

Extraordinary



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CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
SB. 581	A Bill for an Act to Provide for effective surveillance, review and prevention of Maternal and Perinatal Deaths and Related Matters for the Federal Republic of Nigeria, 2020	C 2575 - 2594
SB. 590	A Bill for an Act to Amend the Labour Act Cap. L1, Laws of the Federation of Nigeria (LFN), 2004 to provide for Fair and Unfair termination of employment and for Other Related Matters, 2020	C 2595 - 2597
SB. 591	A Bill for an Act to Provide for the Establishment of the Nigerian Merchant Navy Coast Guard Security and Safety Corps with responsibility for the Security and Safety of Coast Line Waters and Nigerians Merchant Navy and Other Matters Connected Therewith	C 2599 - 2615

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A BILL

FOR

AN ACT TO PROVIDE FOR EFFECTIVE SURVEILLANCE, REVIEW AND PREVENTION OF MATERNAL AND PERINATAL DEATHS AND RELATED MATTERS FOR THE FEDERAL REPUBLIC OF NIGERIA, 2020

Sponsored by Senator Oloriegbe, Yahaya Ibrahim

[] Commencement

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

PART 1 - INTRODUCTORY

- 1
- 2 **1.** This Bill may be cited as National Maternal and Perinatal Death Short title
- 3 Surveillance and Response (NMPDSR) Bill, 2020.
- 4 **2.** In this bill, except where the context otherwise provides: Interpretation
- 5 "Bill" means National Maternal and Perinatal Death Surveillance and
- 6 Response Bill;
- 7 "Care providers" include, but are not limited to health workers;
- 8 "Minister" means Minister in charge of Health;
- 9 "Commissioner" means commissioner in charge of Health;
- 10 "Early Neonatal Death" means death of new born babies occurring within
- 11 first seven (7) days of life;
- 12 "Facility" means any institution public or private where maternal and child
- 13 healthcare is being provided;
- 14 "Maternal Death" means the death of a woman while pregnant or within
- 15 forty two days of termination of pregnancy, irrespective of the duration and
- 16 site of the pregnancy, from any cause related to or aggravated by the
- 17 pregnancy or its management, but not from accident or incidental causes;
- 18 "Maternal and Perinatal Death Review" means a qualitative, in-depth
- 19 investigation into the causes of and circumstances surrounding maternal and

1 prenatal deaths which occur either in health care facilities or in the community;
2 "MPDSR or Maternal and Perinatal Death Surveillance and Response" means
3 a form of continuous surveillance that links the health information system and
4 quality improvement process from local to national levels, which includes the
5 routine identification, notification, qualification and determination of causes
6 and avoid ability of all maternal and perinatal deaths, as well as the use of this
7 information to respond with actions that will prevent future deaths;
8 "Medical Audit" means the systematic and critical analysis of quality of care
9 which includes procedures for diagnosis, treatment, care and outcomes for
10 patients;
11 "Ministry" means Ministry of Health;
12 "Perinatal Period" means the period commencing at twenty-eight completed
13 weeks of gestation and ending seven completed days after birth;
14 "Perinatal Death" means death that occurred around the time of birth; it
15 includes both still births and early neonatal deaths;
16 "Pregnancy Related Deaths" means the death of a woman while pregnant,
17 irrespective of the cause of death;
18 "Relatives" includes husband, parents, siblings, children and in-laws of a
19 woman;
20 "Scheme" means the Maternal and Perinatal Death Surveillance and Response
21 (MPDSR) Scheme;
22 "Stillbirth" means intrauterine death of a fetus after 28 weeks of gestation or
23 fetus/baby that weighs 1kg at birth;
24 "Verbal Autopsy" means a method for determining individual's cause of death
25 and cause-specific mortality fractions in populations that are without a
26 complete vital registration system;

Establishment

27 **3.-(1)**There is hereby established by this bill a Committee under the
28 Federal Ministry of Health known as National Maternal and Perinatal Death
29 Surveillance and Response Steering Committee (NMPDSRSC), in line with
30 the policy and guidelines of the Federal Government of Nigeria;

- 1 (2) There shall also be a Scheme for Maternal and Perinatal Death Surveillance And Response (MPDSR) for the Federal Republic of Nigeria. Facilitation and purpose
- 2
- 3 (3) The Scheme shall be facilitated by the Federal Ministry of Health and shall undertake the following:
- 4
- 5 (a) Collection and Notification and collection of accurate data on all Maternal and Perinatal deaths in 36 states in Nigeria and FCT, including:
- 6
- 7 (i) Notifying on every maternal and perinatal deaths;
- 8
- 9 (ii) Numbering, identifying and reporting all maternal and perinatal deaths; and
- 10
- 11 (iii) Determining the cause of death, contributing factors and reviewing all Maternal and Perinatal Deaths (using facility records and/or verbal autopsies).
- 12
- 13 (b) Analysis and interpretation of data collected in respect of:
- 14
- 15 (i) Trends in Maternal and Perinatal mortality;
- 16
- 17 (ii) Causes of death (medical) and contributing factors (quality of care, barriers to care, non-medical factors, health seeking behavior, and so on);
- 18
- 19 (iii) Avoid ability of deaths, focusing on those factors that can be remedied;
- 20
- 21 (iv) Risk factors, groups at risk and maps of maternal and perinatal deaths;
- 22
- 23 (v) Demographic, socio-political and religious factors.
- 24
- 25 (c) Using the data to make evidence-based recommendation(s) for action to reduce maternal and perinatal mortality;
- 26
- 27 (d) Dissemination of findings and recommendations to civil society, health personnel and decision/policy makers to increase awareness about the magnitude, social effects and preventability of maternal and perinatal mortality;
- 28
- 29 (e) Ensuring timely implementation by monitoring, evaluating and reporting the implementation of recommendations;
- 30

	1	(f) Improving Maternal and Perinatal mortality statistics and moving
	2	towards attaining complete civil registration and vital statistics records;
	3	(g) Guiding and prioritizing research related to maternal and perinatal
	4	mortality;
	5	(h) Improving Maternal and Newborn health.
Implementation	6	(4) The scheme shall be implemented by Maternal and Perinatal
	7	Death Surveillance and Response Committees or (MPDSRC) and shall operate
	8	at Federal, State, Facility and Community levels as provided in this bill.
Funding	9	(5) The MPDSRC shall source its funds and resources from:
	10	(a) Such funds as shall, from time to time, be provided for in the
	11	budgets of respective Federal and States' Ministries of Health;
	12	(b) Such funds and resources in any manner as may from time to time
	13	be donated to the scheme by local and international partners or organizations
	14	for the purpose of giving effect to the provisions of this Bill.
	15	PART II - NATIONAL MPDSR STEERING COMMITTEE
Domiciliation of the National MPDSR Steering Committee	16	4. The National Maternal and Perinatal Death Surveillance and
	17	Response Committee shall be domiciled in the office of the Hon. Minister of
	18	Health.
Membership of the National MPDSR Steering Committee and appointment	19	5. The membership of the National MPDSR Committee shall include
	20	the following:
	21	(a) A National Chairman who shall be a Consultant Obstetrician and
	22	Gynaecologist and appointed by the Minister upon the nomination by Society
	23	of Gynaecology and Obstetrics of Nigeria;
	24	(b) A Co-Chairman who shall be a Consultant Paediatrician who shall
	25	be appointed by the Minister Subject to recommendation of the Pediatric
	26	Association of Nigeria;
	27	(c) Secretary to the committee who shall be the Head of Reproductive
	28	Health Division, FMOH;
	29	(d) Desk Officers 1(RHD) and 2(CHD) who shall not be below the
	30	rank of Deputy Director from the Reproductive Health and Child Health

1 Divisions, appointed by chairman subject to the approval of the National
2 Committee;

3 (e) Representatives from and to be nominated by the heads and
4 authorities of:

5 (i) Ministry of Women Affairs and Social Development;

6 (ii) Office of First Lady;

7 (iii) National Council of Women Societies;

8 (iv) National Bureau of Statistics;

9 (v) National Primary Health Care Development Agency;

10 (vi) Development Partners;

11 (vi) National Population Commission.

