperson shall convene a special meeting for such purposes at the earliest
13 convenient date.14 (3) The Committee may constitute subcommittee, to carry out on
15 behalf of the Committee, such functions as the Committee may determine.16 (4) A subcommittee appointed under this paragraph shall consist of
17 such number of persons (not necessarily members of the Committee) as may
18 be determined by the Committee and a person other than a member of the
19 Committee, shall hold office on the subcommittee in accordance with the
20 terms of his appointment.21 (5) A decision of a subcommittee shall be of no effect until it is
22 confirmed by the Committee.23 (6) Where, upon any special occasion, the Committee desires to
24 obtain the advice of any person upon any matter, may co-opt such person to
25 be a member of such meeting as may be required and the person shall, whilst
26 so co-opted, have all the rights and privileges of a member of the
27 Committee, save that the person shall not be entitled to vote on any question.28 (7) Issues and questions proposed for decision of the Committee
29 shall be determined by the majority of the votes of the members present and
30 voting.

1 (8) The chairperson shall have an original vote and also, if upon any
2 question the votes are equally divided, a casting vote.

3 (9) At a meeting of the Committee, the chairperson and five other
4 members shall form a quorum.

5 (10) The Committee shall not be disqualified for the transaction of
6 business by reason only of any vacancy among the members and in case of the
7 absence of the chairperson or his representative, the representative of the
8 Ministry in the Committee shall serve as temporary chairperson.

SECOND SCHEDULE**[Section 33]****COMPETENT AUTHORITIES****1. Coordination**

S/N	Sectors	Lead	Co-Lead Technical Support
1.	Coordination	Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development	United Nations Office for the Coordination of Humanitarian Affairs
2.	Protection	(a) National Human Rights Commission (b) National Commission for Refugees, Migrants and Internally Displaced Persons	United Nations High Commissioner for Refugees
3.	Child Protection	Federal Ministry of Women Affairs	United Nations Children Emergency Fund
4.	Gender-Based Violence	Federal Ministry of Women Affairs	United Nations Population Fund
5.	Nutrition	Federal Ministry of Health	United Nations Children Emergency Fund
6.	Education in Emergency	Federal Ministry of Education	United Nations Children Emergency Fund
7.	Camp Coordination and Camp Management	National Emergency Management Agency	International Organisation for Migration
8.	Emergency Shelter	National Emergency Management Agency	International Organisation for Migration
9.	Water, Sanitation and Hygiene	Federal Ministry of Water Resources	United Nations Children Emergency Fund
10.	Health	Federal Ministry of Health	World Health Organisation
11.	Durable Solutions	National Commission for Refugees, Migrants and Internally Displaced Persons	United Nations Children Emergency Fund

12.	Logistics	National Emergency Management Agency	World Food Programme
13.	Security	Office of the National Security Adviser	United Nations Department of Safety and Security
14.	Information Management	Federal Ministry of Information	United Nations Office for the Coordination of Humanitarian Affairs
15.	Identification Data	(a) Federal Ministry of Humanitarian Affairs , Disaster Management and Social Development, (b) Federal Ministry of Communication and Digital Economy	United Nations High Commissioner for Refugees
16.	Registration	(a) Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development, (b) Federal Ministry of Budget and National Planning	United Nations Office for the Coordination of Humanitarian Affairs

2. The competent authorities shall integrate the specific needs of internally displaced persons and affected communities into their sectoral programmes and projects.

EXPLANATORY MEMORANDUM

(This note does not form part of this Act but intends to explain its purport)

This Bill seeks to domesticate and enforce in Nigeria the African Union Convention for the protection and assistance to Internally Displaced Persons and elimination of root causes of internal displacement in Nigeria in line with the provisions of the Constitution of the Federal Republic of Nigeria, 1999 and other relevant laws and international instruments to which Nigeria is a party.

STANDARDS ORGANISATION OF NIGERIA ACT
(REPEAL AND ENACTMENT) BILL, 2023
ARRANGEMENT OF SECTIONS

Section:

PART I - STANDARDS ORGANISATION OF NIGERIA

1. Establishment of the Standards Organization of Nigeria
2. Power of the Minister to give directives to the Organisation

PART II - THE STANDARDS COUNCIL OF NIGERIA

3. The Standards Council of Nigeria
4. Functions of the Council, etc.

PART III - FUNCTIONS AND DUTIES OF THE ORGANISATION

5. Functions of the Organisation
6. Standard Library
7. Power to charge for services

PART IV - STAFF OF THE ORGANISATION

8. Appointment, etc. of Director-General
9. Director-General to be the administrative head of the Organisation
10. Special responsibilities of the Director-General
11. Number of Directors and their duties
12. Staff regulations
13. Pensions
14. Exemption from liability in the course of employment

PART V - FINANCIAL PROVISIONS

15. Fund of the organisation
16. Expenditure of the organisation
17. Annual Estimates
18. Accounts and audits
19. Annual report
20. Power to borrow
21. Power to accept gifts
22. Budget and Expenditure

PART VI - NIGERIAN INDUSTRIAL STANDARDS

23. Procedure for establishment of Industrial Standards
24. Standards to be known as Nigerian Industrial Standards

- 25. Certificate marks
- 26. Offences in relation to standards
- 27. Power of the Minister to declare established standards as binding
- 28. Designation of ports for special entry
- 29. Power to Enter premises

PART VII - OFFENCES

- 30. Powers of Director-General in relation to hazardous products
- 31. Evasion of fees, levies, etc.
- 32. Failure to Furnish Returns
- 33. Life-Endangering Products
- 34. Offences by bodies corporate

PART VIII - LEGAL PROCEEDINGS

- 35. Commencement of Legal Proceedings
- 36. Jurisdiction and Prosecution of Offences
- 37. Application of Fines
- 38. Application to the Federal High Court for Direction
- 39. Indemnity of Members and Employees of the Organisation
- 40. Limitation of Suits against the organisation.
- 41. Service of processes, documents, etc.
- 42. Restriction on execution against the property of the organisation
- 43. Certain acts not interpreted as assurances or guarantees

PART IX - MISCELLANEOUS PROVISIONS

- 44. Reports
- 45. Power to make test purchases
- 46. Recall of products
- 47. Verification
- 48. Power to make rules
- 49. Repeal and Saving
- 50. Interpretation
- 51. Citation

A BILL

FOR

AN ACT TO REPEAL THE STANDARDS ORGANISATION OF NIGERIA ACT, NO.14 OF 2015 AND ENACT THE STANDARDS ORGANISATION OF NIGERIA ACT, 2023 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNCTIONS FOR THE ORGANISATION, CREATING NEW OFFENCES AND INCREASING PENALTIES FOR OFFENCES RELATING TO STANDARDISATION; AND FOR RELATED MATTERS

Sponsored by Hon. Julius O. Ihonvbere

[] Commencement

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

1 PART I - PROVISION

2 1.-(1) There is hereby established the Standards Organisation of
3 Nigeria (in this Act referred to as "the Organisation"). Establishment
of the Standards
Organisation of
Nigeria

4 (2) The Organisation-

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

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

8 (c) may acquire, hold or dispose of any property, whether movable
9 or immovable.

10 2.-(1) Subject to the provisions of this Act, the Minister may give
11 general directives to the Organisation and the Organisation shall comply
12 with and give effect to such directives. Power of the
Minister to give
directives to the
Organisation

13 (2) The Organisation shall give to the Minister such information
14 and returns relating to its activities as the Minister may, from time to time,
15 require.

16 PART II - THE STANDARDS COUNCIL OF NIGERIA

17 3.-(1) There is established for the Organisation the Standards The Standards
Council of Nigeria

1 Council of Nigeria (in this Act referred to as "the Council") which shall consist
2 of-

3 (a) A Chairman-

4 (b) One representative, each from the Federal Ministry of

5 (i) Agriculture and Rural Development,

6 (ii) Trade and Investment,

7 (iii) Works,

8 (iv) Health,

9 (v) Science and Technology,

10 (c) One representative, from each of the following fields of activity,
11 recommended by the Minister after consultation with the appropriate body, if
12 any-

13 (i) University education and research,

14 (ii) Chambers of commerce, industry and mines,

15 (iii) Engineering and engineering consultancy services,

16 (iv) Processing and manufacturing, and

17 (v) Consumer's association:

18 (d) The Director-General.

19 (2) When recommending a person for appointment to represent a
20 Ministry, the Minister shall recommend a person, from the Ministry or any
21 statutory corporation for which that Ministry has overall control or
22 responsibility to represent such Ministry.

23 (3) The President, on the recommendation of the Minister shall
24 appoint the Chairman and all the members of the Council. Provided no
25 establishment shall have more than one representation in the council at any
26 given time.

27 (4) Each member of the Council shall serve for a term of 5 years and
28 may be eligible for reappointment for a further term of 5 years and no more.

29 (5) Notwithstanding the provisions of subsection (I), a member of the
30 Council ceases to hold office if he-

1 (a) becomes of unsound mind;
 2 (b) becomes bankrupt or makes a compromise with creditors;
 3 (c) is convicted of a felony or any offence involving dishonesty;
 4 (d) is guilty of serious misconduct in relation to his duties; or
 5 (e) is a person who has a professional qualification and is
 6 disqualified or suspended (other than at his own request) from practising his
 7 profession in any part of Nigeria by the order of any competent authority
 8 made in respect of him personally.

9 (6) A member of the Council may resign his appointment by
 10 writing, under his hand, a letter addressed to the Minister, and his
 11 membership shall terminate on the date of receipt of his letter of resignation.

12 (7) Notwithstanding any provision to the contrary, the President
 13 may, at any time remove any member of the Council from office if he is of
 14 the opinion that it is not in the national interest or in the interest of the
 15 Organisation for such a member to continue in office and shall cause such
 16 member to be notified to that effect.

17 (8) A member appointed to any vacant position resulting from the
 18 application of the provision of subsection (3), (4) or (5) shall represent the
 19 same interest which the predecessor represented, and shall only complete
 20 the term which, if the predecessor had continued in office, he would have
 21 completed.

22 (9) The provision of the Schedule to this Act shall have effect with
 23 respect to the meetings and proceedings of the Council and other matters
 24 therein mentioned. Schedule

25 **4.-(1)** The functions of the Council shall include- Functions of the
 26 Council, etc.

27 (a) advising the Federal Government generally on the national
 28 policy on standards, standards specification, quality control and metrology;

29 (b) designating, establishing and approving standards in respect of
 30 metrology, materials, products, commodities, structures and processes for
 the certification of products in commerce and industry throughout Nigeria;

Functions of the
Organisation

1 (c) providing the necessary measures for quality control of raw
2 materials and products in conformity with the standard specification;

3 (d) authorizing the recognition and registration of quality
4 certification bodies, inspection bodies, testing laboratories, calibration
5 laboratories, accreditation bodies and qualified personnel related to these
6 activities operating in Nigeria; and

7 (e) carrying out other functions imposed on it under this Act or any
8 other enactment.

9 (2) Subject to this Act, the Minister may give the Council directives of
10 a general character or relating generally to particular matters (but not to any
11 individual or case) with regard to the exercise by the Council of its functions,
12 and the Council shall comply with the directives. Provided the directives shall
13 not relate to any individual case.

14 **5.-(1)** Subject to the provisions of section 4 of this Act, and any other
15 law in that regard, the Organisation shall-

16 (a) organize tests and do everything necessary to ensure compliance
17 with standards designated and approved by the Council;

18 (b) Undertake investigation as necessary into the quality of facilities,
19 systems, services, materials and products, whether imported or manufactured
20 in Nigeria;

21 (c) evaluate quality assurance activities, including certification of
22 systems, products and laboratories throughout Nigeria;

23 (d) ensure the provision of reference standards for calibration and
24 verification of measures and measuring instruments and shall, with respect to
25 metrology-

26 (i) Realize and disseminate the units of physical measurements based
27 on the International System (SI Units).

