

THE ANTI-DOPING IN SPORTS BILL, 2017

ARRANGEMENT OF SECTIONS

PART I- PRELIMINARY

1. Objectives
2. Application

PART II - NIGERIA ANTI-DOPING AGENCY

ESTABLISHMENT AND FUNCTIONS

3. Establishment of Nigeria Sports Anti-doping Agency
4. Functions of the Agency
5. Establishment of Board of Directors
6. Functions of Board
7. Minister may give directions to Board

EXECUTIVE DIRECTOR AND OTHER STAFF

8. Appointment of officers and other employees
9. Pensions, gratuities and other retiring benefits
10. Functions of Executive Director
11. Delegation

PART III - INDEPENDENT ANTI-DOPING DISCIPLINARY/APPEAL PANEL

12. Establishment of Independent Anti-Doping Disciplinary Panel
13. Functions of Disciplinary Panel
14. Disciplinary Panel may regulate proceedings

PART IV - ANTI-DOPING APPEAL TRIBUNAL

15. Establishment of Appeal Tribunal.
16. Appeals to Appeal Tribunal.
17. Appeal Tribunal may regulate proceedings

PART V - GENERAL

18. Obligation in secrecy
19. Protection of persons exercising functions under this Act, etc.
20. Regulations
21. Anti-Doping Rules

- 22. Minister may amend monetary penalties and schedules
- 23. Interpretation
- 24. Citation

SCHEDULES

First Schedule

Second Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN SPORTS ANTI DOPING AGENCY RESPONSIBLE FOR CARRYING OUT ALL FUNCTIONS OF THE NIGERIAN ANTI-DOPING ORGANIZATION AS ENSHRINED IN THE WORLD ANTI-DOPING CODE IN ACCORDANCE WITH THE VARIOUS INTERNATIONAL STANDARDS AND FOR RELATED MATTERS

Sponsored by Hon. Douye Diri

[] Commencement

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

PART I - PRELIMINARY

- 1 1. The objectives of this Bill are to- Objectives
- 2 (a) protect the Athlete's right to participate in doping-free Sport and
- 3 thus promote health, faïress and equality for Athletes worldwide;
- 4 (b) ensure harmonized, coordinated and effective sports anti-
- 5 doping programmes at the national level and international level with regard
- 6 to the detection, deterrence and prevention of doping;
- 7 (c) make new provisions for the prevention and control of doping
- 8 in sport: and
- 9 (d) establish the Agency as an independent body charged with the
- 10 implementation of the Code and the International Standards in Nigeria.
- 11 2. -(1) This Bill applies to- Application
- 12 (a) the Agency;
- 13 (b) National Federations; and
- 14 (c) the following Persons (including Minors) whether or not any of
- 15 the Persons is a national of, or resident in Nigeria-
- 16 (i) Athletes and Athlete Support Personnel who are members or
- 17 licensees of any National Federation in Nigeria, or of any member or

1 affiliate organization of any National Federation in Nigeria (including any
2 clubs, teams, associations or leagues);

3 (ii) Athletes and Athlete Support Personnel who participate in such
4 capacity in Events, Competitions and other activities organized, convened,
5 authorized or recognized by any National Federation in Nigeria or by any
6 member or affiliate organization of any National Federation in Nigeria
7 (including any clubs, teams, associations or leagues), wherever held;

8 (iii) any other Athlete or Athlete Support Personnel or other Person
9 who, by virtue of an accreditation, a licence or contractual arrangement, or
10 otherwise, is subject to the jurisdiction of any National Federation in Nigeria or
11 of any member or affiliate organisation of any National Federation in Nigeria
12 (including any clubs, teams, associations or leagues), for purposes of anti-
13 doping;

14 (iv) Athletes and Athlete Support Personnel who participate, in any
15 capacity, in any activity organized, held, convened or authorised by the
16 organiser of a National Event, or of a national league that is not affiliated with a
17 National Federation; and

18 (v) other Persons over whom the Code, International Standards or the
19 Anti-Doping Rules give jurisdiction to the Commission, including Athletes
20 who are nationals of or resident in Nigeria and Athletes who are present in
21 Nigeria whether to compete or to train or otherwise,

22 (2) Persons, including National Federations, falling within the scope
23 of the Code are deemed to have accepted and to have agreed to be bound by the
24 Anti-Doping Rules, and to have submitted to the authority of the Commission
25 to enforce the Anti-Doping Rules and to the jurisdiction of the hearing panels
26 specified in Article 8 of the Code and Article 13 of the code to hear and
27 determine cases and appeals brought under the Anti-Doping Rules, as a
28 condition of their membership, accreditation or participation in their chosen
29 sport.