12 (f) Representatives of National Professional Associations to be
13 nominated by the Associations:

14 (i) Obstetrics and Gynaecology;

15 (ii) Paediatrics / Neonatal Medicine;

16 (iii) Association of General and Private Medical Practitioners of
17 Nigeria;

18 (iv) Pathology;

19 (v) Haematology/Blood transfusion;

20 (vi) Nursing/Midwifery;

21 (vii) Anaesthesia.

22 (g) Representative of CSO active in Maternal and Perinatal health
23 to be appointed by the National Committee.

24 **6.** The tenure of the committee shall be as below:

Tenure and Terms
for the Member

25 (1) The Chairman and Co-chairman of the Committee shall hold
26 office for four year tenure, renewable once.

27 (2) Other members of the committee will serve a term of three
28 years renewable only for a term.

29 **7.** The National MPDSR Steering Committee shall perform the
30 following functions:

Functions of the
National MPDSR
Committee

1 (a) Make appropriate recommendations to the Minister for prompt
2 implementation;

3 (b) Be responsible for giving effect to the MPDSR Scheme across the
4 federation and regular review and publications;

5 (c) Track accumulated data on notifications on Maternal and Perinatal
6 deaths;

7 (d) Appoint Sub-Committees including Technical Sub-Committee, M
8 & E Sub-Committee and Advocacy Sub-Committees with specific TORs. The
9 Sub-Committees will analyze the reports in clinical depth and make
10 recommendations to the Federal Committee;

11 (e) Collate reports on all maternal and perinatal deaths; ensure
12 consistency of reporting and follow-up;

13 (f) The implementation of recommendations;

14 (g) Issue annual report on key findings and recommendations;

15 (h) Arrange trainings and awareness creation workshop;

16 (i) Develop guidelines, tools and other materials needed for MPDSR;

17 (j) Anticipate future expansion and development implementation
18 plans;

19 (k) Make quarterly reports to the Honorable Minister through the
20 Permanent Secretary;

21 (l) Give support to the State MPDSR Steering Committee in the
22 implementation of MPDSR plans and processes.

Meetings of the
National MPDSR

23 **8.-(1)**The meetings of the State MPDSR Steering Committee shall be
24 convened by the Chairman and shall hold bi-monthly . The Chairman may
25 convene an emergency meeting whenever the need arises.

26 (2)The meetings shall be held at such a place and time as the
27 Chairman may determine.

28 (3) The Chairman shall preside over all meetings of the National
29 Committee and in his/her absence, the Co-Chairman or any other member
30 elected for that purpose by the members may preside over a meeting.

1 (4) The quorum for meetings shall be one half of the members of
2 the committee.

3 (5) The committee shall have the powers to regulate its own
4 proceedings, subject to the provisions of this bill.

5 (6) The agenda of the meetings of the committee shall in addition to
6 any other items, include the following:

7 (i) Reminder on MPDSR code of conduct as provided for in
8 schedule 1 to this bill;

9 (ii) Deliberation on the minutes of the preceding meeting;

10 (iii) Updates on action points/recommendations made at the
11 previous meeting;

12 (iv) Presentation of the report of the Technical Sub- Committees
13 for deliberation on all recently assembled MPDRS reports from states,
14 facilities and communities;

15 (v) Compilations of recommendations, with specification of their
16 destination;

17 9.-(1) There shall be Technical Sub-Committees constituted by the
18 MPDSR National Steering Committee, which may be headed by the
19 Secretary to the National Steering Committee. Other members shall include
20 the Desk Officers 1 & 2 National Steering Committee:

Technical
Sub-Committee

21 Provided that the Technical Sub-Committee shall also include a
22 representative of the Department of Family Health, Health Planning
23 Research & Statistics, Hospital Services, Public Health, Academia
24 Consultants Obstetrics and Gynaecologists and
25 Paediatricians/Neonatologists), Partners and representative of other
26 stakeholders as approved by the MPDSR Steering Committee.

27 (2) The Technical Sub-Committee shall hold meetings regularly
28 as the Chairman may determine, provided that it shall hold a meeting one
29 week prior to the quarterly meeting of the National MPDSR Steering
30 Committee.

Responsibilities
of the Technical
Sub-Committee

1 **10.** The Technical Sub-Committee shall have the following
2 responsibilities:

3 (a) Give expertise in maternal and newborn health and provide
4 supportive services to the National MPDSR Steering Committee;

5 (b) Discuss with different development partners their likely support,
6 including technical assistance for implementation;

7 (c) Undertake in-dept analysis of maternal and perinatal deaths;

8 (d) Examine all recent experience with Maternal and Perinatal Deaths
9 Surveillance and Response or similar surveys in Nigeria;

10 (e) Make appropriate recommendations on required capacity building
11 of officers to implement MPDSR objectives;

12 (f) Make specific and practical recommendations for strengthening
13 MPDSR;

14 (g) Technical Sub-Committee shall meet before every National
15 MPDSR Committee quarterly meeting to analyze MPDSR reports assembled
16 from states/MPDSR facilities;

17 (h) May co-opt other members within or outside the steering
18 committee as it deems fit.

M & E
Sub-Committee

19 **11.** The National Steering Committee shall constitute an M & E Sub-
20 Committee whose member shall be reasonably constituted by the Committee.

Responsibilities
of M & E
Sub-Committee

21 **12.** Responsibilities of the M & E Sub-Committee shall include:

22 (a) Examine the recent surveys periodically and assess their accuracy,
23 quality assurance procedures, content, and data analysis and dissemination
24 procedures;

25 (b) Work closely with donors and implementing partners to develop
26 specific and practical plans and protocols that would provide results for robust
27 MPDSR at all levels;

28 (c) Periodically summarize key data and make recommendations in
29 comprehensive reports so that it can be used by managers and policy makers on
30 quality of care;

1 (d) Assess capacities of key M & E institutions for undertaking the

2 MPDSR at all levels;

3 (e) Propose key M & E systems strengthening required to report

4 credible and verifiable data;

5 (f) Suggest how MPDSR linkage to NHMIS and the DHIS can be

6 strengthened;

7 (g) Liaise between MPDSR National Steering Committee and

8 relevant agencies and organizations.

9 **13.-(1)** There shall be a sub-committee referred to as Advocacy

Advocacy
Sub-Committee

10 Sub-Committee which shall be constituted by the National Steering

11 Committee.

12 **14.** The responsibilities of the Advocacy Sub-Committee include:

Responsibilities
of Advocacy
Sub-Committee

13 (a) Establish a sustainable MPDSR implementation by constantly

14 ensuring political will at all level of governance through advocacy;

15 (b) Increase access to quality maternal and child health in Nigeria;

16 (c) Work with the State's MPDSR advocacy sub - committees to

17 facilitate establishment and sustainability of State MPDSR;

18 (d) Rapidly scale up implementation of MPDSR at the State level

19 through advocacy in collaboration with State MPDSR advocacy sub-

20 committee;

21 (e) Protect the implementation of MPDSR through effective

22 awareness creation and support for proper legislation; and

23 (f) Facilitating the implementation of the recommendations of the

24 National Steering Committee.

25 **PART III - STATES MPDSR STEERING COMMITTEE**

26 **15.-(1)** There shall be by this bill a State MPDSR Committee for

Establishment

27 each State of the federation and Federal Capital Territory.

28 (2) The States Steering Committee shall domicile in the office of

Domiciliation

29 the Permanent Secretary, State Ministry of Health.