28 (ii) establish, keep, maintain, develop and update the Nigerian
29 National Primary and Reference (Secondary and Tertiary) Standards of
30 Measurements for the SI Units traceable to international standards,

- 1 (iii) ensure that working standards used in Nigeria are traceable to
- 2 the National Standards kept by the Organisation,
- 3 (iv) establish, develop and maintain a National Physical
- 4 Laboratory for measurement expertise and infrastructure necessary to
- 5 enable business, technology and academia to take advantage of the advances
- 6 in the field of measurement, and
- 7 (v) provide measurement and calibration services to industry and
- 8 government;
- 9 (e) compile an inventory of products in Nigeria requiring
- 10 standardization;
- 11 (f) compile Nigerian National Standard specifications;
- 12 (g) develop methods for testing materials, supplies and equipment,
- 13 including items purchased, locally manufactured or imported, for use by
- 14 departments of Government of the Federation or a State and private
- 15 establishments;
- 16 (h) establish an import and export product surveillance,
- 17 certification and conformity assessment scheme;
- 18 (i) establish a mandatory conformity assessment programme for
- 19 locally manufactured products in Nigeria;
- 20 (j) impose fees, fines or penalties on a person who contravenes any
- 21 Certification or Conformity Assessment Scheme;
- 22 (k) register and regulate standards, Marks and certifications;
- 23 (l) undertake registration of all manufactured products distributed,
- 24 marketed and consumed throughout Nigeria;
- 25 (m) undertake preparation and distribution of standard samples;
- 26 (n) establish and maintain such number of laboratories or other
- 27 institutions as may be necessary for the performance of its functions under
- 28 this Act;
- 29 (o) compile and publish general scientific or other data related to
- 30 standardization;

1 (p)advise departments of the Government of the Federation, State and Local
2 (governments) on specific problems relative to standard specifications;

3 (q) carry out training of training institutions and organizations for
4 purposes of certification to international standards such as ITU, SMIIC, IEC,
5 ISO, OIML, Codex or systems certification throughout Nigeria;

6 (r) coordinate all activities relative to its functions throughout Nigeria
7 and to cooperate with corresponding national or international organizations in
8 such fields of activity as it considers necessary with a view to securing
9 uniformity of standards;

10 (s) establish a Register for National Standards, Standard Marks,
11 Certification Systems and Licences into which all matters relating to standards
12 referred to under this Act shall be entered;

13 (t) undertake appropriate investigations into the production premises
14 and raw materials and establish relevant quality assurance systems, including
15 certification of the production sites for regulated products;

16 (u) undertake any other activity likely to assist in the performance of
17 the functions imposed on it under this Act: and

18 (v) administer and enforce the provisions of this Act.

19 (2) For purposes of uniformity of standards in Nigeria, all Regulatory
20 Agencies or Organisations dealing with matters pertaining to or related to
21 standards shall do so in collaboration with the Standards Organisation of
22 Nigeria.

23 (3) The Organisation shall undertake such research as may be
24 necessary for the performance of its functions under this Act and for that
25 purpose, it shall have powers to make use of research facilities available in
26 other institutions, whether public or private upon such terms and conditions as
27 may be agreed upon between the Organisation and the institution concerned.

Standard Library

28 6. The Organisation shall assemble, maintain and extend a collection
29 of books and publicationsand such other matters as it considers appropriate for
30 a standard library of the highest standing and may make the facilities of the

1 library available to such categories of persons as it thinks fit and upon such
2 terms and conditions as it considers necessary.

3 **7.** For all comparisons, tests or investigations performed by the Power to charge
for Services
4 Organisation under this Act, except those performed for the Government of
5 the Federation or a State, or such other public bodies or institutions a fee
6 sufficient in each case to compensate the Organisation for the entire cost of
7 the service rendered shall be charged by the Organisation.

8 **PART IV - STAFF OF THE ORGANISATION**

9 **8.-(1)** The President, shall appoint the Director-General, subject to Appointment of
Director-General
10 the confirmation by the Senate.

11 (2) The Director-General shall-

12 (a) be the chief executive and accounting officer of the
13 Organisation;

14 (b) be responsible for the execution of the policy and the day-to-
15 day administration of the affairs of the Organisation.

16 (3) Any person who may be appointed, as Director-General shall
17 have such qualifications and experience as appropriate for a person required
18 to perform the functions conferred on the Director-General by or under this
19 Act.

20 (4) The Director-General shall-

21 (a) Hold office for a period of 5 years, upon such terms and
22 conditions as may be specified in his letter of appointment; and

23 (b) May be eligible for re-appointment for another period of 5
24 years and no more.

25 **9.** The Director-General shall, subject to the Council's directives Director General
to be Administrative
Head of Organisation
26 on financial, operational and administrative programmes, be free to manage
27 the Organisation in accordance, with this Act, and the Council shall not
28 interfere with his methods or with the manner in which he employs the
29 material and human resources of the Organisation in order to obtain results
30 in accordance with this Act.

Special responsibilities of the Director General	1	10. Without prejudice to the generality of section 9 of this Act, the
	2	Director-General shall have responsibility for-
	3	(a) advising the Council in the formulation, implementation and
	4	review of national policies and programmes pertaining to standardization,
	5	quality control of products, science of measurement and all matters relating to
	6	metrology;
	7	(b) co-ordinating the activities of the Directors appointed under this
	8	Act;
	9	(c) initiating the investigations to be conducted by the Organisation
	10	pursuant to the powers conferred by section 5(I)(b) of this Act;
	11	(d) representing the Organisation at national and international levels
	12	in all matters relating to standardisation, quality control and metrology; and
	13	(e) enforcing standards and discharging the powers and duties of the
	14	Organisation.
Staff of the Organisation	15	11. -(a) The number of Directors to be appointed under this Act shall
	16	be determined by the Council but such Directors shall be responsible to the
	17	Director-General and shall carry out such duties as may be determined by the
	18	Director-General;
	19	(b)The Organisation shall appoint such number of employees as may
	20	be expedient and necessary for the proper and efficient performance of its
	21	functions under this Act;
	22	(c) There shall be a Secretary for the Council who shall-
	23	(i) be appointed by the Director General from within the
	24	Organisation;
	25	(ii) issuenotices of meetings of the Council;
	26	(iii) keep records of the proceedings of the Council; and
	27	(iv) carry out such duties as the Director General or the Council may,
	28	from time to time, direct.
Staff Regulations	29	12. -(1) The Director General with the approval of the Council shall
	30	determine or prescribe staff regulations relating generally to the conditions of

1 service of management and other staff of the organization, and, without
2 prejudice to the generality of the foregoing regulations, may provide for-

3 (a) the appointment, promotion and disciplinary control of all staff
4 of the Organisation; and

5 (b) appeals by such members of staff against dismissal or other
6 disciplinary measures.

7 (2) regulations made under sub-section (1) of this section may not
8 be published in the Gazette but the Organisation shall bring such to the
9 notice of all affected persons in such manner as it may, from time to time,
10 determine.

11 **13.-(1)** Service in the Organisation shall be approved for the Pensions
12 purpose of the Pension Reform Act, and all persons employed in the
13 Organisation shall be entitled to pensions, gratuities and other retirement
14 benefits as are prescribed thereunder, and nothing in this Act shall prevent
15 the appointment of a person to any office on terms which preclude the grant
16 of a pension, gratuity or other retirement benefits in respect of that office.

17 (2) For the purposes of the application of the provisions of the
18 Pension Reform Act, the power exercisable by a Minister or other authority
19 of the Government of the Federation, other than the power to make
20 regulations under Section 23 of that Act is vested in and shall be exercisable
21 by the Council.

22 **14.** No staff of the organization shall be personally liable for any Exemption from
23 act or omission done or made by him in accordance with the terms of his liability in the
24 engagement. course of employment

25 PART V - FINANCIAL PROVISIONS

26 **15.-(1)** The Organisation shall maintain a fund from which shall be Fund of the
27 defrayed all expenditure incurred by it for the purposes of this Act. Organisation

28 (2) There shall be paid or credited to the Fund of the Organisation-

29 (a) appropriation and extra-budgetary allocations from the Federal
30 government.

	1	(b) all sums accruing to the Organisation by way of gifts, endowment
	2	or other voluntary contributions by persons or organizations;
	3	(c) foreign aid and assistance;
	4	(d) 3% standards levy on all imports;
	5	(e) 1.5% per annum of the cost of sales for all companies quoted on the
	6	Nigerian Stock Exchange and regulated by the Organisation;
	7	(f) 0.75% per annum of the cost of sales for all other companies not
	8	quoted on the Nigerian Stock Exchange but regulated by the Organisation;
	9	(g) a minimum of N10,000.00 and a maximum of N200,000.00 per
	10	annum for all other registered entities certified by the Organisation; and
	11	(h) fees and penalties charged for services by the Organisation;
Evasion of Fees, Levies, etc.	12	(3) A person who, by any means, evades or attempts to evade, or
	13	neglects or omits to pay any levy, charge or fee payable under this Act commits
	14	an offence and is liable on conviction to a fine of not less than N1,000,000.00 or
	15	to imprisonment for a term of not less than 9 months or to both, and is, in
	16	addition, liable to pay to the Organisation a penalty double the amount of the
	17	levies, charges or fees he evaded or attempted to evade, neglected or omitted to
	18	pay.
Expenditure of the Organisation	19	16. Subject to appropriation by the National Assembly, the
	20	Organisation shall, from time to time, apply the funds at its disposal to-
	21	(a) the cost of establishing and maintaining the Head and other
	22	Offices of the Organisation at the Federal Capital Territory, Abuja and its other
	23	offices located in other places in Nigeria;
	24	(b) pay allowances and other benefits of members of the Council and
	25	of its Committees;
	26	(c) pay the emolument and entitlement of the Director-General and
	27	other members of staff of the Organisation;
	28	(d) pay the personnel, overhead, allowance, benefits and other
	29	administrative costs of the Organisation;
	30	(e) the training of members of staff of the Organisation;

1 (f) provide scholarships and awards for specialized training of
 2 personnel;
 3 (g) publicize and promote the activities of the Organisation;
 4 (h) support national, international, scientific and professional
 5 organizations and pay annual and other contributions to such bodies; and
 6 (i) undertake any other activity in connection with all or any of the
 7 functions of the Organisation.

8 **17.** The Council shall submit to the Minister, notlater than 31st Annual Estimates
 9 October each year, its programme of work for the following year.

10 **18.**-(1) The accounts of the Organisation shall be audited, not later Accounts and
 11 than six months after the end of the year to which it relates, by auditors audits
 12 appointed by the Organisation from the list approved by the Auditor-
 13 General of the Federation and in accordance with existing financial
 14 regulations.

15 **19.** The Organisation shall prepare and submit to the Minister, Annual Report
 16 notlater than 30th August, in each year a report on the activities of the
 17 Organisation during the immediately preceding year, and shall include in
 18 such report a copy of the audited accounts of the Organisation for that year
 19 and the auditor's report therein.

20 **20.**-(1) The Organisation may, from time to time, borrow, by Power to borrow
 21 overdraft or otherwise, such sums as it may require for the performance of its
 22 functions under this Act.

23 (2) Notwithstanding subsection (1) of this section, where the sum
 24 to be borrowed is in foreign currency, the Organisation shall not borrow the
 25 sum without prior approval of the Minister.

26 **21.**-(1) The Organisation may accept gifts of land, money or other Power to accept
 27 property upon such terms and conditions, if any, as may be specified by the gifts
 28 person or organization making the gift.