1 PART II - NIGERIA SPORTS ANTI-DOPING AGENCY

2 *Establishment and Functions*

3 3.-(1) For the purposes of this Bill, there is established a body to be Establishment of
4 called the Nigeria Sports Anti-Doping Agency which shall be an extra Nigeria Sport
5 ministerial Department of the Federal Government of Nigeria. Anti Doping
Agency

6 (2) The provisions of the First Schedule shall have effect as to the First Schedule
7 constitution and procedure of the Agency and otherwise in relation to the
8 Agency.

9 4.-(1) The Agency shall perform such functions as are necessary to Functions of the
10 facilitate the control and prevention of doping in sport, including- Agency

11 (a) the development and implementation of internal policies,
12 systems and procedures to ensure proper implementation of policies and
13 programmes against doping in sport;

14 (b) doing all things as are necessary to comply with and Implement
15 the Code, the international Standards and the Nigeria Anti-Doping Rules;
16 (Annex 8);

17 (c) planning, implementing and monitoring information and
18 education programmes aimed at educating Athletes, Athlete Support
19 Personnel, parents, guardians, the media and the general public in Nigeria
20 about doping in sport matters, such as-

21 (i) the health consequences of doping;

22 (ii) the harm of doping to the ethical values of sport;

23 (iii) Prohibited Substances and Prohibited Methods;

24 (iv) Therapeutic Use Exemptions;

25 (v) nutritional supplements;

26 (vi) Doping Control procedures and results management;

27 (vii) the Athlete's rights and responsibilities in regard to doping in
28 sport; and

29 (viii) Consequences of committing an Anti-Doping Rule
30 Violation;

- 1 (d) establishing a Registered Testing Pool of National-Level Athletes;
- 2 (e) directing the anti-doping programme of the Government specific
3 to sport, including conducting Testing of Athletes, planning, coordinating, and
4 implementing the collection of Samples and the management of Test results in
5 keeping with the international Standards;
- 6 (f) testing any Athlete, whether or not the Athlete is a citizen of, or
7 resident in Nigeria.
- 8 (g) pursuing potential Anti-Doping Rule Violations and activities that
9 facilitate doping, including investigation into whether Athletes, Athlete
10 Support Personnel or other Persons are or may have been involved in doping
11 and ensuring proper enforcement of Consequences;
- 12 (h) notifying test results to Athletes and Anti-Doping Organizations
13 in accordance with the Code, the International Standards and the Anti-Doping
14 Rules;
- 15 (i) entering into reciprocal testing agreements with National Anti
16 Doping Organizations in relation to any Athlete;
- 17 (j) cooperating with the Testing and education initiatives of WADA
18 and other Anti-Doping Organizations;
- 19 (k) initiating, carrying out, supporting, facilitating, encouraging,
20 conducting and promoting, by financial means or otherwise, research which, in
21 its opinion, is relevant to any of its functions;
- 22 (l) Consulting with, advising and assisting-
- 23 (i) public bodies, the Nigeria Olympic Committee National Sport
24 Federations, educational institutions and other Persons on any matter related to
25 doping in sport; or
- 26 (ii) foreign governments and non-governmental organizations and
27 other Persons outside of Nigeria for the purpose of promoting the adoption of
28 uniform international testing procedures for doping in sport;
- 29 (m) publishing the Prohibited List and any revision of the Prohibited
30 List;

1 (n) conducting seminars and providing appropriate training
2 programmes and consulting services and gathering and disseminating
3 information relating to doping in sport;

4 (o) ensuring that the operations of the Commission are, where
5 applicable, in conformity with-

6 (i) The Financial Administration and Audit Act, including any
7 Financial Instructions issued by the Financial Regulations of the Federal
8 Government of Nigeria;

9 (ii) the Public Bodies Management and Accountability Act; and

10 (iii) any other law relevant to the management of public bodies;
11 and

12 (p) performing any other functions relating to doping in sport that
13 are conferred on the Agency by or under this Act or any other enactment.

14 (2) In the performance of its functions, the Agency-

15 (a) subject to the provisions of this Act and the Code, shall not be
16 subject to the direction or control of any Person or authority other than the
17 Supreme Court by way of judicial review;

18 (b) shall act independently, impartially, fairly and in the public
19 interest;

20 (c) shall develop appropriate procedures to-

21 (i) reflect the needs of Athletes who are Minors;

22 (ii) reflect the culture and any disabilities or other special concerns
23 of Athletes; and

24 (iii) protect each Athlete's right to privacy; and

25 (d) may do all such things as it considers necessary or expedient
26 for the purpose of carrying out its functions,

27 *Board of Directors*

28 5.-(1) For the purposes of this Act, there is established a Board of
29 Directors of the Agency.