- 1 **16.-(1)** The States Steering Committee shall include the following
2 persons:
- 3 (a) Chairman: Who must be a Consultant Obstetrician and
4 Gynecologist;
- 5 (b) Co-Chairman: Must be a Consultant Paediatrician;
- 6 (c) Secretary: The Coordinator of Reproductive Health;
- 7 (d) Desk Officer: Must be a Senior Technical Officer in
8 Maternal/Child health Unit;
- 9 (e) Executive Secretary/DG Hospital Management Board (State
10 Facility MPDSR Coordinator);
- 11 (f) Executive Secretary Primary Health Care Development
12 Board/Agency (PHC MPDSR Coordinator);
- 13 (g) Director Primary Health Care in State Ministry of Health;
- 14 (h) Director Department of Planning Research and Statistics;
- 15 (i) Ministry of Finance/Budget;
- 16 (j) Director Nursing / Midwifery Services;
- 17 (k) Private Health Establishment Regulatory Unit in SMOH (Private
18 Practice Regulators);
- 19 (l) Guild of Medical Directors;
- 20 (m) Association of General Private Medical Practitioners of Nigeria
21 (AGPMPN);
- 22 (n) Local Government Service Commission;
- 23 (o) Chief Pharmacist,
- 24 (p) Chief Pathologist/Head of Laboratories & Blood Transfusion
25 services,
- 26 (q) Representative of State Chapter of NCWS,
- 27 (r) National Population Commission,
- 28 (s) Society of Gynaecology and Obstetrics,
- 29 (t) Paediatrics Association of Nigeria,
- 30 (u) Saving 1million Life (Project Manager),

1 (v) CSOs in Maternal and Perinatal Health.

2 **17.** The Commissioner for Health in each state and the Permanent
3 Secretary in the Ministry of Health of each state shall perform oversight
4 roles on the States Steering Committees. The roles in specific terms shall
5 include:

Oversight roles of
the Commissioner
for Health and the
Permanent Secretary

6 (1) Provide overall leadership for the MPDSR in the state.

7 (2) Ensuring proper monitoring and supervision of all MPDSR
8 activities in the state.

9 (3) Make available all necessary resources for the smooth running
10 of MPDSR in the state.

11 (4) Ensure that all recommendations emanating from MPDSR
12 activities in the state are implemented.

13 **18.** The functions of the States Steering Committee shall include
14 the following:

Functions of the
State MPDSR
Steering Committee

15 (1) Be responsible for planning and establishing the mechanism for
16 the MPDSR activities at State level.

17 (2) Ensure that Public Facility/Community MPDSR committees
18 notify and review all maternal and perinatal deaths.

19 (3) Ensure that Private Facility MPDSR committees notify and
20 review all maternal and perinatal deaths.

21 (4) Track accumulated data on notifications on maternal and
22 perinatal deaths.

23 (5) Provide oversight and consultation to the health care providers
24 in the State.

25 (6) Review the maternal and perinatal death cases regularly.

26 (7) Provide support for scaling up MPDSR activities in the State.

27 (8) Synthesize the data, interpret the results and make
28 recommendations for action towards reduction of avoidable maternal and
29 perinatal deaths.

30 (9) Prepare quarterly, and/or annual report and plan the

1 dissemination of the report.

2 (10) Provide regular capacity building for MPDSR officers and
3 prevent abrupt turnover of trained staff.

4 (11) Monitor implementation of recommendations including state
5 response to maternal and perinatal deaths.

6 (12) Monitor implementation of recommendations from Private
7 Facility MPDSR Committee.

8 (13) Constitute Sub-Committees with membership from within and
9 outside the main committee. These shall include the Technical sub-committee,
10 M and E sub-committee and Advocacy subcommittee.

State Sub-
Committees and
Functions

11 **19.-(1)**Each state shall have Sub-committees which shall include;
12 Technical Sub-committee, M&E Sub-committee and Advocacy Sub-
13 committee.

14 (2) The appointment of the Sub-committee shall be a sole
15 responsibility of the State Steering Committee.

State Technical
Sub-Committee

16 (3) Members of State Technical Sub-committee shall include but not
17 limited to the following persons:

18 (a) MDPSR Desk Officer,

19 (b) Representative of the Department of Health Planning Research
20 and Statistics;

21 (c) National Population Commission, and

22 (d) Public Health Department, who keep record of notifications sent
23 on maternal and perinatal deaths.

24 (4) The roles of the State Technical Sub-committee shall include:

25 (a) Give expertise in maternal and newborn health and provide
26 supportive services to the State MPDSR Steering Committee;

27 (b) Discuss with different Development partners their likely support,
28 including technical assistance for implementation;

29 (c) Make specific and practical recommendations for strengthening
30 MPDSR;

1 (d) Undertake in-depth analysis of maternal and perinatal deaths in
2 the State;

3 (e) Examine all recent experiences with Maternal and Perinatal
4 Deaths Surveillance and Response or similar surveys in the State/Nigeria;

5 (f) Make appropriate recommendations on required capacity
6 building of officers to implement MPDSR;

7 (g) Technical Sub-Committee shall meet before every State
8 MPDSR Steering Committee quarterly meeting to analyse MPDSR reports
9 assembled from all MPDSR facilities and the communities;

10 (h) Perform other duties assigned by the main State MPDSR
11 Steering Committee;

12 (i) May co-opt other members within or outside the State MPDSR
13 steering committee as it deems fit.

14 (5) The roles of the State M&E Sub-committee shall include:

State M & E
Sub-Committee

15 (a) Examine the recent surveys periodically and assess their
16 accuracy, quality assurance procedures, content, and data analysis and
17 dissemination procedures;

18 (b) Work closely with donors and implementing partners to
19 develop specific and practical plans and protocols that would provide results
20 for robust MPDSR in the State;

21 (c) Periodically summarize key data and make recommendations
22 in comprehensive reports so that it can be used by managers and policy
23 makers on quality of care;

24 (d) Assess capacities of key M&E institutions for undertaking the
25 MPDSR at State levels;

26 (e) Propose key M & E systems strengthening required to report
27 credible and verifiable data;

28 (f) Suggest how MPDSR linkage to NHMIS and the DHIS can be
29 strengthened in the state;

30 (g) Perform other duties assigned by the main State MPDSR

	1	Steering Committee;
	2	(h) May co-opt other members within or outside the State MPDSR
	3	steering committee as it deems fit.
State Advocacy Sub-Committee	4	(6) The roles of the State Advocacy Sub-committee include:
	5	(a) Establish a sustainable MPDSR implementation by constantly
	6	ensuring political will at all levels of governance through advocacy;
	7	(b) Work with the National and LGA advocacy sub - committees to
	8	facilitate establishment and sustainability of state MPDSR;
	9	(c) Increase access to quality maternal and child health in Nigeria;
	10	(d) Rapidly scale up implementation of MPDSR at the State level
	11	through advocacy in collaboration with National MPDSR advocacy sub-
	12	committee;
	13	(e) Protect the implementation of MPDSR through effective
	14	awareness creation and support for proper legislation;
	15	(f) Perform other duties assigned by the main State MPDSR Steering
	16	Committee;
	17	(g) May co-opt other members within or outside the State MPDSR
	18	steering committee as it deems fit.
	19	PART III - FACILITY LEVEL MPDRS COMMITTEE
Establishment of the Facility Level MPDSR Committee	20	20.-(1) There shall be for every Public and Private Tertiary and
	21	Secondary Health Facilities Facility Level MPDSR Committee which shall be
	22	domiciled in the office of the Head of the Facility.
	23	(2) The roles of the Head of Facility include:
	24	(a) Provision of overall leadership for MPDSR in the facility;
	25	(b) Make available, all necessary resources for the smooth running of
	26	the MPDSR in the facility;
	27	(c) Ensure that all recommendations emanating from MPDSR
	28	activities are implemented.
	29	(d) Ensure Facility MPDSR Steering Committee convey for review
	30	meeting at least monthly or emergency meeting when required according to

1 MPDSR National Guidelines;

2 (e) Ensure that prepared MPDSR forms and Committee Session
3 report are sent to the State and National MPDSR Steering Committee within
4 72 hours of completion of committee meeting.