29 (2) The Organisation shall not accept any gift if the conditions
 30 attached by the person or organization making the gift are inconsistent with

	1	the functions of the Organisation.
Budget and Expenditure	2	22. The Organisation shall cause to be prepared, not later than 30th
	3	September in each year, an estimate of the expenditure and income of the
	4	Organisation during the next succeeding year and when prepared, submitted, to
	5	the National Assembly for approval.
	6	PART VI - NIGERIAN NATIONAL STANDARDS
Procedure for establishment of National Standards	7	23. -(1) Whenever the Council intends to establish National standards
	8	it shall do so in accordance with the provision of this section and the Nigerian
	9	National Standardisation Strategy.
	10	(2) Before establishing any National standard under this section, the
	11	council shall-
	12	(a) inform all parties having, in its opinion, sufficient interests in the
	13	standard in question; and
	14	(b) thereafter constitute a committee to inquire into all the relevant
	15	aspects of the matter and make a report and, in constituting the said committee,
	16	the Council shall ensure as wide a representation on the committee as possible.
	17	(3) After considering the report of the committee, the Council may
	18	establish the National standard if, in its opinion, that standard is of significance
	19	to the national economy and conforms to the objectives of this Act.
	20	(4) The Council shall, in order to ensure that any National Standard
	21	established under this section is still appropriate, have it reviewed from time to
	22	time and at least not less than once in every 5 years.
	23	(5) The Council shall have the power to revise or revoke any National
	24	standard established under this section, and for that purpose, subsections (2)
	25	and (3) of this section shall apply in relation to the revision or revocation of a
	26	National standard as they apply in relation to the establishment thereof.
Standards to be known as Nigerian National Standards	27	24. -(1) The National Standards established under section 23 of this
	28	Act shall be called the "Nigerian National Standards".
	29	(2) National Standards other than those established under section 23
	30	of this Act, shall not be called "Nigerian National Standards".

1 **25.**-(1) Where the Council, is satisfied that an item of manufacture Certificate marks
2 is of particular importance or significance to the national economy, it may
3 permit the manufacturer (hereinafter referred to as the "permitted
4 manufacturer") to affix a special certificate mark on the product

5 (2) The Organisation may charge such fee as it thinks appropriate
6 for every mark issued under this section.

7 (3) The Council may revise, reallocate or revoke any such permit.

8 (4) For the purpose of this section, the references to an item of
9 manufacture include references to the packages, containers and invoices
10 relative thereto.

11 (5) The standardization marks specified under Section 5(1)(k)
12 shall not be identical with any trade registered under the Trade Marks Act or
13 so nearly resembling it as likely to be mistaken for it and no mark identical
14 with those standardization marks or so nearly resembling them as likely to
15 be mistaken for them shall be registered as a trademark under the Trade
16 Mark Act Cap T13.LFN 2010.

17 (6) The fact that any product complies or is purported to comply
18 with Nigerian National Standard or approved specification or has been or is
19 purported to have been manufactured in accordance with any such standard
20 or specification or that a standardization mark is used in connection with any
21 product shall not give rise to any action against the Organisation or its
22 employees thereof.

23 (7) Where there is a conflict between the provisions of a
24 specification declared to be a Nigerian National Standard under this Act and
25 a specification made or declared under any other written law, the Nigerian
26 National Standards shall prevail.

27 **26.**-(1) Any person, other than the permitted manufacturer, who Offences in relation
28 makes or sells or exposes for sale or uses, for the purpose of advertising, any to standards
29 material or document on or in which is portrayed-

30 (a) certification mark resembling or purporting to be a certification

1 mark issued under section 25 of this Act, commits an offence and is liable on
2 conviction to a fine not less than N1,000,000.00 or to imprisonment for a term
3 not exceeding 2 years or both. (2) If an item of manufacture does not comply
4 with any mandatory national standard and that item is sold or delivered to any
5 person in Nigeria for consumption or sale to the public-

6 (a) the manufacturer of the item; and

7 (b) any person who imports or is concerned with the importation of
8 the item that does not comply with such mandatory standard, commits an
9 offence under this Act and is liable on conviction-

10 (i) in the case of the manufacturer, to a fine of not less than 20% of the
11 value of the product or N2,000,000.00 (whichever is higher) or to
12 imprisonment for a term not less than 3 years or to both such fine and
13 imprisonment.

14 (ii) in the case of a seller to a fine of not less than 15% of the value of
15 the product or N1,000,000.00 (whichever is higher) or imprisonment for a term
16 not less than 2 years or to both, and

17 (iii) in the case of an importer, to a fine not less than 20% CIF per
18 shipment or N2,000,000.00 (whichever is higher) or imprisonment for a term
19 not less than 2 years or to both.

20 (3) Where any person is convicted of an offence under this Act, the
21 court may-

22 (a) in addition to any penalty imposed in respect of that offence, order
23 that a commodity, consignment or batch of a commodity or product, any other
24 article or material or substance in respect of which that offence was committed,
25 be forfeited to the Federal Government; and

26 (b) summarily inquire into and assess the monetary value of any
27 advantage gained or likely to be gained by such person in consequence of that
28 offence and impose on that person a fine equal to the amount so assessed and, in
29 a default of payment of such amount, imprisonment for a period not less than 1
30 year.

- 1 27.-(1) The Minister may, from time to time, on the Power of the
2 recommendation of the Council by- Minister to declare
3 (a) order published in the Federal Gazette, or established standards
4 (b) publication in any two national dailies having nationwide as binding
5 circulation, or
6 (c) notice served on any affected manufacturer, declare that an
7 industrial standard under section 23 of this Act shall be binding.
8 (2) Any National standard declared and published by virtue of
9 subsection (1) of this section shall be known as "Mandatory National
10 Standard".
11 (3) Every manufacturer of any item manufactured in respect of
12 which a mandatory national standard has been declared shall ensure that the
13 item complies with (or was manufactured in accordance with) such standard
14 for the time being in force.
15 (4) In any criminal proceeding commenced against any person
16 under this section, the production of a certificate signed by the Director-
17 General or any other person duly authorized by the Director-General stating
18 that an item of manufacture does not comply with the applicable mandatory
19 National standard and describing the nature of the failure to comply with the
20 mandatory national standard, shall be sufficient evidence of such failure to
21 comply.
22 (5) For the purpose of the trial of any person charged with an
23 offence under this section, any item of manufacture bearing the name or
24 mark of that person shall, unless the contrary is proved, be presumed to have
25 been manufactured by that person and the item shall be presumed to have
26 been produced by him in the form in which it was found offered for sale.
27 (6) Where any person is convicted of an offence under this section,
28 the court may make such order as to the forfeiture or destruction of the item
29 of manufacture in question as it may think appropriate in the circumstances.

Designation of
parts for special
entry

1 **28.-(1)** The Minister, on the recommendation of the Director-General
2 and in consultation with the Minister of Finance, may, from time, to time, for
3 the purpose of standardization, by order published in the Federal Gazette or in
4 any two national dailies having nation-wide circulation, designate any port for
5 the importation into Nigeria of the products specified in the order and in such
6 case, the products named in the order shall be imported into Nigeria through
7 only the designated port.

8 (2) A person who contravenes subsection (1) of this section commits
9 an offence under this Act and is liable on conviction to a fine of not less than
10 N2,000,000.00 or to imprisonment for a term not exceeding 5 years or to both.

11 (3) Where a person is convicted of an offence under this section, the
12 court may make an order of forfeiture or destruction of the products in
13 question.

Power to enter
premises

14 **29.-(1)** For the purpose of carrying out the functions of the
15 Organisation under this Act, the Director-General, officers of the Organisation
16 or any other person authorized by him in writing (hereinafter referred to as
17 authorized person)-

18 (a) may stop and search any vehicle which he reasonably believes
19 may contain any article or product or material or goods that is in contravention
20 of this Act;

21 (b) shall have a right of access to any premises including all Nigerian
22 seaports, airports and land borders and may use reasonable force, if need be, to
23 gain entry;

24 (c) may, seize and detain for such length of time, not exceeding 45
25 days without leave of court, any article, or product or material or goods which
26 he reasonably believes is in contravention of this Act; and

27 (d) may, by notice in writing served on any person require that person
28 to furnish, in such form as he may direct, information on such matters as may be
29 specified by him.

30 (2) An article, item, product or material seized under this section shall

1 be kept or stored in such a place (including the place of seizure) as the
2 Director-General may direct.

3 (3) A person required to furnish returns under subsection (1) (d) of
4 this section shall, within any period specified in such notice, comply with
5 the directives contained therein.

6 (4) For the purpose of carrying out duties under this Act, every
7 officer of the Organisation shall have the power, right, privileges and
8 protection equivalent to that of a police officer.

9 (5) The Organisation may order the destruction of goods detained
10 under subsection (1) (c) of this section if the following conditions are
11 satisfied-

12 (a) testing indicates that the goods did not meet the relevant
13 Nigerian Industrial Standard; and

14 (b) it is reasonably necessary to destroy the goods because the
15 goods are in a dangerous state or injurious to the health of human beings,
16 animals or plants;

17 (c) the Organisation may require the owner of the goods to pay the
18 costs of the destruction of the goods including the costs of transporting and
19 storing the goods, before destruction;

20 (d) at least 14 days' notice of the order shall be given under
21 subsection (2) of this section either by giving the owner of the goods a
22 written notice or by publishing a written notice in the Gazette.

23 PART VII - OFFENCES

24 **30.-(1)** The Director-General may, upon reasonable suspicion that
25 the quality, of any product is detrimental or hazardous to life, property and
26 the national economy-

Powers of Director-
General in relation
to hazardous
products

27 (a) seize and detain such products for such a time as may be
28 reasonable, but not exceeding 45 days without a court order, for the
29 satisfaction of, and compliance with this Act;

30 (b) prohibit any person from selling or offering for sale the product;

1 (c) apply to the court for an order of forfeiture or destruction of such
2 product;

3 (d) seal up the premises where such product is manufactured or
4 stored; or

5 (e) direct the person to rectify the deficiency in the case of a
6 misdescribed product subject to such conditions as may be imposed.

7 (2) (a) The court may order that any product seized which is
8 hazardous or injurious to life shall be forfeited, destroyed or disposed of in such
9 manner as it thinks fit;

10 (b) the Organisation may require the owner of the goods to pay the
11 costs of the destruction of the goods including the costs of transporting and
12 storing the goods, before destruction;

Refusal to comply
with lawful
directives etc. t

13 **31.-(1)** A person who refuses, neglects or fails to comply with any
14 directive lawfully given by the Organisation in the exercise of its power under
15 this Act, or who fails to comply with any provision of this Act or of any
16 regulation made under this Act, commits an offence and, unless another
17 penalty is established for such offence in this Act, is, in addition to the
18 forfeiture of any article or product seized, liable on conviction to a fine of not
19 less than N1,000,000.00, or to imprisonment of not less than 9 months and, in
20 the case of a continuing offence, to a further fine not less than N250,000.00 for
21 every day during which the offence continues.

22 (2) Where a person refuses or neglects to obey any directive lawfully
23 given under this Act or the regulations made under this Act, the Organisation
24 may do or cause to be done all such acts as are, in its opinion, reasonable or
25 necessary for the purpose of carrying out such directive.

26 (3) Any expenses incurred by the Organisation in the exercise of its
27 powers under this section shall be recoverable from the person to whom the
28 directive has been given.

29 (4) Any expenses incurred by the Organisation in the exercise of its
30 powers under this section shall be recoverable from the person to whom the

1 directive has been given.

2 **32.**-(1) If any person required to furnish returns pursuant to section Failure to furnish
 3 30 (1) (d) of this Act fails to furnish those returns as required under this Act, returns
 4 he commits an offence and is liable on conviction to a fine not less
 5 than N1,000,000.00 or imprisonment for a period not less than one year or to
 6 both.

7 (2) If a person, in purported compliance with a requirement to
 8 furnish returns, knowingly or recklessly makes any statement in the return
 9 which is false in a material particular, he commits an offence and is liable on
 10 conviction to a fine not exceeding N1,000,000.00 or imprisonment for a
 11 term not less than 1 year or both.