30 (2) The provisions of the Second Schedule shall have effect as to

Establishment of
Board of Director

Second Schedule

	1	the constitution of the Board and otherwise in relation thereto.
Functions of Board	2	6.-(i) The Board shall, subject to the provisions of this Act, be
	3	responsible for the policy, strategic direction and governance of the Agency.
	4	(2) In the performance of its functions, the Board shall-
	5	(a) monitor the administrative operations of the Agency;
	6	(b) ensure that the Executive Director, other officers and employees
	7	of the Agency comply with the Code, the International Standards and the Anti-
	8	Doping Rules;
	9	(c) advise the Minister on any matter relating to doping in sport;
	10	(d) develop and approve the rules to be made by the Agency under
	11	section 23; and
	12	(e) assist in ensuring that the Agency receives and manages funds in a
	13	prudent manner.
Minister may give directions to Board	14	7.-(1) The Minister may, after consultation with the chairman of the
	15	Board, give to the Board directions in writing of a general character as to the
	16	policy to be followed by the Board in the performance of its functions, as
	17	appear to the Minister to be necessary in the public interest; and the Board shall
	18	give effect thereto.
	19	(2) Directions given under subsection (1) shall not relate to-
	20	(a) a particular Athlete or particular Athlete Support Personnel; or
	21	(b) Doping Control.
	22	<i>Executive Director and Other Staff</i>
Appointment of officers and others employees	23	8.-(1) Subject to subsection (2), the Board may appoint and employ an
	24	Executive Director of the Agency at such other remuneration and on such
	25	terms and conditions as it thinks fit.
	26	(2) An individual who would not be eligible to be an appointed
	27	member of the Board by virtue of paragraph 2 of the Second Schedule is not
	28	eligible to be appointed as Executive Director.
	29	(3) For the proper carrying out of the provisions of this Act, Executive
	30	Director may appoint and employ to any office with the Agency, officers and

1 employees, at such remuneration and on such terms and conditions as he
2 thinks fit.

3 (4) For the purposes of subsections (1) and (3) and except with the
4 prior approval of the Minister responsible for the public service-

5 (a) no salary in excess of the prescribed rate shall be assigned to
6 any office; and

7 (b) no appointment shall be made to any office to which a salary in
8 excess of the prescribed rate is assigned.

9 (5) For the purposes of subsection (4), the "prescribed rate" shall be
10 such rate as the Minister responsible for the public service may prescribe by
11 order subject, to affirmative resolution.,

12 (6) The Head of Service of the Federation subject to such
13 conditions as may be imposed, approve the appointment of any officer in the
14 service of the Government to any office with the Agency and any officer so
15 appointed or while so employed, shall in relation to other rights as a public
16 officer be treated as continuing in the service of the Government.

17 (7) The Executive Director shall consult with the Board in
18 establishing the qualification for the various offices within the Agency and
19 shall advise the Board on all appointments to fill such offices.

20 9. The Agency may, with the approval of the Minister responsible
21 for the public service-

22 (a) enter into arrangements respecting schemes, whether by way of
23 insurance policies or otherwise; and

24 (b) make regulations for medical benefits, pensions, gratuities and
25 other retiring benefits or disability or death benefits, relating to officers and
26 employees of the Agency and such arrangements or regulations may include
27 provisions for the grant of benefits to the dependants and the legal personal
28 representatives of such officers and employees.

29 10.-(1) The Executive Director shall be responsible for the day-to-
30 day administration and management of the Agency.

Pension, gratuities
and other retiring
benefits

Functions of
Executive
Director

1 (2) The Executive Director shall be responsible for planning,
2 directing, supervising and coordinating the activities of the Agency in the
3 performance of the functions conferred upon the Agency by section 6,
4 including-

5 (a) the development of the programmes, performance targets and
6 service standards of the Agency for the approval of the Board;

7 (b) implementation of the programmes, performance targets and
8 services standards referred to in paragraph (a);

9 (c) the preparation and submission of the strategic, corporate and
10 other plans for the approval of the Board;

11 (d) ensuring administrative support for the Board and any committees
12 of the Board established under the Second Schedule, as is required;

13 (e) ensuring that the Board is kept abreast of matters relevant to the
14 administration and management of the Agency

15 (f) the performance of such other functions as are conferred upon the
16 Executive Director by or under this Act or any other enactment.