5 A - PUBLIC FACILITY MPDSR COMMITTEE

6 **21.** Membership of Public Facility MPDSR Committee shall
7 comprise of the following:

Membership of
the Public Facility
Level MPDSR
Committee

8 (1) Public Tertiary and Secondary Health Facilities:

9 (a) chairman : chairman medical advisory committee/ director of
10 clinical services,

11 (b) Secretary I: Head of Obstetrics and Gynaecology;

12 (c) Secretary II: Head of Paediatrics/ Neonatology

13 (d) head/representative of the following departments as may be
14 available:

15 (i) Nursing/midwifery;

16 (ii) Pathology;

17 (iii) Preventive/ community medicine;

18 (iv) Anaesthesia;

19 (v) Haematology& Blood Bank;

20 (vi) Laboratory/ maternity ward;

21 (vii) Neonatal ward;

22 (viii) Medical records;

23 (ix) Medical social welfare;

24 (x) Pharmacy;

25 (xi) MPDSR Officer I -Obstetrics and Gynaecology;

26 (xii) MPDSR Officer II- Paediatrics;

27 (xiii) Member of a local Women`s Group.

28 (2) Primary Health Care Public MPDSR Facilities:

29 (a) Chairman: The person in charge of the facility,

30 (b) Secretary: Head of the maternity services,

- 1 (c) Desk Officer: Midwife/Nurse;
- 2 (d) Community Health Extension Workers;
- 3 (e) The ward focal person;
- 4 (f) Medical Record Officer;
- 5 (g) Chairman, Ward Development Committee;
- 6 (h) Community Women Leader;
- 7 (i) Invited community member

8 (3) Other persons may be included in the committees by the Head of
9 each facility who shall inaugurate the committees in their respective facilities.

10 Note that MPDRS Desk Officers shall be nominated by the Head of
11 Department of Obstetrics and Gynaecology and that of Pediatrics.

Functions of the
Public Level
MPDSR Committee

12 **22.** The Public MPDRS Facility Level Committee shall perform the
13 following functions:

14 (1) Identifying all Maternal and Perinatal deaths in the facility and
15 promptly dispatch notifications to the Disease Surveillance Information
16 Officer at the Local Government Health Department and State Ministry of
17 Health.

18 (2) Ensuring facility based MPDSR forms are completed accurate and
19 timeously.

20 (3) Retrieving case notes as soon as possible and keeping them safely.

21 (4) Hold regular MPDSR meeting within 2 to 4 weeks interval in
22 which case(s) will be discussed/ reviewed and compile a report and
23 recommendations.

24 (5) Preparing MPDSR forms and Committee Session report which
25 are sent to the State and national steering Committees within 72 hours.

26 (6) Following up committee local recommendations to ensure their
27 implementation.

28 B - PRIVATE MPDSR FACILITY COMMITTEE

Membership of
the Private MPDSR
Facility Level
Committee

29 **23.** Membership of the Private MPDSR Facility Committee shall
30 include the following:

- 1 (1) Chairman - Medical Director/Head of the facility
- 2 (2) Secretary I - Head, Obstetrics & Gynaecology / Maternity
- 3 (3) Secretary II - Head of Paediatrics
- 4 (4) MPDSR Officer(s) - A medical officer
- 5 (5) Member of a local women group and other relevant NGOs
- 6 (6) Head of the following Units:
- 7 (i) Nursing/Midwifery;
- 8 (ii) Pathology/Laboratory;
- 9 (iii) Haematology & Blood bank;
- 10 (iv) Labour/Maternity ward;
- 11 (v) Neonatal ward;
- 12 (vi) Medical records;
- 13 (vii) Medical Social Welfare;
- 14 (viii) Pharmacy.

15 **24.** The functions of the Private MPDSR Facility Committee
 16 include:

Functions of the
Private MPDSR
Facility Level
Committee

- 17 (1) To identify all maternal and perinatal deaths in the private
- 18 health facility and promptly dispatch notifications to the Disease
- 19 Surveillance Notification Officer at the Local Government Health
- 20 Department and State Ministry of Health. This may be through the
- 21 notification form and/or e-platform.
- 22 (2) To ensure facility MPDSR forms are completed accurately and
- 23 on time and dispatched promptly
- 24 (3) To retrieve case notes of maternal and perinatal deaths as soon
- 25 as possible and keep safely.
- 26 (4) Hold regular MPDSR meetings within 2 to 4 weeks interval
- 27 where case(s) will be discussed in a non-threatening manner
- 28 (5) Compile quarterly and yearly reports and recommendations
- 29 from the private facility MPDSR and submit to the State Steering
- 30 Committee.

	1	(6) To follow up Private MPDSR Committee recommendations to
	2	ensure they are implemented.
	3	PART IV - COMMUNITY BASED MPDSR COMMITTEE
Establishment	4	25. There shall be a committee known as the Community-
	5	Community Based Maternal and Perinatal Death Surveillance Committee.
Membership of the MPDSR Community based Committee	6	26. Membership of the Community-based Committee shall include:
	7	(1) Chairman - Chairman Ward Development Committee
	8	(2) Secretary - Head of the local health facility including Primary
	9	Health Centres, Health Center, and Dispensary.
	10	(3) Local Government - ward Councilors representing the
	11	community.
	12	(4) Secretary of the Ward Development Committee
	13	(5) Representative of the Community Leader
	14	(6) Disease Surveillance Notification Officer (or M & E Officer)
	15	(7) Representative of Women's Group/Market Women Association
	16	(8) Representative of Transport Workers' Association
	17	(9) Representative of Christian Association of Nigeria
	18	(10) Representative of Muslim community.
	19	(11) Representative of Private Health Care Providers
	20	(12) Community Health Practitioners (CHEWs)
	21	(13) A community TBA representative/Traditional healers.
	22	(14) National Population Commission (NPC) Officer
Functions of the MPDSR Community based Committee	23	27. The primary functions of the Community based MPDSR
	24	Committee include:
	25	(1) Identification of the maternal and perinatal deaths,
	26	(2) Following-up, discuss and analyse problems to finding solutions
	27	to maternal and perinatal deaths problems through:
	28	(a) Identifying both medical and contributory causes leading to
	29	maternal and perinatal deaths;
	30	(b) Assessing community and family members' perception about the

1 quality and access to health care;

2 (c) Identifying community level barriers (delays in seeking care)
3 that contributed to the maternal / and or perinatal death;

4 (d) Engagement in community-based awareness creation and
5 health education towards enlightening the community dwellers on it
6 activities and matters connected with maternal and perinatal mortality as
7 well as improve their health care seeking behavior;

8 (e) Preparing Committee Session reports which are sent to the
9 State Committee within three days;

10 (f) Collaboration with the Facility level Committees and Local
11 Government Health authorities in the monitoring of Maternal and Perinatal
12 deaths.

13 PART V - OPERATION PROCEDURES, DUTIES, RESPONSIBILITIES,

14 OFFENCES AND PENALTIES

15 **28.-(1)** The process for death notification and conducting death
16 reviews as documented in the National Guidelines for MPDSR and the
17 developed National Tools as contained in the Schedules to this bill shall be
18 adopted and used.

19 (2) Where a Maternal or Perinatal death occurs within a facility, it
20 shall be reported as stated in the ITEM 1 of SCHEDULE IV to this bill.

21 (3) Where a Maternal and Perinatal death occurs outside a health
22 facility the relative and birth attendance where it occurs in such place shall
23 within two days of such death report the case to Local Health facility or
24 responsible person representing a community MPDSR committee who shall
25 ensure the death is revealed

26 (4) Any person who fails to report within the stipulated time or
27 conceals any maternal and / or perinatal death shall be guilty of a
28 misdemeanor and is liable on conviction to a maximum three (3) months
29 imprisonment or a fine of three hundred thousand naira or both.