12 (3) A person who wilfully obstructs, interferes with, assaults or
 13 resists any officer of the Organisation or authorized person in the execution
 14 of his duty under this Act or who aids, invites, induces or abets any other
 15 person to obstruct, interfere with, assault or resist any officer or employee
 16 commits an offence and is liable on conviction to a fine not less than
 17 N2,000,000.00 or imprisonment for a term not less than two years or both.

18 (4) Where a penalty is not elsewhere prescribed in this Act, any
 19 person who commits an offence under this Act is liable on conviction to a
 20 fine of not less than N1,000,000.00 or to imprisonment for a term of not less
 21 than 9 months or both.

22 **33.**-(1) The Organisation shall not later than 31st of January of Life endangering
 23 every year, publish on its website and in at least two national dailies a list of products
 24 products deemed as life endangering. Provided nothing shall preclude the
 25 Organisation from updating the list as the need arises.

26 (2) Any person who manufactures, imports, distributes displays,
 27 advertises, offers for sale or in any way deals in substandard Life
 28 endangering product or falsifies any such product, commits an offence.

29 (3) Any person found guilty under sub-section (2) of this Section
 30 shall be sentenced to imprisonment for a term of not less than five years

	1	without an option of fine.
Offences by bodies corporate	2	34. Where an offence under this Act which has been committed by a
	3	body corporate is proved to have been committed with the consent or
	4	connivance of, or to be attributable to any neglect on the part of, any director,
	5	manager, secretary or other official of the body corporate, or any person
	6	purporting to act in any such capacity, he as well as the body corporate is
	7	deemed to be guilty of that offence and is liable to be proceeded against and
	8	punished.
	9	PART VIII - LEGAL PROCEEDINGS
Legal proceedings	10	35.-(1) Subject to the provision of section 174 of the Constitution of
	11	the Federal Republic of Nigeria, the Organisation shall be charged with the
	12	responsibility for-
	13	(a) prosecuting offenders under this Act, or any other enactment
	14	where quality is in issue and
	15	(b) conducting such proceedings as may be necessary for the
	16	enforcement and due administration of this Act.
	17	(2) A staff of the Organisation who is a Legal Officer within the
	18	meaning of the Legal Practitioners Act, shall, while in the employment of the
	19	Organisation be entitled to represent the Council or the Organisation as a Legal
	20	practitioner in the course of his employment.
Jurisdiction and prosecution of offences	21	36.-(1) All offences under this Act may be tried by the Federal High
	22	Court.
Application of fines	23	37. The court imposing a fine under this Act may direct that the whole
	24	or any part thereof be applied in or towards payment of the costs of the
	25	proceedings or in or towards compensating the Organisation.
Application to the Federal High Court for direction	26	38.-(1) The Organisation may apply to the court for directions in
	27	respect of any matter concerning its duties, powers and functions under this Act
	28	and, on such application, the court may give a direction and make such further
	29	order or orders as it deems fit in the circumstance.
	30	(2) The Organisation may conduct inquiries with respect to the

1 compliance with the provisions of this Act by any person.

2 **39.** Every member, officer, authorized person or auditor for the
3 time being of the Organisation shall be indemnified out of the funds or assets
4 of the Organisation against any liability incurred by him in defending any
5 proceeding whether civil or criminal in which judgment is given against him
6 in his capacity as a member, agent, auditor or employee.

Indemnity of
members and
employees of the
Organisation

7 **40.**-(1) No suit against the Organisation, member or any employee
8 of the Organisation, for any act done in pursuance or execution of any act,
9 public duty or authority, shall lie or be instituted in any court unless it is
10 commenced within 3 (three) months next after the act, negligence or default
11 complained of or, in the case of a continuance of damage or injury, within 3
12 (three) months next after the cessation thereof.

Limitation of suits
against the
Organisation

13 (2) No suit shall be commenced against the Organisation before the
14 expiration of a period of 1 (one) month after a written notice of intention to
15 commence the suit.

16 (3) Such notice shall state the cause of action, the name and place of
17 abode of the intending plaintiff and the relief which he claims.

18 **41.** The notice referred to in section 39 (2) of this Act and any
19 summons, notice or other document required or authorized to be served
20 upon the Organisation, under the provisions of this Act or any other
21 enactment or law, may be served by delivering the same to the Director-
22 General of the Organisation or by sending it by registered post addressed to
23 the Director-General at the Head Office of the Organisation.

Service of processes
documents, etc.

24 **42.** In any action or suit against the Organisation, no execution or
25 attachment or processes in the nature thereof shall be issued against it, but
26 any sum of money which may by the judgment of the court be awarded
27 against the Organisation shall subject to any directive given by the court
28 where notice of appeal has been given by the Organisation in respect of the
29 said judgment, be paid by the Organisation from its funds.

Restriction on
execution against
the property of the
Organisation

Certain acts not interpreted as assurances or guarantees	1	43. Any function performed under this Act by the Minister, the
	2	Organisation, the Council, a member of the Council, the Director-General or an
	3	officer of the Organisation in connection with the certification of any
	4	commodity, product, material, substance, service, process, act or matter, shall
	5	not be interpreted as an assurance or a guarantee of any nature in respect of that
	6	commodity, product, material, substance, service, process, act or matter.
	7	PART IX - MISCELLANEOUS PROVISIONS
Reports	8	44. -(1) The Council shall, within the first three months of the next
	9	year, submit to the Minister a report on the activities of the Council during the
	10	last preceding year.
	11	(2) The Organisation may publish in each year reports on any of its
	12	activities, and when such reports are published, the Organisation shall-
	13	(a) distribute copies free to the National Assembly, departments of the
	14	Government of the Federation or a State and to such other bodies as it may
	15	consider necessary;
	16	(b) where appropriate, make copies available for sale to the public and
	17	other interested parties, and such reports shall be in addition to any other
	18	publication made by it under this Act.
Power to make test purchases	19	45. The Director-General or any other officer of the Organisation
	20	shall have power to make purchases of goods as may appear expedient for the
	21	purpose of determining whether or not the provisions of this Act are complied
	22	with.
Recall of products	23	46. -(1) The Minister may, by order, upon the recommendation of the
	24	Organisation require the supplier of any defective commodity certified by the
	25	Organisation to-
	26	(a) recall the commodity and all other types that were supplied to him,
	27	in the manner and within the period, specified in the order;
	28	(b) disclose to the public, or to a class of persons specified in the order
	29	in the manner and within the period so specified-
	30	(i) the nature of any defect in any commodity identified in that order;

1 (ii) the circumstances in which the use of the commodity is
2 dangerous;

3 (iii) procedures for disposal of the commodity; or

4 (c) notify the public or a class of persons specified in that order, that
5 the supplier undertakes to-

6 (i) repair the defective commodity,

7 (ii) replace the defective commodity, or

8 (iii) refund to a person to whom the commodity was supplied the
9 price of the commodity (whether by the supplier or by another person),
10 within the period specified in the order.

11 (2) Where an order made under this section is still in force, a
12 supplier of a commodity to which the order relates, fails to comply with the
13 requirements or direction in the order, commits an offence.

14 **47.**-(1) In every government procurement, where compliance with Verification
15 standards is a requirement, the goods or services to be procured shall be
16 those certified by the Organisation.

17 (2) No payments for the execution of such contracts in (1) above
18 shall be made unless compliance is verified by the Organisation.

19 **48.**-(1) The Council may make rules, not inconsistent with this Act, Power to make
20 for the general and efficient performance of its functions. rules

21 **49.**-(1) The Standards Organisation of Nigeria Act No.14 of 2015. Repeal and savings
22 (2) Without prejudice to section 6 of the Interpretation Act, the SON Act No. 14
of 2015

23 repeal of the enactment referred to in subsection (1) of this section shall not
24 affect anything done under or pursuant to that enactment, and-

25 (a) all notices, designations and certificates issued under the
26 repealed Act, or any other enactment, in respect of any matter dealt with in
27 this Act, are deemed to have been issued under this Act;

28 (b) all regulations made under the repealed Act, or any other
29 enactments, in respect of any matter dealt with in that Act, are deemed to
30 have been made under this Act;

1 (c) the employees and appointees of the Organisation remain
2 employees of the Organisation; and

3 (d) the Director-General of the Organisation appointed under the
4 repealed Act is deemed to be the Chief Executive of the Organisation and
5 remains in office for the unexpired term of his appointment.

6 (3) The offices, rights, interest obligations and liabilities of the
7 Council or Organisation existing before the commencement of this Act under
8 any contract or instrument or in law or in equity, shall, by virtue of this Act,
9 become vested in the Council or Organisation, as the case may be, and shall be
10 of the same force and effect against or in favour and shall be enforceable fully
11 and effectively.

Interpretation

12 **50.-(1)** In this Act-

13 "Authorized Officer" means any person appointed to act on behalf of the
14 Organisation under section 30 of this Act;

15 "Chairman" means the Chairman of the Council appointed under section 3 (1)
16 (a) of this Act;

17 "Council" means the Standards Council of Nigeria established under section 3
18 (1) of this Act;

19 "Certification mark" means the special certification mark issued to a permitted
20 manufacturer;

21 "Director-General" means the Director-General appointed under section 8 (1)
22 of this Act;

23 "Member" means a member of the Council and includes the Chairman;

24 "Minister" means the Minister responsible for Industries;

25 "Nigerian National Standards" means the National standards established by the
26 Council under this Act;

27 "Organisation" means the Standards Organisation of Nigeria established by
28 section 1 (1) of this Act;

29 "Permitted manufacturer" has the meaning assigned under section 25 (1) of this
30 Act;

1 "State" means a State of the Federation;

2 "Standard Levy" means an amount payable annually (on or before the 31st
3 January of the new year) as per section 15(2) of this Act by all companies and
4 other registered entities certified by SON toward standards development
5 and promotion;

6 (2) In this Act a reference to "officer or employee of the
7 Organisation" is a reference to any person appointed under section 11 of this
8 Act.

9 (3) In this Act, a reference to a numbered section is a reference to
10 the section so numbered in this Act.

11 **51.** This Bill may be cited as the Standards Organisation of Nigeria Citation
12 Act (Repeal and Enactment) Bill, 2023.

1 SCHEDULE

2 *Section 3 (9)*

3 MEETING AND PROCEEDING OF THE COUNCIL

4 MEETINGS

5 *Number of Meetings*

6 1. Subject to the provisions of this Act and any standing order of the
7 Council, the Council shall meet not more than once every 3 months and on such
8 other occasions as may be necessary for the fulfilment of its functions.

9 *Place of Meeting*

10 2. Unless the Council otherwise directs all meetings shall be held in
11 Nigeria.

12 *Length of Notice for Calling Meetings*

13 3.-(1) The notice required for all types of meetings from the
14 commencement of this Act shall be 14 days from the date on which the notice
15 was sent out.

16 (2) A meeting of the Council shall, notwithstanding that it is called by
17 a shorter notice than that specified in subsection (1) of this section, be deemed
18 to have been duly and properly called if it is so agreed by all the members
19 entitled to attend and vote or by the members present provided a quorum is
20 formed.

21 *Contents of Notice*

22 4.-(1) The notice of meeting shall specify the place, date and time of
23 the meeting and the general nature of the business to be transacted in sufficient
24 details.

25 (2) No business may be transacted at any meeting unless a notice of it
26 has been duly given.

27 (3) An error or omission in a notice with respect to the place, date,
28 time or general nature of the business of a meeting shall not invalidate the
29 meeting provided that in the case of bonafide error or omission, the secretary
30 shall effect the necessary correction either before or during the meeting.

1 *Persons entitled to Notice*

2 5.-(1) The following persons are entitled to receive notice of
3 meeting-

4 (a) every member; and

5 (b) co-opted members, if any.

6 (2) No other person is entitled to receive a notice of meetings.