17 (3) The Executive Director shall have regard to the advice and
18 recommendations given to the Executive Director by the Board.

Delegation

19 11.-(1) Subject to subsections (2) and (3) the Executive Director may
20 delegate any of the function conferred upon him by section 12 (2) to any other
21 officer, or employee or agent of the Agency.

22 (2) The Executive Director shall not delegate any of the functions
23 under subsection (1) to an agent without the approval of the Board.

24 (3) Every delegation under subsection (1) is revocable by the Agency
25 and the delegation of a function shall not preclude the performance of that
26 function by the Agency.

27 PART III - INDEPENDENT ANTI-DOPING FAIR

28 HEARING / DISCIPLINARY PANEL

Establishment
of Independent
Anti Doping
Disciplinary
Panel
Third Schedule

29 12.-(1) For the purposes of this Act, there is established a body to be
30 called the Independent Anti-Doping, Fair hearing/ Disciplinary Panel as

1 stipulated in article 8 of the Nigeria Anti-doping Rules.

2 13.--(1) The functions of the Disciplinary Panel shall be to-

Functions of
Disciplinary Panel

3 (a) receive, examine and hear evidence relating to Anti-Doping

4 Rule Violations;

5 (b) conduct disciplinary hearings relating to Anti-Doping Rule
6 Violations referred to it by the Agency;

7 (c) determine whether an Anti-Doping Rule Violation has
8 occurred;

9 (d) impose such Consequences as it considers appropriate in
10 accordance with the Anti-Doping Rules; and

11 (e) perform any other function that is conferred upon the
12 Disciplinary Panel by this Act, the Anti-Doping Rules or any other
13 regulations made under this Act.

14 (2) Subject to the Supreme Court's powers of judicial review, no
15 final decision of, or Consequence imposed by, the Disciplinary Panel shall
16 be quashed, varied or held invalid, by any arbitrator, tribunal, or Person,
17 except the Appeal Tribunal or the Court of Arbitration for Sport, as the case
18 may be.

19 14.--(1) Subject to the provisions of this Act and the Code, the
20 Disciplinary Panel may make rules regulating its own proceedings.

Disciplinary
Panel may
regulate
proceeding

21 (2) Rules made under subsection (1) shall be published in the
22 Gazette.

23 PART IV - ANTI-DOPING APPEAL TRIBUNAL

24 15.--(1) There is hereby established a tribunal to be called the Anti-
25 Doping Appeal Tribunal.

Establishment
of Appeal
Tribunal

26 16.--(1) Any Person, who is aggrieved by a decision of the
27 Disciplinary Panel may appeal to the Appeal Tribunal in the manner
28 prescribed.

Appeals to
Appeal Tribunal

29 (2) The Persons to whom subsection (1) relates include-

30 (a) any Athlete or other Person who is the subject of the decision

1 being appealed;

2 (b) the Agency or, if other than the National Anti-Doping
3 Organization of the Person's country of residence or countries where the
4 Person is a national or licence holder;

5 (c) the relevant National Federation;

6 (d) the relevant International Federation;

7 (e) the International Olympic Committee or the International
8 Paralympic Committee;

9 (f) the Nigeria Olympic Committee or the Nigeria Paralympic
10 Committee; and

11 (g) WADA.

12 (3) Subject to the Supreme Court's power of judicial review, no final
13 decision of, or Consequence imposed by the Appeal Tribunal shall be quashed,
14 varied or held invalid, by any arbitrator, tribunal or Person, except the Court of
15 Arbitration for Sport.

Appeal Tribunal
may regulate
proceedings

16 17.- (1) Subject to the provisions of this Act and the Code, Appeal
17 Tribunal may, make rules regulating its own proceedings.

18 (2) Rules made under Subsection (1) shall be published in the
19 Gazette.

20 PART V - GENERAL

Obligation in
secrecy

21 18.- (1) Every-

22 (a) member of the Board;

23 (b) officer, employee and agent of the Agency

24 (c) expert retained by the Agency to assist in its investigations and
25 deliberations; and

26 (d) person having an official duty or being employed in the
27 administrations of this Act, the Anti-Doping Rules or any other regulations
28 made under this act, Shall regard and deal with as secret and confidential all
29 information, books, records or other documents relating to the functions of the
30 Agency coming to his knowledge in the course of the administration of this

1 Act, the Anti-Doping Rules or any regulations made under this Act, except
2 as provided under this Act, in the Anti- Doping Rules or any other
3 regulations made under this Act.