30 (5) Where a facility failed to notify the Local Government Disease

1 Surveillance and Notification Officer within a stipulated time, the Head of the
2 facility shall be guilty of a misdemeanor and is liable on conviction to a
3 maximum of six months imprisonment or a fine of three hundred thousand
4 naira or both.

5 (6) Any person who aids in the concealment of a maternal and /or
6 perinatal death commit an offence and is liable on conviction to two months
7 imprisonment or a fine of one hundred thousand naira or both.

8 (7) The identity of the deceased, the Health worker and persons who
9 volunteers any information which may be useful in MPDSR shall be protected
10 and such information shall be treated as confidential.

11 (8) Any member of the MPDSR committee who breaches
12 confidentiality shall be guilty of an offence and is liable on conviction to one
13 month imprisonment or a fine of one hundred thousand naira or both.

14 (9) Any person who willfully obstruct the committee or any authorize
15 officer or person in the exercise of any powers or functions conferred on the
16 committee or person under this bill shall be guilty of an offence and is liable on
17 conviction to one month imprisonment or a fine of one hundred thousand naira
18 or both.

19 (10) The MPDSR processes and information shall be insulated from
20 litigation, and in the event of recourse to litigation by relation of deceased
21 mothers or new born, information shall not be sourced from the MPDSR
22 process.

23 (11) Magistrate court or any Special Tribunal established for that
24 purpose shall have original jurisdiction to trial offence created by this Bill.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for effective surveillance, review and prevention of
Maternal and Perinatal Deaths for the Federal Republic of Nigeria, 2020.

A BILL

FOR

AN ACT TO AMEND THE LABOUR ACT CAP L1, LAWS OF THE FEDERATION OF NIGERIA (LFN), 2004 TO PROVIDE FOR FAIR AND UNFAIR TERMINATION OF EMPLOYMENT AND FOR OTHER RELATED MATTERS, 2020

Sponsored by Senator Ezenwa Onyewuchi

[] Commencement

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

- | | | |
|----|---|--------------------|
| 1 | 1. The Labour Act (herein referred to as the "Principal Act") is | Amendment of |
| 2 | amended as set out in this Act. | the Principal Act |
| 3 | 2. The Act is further amended by creating a new Section 88A to | Amendment of |
| 4 | read- | Section 88A |
| 5 | (1) A termination of a worker's employment is fair if the contract of | Fair termination |
| 6 | employment is terminated by the employer on any of the following grounds: | |
| 7 | (a) that the worker is incompetent or lacks the qualification or skills | |
| 8 | in relation to the work for which the worker is employed; | |
| 9 | (b) the proven misconduct of the worker; | |
| 10 | (c) redundancy under Section 20; | |
| 11 | (d) by notice under Section 9 (7) and Section 11. | |
| 12 | (2) No termination shall be fair unless a reason is given. | |
| 13 | 3. The Act is further amended by creating a new Section 88A to | Amendment of |
| 14 | read- | Section 88B |
| 15 | (1) The employment of a worker shall not be unfairly terminated by | Unfair termination |
| 16 | the worker's employer.. | of employment |
| 17 | (2) A worker's employment is terminated unfairly if the only reason | |
| 18 | for the termination is: | |
| 19 | (a) that the worker has joined, intends to join or has ceased to be a | |

- 1 member of a trade union or intends to take part in the activities of a trade union;
- 2 (b) that the worker seeks office as, or is acting or has acted in the
3 capacity of, a workers' representative;
- 4 (c) that the worker has filed a complaint or participated in proceedings
5 against the employer involving alleged violation of this Act or any other
6 enactment;
- 7 (d) the worker's gender, race, colour, ethnicity, origin, religion, creed,
8 social, political or economic status;
- 9 (e) in the case of a woman worker, due to the pregnancy of the worker
10 or the absence of the worker from work during maternity leave;
- 11 (f) in the case of a worker with a disability, due to the worker's
12 disability;
- 13 (g) that the worker is temporarily ill or injured and this is certified by a
14 recognized medical practitioner;
- 15 (h) that the worker does not possess the current level of qualification
16 or skill required in relation to the work for which the worker was employed
17 which is different from the level of qualification required at the
18 commencement of his or her employment; or
- 19 (i) that the worker refused or indicated an intention to refuse to do any
20 work normally done by the worker who at the time was taking part in a lawful
21 strike unless the work is necessary to prevent actual danger to life, personal
22 safety or health or the maintenance of plant and equipment.
- 23 (3) Without limiting the provisions of subsection (2), a worker's
24 employment is deemed to be unfairly terminated if with or without notice to the
25 employer, the worker terminates the contract of employment:
- 26 (a) because of ill-treatment of the worker by the employer, having
27 regard to the circumstances of the case; or
- 28 (b) because the employer has failed to take action on repeated
29 complaints of sexual harassment of the worker at the work place.

1	4. The Act is further amended by creating a new Section 88C:	Amendment of Section 88C
2	(1) A worker who claims his or her employment has been unfairly	Remedies for unfair termination
3	terminated by the employer may present a complaint to the Court.	
4	5. This Bill may be cited as the Labour Act (Amendment) Bill,	Short title
5	2020.	

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Labour Act Cap L1, Laws of the Federation of Nigeria (LFN), 2004 to provide for fair and unfair termination of employment.

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN
MERCHANT NAVY COAST GUARD SECURITY AND SAFETY CORPS WITH
RESPONSIBILITY FOR THE SECURITY AND SAFETY OF COAST LINE WATERS
AND NIGERIAN MERCHANT NAVY AND OTHER MATTERS CONNECTED
THEREWITH

Sponsored by Senator Kaniru Gaya

[] Commencement

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

1 PART I – ESTABLISHMENT OF THE NIGERIAN MERCHANT NAVY COAST
2 GUARD SECURITY AND SAFETY CORPS

3 1.-(1) There is hereby established the Nigerian Merchant Navy
4 Coast Guard Security and Safety Corps (hereinafter referred to as "the Coast
5 Guard Corps") which shall be a body corporate with perpetual succession
6 and a common seal and may sue and be Sued in its corporate name and
7 whose members shall exercise the functions specified in this Act.

Establishment of
the Nigerian
Merchant Navy
Coast Guard
Security and
Safety Corps

8 (2) The Corps shall have its National Directorate Headquarter ship-
9 Base in Lagos and shall Have Zonal Command Headquarter Ship-Base in
10 each of the six geo-political zones of the country and Headquarters Annex
11 Ship Base and a Liaison office in the Federal Capital Territory Abuja.

12 2. The Coast Guard Corps shall have a Governing Board
13 (hereinafter referred as "the Board") which shall consist of the following-

Establishment of
the Governing
Board

14 (1) A chairman and nine other persons shall be appointed on part
15 time basis by the president subject to confirmation by the senate;

16 (2) The Director General who shall be the Commandant and Chief
17 Executive officer of the Coast Guard Corps shall also be appointed by the
18 President subject to the conformation by senate;

1 (3) One "person hereinafter referred to as "delegate") nominated by
2 and represent each of the following establishments-

- 3 (a) Federal Ministry of Transport;
- 4 (b) Federal Ministry of Environment;
- 5 (c) Federal Ministry of Finance;
- 6 (d) Federal Ministry of Health;
- 7 (e) Federal Ministry of Defence;
- 8 (f) Nautical College of Nigeria;
- 9 (g) Nigeria Port Authority;
- 10 (h) Nigeria Inland water ways Authority; and
- 11 (i) Oil and Gas Producing companies in Nigeria.