7 6.-(1) A notice may be given by the secretary to any member either
8 personally or by sending it by post to him or to his address or (if he has no
9 address within Nigeria) to the address, if any, supplied by him to the
10 secretary for the giving of notice to him.

11 (2) Where a notice is sent by post service, the notice is deemed to be
12 effected by properly addressing, and prepaying the posted letter containing
13 the notice, 7 days after the letter is posted.

14 (3) Failure to give notice of meeting to a person entitled to receive
15 it shall invalidate the meeting unless such failure is a bonafide omission on
16 the part of the person giving the notice.

17 *Attendance at Meetings*

18 7.-(1) Every person who is entitled to receive a notice of meeting of
19 the Council is entitled to attend such a meeting.

20 (2) The secretary shall produce a list showing the names,
21 descriptions and addresses of the members at the commencement of the
22 meeting and it shall remain open and accessible to any member during the
23 continuance of the meeting.

24 *Right of certain persons to attend*

25 8. Where the Council desires to obtain the advice of any person on a
26 particular matter, the Council may co-opt him as a member for such period
27 as it thinks fit, but a person who is a member by virtue of this paragraph shall
28 not be entitled to vote at any meeting of the Council and shall not count
29 towards a quorum.

1 PROCEEDINGS

2 *Decisions on Issues*

3 9.-(1) Subject to the provisions of this Act, all acts of the Council and
4 all issues arising before the Council shall be determined by a majority of the
5 members present and voting at a meeting of the Council.

6 *Casting Vote*

7 (2) The person presiding shall have an original vote and, in the event
8 of an equality of votes, shall have a second casting vote.

9 *Standing Orders*

10 10. Subject to the provision of this Act, the Council may make
11 standing orders for the regulation of its meetings proceedings and business and
12 may amend or revoke such Standing Orders.

13 *Quorum*

14 11.-(1) The quorum of the Council shall be 10 and shall include the
15 Director- General.

16 (2) The quorum of any committee of the Council shall be determined
17 by the Council.

18 (3) For the purpose of determining a quorum, members present shall
19 be counted.

20 *Presiding at Meeting*

21 12. At any meeting of the Council, the Chairman shall preside or, in
22 his absence, the members present at the meeting shall elect one of them to
23 preside at the meeting.

24 *Minutes of Proceedings and Effects*

25 13.-(1) The secretary shall-

26 (a) keep minutes of all proceedings at meetings; and of its committees
27 to be entered in books kept for that purpose.

28 (2) Any such minutes purporting to be signed by the Chairman of the
29 next succeeding meeting shall be prima-facie evidence of the proceedings.

1 *Committees*

2 14.-(1) The Council may appoint such ad-hoc committees as it
3 deems fit to deal with specific tasks as the Council may direct any such
4 committee to undertake.

5 (2) Each committee shall be presided over by a member of the
6 Council and shall be made up of such number of experts not necessarily
7 members of the Council, as may be determined in each case.

8 (3) Subject to its power to appoint ad-hoc committees in
9 accordance with sub-paragraphs (1) and (2) of this paragraph, the Council
10 shall appoint the following standing committees-

11 (a) Finance and General Purpose Committee;

12 (b) Appointment, Promotion and Disciplinary Committee; and

13 (c) Technical Committee.

14 (4) Each committee shall be presided over by a member of the
15 Council.

16 (5) The Council may increase or reduce or otherwise vary the
17 composition of the membership of each committee as it deems fit.

18 (6) The decision of any committee appointed under this paragraph
19 is of no effect until it is ratified by the Council.

20 Miscellaneous Matters relating to Meetings, Proceedings and Status of
21 Members

22 15.-(1) The validity of any proceeding of the Council or any
23 committee shall not be vitiated by-

24 (a) any vacancy in the membership of the Council or any
25 committee or

26 (b) any defect in the appointment of any such member, or

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

- 1 (2) Where a person not duly appointed as a member acts as such on
2 behalf of the Council, his act shall not bind the Council and he shall be
3 personally liable for such an action.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Standards Organisation of Nigeria Act No. 15 of 2015 and Enact the Standards Organisation of Nigeria Act, 2023 for the purpose of providing additional functions for the organisation, increasing penalty for violations.

TRADITIONAL, COMPLEMENTARY AND ALTERNATIVE MEDICINE COUNCIL
OF NIGERIA (ESTABLISHMENT) BILL, 2023
ARRANGEMENT OF THE SECTION

Section:

PART I - ESTABLISHMENT OF THE TRADITIONAL, COMPLEMENTARY
AND ALTERNATIVE MEDICINE COUNCIL OF NIGERIA, ETC.

1. Establishment-of the Traditional, Complementary and Alternative
Medicine Council of Nigeria
2. Membership of the Council
3. Tenure of Office of members of the Council
4. Removal, resignation or cessation of membership of the Council
5. Emoluments, allowances, etc. of members of the Council
6. Functions of the Council
7. Powers of the Council

PART II - STAFF OF THE COUNCIL

8. Appointment of the Registrar and other staff of the Council
9. Application of the Pensions Reform Act.

PART III - FINANCIAL PROVISIONS

10. Establishment of the Traditional, Complementary and Alternative
Medicine Council Fund
11. Expenditure of the Council
12. Power to borrow
13. Power to accept gifts
14. Annual Estimate ,
15. Accounts and Audit
16. Annual Report

PART IV - PROFESSIONAL DISCIPLINE

17. Establishment of Traditional, Complementary and Alternative
Medicine Practitioners Disciplinary Tribunal
18. Penalties for professional misconduct.

PART V - ESTABLISHMENT, ETC. OF THE STATE AND FEDERAL CAPITAL
TERRITORY TRADITIONAL, COMPLEMENTARY AND ALTERNATIVE
MEDICINE PRACTITIONERS BOARD

19. Establishment, etc. of State Traditional, Complementary and
Alternative Medicine Practitioners Board
20. Establishment, etc. of the Federal Capital Territory Traditional,
Complementary and Alternative Medicine Practitioners Board

21. Composition of the Federal Capital Territory Traditional, Complementary and Alternative Medicine Practitioners Board
22. Tenure, removal and resignation from office
23. Emoluments, allowances, etc
24. Functions of the Board
25. Power of the Board
26. Administrative Secretary of the Board
27. Application of the Pensions Reform Act to the Board and Staff of the Board
28. Establishment and Composition of the Federal Capital Territory Traditional, Complementary and Alternative Medicine Practitioners Investigating Panel

PART VI - FINANCIAL PROVISIONS OF THE BOARD

29. Fund of the Board
30. Power to borrow
31. Power to accept gifts
32. Annual Report of the Board

PART VII - GENERAL PROVISIONS OF THE BOARD

33. Direction by the Minister, etc. to the Board.
34. Interpretation

PART VIII - MISCELLANEOUS PROVISIONS

35. Offences and penalties
36. Intellectual Property Rights
37. General Direction by the Minister
38. Power to make Regulations
39. Interpretation
40. Short title

Schedules

First Schedules

Supplementary Provisions Relating to the Council, Etc

Second Schedule

Supplementary Provisions Relating to the Board

Third Schedule

Supplementary Provisions Relating to the Disciplinary Tribunal

Fourth Schedule

Supplementary Provisions Relating to the Investigating Panel

A BILL

FOR

AN ACT TO ESTABLISH THE TRADITIONAL, COMPLEMENTARY AND
ALTERNATIVE MEDICINE COUNCIL OF NIGERIA AND FOR RELATED
MATTERS

Sponsored by Hon. Alex Egbona

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE TRADITIONAL, COMPLEMENTARY AND
2 ALTERNATIVE MEDICINE PRACTITIONERS COUNCIL OF NIGERIA, ETC.

3 1.-(1) There is established a body to be known as the Traditional,
4 Complementary and Alternative Medicine Council of Nigeria (in this Act
5 referred to as "the Council").

Establishment of
the Traditional,
Complimentary
and Alternative
Medicine Council
of Nigeria

6 (2) The Council-

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) may acquire, hold and dispose of property, whether movable or
11 immovable.

12 2.-(1) The Council shall consist of-

Membership of
the Council

13 (a) a Chairman, who shall be a university graduate registered with
14 the Traditional, Complementary and Alternative Medicine Council of
15 Nigeria and with a minimum of 15 years experience in the practice of
16 Traditional, Complementary and Alternative Medicine (in this Act referred
17 to as "the practice") in Nigeria;

18 (b) two persons from each geo-political zone, one shall be a
19 traditional medicine practitioner and the other a complementary or
20 alternative medicine practitioner, to represent each of the 6 geo-political

1 zones of Nigeria, and shall be registered practitioners with a minimum of 5
2 years experience in the practice and nominated by a State Board of Traditional,
3 Complementary and Alternative Medicine Practitioners;

4 (c) one representative of the Federal Capital Territory (in this Act
5 referred to as ("the FCT")) who shall be nominated by the FCT . Traditional,
6 Complementary and Alternative Medicine Practitioners Board and shall be a
7 registered practitioner with a minimum of 5 year's experience in the practice in
8 Nigeria;

9 (d) one representative with considerable experience in Traditional or
10 Complementary and Alternative Medicine practice nominated from the
11 Federal Ministry of Health;

12 (e) one legal practitioner of not less than 10 years post call experience
13 representing public interest;

14 (f) one representative from-

15 (i) the Ministry charged with the responsibility for Science and
16 Technology,

17 (ii) the Ministry charged with the responsibility for Education,

18 (iii) the Ministry charged with the responsibility for Agriculture.

19 (iv) the Ministry charged with the responsibility for Water Resources,

20 (v) the National Agency for Food and Drug Administration and
21 Control;

22 (vi) the National Institute for Pharmaceutical Research and
23 Development;

24 (vii) the State Traditional, Complementary and Alternative Medicine
25 Practitioners Board with considerable experience in the practice to be selected
26 from. each of the six geopolitical zones in Nigeria to serve in rotation for one
27 term, and

28 (g) three. representatives Complementary Training Institution.

29 (2) the Chairman and members of the Council shall be appointed by
30 the President on the recommendation of the Minister.