4 (2) Except as provided in the Anti-Doping Rules or any other
5 regulations made under this Act, every member of the Disciplinary Panel,
6 and every member of the Appeal Tribunal, shall regard and deal with as
7 secret and confidential all information, books, records or other document
8 coming to his knowledge in the performance of his Functions.

9 (3) Every Person who had an official duty or was employed in the
10 administration of this Act, the Anti-Doping Rules or any other regulations
11 made under this Act, shall maintain, after such duty or employment is
12 terminated, the secrecy and confidentiality of all information, books,
13 records or other documents relating to the functions of the Agency.

14 (4) Any Person to whom information is communicated under this
15 Act, the Anti-Doping Rules or any other regulations made under this Act,
16 shall regard and deal with such information as secret and confidential, save
17 as and to the extent otherwise provided in any other law.

18 (5) Every Person referred to in subsection (1), (2), (3) or (4) having
19 possession of or control over any information, book, record or other
20 document, who at any time communicates or attempts to communicate any
21 such information or anything contained in such book, record or document to
22 any Person, otherwise than for the purposes of this Act, the Anti-Doping
23 Rules or any other regulations made under this Act, or-

24 (a) to any Person, other than an investigative authority, except in
25 accordance with applicable law; or

26 (b) otherwise than pursuant to a court order,
27 commits an offence.

28 (6) A Person who commits an offence under subsection (5) is liable
29 on summary conviction in a Resident Magistrate's Court to a fine not
30 exceeding one hundred thousand Naira.

1 (7) No obligation as to secrecy or other restriction upon the disclosure
2 of information imposed by any law or otherwise shall prevent the Agency or its
3 officers who are duly authorized, from disclosing information to any Anti-
4 Doping Organization.

Protection of
persons exercising
functions under
this Act, etc

5 19.-(1) No civil or criminal action, suit or other proceeding may be
6 brought, nor may any professional sanction be taken, against any Person, who
7 in good faith (under this Act, the Anti-Doping Rules or any other regulations
8 made under this Act) discloses to the Agency information requested by the
9 Agency or submits a report or other document to the Agency.

10 (2) No suit or other proceedings may be brought or instituted
11 personally in respect of any act done or omission made in good faith against-

12 (a) any officer, employee or agent of the Agency in the course of
13 carrying out the provisions of this Act, the Anti-Doping Rules or any other
14 regulations made under this Act; or

15 (b) any member of the Disciplinary Panel, or any member of the
16 Appeal Tribunal, in the performance of his functions under this Act, the Anti-
17 Doping Rules or any other regulations made under this Act.

Regulations

18 20.-(1) The Agency may with the approval of the Minister make
19 regulations providing for-

20 (a) fees, charges and cost recovery measures to be imposed by the
21 Agency for services provided by or on behalf of the Agency.

22 (b) the fees payable under this Act; and

23 (c) any other matter required by this Act that is not provided for under
24 the Anti-Doping Rules.

Anti-Doping
Rules

25 21.-(1) The Agency may, in accordance with section (8)(2)(d), make
26 anti-doping rules and, without limiting the generality of their scope the rules
27 may provide for-

28 (a) initiating, implementing or enforcing Doping Control;

29 (b) whereabouts information;

30 (c) the collection and analysis of Samples;

- 1 (d) results management;
- 2 (e) hearings;
- 3 (f) therapeutic use exemptions;
- 4 (g) definition of anti-doping rule violations;
- 5 (h) proof of doping;
- 6 (i) investigations;
- 7 (j) confidentiality and reporting;
- 8 (k) application and recognition of decisions;
- 9 (l) roles and responsibilities of athletes and other persons;
- 10 (m) Consequences of Anti-Doping Rule Violations; and
- 11 (n) the assessment of costs in disciplinary hearings.
- 12 (2) The Agency shall-
- 13 (a) cause the Anti-Doping Rules to be published in the Gazette; and
- 14 (b) make the Anti-Doping Rules available for inspection on the
- 15 Internet.
- 16 (3) Where expressions defined for the purposes of, or used in, the
- 17 Code are in the Anti-Doping Rules or in any other regulations made under
- 18 this Act, the expressions shall have the respective meanings assigned to
- 19 them by the Code, unless there is anything in the subject or context that is
- 20 repugnant to, or inconsistent with, the meanings.
- 21 (4) The Anti-Doping Rules shall be made pursuant to the
- 22 applicable provisions of the Code and shall be interpreted in a manner that is
- 23 consistent with applicable provisions of the Code;
- 24 and the comments annotating various provisions of the Code may, where
- 25 applicable, assist in the understanding and interpretation of the Anti-Doping
- 26 Rules.
- 27 **22.** The Minister may, by order, subject to affirmative resolution-
- 28 (a) amend or vary any monetary penalties prescribed in this Act;
- 29 (b) amend any of the Schedules to this Act.