12 (4) The Schedule to this Act shall apply with respect to the
13 proceedings of the Board and the other matters provided therein-

14 (1) Subject to sub-section (2) of this section, a member of the Board
15 other than ex-officio member shall hold office for a period of four years;

16 (2) Notwithstanding anything to the contrary, a member of the Board
17 other than an ex-officio member, may resign his appointment by letter under
18 his hand addressed to the President whereupon his membership shall
19 terminated on the date of receipt of the letter; (3) The President may at any time
20 remove any member from office if in his opinion it is in the interest of the NMN
21 Coast Guard Corps or of the Nation;

22 (4) A person shall cease to hold office as a member of the Board if-

- 23 (a) he becomes bankrupt or compounds with his creditors;
- 24 (b) he is convicted of a felony or any offence of dishonesty;
- 25 (c) he becomes of unsound mind, or is incapable of carrying out his
26 duties from any other course;
- 27 (d) he is found guilty of serious misconduct by a court of competent
28 jurisdiction in relation to his duties; or
- 29 (e) in the case of a person possessing professional qualifications, he is
30 disqualified or suspended, other than at his own request; from practicing his

1 profession in any part of the world by an order of a competent authority.

2 **3.** Where a vacancy occurs in the membership of the Board it shall
3 be filled by appointment or nomination of a successor as the case may be to
4 hold office for the remainder of the term of his predecessor, so however that
5 he represents the same interest as his predecessor.

6 **4.** There shall be paid to members of the Board such remuneration, Remuneration and
allowances of
Board
7 allowance and expenses as the Federal Government may from time to time
8 direct.

9 **5.** The Board shall be charge with the responsibility for-
10 (a) policy formulations for the Corps;
11 (b) the management and supervision of the affairs of the Corps;
12 (c) the appointment and promotion of suitable persons into the
13 various ranks of the Corps;
14 (d) the discipline of personnel of the Corps;
15 (e) the determination of the remuneration and allowance of the
16 various ranks of the Corps which shall be in line with extent Federal
17 Government policies;
18 (g) the exercise of other function incidental to the powers conferred
19 on the Corps in this Act;

20 PART 11 - FUNCTIONS AND POWERS OF THE NMN COAST

21 GUARD CORPS

22 **6.-(1)** The NMN Coast Guard Corps shall- Functions and
powers of the
NMN Coast
Guard Corps
23 (a) Monitor and protect the Nigerian territorial waters from
24 Pollution during ship building in Docks and in slip-ways and during
25 construction of any marine facilities;
26 (b) Protect Nigerian territorial waters from dumping, pollution by
27 toxics west poisons, chemicals or any other element that constitute risk to
28 humans and marine lives;
29 (c) Monitor, protect and maintain the clearing in marines water
30 hyacinths, grasses weeds and water debris, wrecks from Nigerian coastline,

1 creeks and Inland waters ways expansion for free passage of transporting
2 goods and services;

3 (d) Provide and responds to any emergency quick Rescue facilities,
4 first Aid medical services for marines and Merchant Ships, seamen operating
5 in Nigerian waters Personnel's and in the riverine Inland coastline and creeks
6 water ways and in maritime environment;

7 (e) Monitor and control all government and commercial transport
8 boats or any marines facilities operating in the maritime offshore and onshore
9 environment and check the safety of lives, and fire prevention, accident
10 installation equipments used onboard such boats for safety protection;

11 (f) monitor the all petroleum products loading and offloading
12 activities marketers and distributors for proper efficient distribution to depots
13 and deposits to various stations and locations;

14 (g) Board any ship conveying petroleum products for loading and
15 offloading in Nigeria take the sounding of litters and tonnage of products on
16 board;

17 (h) Protect and prevent ships, boats and crafts operating on Nigeria
18 waters from disasters, collision and accidents in inland water coastline and
19 creeks or on the marine environment activities in Nigeria;

20 (i) Protect human lives, maintain inland waters coastline and creeks
21 water ways for free flow of water against floods and deserters on the marine
22 environment;

23 (j) Enforce and maintain Law and order in the inland coastline and
24 Creeks to avoid dumping of waste products on maritime activities and marine
25 environment in Nigerian;

26 (k) Provide security for merchant vessels alongside seaport, ships on
27 midstream anchorage, tug boats, fishing trawlers, crafts, passengers boats,
28 tramps, Oil rigs, Oil platforms, Oil depots, Oil loading and offloading jetties,
29 container and cargo terminals, seaports, and any maritime and transportation
30 facilities;

1 (l) Liaise with oil minerals, gas prospecting producing and
2 Shipping companies on prevention control and safety of workers
3 environment in the Nigerian territorial waters;

4 (m) Combat crimes and deserters, prevent accidents on board
5 ships, Seaports, terminals, jetties, coastline and creeks, dumping of toxic
6 waste and other dangerous chemicals on Nigerian territorial water ways;

7 (n) exercise through its staffs, officers and Ratings the right to carry
8 light arms in the execution of its duty and functions;

9 (o) Upon request, provide transportation and manned Nigeria
10 Merchant flag ships for Auxiliary and logistics supply to convey Nigerian
11 Military and equipments on operations in local and International assignment
12 missions;

13 (p) Provide for the security of life, property and other interest of
14 seamen working in ships plying Nigerian territorial waters, and

15 (q) monitor all illegal fishing activities and control of fishing
16 trawlers operating in Nigeria territorial waters to ensure the use of proper
17 approved recommended fishing nets;

18 (r) Prevent crimes or criminals activities, guide and protect
19 Nigerian territorial coastline water ways bandries borders and creeks
20 entrance to checkmate against any illegal activities;

21 (s) Provide guide line for shipping companies agent to put on
22 notice to the Nigerian Merchant Navy Coast Guard Corps seven days before
23 the arrival of any vessels into Nigerian territorial waters;

24 7. The NMN Coast Guard Corps shall have the power to-

Power of NMN
Coast Guard
Corps

25 (a) Arrest persons and ships suspected of committing an offence in
26 Nigerian territorial waters and hand over to the appropriate authority;

27 (b) Assist the Nigeria Customs in rummaging vessels against
28 illegal contraband goods, Port Health Service on contaminated foods,
29 beverages and beverages against epidemics, and immigrants against illegal
30 migrants entry Nigeria through high sea and Inland water way;

1 (c) Intervene in industrial disputes between employers and Seamen
2 employed in any Merchant Navy ship for officers and Ratings to ensure welfare
3 and prompt payment of salaries and allowances;

4 (d) Register, keep and maintain proper record and provide guidelines
5 for the employment of Nigerian Merchant Navy Seafarers officers and Ratings
6 onboard vessels, deep sea, offshore and onshore rig in Nigeria;

7 (e) Absorb and co-ordinate the affairs of all Nigerian Merchant Navy
8 Seafarers officers, Ratings and Cadets officers from various Maritime
9 academy in Nigeria to ensure engagement on available vessels, and for their
10 seaterm Practical training onboard;

11 (f) in time to time training and re-training on Seamanship mandatory,
12 boat drill on survival at sea, safety and security combating of crimes for all
13 Nigerian Seafarers officers and Ratings on proper International Standard on
14 (STCWC)/(SOLAS)/(ISPS) Code Standard;

15 (g) Liaise with local and foreign shipping companies to engaging
16 Nigerian Merchant Navy Seamen on board vessels, oil rigs, crafts or any
17 moving marines infrastructure and any Installations operation on water;

18 (h) Establish and maintain Stella-maries, mission to seafarers in all
19 Nigeria seaport environ for all Nigerian and foreign Merchant Navy Seamen;

20 (i) In Honor, to mark the Nigerian Merchant Navy Establishment,
21 Day, on every 16th of February of the year, of the Establishment day in 1914,
22 for the heroism that lost their lives in war tone zones, peace Keeping missions
23 in development on the course of serving the Nation;

24 (j) Assist to enforce the Act aimed at interfering with any systems of
25 communication or any other facilities or installation of the NMN Coast Guard
26 Corps, any act which is in contravention of the Coastal and Inland Shipping
27 Cabotage Act, 2003 or any similar law and any other activities not having a
28 direct bearing on passage;