1	(3) the supplementary provision set out in the First Schedule to this	First Schedule
2	Act shall have effect with respect to the proceedings of the Council and other	
3	matters contained therein.	
4	3. The Chairman and members of the Council, other than ex-	Tenure of office
5	officio members, shall hold office for a term of 4 years on such terms and	of members of the
6	conditions as may be specified in their letters of appointment ,and may be re-	Council
7	appointed for a further term of 4 years and no more.	
8	4.-(1) Notwithstanding the provisions of Section 3" of" this Act,	Removal, resignation
9	the Chairman or any member of the Council shall cease to hold office as a	or cessation of
10	member, where he:	membership of the
11	(a) resigns his appointment as a member of the Council;	Council
12	(b) becomes of unsound mind;	
13	(c) becomes bankrupt;	
14	(d) is convicted of a felony or any other offence involving	
15	dishonesty or corruption;	
16	(e) becomes incapable of carrying out the functions of his office	
17	whether arising from infirmity of mind or body);	
18	(f) is certified by the President that it is not in the best interest of the	
19	Council or the public for such member to continue in office;	
20	(g) has been found guilty by the Code of Conduct Tribunal for any	
21	serious misconduct in relation to his duties;	
22	(h) in the case of a person who becomes a member by virtue of the	
23	office he occupies, ceases to hold such office; and	
24	(i) in the case of a person who possess professional qualification, is	
25	disqualified or suspended from practicing his profession in any part of the	
26	world, by an order of a competent court.	
27	(2) The Chairman or any member of the Council may, at any time,	
28	resign from office by a letter addressed to the President.	
29	(3) Where the office of the Chairman or any member of the Council	
30	has become vacant, the authority by which he was appointed shell appoint	

	1	another person in his place for the unexpired term of office in accordance with
	2	the provisions of this Act.
Emoluments and allowances of members of the Council	3	5.-(1) Members of the Council other than ex-officio, shall be paid
	4	remuneration or allowances in accordance with rates specified from time to
	5	time in extant Federal Government Circulars.
	6	(2) Members of the Council shall be paid travelling and other
	7	allowances in accordance with extant rules.
	8	(3) The Chairman and members of the Council, other than ex-officio
	9	members shall not, while holding office, hold any office of emoluments in the
	10	public service of the Federation or of a state;
Functions of the Council	11	6. The functions of the Council shall be to:
	12	(a) facilitate, coordinate and harness all efforts aimed at the
	13	development of the practice;
	14	(b) establish institutional framework and propose policies and ,
	15	guidelines for the practice;
	16	(c) liaise with relevant regulatory authorities at the State and Local
	17	Government levels for the implementation of national policies and guidelines
	18	relating to the practice;
	19	(d) encourage and promote the establishment of model services,
	20	Institution, clinics, schools, botanical gardens, herbaria, drug manufacturing
	21	units, etc., relating to the practice in the six geopolitical zones in Nigeria;
	22	(e) collect, publish, disseminate - and exchange information and
	23	develop a National Information System for the practice;
	24	(f) establish and maintain a register of persons and premises entitled
	25	to practice in Nigeria and publish annually, a list of persons and premises so
	26	registered;
	27	(g) prepare and review, from time to time a code of ethics for
	28	practitioners;
	29	(h) in collaboration with the relevant agencies or bodies, develop
	30	curricula of studies, and determine the standards of knowledge and skills for

1 training in the practice;
 2 (i) in collaboration with relevant agencies or bodies, accredit
 3 institutions- - properly organized 'end equipped for conducting ,training on
 4 the practice as may be approved by the Council; and
 5 (j) perform such other functions as may be required of the Council
 6 under this Act.

7 **7.** The Council shall have the power to:

Powers of the
Council

8 (a) set standards for certifying persons seeking registration with
 9 the Council;
 10 (b) make regulations for the discipline of erring practitioners;
 11 (c) establish and periodically review and update the guidelines
 12 regulating the practice in Nigeria;
 13 (d) access all records of any institution or body to which this Act
 14 applies;
 15 (e) enter into collaboration and cooperation agreements or
 16 arrangements with agencies and bodies with similar objectives within and
 17 outside Nigeria; and
 18 (f)' consider for approval or otherwise any qualification in the
 19 practice obtained from a foreign institution or training school recognized by
 20 the government of the country where the institution or school is located in
 21 line with the provisions of this Act.

22 **PART II - STAFF OF THE COUNCIL**

23 **8.-(1)** There shall be for the Council a Registrar who shall be
 24 appointed by the Council.

Appointment of
the Registrar and
other Staff of the
Council

25 (2) The Registrar shall be:

26 (a) a University graduate who is a registered practitioner with 15
 27 years experience in the practice;
 28 (b) the secretary to the Council and the Disciplinary Tribunal; and
 29 © responsible for the' execution of policies and the day-to- day
 30 running of affairs of the Council.

1 (3) The Registrar shall:
 2 (a) issue notices of meetings of the Council;
 3 (b) keep and .secure the records of the Council;
 4 (c) be responsible for taking and preparation of minutes of the
 5 meetings of the Council; and
 6 (d) perform such other functions as may be determined, from time to
 7 time, by the Council.

8 (4) The Registrar shall hold office for a term of 4 years and may be re-
 9 appointed for a further term of 4 years and no more on such terms and
 10 conditions as may be specified in his letter of appointment.

11 (5) The Council shall subject to approval of the Honourable Minister
 12 appoint such other category of staff as it may deem necessary, from time to
 13 time, for the purpose of performing its functions under this Act.

14 (6) The Council shall, with the approval of the Minister, determine the
 15 terms and conditions of service including remuneration, allowances, benefits,
 16 etc. of staff of the Council.

Application of
the Pensions
Reform Act

17 **9.** Service in the Council shall be approved service for the purpose of
 18 the Pensions Reform Act, and accordingly, staff of the Council shall be entitled
 19 to pension, and other retirement benefits as are prescribed in the Act.

20 PART III - FINANCIAL PROVISIONS

Establishment
of Traditional,
Complimentary
and Alternative
Medicine Council
Fund

21 **10.-(1)** There is hereby established for the Council a Fund to be
 22 known as the Traditional, Complementary and Alternative Medicine Council
 23 Fund (in this Act referred to as "the fund".)

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

25 (a) such sums as may be appropriated, from time to time, to the
 26 Council from the Consolidated Revenue Fund of the Federal Government;

27 (b) money paid to the Council by way of grants, subsidies, donations,
 28 gifts, charges, fees, subscriptions and interests; and;

29 (c) all other sums of money accruing to or vested in the Council in
 30 respect of any matter incidental to its powers or function under this Act.

1	11. The Council may, from time to time, apply the proceeds of the	Expenditure of the Council
2	Fund established under section 10 of this Act to:	
3	(a) the cost of administration of the Council;	
4	(b) the payment of emoluments, allowances and benefits of	
5	members of the Council and for reimbursing members of the Council or of	
6	any committee setup by the Council and for such expenses as may be.	
7	expressly authorized by the Council;	
8	(c) the payment of salaries, fees, allowances, gratuities and	
9	pension, and other benefits payable to the staff of the Council, provided that	
10	no payment of any kind under this paragraph (except such as may be	
11	expressly authorized by the Council) shall be made to any person who is in	
12	receipt of emoluments from the Government of the Federation, of a State or	
13	Local Government; .	
14	(d) the development and maintenance of any property vested In or	
15	owned by the Council;	
16	(e) maintaining general financial reserves subject to general or	
17	special directives that may be given In that behalf by the Minister in	
18	accordance with the provisions of this Act; and	
19	(f) any of its functions under this Act.	
20	12. The Council may, with the approval of the Minister or in	Power to borrow
21	accordance with the general authority given by the Federal Government,	
22	borrow by way of loan or overdraft any monies required by the Council to	
23	meet Its obligations and Its functions under this Act.	
24	13.-(1) The Council may accept gifts of land, money or other	Power to accept gifts
25	properties on such term-s and conditions, if any, as may' be specified by the	
26	person or organization making 'the gift.	
27	(2). The Council shall not accept any gift if the conditions attached	
28	by the person or organization making the gift are inconsistent with the	
29	objectives of the Council under this Act.	

Annual Estimate	1	14.-(1) The Council shall submit to the Minister, not later than 31st of
	2	October each year, its programme of work and estimates of its income and
	3	expenditure for the following year.
	4	(2) The Council shall cause to be kept proper accounts and records in
	5	respect of each financial year in relation to the accounts .
Accounts and Audit	6	15. The Council shall, not later than 30th of September of each
	7	financial year, submit its accounts to auditors appointed from the list of
	8	qualified auditors in accordance with guidelines laid down by the Auditor-
	9	General of the Federation and the auditor's fees and expenses shall be paid from
	10	the Fund of the Council.
Annual Report	11	16. The Council shall, prepare and submit to the Minister not later
	12	than the 30th day of September in each year, an annual report of its activities
	13	and such report shall include a copy of the audited accounts and the auditor's
	14	report of the Council.
	15	PART IV - PROFESSIONAL DISCIPLINE
Establishment of the Traditional, Complementary and Alternative Medicine Disciplinary Tribunal	16	17.-(1) There is established a Tribunal to be known as the Traditional,
	17	Complementary and Alternative Medicine Council Disciplinary Tribunal (in
	18	this Act referred to as "the Disciplinary Tribunal") which shall be charged with
	19	the duty of considering and determining any case referred to it by the
	20	investigating panel established in the State and the Federal Capital Territory
	21	and any other case of which the Disciplinary Tribunal has cognizance under
	22	the provisions of the Act.
	23	(2) The Disciplinary Tribunal shall consist of:
	24	(a) the Chairman of the Council as Chairman of the Disciplinary
	25	Tribunal; and
	26	(b) six other members appointed by the Council.
Third Schedule	27	(3) The supplementary provisions set out in the Third Schedule to this
	28	Act shall have effect with respect to the proceedings of the Disciplinary
	29	Tribunal and the other matter mentioned therein.

- 1 **18.-(1)** Where:
- 2 (a) a person practicing under this Act is adjudged by the
- 3 Disciplinary Tribunal to be guilty of infamous conduct in any professional
- 4 respect;
- 5 (b) a person practicing under this Act is convicted by any court or
- 6 tribunal in Nigeria or elsewhere having power to award Imprisonment of an
- 7 offence (whether or not an offence punishable with imprisonment) which in
- 8 the opinion of the Disciplinary Tribunal is incompatible with the conduct
- 9 required of a practitioner; or
- 10 (c) the Disciplinary Tribunal is satisfied that the name of any
- 11 person has been fraudulently registered, the Disciplinary Tribunal may, if it
- 12 thinks fit make a recommendation to the Council to give a direction
- 13 reprimanding that person or order the Registrar of the Council to strike his
- 14 name off the relevant part of the register.
- 15 (2) The Disciplinary Tribunal may, if it thinks fit, defer or further
- 16 defer its decision as to the giving of a direction under subsection (1) of this
- 17 section until a subsequent meeting of the Disciplinary Tribunal; but:
- 18 (a) no decision shall be deferred under this subsection for a period
- 19 exceeding two years in the aggregate; and
- 20 (b) no person shall be a member of the Disciplinary Tribunal for the
- 21 purpose of reaching a decision which has been deferred or further deferred
- 22 unless he was present as a member of the Disciplinary Tribunal where the
- 23 decision was deferred.
- 24 (3) For the purpose of subsection (1) (b) of this section, a person
- 25 shall not be treated as convicted, as therein mentioned unless the conviction
- 26 stands at a time when no appeal or further appeal is pending or may (without
- 27 extension of time) be brought in connection with the conviction.
- 28 (4) When the Disciplinary Tribunal gives direction under
- 29 subsection (1) of this section, the Disciplinary Tribunal shall cause notice of
- 30 the direction to be served on the person to whom it relates.

1 (5) The person to whom a direction relates may, at any time within 28
2 days from the date of service on him of the notice of the direction, appeal
3 against the directions to the Court of Appeal; and, the Disciplinary Tribunal
4 may appear as respondent to the appeal, and for the purpose of enabling
5 directions to be given as to the costs of the appeal and of proceedings before the
6 Disciplinary Tribunal, the Disciplinary Tribunal shall be deemed to be a party
7 thereto whether or not it appears on the hearing of the appeal.

8 (6) A direction of Disciplinary Tribunal under subsection (1) of this
9 section shall take effect:

10 (a) where no appeal under this section is brought against the direction
11 within the time limited for such an appeal, or on the expiration of that time;

12 (b) where such an appeal is brought and is withdrawn or struck out for
13 want of prosecution; or

14 (c) where such an appeal is brought and is dismissed.

15 (7) A person whose name is struck off the register in pursuance of a
16 direction of the Disciplinary Tribunal under this section shall not be entitled to
17 be registered again, except in pursuance of a direction in that behalf given by
18 the Disciplinary Tribunal on the application of that person.

19 (8) A direction under this section for the striking off of a person's name
20 from the register may prohibit an application under subsection (7) of this
21 section by that person until the expiration of such period from the date of the
22 direction (and where he has duly such an application from the date of his last
23 application) and may be specified in the direction.

24 PART V - ESTABLISHMENT OF STATE AND FEDERAL CAPITAL TERRITORY

25 TRADITIONAL, COMPLEMENTARY AND ALTERNATIVE MEDICINE BOARD,

26 DISCIPLINARY TRIBUNAL, INVESTIGATING PANEL, AND LOCAL

27 GOVERNMENT TRADITIONAL MEDICINE COMMITTEE

Establishment of
State Traditional,
Complimentary and
Alternative Medicine
Practitioners Board.
Investigating Panel,
and Local Government
Traditional Medicine
Committee

28 **19.-(1)** The establishment, composition and functions of the state
29 Traditional, Complementary and Alternative Medicine Practitioners Board,
30 Investigating Panel and Local Government Traditional Medicine Committee

1 in each state of the Federation shall be In accordance with laws enacted by
2 state Houses of Assembly of each State.