Interpretation

1 23.-(1) In this Act, unless the context otherwise requires, - "anti-
2 doping" means- relations to the prevention or control of doping.
3 "Anti-Doping Organization" includes-
4 (a) The International Olympic Committee;
5 (b) The International Paralympic Committee;
6 (c) The World Anti-Doping Agency;
7 (d) International Sport Federation;
8 (e) A Major Event Organization that conducts Testing at its Events;
9 (f) Nigeria Sports Anti-doping Agency;
10 (g) Any other National Anti-Doping Organization; and
11 (h) Any signatory to the Code that is responsible for adopting rules for
12 initiating implementing or enforcing and part of the Doping Control process;
13 "Anti-Doping Rules" means- the Anti-Doping Rules made under section 23
14 "Anti-Doping Rule Violation" means- circumstances and conduct that
15 constitute an Anti-Doping Rule Violation as specified in the Code;
16 "Appeal Tribunal" means- the Anti-Doping Appeal Tribunal established by
17 section 17.
18 "Athlete" means- subject to subsections (2), (3), (4) and (5), a Person who
19 competes in sport as an International- Level Athlete or as a National- Level
20 Athlete;
21 "Athlete Support Personnel" means- any coach, trainer, manager, agent team
22 staff, official, medical, paramedical Personnel, parent or any other Person
23 working with, treating or assisting an Athlete participating in or preparing for
24 sport Competition;
25 "Board" means- the Board of Directors of the Agency established by section
26 7;
27 "Code" means- the World Anti-Doping Code and any amendments to the Code
28 adopted by the World Anti-Doping Agency, from time to time;
29 "Commencement date" means- the day appointed under section 1 for the
30 coming into operation of this Act;

1 "Agency" or "NISADA" means- Nigeria Sports Anti-Doping Agency
2 established by section 5;

3 "Competition" means- a single race, match, game, singular
4 sport contest, stage race or other sport contest;

5 "Consequences of Anti-Doping Rule Violation" or "Consequences" means-
6 one or more of the following Consequences resulting from an Athlete's or
7 other Person's violation of an Anti-Doping Rule-

8 (a) Disqualification- that is to say, the Athlete's results in a
9 particular Competition or Event are invalidated, with all resulting
10 Consequences, including forfeiture of any medals, points and prizes;

11 (b) Ineligibility- that is to say, the Athlete or other Person is barred
12 on account of an Anti-Doping Rule Violation for a specified period of time
13 from participating in any Competition or other activity or finding as
14 provided in Article 10.12.1 of the Code;

15 (c) Provisional Suspension- that is to say, the Athlete or other
16 Person is bared temporarily from participating in any Competition or
17 activity prior to the final decision at hearing conducted under Article 8 of the
18 Code;

19 (d) Financial Consequences- that is to say, a financial sanction
20 imposed for an anti-doping rule violation or to recover costs associated with
21 an Anti-Doping Rule Violation; and

22 (e) Public Disclosure or Public Reporting- that is to say the
23 dissemination or distribution of information to the general public or Persons
24 beyond those Persons entitled to earlier notification in accordance with
25 Article 14 of the Code.(World Antidoping Code Annex 4),

26 However, Teams in Team Sports may also be subject to Consequences as
27 provided in Article 11 of the Code;

28 "Court of Arbitration for Sport"- means the Court of Arbitration for Sport
29 based in Lausanne, Switzerland;

30 "Disciplinary Panel"- means the independent Anti-Doping Disciplinary

1 Panel established by section 14:

2 "document" means- anything in which information of any description is
3 recorded;

4 "doping" means- the occurrence of one or more Anti- Doping Rule Violations
5 as specified in the Code;

6 "Doping Control" means- all the steps and processes from test distribution
7 planning through to ultimate disposition of any appeal, including all steps and
8 processes in between, such as provision of whereabouts information, Sample
9 collection and handling, laboratory analysis, Therapeutic Use Exemptions,
10 results management and hearings;

11 "Event" means- a series of individual Competitions conducted together under
12 one ruling body;

13 "Executive Director" means- the Executive Director of the Agency appointed
14 under section 10(1);

15 "Government Company" means- company registered vide the Companies Act,
16 being a company in which the Government or an agency of Government, is in a
17 position to direct the policy of that company;

18 "guardian" in relation to a Minor, means- any Person ;who, for the time being,
19 has charge of or control over the Minor;