29 (k) arrest any persons whom, Shipping, Oil and Gas or any maritime
30 transportations operators, who supply or sales adulterated or chemicalized

1 crude as heavy black oil or any other petroleum product to vessels, for any
2 marine infrastructures operating on the Nigerian territorial waters;

3 (1) monitor, registered and certified, all marines equipments
4 supply, and coordinate ships supply chandlers operating in Nigerian marine
5 environment against fraudulent act, contaminated foods water, drinks,
6 spirits cigarettes beverages or ant other items;

7 (m) Notwithstanding the provisions of subsection of this section,
8 no ship shall be stopped, entered, boarded searched or inspected within the
9 territorial waters in Nigeria if passage of the ship within the territorial waters
10 of Nigeria is an innocent passage;

11 **8.** The following activities are acts prejudicial to the safety and
12 security of the maritime territorial zones in Nigeria-

13 (a) Any threat or act which in any matter is a violation of the
14 Provision of this act or other legislation applicable to the NMN Coast Guard
15 Corps;

16 (b) Act of pollution;

17 (c) Unauthorized illegal fishing activities;

18 (d) Unauthorized entry of commercial vessels trading activities;

19 (e) Unauthorized illegal mining of minerals resources activities;

20 (f) Unauthorized illegal structures on water ways;

21 (g) Unauthorized illegal mining and Dredging;

22 (h) The carrying out of unauthorized research or survey activities
23 on the Nigerian waters.

24 PART III - STRUCTURE OF THE NMN COAST GUARD CORPS

25 **9.-(1)** There shall be established for the NMN Coast Guard Corps
26 the following Directorate Commands-

27 (a) Administration, Human Resources and Legal;

28 (b) Finance and Supply;

29 (c) Training and Education;

30 (d) Planning, Research, statistics and information management;

1 (e) Utilities and infrastructure Development;

2 (f) Intelligent and Internal Affairs;

3 (g) Chaplaincy and Religious Affairs; and

4 (h) Medical services;

5 (2) The Board may, with the approval of the President and consent of
6 the senate increase or reduce the number of commands;

7 (3) (a) The internal Affairs Department of the Coast Guard Corps
8 shall serve as surveillance department of the Corps monitoring the activities of
9 officers and ratings of the Corps on duty beats;

10 (b) An officer of the internal Affairs department shall have the power
11 to arrest another officer of a lower rank or rating of the Corps suspected of
12 committing an offence;

13 (c) the internal department shall have the power of trial within the
14 Corps, of any officer or rating suspected of committing an offence and if
15 necessary secures a warrants of his arrest from the appropriate judicial officer;

16 PART IV - STAFF OF THE NMN COAST GUARD CORPS

Power of the
Board

17 **10.-(1)** The Board shall have power to-

18 (a) employ such person (s) as it may deem necessary to give effect to
19 this Act;

20 (b) determine the description, title, qualification and salaries of such
21 Person shall be in line with extant federal Government Directives; and

22 (c) employ either directly or on secondment from any civil or other
23 services in the federation or state such employees as may, in the opinion of the
24 Board be required.

25 (2) the employment of the NMN Coast Guard Corps staff shall
26 subject to such terms and conditions as may from time be stipulated by the
27 Board.

28 **11.** Member of the corps shall perform such functions as may, from
29 time to time be assigned to them by the corps.

30 **12-(1)** A person shall before he is appointed member of the Corps

1 declare his interest, if any maritime transport or other business organization
2 undertaking transportation of passengers, or goods or engaged in the
3 manufacture or sales of any equipment used by the Corps.

4 (2) A member of the Corps who acquires any financial interest in
5 any organization undertaking maritime transportation of passenger or in the
6 production or sale of any equipment or goods used by the Corps shall within
7 one month of such acquisition, give notice thereof in writing to the Corps,
8 specifying the circumstances decide whether to-

9 (a) Retain him as a member of the Coast Guard Corps;

10 (b) remove him from membership;

11 (c) Attach any condition to his membership; or

12 (d) the internal department shall have the power of trial within the
13 Corps, of any officer or rating suspected of committing an offence and if
14 necessary secures a warrant of his arrest from the appropriate judicial
15 officer;

16 (3) Nothing in sub-section (1) and (2) of this section shall prevent
17 the appointment of a person to any officer on non-pensionable terms.

18 (4) For the purposes of the application of the provisions of the
19 person Act, any power exercisable there-under by the Minister or other
20 official of the Government of the Federation, other than the power to make
21 regulations, is hereby vested in and shall be exercisable by the Board and
22 regulations, in person(s) or authority.

23 13. The Director-General (Commandant-General) shall be the
24 secretary of the Board and subject to the General Direction of the Board be
25 responsible for-

26 (a) the day to day administration of the Corps;

27 (b) the keeping of the Books and proper records of the proceedings
28 of the Board;

29 (c) the administration of the secretariat of the Board; and

30 (d) the general direction and control of employment of the Corps.

(2) The Zonal Ship Base Commandants shall have such qualifications and experience as are appropriate for the performance of the duties of their office.

(a) the internal department shall have the power of trial within the NMN Coast Guard Corps, of any officer or rating suspected of committing an offence and if necessary secures a warrants of his arrest from the appropriate judicial officer;

(c) money raised for the purpose of the NMN Coast Guard Corps through gift, loan grants-in-aid, or testamentary disposition.

22 (a) specify the manner in which the assets or the fund of the Corps are
23 to be kept, and regulate the making of payments into and out of the fund; and

26 PART V - FINANCIAL PROVISION

29 (a) the cost administration of the NMN Coast Guard Corps;

30 (b) the payment of salaries, fees, remuneration, allowances, pensions

1 Gratuities to members of the Board or any committee of the Board and the
2 employees of the NMN Coast Guard Corps;

3 (c) payment for all contracts, including mobilization, variations,
4 legal fees and cost of contract administration;

5 (d) payment for purchases; and

6 (e) payment for such other activities as are connected with all or
7 any of the functions of the NMN Coast Guard Corps under this Act.

8 (2) (a) The Board shall set up a monitoring committee to monitor
9 management of the funds of the Board;

10 (b) the monitoring committee shall at all times have access to the
11 books of account and other financial records of the NMN Corps and submit
12 periodic records. Reports on the accounts to the Board;

13 **16..** The Board may accept any gift of land money or other property Power to accept
14 provided that the terms or condition of such gift are not likely to influence gift
15 the decision of the Board or its officers and are not inconsistent with the
16 provisions of any other law.

17 **17.** The Board may, with the consent of president, borrow money Power to borrow
18 on such terms and conditions as the Board may determine.

19 **18.-(1)** The Board shall not later than 30th September in each year Accounts,
20 submit to the National Assembly through the president, estimate of the estimates, etc.
21 income and expenditure of the NMN Coast Guard Corps for the next year for
22 approval.

23 (2) The Board shall cause to be kept, proper accounts of moneys
24 received by the NMN Coast Guard Corps in each year and shall cause the
25 received by the NMN Coast Guard Corps in each year and shall cause the
26 accounts to be audited not later than 6 months at the end of each year on 31st
27 December by auditors appointed from the 1st and in accordance with the
28 guideline supplied by the auditor-General of the Federation.