3 (2) The Local Government Traditional Medicine Committee shall
4 be established to ensure development of Traditional Medicine in each of the
5 Local Governments of the Federation under the supervision, monitoring and
6 control of the State Traditional Medicine Board.

7 **20.**-(1) There is established for the Federal Capital Territory a body
8 to be known as the Federal Capital Territory Traditional, Complementary
9 and Alternative Medicine Practitioners Board (in this act referred to as "the
10 Board").

Establishment of
the Federal Capital
Territory Traditional,
Complimentary and
Alternative Medicine
Practitioners Board

11 (2) The Board established under subsection (1) of this section:

12 (a) shall be a body 'corporate with perpetual succession and a
13 common seal; and

14 (b) may sue and be sued in its corporate name.

15 **21.**-(1) The Board shall consist of:

The Composition
of the Board

16 (a) a Chairman who shall be c graduate with a minimum of 15
17 years experience in the practice;

18 (b) one representative from the Department of Health of the
19 Ministry of the Federal Capital Territory with considerable experience in the
20 practice;

21 (c) six practitioner's resident in the Federal Capital Territory, each
22 of whom shall be selected from the six Area Councils of the Federal Capital
23 Territory; and

24 (d) one legal practitioner of not less than 5 years post call
25 experience representing public interest.

26 (2) The Chairman and members of the Board shall be appointed by
27 the Minister on the recommendation of the Director of Health Services.

28 (3) The supplementary provisions set out in the Second Schedule to
29 this Act shall have effect with respect to the proceedings of the Board
30 and other matters contained therein.

Second Schedule

Tenure, Removal and Resignation from office	1	22.-(1) The Chairman and members of the Board, other than ex-
	2	officio members shall each hold office for a term of 4 years and may be re-
	3	appointed for a further term of 4 years and no more, on such terms and
	4	conditions as may be specified in their letters of appointment.
	5	(2) Notwithstanding the provisions of subsection (1) of this section,
	6	the Chairman or any member of the Board may, at any time, be removed from
	7	office by the Minister, on the recommendation of the Director of Health
	8	Services for:
	9	(a) inability to discharge the functions of his office (whether arising
	10	from infirmity of mind or body, or any other cause); or .
Emoluments and Allowances	11	(b) corrupt practices; or
	12	(c) any act of misconduct.
Functions of the Board	13	(3) A member of the Board may, at any time, resign his office by a
	14	letter addressed to the Minister, or if the Minister is satisfied that it is not in the
	15	interest of the Board or in the interest of the public for the person appointed to
	16	continue in office, the Minister may, on the recommendation of the Director of
	17	Health Services notify the person in writing to that effect.
	18	23. The Chairman and members of the Board, other than ex-officio,
	19	members, shall be paid remuneration or allowances in accordance with rates
	20	specified from time to time in extant Federal Government Circulars.
	21	24. The Board shall:
	22	(a) implement the policies and guidelines on the practice in the
	23	Federal Capital Territory;
	24	(b) in accordance with the guidelines of the Council, establish end
	25	develop hospitals, health centres and clinics, botanical gardens, herbaria, drug
	26	manufacturing units and other institutions and services for the practice in the
	27	Federal Capital Territory;
	28	(c) compile and maintain a list of all practitioners and premises
	29	registered by the Council who are resident in the Federal Capital Territory;
	30	(d) liaise with the Council on matters relating to the practice in the

1 Federal Capital Territory; and

2 (e) perform such other functions as are necessary for carrying out
3 its objectives under the Act.

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

Powers of the
Board

5 (a) act in accordance with the guidelines of the Council, regulate
6 the activities of practitioners in the Federal Capital Territory;

7 (b) investigate alleged cases of misconduct of erring practitioners
8 in the Federal Capital Territory;

9 (c) appoint promote and discipline its staff; and

10 (d) do anything which in its opinion will ensure the achievement of
11 the objectives of this Act .

12 **26.-(1)** There shall be for the Board an Administrative Secretary
13 who-

Administrative
Secretary of the
Board

14 (a) be appointed by the Board and shall. be a University graduate
15 with considerable experience in the practice;

16 (b) be a registered practitioner for at least 10 years;

17 (c) be the Chief Executive of the Board;

18 (d) be responsible for the execution of policy and the day to day
19 running of the affairs of the Board;

20 (e) be the head of the Secretariat of the Board;

21 (f) issue notices of meetings of the Board; and

22 (g) perform such other functions as maybe determined, from time
23 to time, by the Board.

24 (2) The Administrative Secretary shall hold office for a term of 4
25 years and may be re- appointed for a further term of 4 years and no more, on
26 such terms and conditions as may be specified in his letter of appointment.

27 (3) The Board- shall appoint any category of staff as it may deem
28 necessary from time to time, for the purpose of performing the functions of
29 'the Board under this Act.

Application of the
Pensions Reform
Act to the Board
and Staff of the
Board

1 **27.**-(1) Service in the Board shall be approved service for the purpose
2 of the Contributory Pensions Act and accordingly, staff of the Board shall be
3 entitled to pension, and other retirement benefits in respect of that office.

4 (2) Without prejudice to the provisions of subsection (1) of this
5 section, nothing in this Act shall prevent the appointment of a person to any
6 office on terms which preclude the grant of pension and other retirement
7 benefits in respect of that office.

Establishment and
Composition of
the Federal Capital
Territory Traditional,
Complimentary and
Alternative Medicine
Practitioners
Investigating Panel

8 **28.**-(1) There is hereby established for the Board a body to be known
9 as the Federal Capital Territory Traditional, Complementary and Alternative
10 Medical Practitioners Investigating Panel (in this Act referred to as "the
11 Investigating Panel") which shall be charged with the duty of:

12 (a) conducting preliminary investigation into any case where it is
13 alleged that a practitioner has misbehaved or committed an act of misconduct
14 or breached any of the ethics or code of practice or should for any other reason
15 be subject of proceedings before the Disciplinary Tribunal, and

16 (b) deciding whether any case should be referred to the Disciplinary
17 Tribunal.

18 (2) Subject to the provisions of subsection (1") of this section, the
19 Investigating Panel shall, upon conclusion of its investigation and if it is of the
20 opinion that the matter shall be the subject of proceedings before the
21 Disciplinary Tribunal, refer the matter to the Disciplinary Tribunal.

22 (3) The members of the Investigating Panel established under
23 subsection (1) of this section shall be appointed by the Board and shall consist
24 of:

25 (a) the Chairman of the Board who shall also be the Chairman of the
26 Investigating Panel; and

27 (b) three other members of the Board of which one shall be a legal
28 practitioner of not less than 10 years post call experience to represent public
29 interest.

Fourth Schedule

30 (4) The provisions of the Fourth Schedule to this Act shall, in so far as

1 they are applicable to the Investigating Panel,' have effect with respect to it.

2 PART VI - FINANCIAL PROVISIONS OF THE BOARD

3 **29.**-(1) The Board shall maintain a fund from where it shall defray Fund of the Board
4 the expenses incurred by the Board.

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

6 (a) such sums as may be appropriated, from time to time, to the
7 Board by the Federal Government;

8 (b) monies paid to the Board by way of grants, subsidies,
9 donations, gifts, charges, fees, subscriptions and interest; and

10 (c) all other sums of money accruing to or vested in the Board in
11 respect of any matter incidental to its powers or functions under this Act.

12 (2) the Board shall apply the proceeds of the fund established under
13 subsection (1) of this section to:

14 (a) the cost of administration of the Board;

15 (b) the payment of emoluments, allowances and benefits -of
16 members of the Board, for reimbursing members of the Board or any
17 committee set up by the Board and for such expenses as may be expressly
18 authorized by the Board;

19 (c) the payment of salaries, fees, remuneration, allowances,
20 pensions and other benefits payable to the Board, and no payment .of any
21 kind under this paragraph (except such as may be expressly authorized by
22 the Board) shall be made to any person who is in receipt of emoluments from
23 the Government of the Federation or of a State or the Federal Capital
24 Territory;

25 (d) for the development and maintenance of any property vested in
26 or owned by the Board.

27 **30.**-(1) The Board may, with the approval of the Minister or in Power to borrow
28 accordance with the general authority given by the Federal Government,
29 borrow by way of loan or overdraft, such sums as may be required by the
30 Board to meet its obligations and its functions under this Act.

	1	(2) Notwithstanding subsection (1) of this section the Board shall not
	2	borrow in foreign currency, without the prior approval of the President.
Power to accept gifts	3	31. -(1) The Board may accept gifts of land, money or other properties
	4	on such terms and conditions, if any, as may be specified by the person or
	5	organization making the gift.
	6	(2) The Board shall not accept any gift if the conditions attached by
	7	the person or organization making the gift are inconsistent with the objectives
	8	of the board under this Act.
Annual Report of the Board	9	32. -(1) The Board shall, 'prepare and submit to the Director of Health
	10	Services an annual report of its activities hat later than 30th day of September
	11	of each year and such report shall include a copy of the audited accounts of the
	12	Board far that year and the auditors' report on the accounts.
	13	(2) The Board shall keep proper accounts in respect of each year and
	14	proper records in relation to. those accounts and shall cause its accounts to be
	15	audited within six months after the end of each year by auditors appointed by
	16	the Board from the list and in accordance with the guidelines supplied by the
	17	Auditor- General of the Federation.
	18	PART VII - GENERAL PROVISIONS OF THE BOARD
Directions by the Minister to the Board	19	33. -(1) The Minister may give to the Board or the Administrative
	20	Secretary such directives of. a general nature or relating generally to matters of
	21	policy with regard to the exercise of their functions or with respect to the
	22	maintenance of public safety and order.
	23	(2) The Minister may, in accordance with the Council's guideline and
	24	on the advice of the Board, make regulations generally for the purposes of Part
	25	V of this Act, in particular prescribe:
	26	(a) for the performance of any duty imposed and effective exercise of
	27	any power conferred upon the Board by or under the provisions of this Act; and
	28	(b) standards and guidelines for maintenance, management,
	29	administration, and operation of Traditional Complementary and Alternative
	30	Medicine clinics, health centers, and hospitals or any facility of any description

1 owned or operated by the Board or any private individual or corporate body
2 in the Federal Capital Territory engaged in the practice.

3 **34.** In this Part the following terms shall mean:

Interpretation

4 "Administrative Secretary" means the Administrative Secretary of the
5 Board appointed under section 26 of this Act;

6 "Board" means 'the Federal Capital' Territory- Traditional, Complementary
7 and Alternative Medicine Board;

8 "Chairman" means the Chairman of the Federal Capital Territory
9 Traditional, Complementary and Alternative Medicine Practitioners Board;

10 "Corporate body" means anybody incorporated under the provisions of any
11 law;

12 "Department" means the Department. in the Ministry of Federal Capital
13 Territory with responsibility for health matters;

14 "Director" means the Director of Health Services in the Ministry of, Federal
15 Capital Territory;

16 'Member; means a member of the Board and includes the Chairman;

17 Minister "means the Minister charged with the responsibility for the Federal
18 Capital Territory;

19 "Investigating Panel "means the Investigating Panel of Capital Territory
20 Traditional, Complementary and Alternative Medicine Board;

21 **PART VIII - MISCELLANEOUS**

22 **35.-(1)** Where any person who is not 6 registered practitioner:

Offences

23 (a) practices or holds himself out as a registered Traditional,
24 Complementary and Alternative Medical Practitioner; or

25 (b) or uses the title of Traditional, Complementary and Alternative
26 Medical Practitioner, commits an offence.