20 "In-Competition" means- the period commencing twelve hours before a
21 Competition in which an Athlete is scheduled to participate through to the end
22 of the Competition and the Sample collection process related to the
23 Competition;

24 "In-Competition Testing" means- for purposes of differentiating between In-
25 Competition Testing and Out of Competition Testing, unless provided
26 otherwise in the rules of an international Federation or other relevant Anti-
27 Doping Organization, Testing where an Athlete is selected for in-Competition
28 Testing in connection with a specific Competition;

29 "International Event" or "International Competition" means- an Event or
30 Competition where the International Olympic Committee, the International

1 Paralympic Committee, an International Federation, a Major Event
2 Organization or another international sport organization is the ruling body
3 for the Event or Competition or appoints the technical officials for the Event
4 or Competition;

5 "International Federation" means- in relation to a particular type of sport
6 Event or sporting activity, a body having international control over that
7 sport, sport Event or sporting activity and which is recognized by the
8 International Olympic Committee or Sport Accord;

9 International -Level Athlete" means- an Athlete who competes in sport at the
10 International level as defined by each International Federation consistent
11 with the International Standard for Testing and Investigations;

12 "International Olympic Committee" means- the organization created by the
13 Congress of Paris on June 23,1894 and entrusted with the control and
14 development of the modern Olympic Games;

15 "International Standard" means- a standard adopted by WADA in support of
16 the Code and any Technical Document issued pursuant to the International
17 Standard; so, however, that compliance with an International Standard (as
18 opposed to another alternative standard, practice or procedure) shall be
19 sufficient to conclude that the procedures addressed by the international
20 Standard were performed properly;

21 "Major Event Organization" means- the continental associations of
22 National Olympic Committees and other international multi-sport
23 organizations that function as the ruling body for any continental, regional
24 or other International Event;

25 "Minor" means- a natural Person who has not reached the age of eighteen
26 years;

27 "National Anti-Doping Organization" means- in relation to-

28 (a) Nigeria, the Nigeria Anti-Doping Agency (The Agency);

29 (b) any other country-

30 (i) an entity designated by that country as possessing the primary

1 authority and responsibility to adopt and implement Anti-Doping Rules, direct
2 the collection of Samples, and the results management process, and conduct
3 hearings at the national level; and

4 (ii) where such designation has not been made by the competent
5 public authority of the country', that country's National Olympic Committee or
6 its designee;

7 "National Event" means- a sport Event or Competition involving
8 International-Level Athletes or National-Level Athletes that is not an
9 International Event;

10 "National Federation" in relation to a particular sport, means- in respect of any
11 county, a Sporting Organization that is recognized by the relevant international
12 Federation as being the organization responsible for administering the affairs
13 of that sport or of a substantial part or section of that sport, in that country;

14 "National-Level Athlete" means- an Athlete who competes in sport at the
15 national level, as defined by each National Anti-Doping Organization,
16 consistent with the international Standard for Testing and investigations;

17 "National Olympic Committee"- means the organization recognized as the
18 National Olympic Committee by the international Olympic Committee
19 (including the National Sport Confederation in counties where the National
20 Sport Confederation assumes typical National Olympic Committee
21 responsibilities in the anti-doping area);

22 "Out-of-Competition" means- any period which is not In-Competition;

23 "Person" means- a natural Person or an organization or other entity;

24 "Prohibited List" means- the World Antidoping Authority (WADA) Prohibited
25 List identifying the Prohibited Substances and Prohibited Methods, as
26 amended from time to time, and which is published and revised by WADA as
27 described in the Code; (annex (5)).

28 "Prohibited Method" means- any method so described on the Prohibited list;

29 "Prohibited Substance" means- any substance, or class of substances, so
30 described on the Prohibited List;

1 "Public body" means- a statutory body or authority or any Government
2 company, but does not include an Executive Agency designated under the
3 Executive Agencies Act;

4 "Registered Testing Pool" means- the Pool of highest-priority Athletes
5 established separately at the international level by international Federations
6 and at the national level by National Anti-Doping Organizations, who are
7 subject to focused In-Competition testing and Out- of-Competition Testing
8 as part of each International Federation's or National Anti-Doping
9 Organizations test distribution plan and therefore are required to provide
10 whereabouts information as provided in the Code and the international
11 Standard for Testing and investigations; (Annex 6).