29 **19.** The Board shall at the end of every quarter in March, June, Annual Report
30 September and December of each year submit to the president report on the

	1	activities and Administration of the Corps.
Audit report	2	20. -(1) The Board shall prepare and submit to the President not later
	3	than 30th June in each year a report in such form as the President may direct, on
	4	the activities of the NMN Coast Guard Corps during the preceding year, and
	5	shall include in the report a copy of the audited of the Corps that year and the
	6	auditor's report thereon.
	7	(2) the president shall, upon receipt of the report referred to in sub
	8	section (1) of this section cause a copy of the report and audited account of the
	9	NMN Coast Guard Corps and the auditor report thereon to be submitted to each
	10	house of the National Assembly;
	11	PART VI -MISCELLANEOUS
Office premises	12	21. -(1) for the purpose of providing offices and premises necessary
	13	for the performance of its function under this Act, the Corps may subject to the
	14	land use Act-
	15	(a) purchase or take on lease any interest in land or other property;
	16	(b) construct offices and premises, equip and maintain same.
	17	(2) sell or let out on lease any offices or premises held by it which are
	18	no longer required for the performance of its function under this Act.
	19	22. Subject to the provision of this Act the president may give to the
	20	Coast Guard Corps directives of a general nature regarding matters on policy
	21	with regards to the performance of its functions and it shall be the duty of the
	22	Corps and comply with the directives.
	23	23. -(1) the provision of the public officers protection Act shall apply
	24	in relation to any instituted against any member, officers or employee of the
	25	NMN Coast Guard Corps;
	26	(2) Notwithstanding anything contained in any other law or
	27	enactment, no suit against a member of the Board, the Director-General or any
	28	other officer or employee of the NMN Coast Guard Corps for any Act done in
	29	pursuance or execution of this Act or any other law or enactment, or of any
	30	public duties in respect of any alleged neglect or default in the execution of this

1 Act or any other law or enactment, duties or authority, shall be instituted in
2 any Court unless it is commenced-

3 (a) within three month next after the Act, neglect or default
4 complained of; or

5 (b) in the case of a continuing damage or injury, within the Board
6 next after the ceasing thereof.

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

12 (4) The notice referred to in sub-section (3) of this section shall
13 clearly state-

14 (a) the cause of action;

15 (b) the particulars of the claim;

16 (c) the name and address of the intending plaintiff; and

17 (d) the relief which he claims;

18 **24.** A notice, summons or other document required or authorized Service of
documents
19 to be served on the NMN Coast Guard Corps under the provisions of this
20 Act, or any other law or enactment may be served by delivering it to the
21 officer of the Director-General Commandant or by sending it by registered
22 post addressed to the Director-General Commandant at the principal officer
23 of the Corps.

24 **25.** A notice, summons or other document required or authorized
25 to be served on the Corps under the provisions of this Act, or any other law
26 served on the Corps under the provisions of this Act, or any other law or
27 enactment may be served by delivering it to the office of the Director-
28 General or by sending it by registered post addressed to the Director-
29 General at the principal officer of the Corps.

30 **26.-(1)** In any action or suit against the Coast Guard Corps, no han Suit

	1	execution or attachment of property of the Corps in the nature thereof shall be
	2	issued against the Corps unless not less than three months' notice of the
	3	intention to execute or attach such property has been given to the NMN Coast
	4	Guard Corps.
Indemnity of officer	5	27. A member of the Board, the Director-General or any officer or
	6	employee of the Coast Guard Corps shall be indemnified out of the assets of the
	7	Coast Guard Corps against any liability incurred by him in defending any
	8	proceeding, whether civil or criminal, if the proceeding is brought against him
	9	in his capacity as a member, Director-General officer or other employee of the
	10	Coast Guard Corps.
Regulations	11	28. The Board may with the approval of the President make
	12	regulations for giving effect to this Act.
Interpretation	13	29. In this Act, unless the context otherwise requires-
	14	"Coast Guard" means guarding or protecting water ways; "Corps" means the
	15	Nigerian Merchant Navy Security and Safety Corps; "Merchant Navy" means
	16	the ships of a Nation used in commercial; "President" means the President and
	17	Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;
	18	"Ship-Base" means any operational command of the NMN Coast Guard Corps;
Citation	19	30. This Bill may be cited as the Nigerian Merchant Navy Coast
	20	Guard Security and Safety Corps Bill, 2020.
	21	SCHEDULE REFERRED TO UNDER SECTION 2 (4) OF THIS ACT.
	22	1. Subject to this Act and to section 27 of the Interpretation Act, the
	23	Board Shall have power to regulate its proceedings and may make standing
	24	orders with respect to the holding of its meetings, and those of its committee,
	25	notices to be given and, keeping of minutes of its proceedings, the custody and
	26	production for inspection of such minutes and such others as the Board may
	27	from time to time determine.
	28	2.-(I) there shall be at least four ordinary meetings of the Board in
	29	every calendar year and subject thereto, the Board shall meet whenever it is
	30	convened by the Chairman, and if the Chairman is requested to do so by notice

1 given to him by not less than four members, he shall convene a meeting of
2 the Board to be held within 14 days from the date on which notice was given.

3 (2) Every meeting of the Board shall be presided over by the
4 Chairman and in his absence the members present at the meeting shall elect
5 one of their members to preside at the meeting.

6 3. The quorum of any meeting of the Board shall consist of the
7 Chairman (or in his absence the person presiding at the meeting pursuant to
8 paragraph 2 of this Schedule) and four other members, except that any
9 quorum at include at least two delegates.

10 4. The Board shall meet for the conduct of its business at such
11 place and on such day as the Chairman may appoint.

12 5. A question put before the Board at a meeting shall be decided by
13 consensus and where this is not possible by a majority of the votes of the
14 members present and voting.

15 6. The Chairman shall in the case of an equality of votes, have a
16 casting vote.

17 7. Where the Board seeks the advice of any person on a particular
18 matter, it may invite such person to attend for such period as it thinks fit, but
19 a person who is invited by virtue of this paragraph shall not be entitled to
20 vote at any meeting of the Board and shall not count towards the quorum.

21 *Committees*

22 8. The Board may appoint one or more committees to carry out on
23 behalf of the Board such of its functions as the Board may determine and
24 report on any matter with which the Board is concerned.

25 9. A committee appointed under paragraph 8 of this Schedule
26 shall be presided over by a member of the Board and consist of such persons
27 (not necessarily all members of the Board) as may be determined by the
28 Board, and a person other than a member of the Board can hold office on the
29 committee in accordance with the terms of his appointment.

30 10. A decision of a committee of the Board shall not have effect

1 unless confirmed by the Board.

2 *Miscellaneous*

3 **11.** The fixing of seal of the Coast Guard Corps shall be authenticated
4 by the signature of the Director-General and a non ex-officio member of the
5 Board or Director-General and such other person as is authorized by the Board
6 to act for that purpose.

7 *Miscellaneous*

8 **12.** The fixing of seal of the Coast Guard Corps shall be authenticated
9 by the signature of the Director-General and a non ex-officio member of the
10 Board or Director-General and such other person as is authorized by the Board
11 to act for that purpose.

12 **13.** A contract or an instrument which if made or execution by any
13 person not being a body corporate, would not be required to be under seal, may
14 be made or executed on behalf of the Coast Guard Corps by the Director-
15 General or by any person(s) generally or specifically authorize to act for that
16 purpose by the Board.

17 **14.** A document purporting to be a contract, an instrument or other
18 document signed or sealed on behalf of the Coast Guard Corps shall be
19 received in evidence and, unless the contrary is proved be presumed without
20 further proof to have been properly signed or sealed.

21 **15.** The validity of any proceeding of the Board or its committees
22 shall not be affected by-

- 23 (a) Any vacancy in the member of the Board or its committees;
24 (b) The fact that a person entitled to do so took part in the proceedings;
25 (c) Any defect in the appointment of a member.

26 **16.** Any member of the board or committees thereof who has a
27 person(s) interest in any contract or arrangement entered into or proposed to be
28 considered by the Board or any committee thereof-

- 29 (a) Shall forth with disclose his interest to the Board or committee;
30 and

- 1 (b) Shall not vote on any question relating to the contract or
2 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Nigerian Merchant Navy Coast Guard Security and Safety Corps with responsibility for the security and safety of coast line waters and Nigerian Merchant Navy and for related matters.