27 (2) Where any person for the purpose of procuring the registration
28 of any name, qualification or other matter:

29 (a) makes a statement which he knows to be false in a material
30 particular; or

1 (b) recklessly makes a statement which is false in a material particular
2 , commits an offence.

3 (3) If the Registrar or any person employed by the council willfully
4 makes any falsification in any matter relating to the register, he commits an
5 offence.

6 (4) A person Who is guilty of an offence under this section shall be
7 liable-

8 (a) on Summary conviction, to a fine of N50,000;

9 (b) on conviction or indictment, to a fine of N100,000 or
10 imprisonment for a term not exceeding 5 years or to both fine and
11 imprisonment.

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

Intellectual
Property Rights

19 **36.** The traditional knowledge and innovations of the practitioners
20 shall be protected by Intellectual Property Rights (IPR) to encourage sharing
21 of knowledge and development of practice.

General directions
by the Minister

22 **37.** The Minister may give to the Council or the Registrar such duties
23 of a general nature or relating generally to matters of policy with regard to the
24 exercise of his functions or with respect to the governance and securing of
25 public safety and order.

Power to make
Regulations

26 **38.-(1)** The Minister may, on advice of the Council, make regulations
27 formally for the purposes of this Act.

28 (2) Any regulations made under this Act, shall be published in the
29 Gazette as soon as may be after they are made.

1	39. In this Act, except the context otherwise requires:	Interpretation
2	"Chairman" means the Chairman of the Traditional, Complementary and	
3	Alternative Medicine Council of Nigeria;	
4	"Complementary Medicine" includes Alternative Medicine which are used	
5	inter-changeably with traditional medicine and it refers to a broad set of	
6	health care practices that are not integral to the dominant health care system;	
7	"Council" means the Traditional, Complementary and Alternative Medicine	
8	Council of Nigeria;	
9	"Disciplinary Tribunal" means the disciplinary tribunal established under	
10	section 17 of this Act;	
11	"Minister" means the Minister charged with the responsibility for Health	
12	matters;	
13	"Registrar" means the Registrar of the Council appointed under section 8 of	
14	this Act; and	
15	"Traditional Medicine" is the total combination of knowledge and practices	
16	used in diagnosing, preventing or eliminating physical, mental or social	
17	diseases and which may rely exclusively on past experience and observation	
18	handed down from generation to generation, verbally or in writing.	
19	40. This Bill may be cited as the Traditional, Complementary and	Short title
20	Alternative Medicine Council of Nigeria (Establishment, etc) Bill, 2023.	

1 SCHEDULE

2 FIRST SCHEDULE

3 *Section 2 (3)*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL PROCEEDINGS
5 OF THE COUNCIL

6 1.-(1) Subject to the provisions of this Act, the Council may make
7 standing orders regulating its proceedings or any of its committees thereof.

8 (2) Questions for determination shall be decided by a majority, of the
9 members present and voting thereon and, in the event of an equality of votes;
10 the Chairman shall have a second or casting vote.

11 (3) Standing orders made for a committee shall, provide for the
12 committee to report back to the Council on any matter referred to it by the
13 Council.

14 (4) The quorum of the Council shall be 20 and the quorum of a
15 committee of the Council shall be fixed by the Council.

16 *Meeting of the Council*

17 2.-(1) The Council shall for the purposes of this Act, meet four times
18 in each year and subject, thereto, the Council shall meet whenever it is
19 summoned by the Chairman if required to do so, by notice given to him by not
20 less than five other members, the Chairman shall summon a meeting of the
21 Council to be held not less than 7 days from the date on which the notice is
22 given.

23 (2) At any meeting of the Council, the Chairman shall preside or, in
24 his absence, the members present at the meeting shall appoint one of their
25 number to preside at the meeting.

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

1 *Committees*

2 3.-(1) The Council may appoint one or more committees to carry
3 out, on behalf of the-Council, some of its functions under this Act as the
4 Council may determine.

5 (2) A committee appointed under this paragraph shall consist of
6 such number of persons as may be determined by the Council and any
7 person appointed into a committee, other than a member of the Council,
8 shall hold office on the committee in accordance with the terms of his
9 appointment.

10 (3) A decision of a committee of the Council shall be of no effect
11 until it is confirmed by Council.

12 *Miscellaneous*

13 4.-(1) The fixing of the seal of the Council shall be authenticated by
14 the signature of the Registrar or of any other person authorized generally or
15 specifically to act for that purpose by the Council.

16 (2) Any contract or instrument, which if made or executed by a
17 person not being a body corporate, would not be required to be under seal
18 may be made or executed on behalf of the Council by the Registrar or any
19 person generally or specially authorized by the Council to act for the
20 purpose.

21 (3) Any document purporting to be a document duly executed
22 under , the seal of the Council shall be received in evidence and shall, unless
23 and until the contrary is proved, be presumed to be so executed.

24 (4) The validity of any proceeding of the Council or of a committee
25 thereof shall not be adversely affected by any vacancy in the membership of
26 the Council or of a committee, or by reason that a person not entitled to do so
27 took part in the proceedings of the Council or committee.

28 (5) A member who is directly or indirectly interested in any matter
29 being deliberated upon or considered by the Councilor is interested in a
30 contract made or, proposed to be made by the Council shell. as soon as

1 possible after relevant facts have come to his knowledge, disclose the nature of
2 his interest in writing or at a meeting of the Council.

3 (6) A disclosure made under sub-paragraph (1) of this paragraph shall
4 be recorded in the minutes of meetings of the Council considering the matter or
5 contract in respect of which the interest was disclosed and the members shall
6 not participate in the meeting.

7 **SECOND SCHEDULE**

8 *Section 21 (3)*

9 **SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD**

10 (1) The Board shall for the purposes of Part of this Act, meet four
11 times in each year and subject, thereto, the Board shall meet whenever it is
12 summoned by the Chairman if required to do so, by notice given to him by not
13 less than five other members, the Chairman shall summon a meeting of the
14 Board to be held not less than 7 days from the date on which the notice is given.

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

20 (1) The Board may appoint one or more committees to carry out, on
21 behalf of the Board, such of its functions under this Act as the Board may
22 determine.

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

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

29 *Miscellaneous*

30 (1) Fixing of the seal of the Board shall be authenticated by the

1 signature of the Administrative -Secretary or any other person authorized
2 generally or specifically to act for that purpose by the Board or the
3 Administrative Secretary.

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

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

12 (4) The validity of any proceeding of the Board or of a Committee
13 shall not be adversely affected by any vacancy in the membership of a
14 committee or the Board or by reason that a person not entitled to do so took
15 part in the proceedings of the Board or Committee.

16 (5) A member who is directly or indirectly interested in any matter
17 being deliberated upon or considered by the Board or is interested in any
18 contract made or proposed to be made by the Board shall as soon as possible
19 after relevant facts have come to his knowledge, disclose the nature of his
20 interest in writing or at a meeting of the Board.

21 (6) A disclosure made under sub-paragraph (1) of this paragraph
22 shall be recorded in the minutes of meetings of the Board considering the
23 matter or contract in respect of which the interest was disclosed and the
24 member shall not participate in the meeting.

1 THIRD SCHEDULE

2 *Section 17 (3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE
4 DISCIPLINARY TRIBUNAL

5 *The quorum of the Disciplinary Tribunal shall be five members*

6 1. The Attorney General of the Federation shall make rules as to the
7 selection of members of the Disciplinary Tribunal for the purpose of any
8 proceeding, the procedure to be followed and the rules of evidence to be
9 observed in proceedings before the Disciplinary Tribunal.

10 2. The rules shall not be limited to, but in particular provide for-

11 (a) notice of proceedings to be given at such time and in such manner,
12 as may be specified by the rules to the person who is the subject of the
13 proceedings;

14 (b) determining who, in addition to the initial party to the
15 proceedings, shall be a party to the proceeding;

16 (c) securing that any party to the proceeding shall, if he so requires,
17 be entitled to be heard by the Disciplinary Tribunal;

18 (d) representation by a legal practitioner of a party to the proceedings;
19 and

20 (e) as to the cost of proceedings before the Disciplinary Tribunal.

21 3. For the purpose of any proceedings before it, the Disciplinary
22 Tribunal may administer oaths on any party to the proceedings and may issue
23 out of the registry of the Disciplinary Tribunal writs of subpoena ad
24 testificandum and duces tecum but no person appearing before the Disciplinary
25 Tribunal shall be compelled to-

26 (a) make any statement before the Disciplinary Tribunal- tending to
27 incriminate himself; or

28 (b) produce any document under such writ which he could not be
29 compelled to produce at the trial of an action; ,

30 4. Any person ceasing to be a member of the Disciplinary Tribunal

1 shall be eligible for reappointment as a member of that body.

2 5. The Disciplinary Tribunal may act notwithstanding any
3 vacancy in its membership and the proceedings of the Tribunal shall not be
4 invalidated by any irregularity in the appointment of any member of the
5 Tribunal or by reason of the fact that any person who was not entitled to do so
6 took part in the proceedings of that body.

7 6. Any document authorized or required by virtue of this Act to be
8 served on the Disciplinary Tribunal shall be served on the Registrar.

9 7. Any expenses of the Disciplinary Tribunal shall be defrayed by
10 the Council.

11 8.-(1) For the purpose of advising the Disciplinary Tribunal on
12 questions of law arising in proceedings before it, there shall in all such
13 proceedings before it, there shall in all such proceedings be an assessor to the
14 Disciplinary Tribunal who shall be appointed by the Council on the
15 nomination by the Attorney General of the Federation and shall be a legal
16 practitioner of not less than seven years standing.

17 (2) The Attorney General of the Federation shall make rules as to
18 the functions of assessors appointed under this paragraph and in particular
19 such rules shall contain provisions for Securing:

20 (a) that where an assessor advises the Disciplinary Tribunal on, any
21 , question of law as to evidence, procedure or any other matters specified by
22 rules, he shall do so in the presence of every party or person representing a
23 party to the proceedings who appear thereat or; if the advice tendered while
24 the Disciplinary Tribunal is deliberating in private, that every such party or
25 person as aforesaid shall be informed what advice the assessor has tendered;
26 and

27 (b) that every such party or person as afore said shall be, informed
28 if in any case the Disciplinary Tribunal does not accept the advice of the
29 assessor on such a question as aforesaid.

30 (3) An assessor may be appointed under this paragraph either

1 generally or for any particular proceedings or class of proceedings and shall
2 hold and vacate office in accordance with the terms of the letter by which he is
3 appointed.

4 9. A person shall not by reason of his appointment as an assessor to
5 the Disciplinary Tribunal, be treated as holding an office in the public service
6 of the Federation.

7 **FOURTH SCHEDULE**

8 *Section 32(4)*

9 *Supplementary Provisions Relating to the Investigation Panel*

10 1. The quorum of the Investigating Panel shall be three, all of whom
11 shall be Traditional, Complementary and Alternative Medicine practitioners:

12 2.-(1) The Investigating Panel may, at any of its meetings attended by
13 all the members of the Panel, make standing orders with respect to the business
14 of the Panel.

15 (2) Subject to the provisions of any such standing orders, the
16 Investigating Panel may regulate its own procedure:

17 3. A person ceasing to be a member of the Investigating Panel shall be
18 eligible for re-appointment as a member of that body.

19 4. The Investigating Panel may act notwithstanding any vacancy in its
20 membership. and the proceedings of the panel shall not be invalidated by any
21 irregularity in the appointment of any member of that body or by reason of the
22 fact that any person who was not entitled to do so took part in the proceedings
23 of that body.

24 5. Any document authorized or required by virtue of this Act to be
25 served on the Investigating Panel shall be served on the Administrative
26 Secretary.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Traditional, Complementary and Alternative
Medicine Council of Nigeria.