12 "Sample" means- any biological material collected for the purpose of
13 Doping Control;

14 "Signatories" means- those entities signing the Code and agreeing to comply
15 with the Code, as provided in Article 23 of the Code;

16 "Sporting Organization" includes an organization that-

17 (a) has control in a particular country, or part of a country, or
18 internationally, of one or more sport or sport Events;

19 (b) organizes or administers one or more sport or sport Events;

20 (c) accredits Persons to take part in sport Competition;

21 (d) provides teams to compete in sport Competition; or

22 (e) trains, or provides finance for, a Person to take part in sport
23 Competition;

24 "Team Sport" means- a sport in which the substitution of players is
25 permitted during a Competition;

26 "Testing" means -the parts of the Doping Control process involving test
27 distribution planning, Sample collection, Sample handling, and Sample
28 transport to the laboratory;

29 "Therapeutic Use Exemption" or "TUE" means- an exemption granted in
30 accordance with the World Anti-Doping Agency International Standard for

1 Therapeutic Use Exemptions; (Annex 7).

2 "Use", in relation to any Prohibited Substance or Prohibited Method,- means
3 the utilization, application, ingestion. injection or consumption by any means
4 of the Prohibited Substance or Prohibited Method;

5 "whereabouts information"- means the information that is to be provided by an
6 international-Level Athlete or a National-Level Athlete, regarding his location,
7 to the international Sport Federation or National Anti-Doping Organization
8 that has included the Athlete in the Registered Testing Pool;

9 "World Anti-Doping Agency" or WADA" means- the body known as the World
10 Anti-Doping Agency founded by the International. Olympic Committee and
11 constituted as a foundation in Lausanne, Switzerland;

12 (2) The Agency may apply Anti-Doping Rules to a Person who
13 competes in sport and who is neither an international-Level Athlete nor a
14 National-Level Athlete and thus bring him within the definition of "Athlete,".

15 (3) In relation to Athletes who are neither International-Level
16 Athletes nor National-Level Athletes, the Agency may elect to-

17 (a) Conduct limited Testing or no Testing at all;

18 (b) Analyze Samples for less than the full menu of Prohibited
19 Substances;

20 (c) Require limited or no whereabouts information; or not require
21 advance Therapeutic Use Exemptions.

22 (4) If an anti-doping rule violation under Article 2.1, 2.3 or 2.5 of the
23 Code is committed by any Athlete over whom an Anti-Doping Organization
24 has authority who competes below the international or national level, then the
25 Consequences set forth in the Code (except Article 14.3.2) shall be applied.

26 (5) For purposes of Article 2.8 and Article 2.9 of the Code and for
27 purposes of anti-doping information and education, any Person who
28 participates in sport under the authority of any Signatory, government, or other
29 sports organization accepting the Code is an Athlete.

1 24. This Bill may be cited as the Nigerian Sports Anti-Doping Citation
2 Agency (Establishment) Bill, 2017.

3 EXPLANATORY MEMORANDUM

4 This Bill seeks to Establish an Independent, statutory body called the
5 Nigeria Sports Anti-Doping Agency (NISADA) as an extra ministerial
6 department as Nigeria's National Anti-Doping organization (NADO).

7 The Agency so established will be responsible for carrying out all function
8 of NADO as enshrined in the world Anti-Doping code (WADC) in
9 accordance with the various international standards set up by the world Anti-
10 Doping Agency.

11 FIRST SCHEDULE

12 *The Nigeria Sport Anti-doping Agency Financial Provisions,*

13 *Accounts and Reports*

14 1.-(1) The funds and resources of the Agency shall consist of- Fund and
15 (a) such sums as may, from time to time, be placed at the disposal Resources of
16 of the Agency by parliament; and Agency

17 (b) all other sums and other property which may, in any manner,
18 become payable to or vested in the Agency in respect of any matter relating
19 or incidental to its functions.

20 (2) The expenses of the Agency including the remuneration of
21 officers and employees, shall be paid out of the funds of the Agency.

22 2. All moneys of the Agency not immediately required to be Power to invest
23 expended for the purpose of meeting any of the obligations or moneys, etc.
24 discharging any of the functions of the Agency may be invested in such
25 securities or other investment as may be approved, either specifically or
26 generally, by the Minister responsible for finance and the Agency may sell
27 any or all of the securities or other investment.

28 3.-(1) The Agency shall keep proper accounts and other records in Account and
29 relation to its business and shall prepare annually a statement of accounts in Audit
30 a form satisfactory to the Minister being a form which conforms with

1 established accounting principles.

2 (2) The accounts of the Agency shall be audited annually by the
3 office of the Auditor General of the Federation.

4 (3) The members of the Board and the officers and employees of the
5 Agency shall-

6 (a) grant to the auditor appointed under paragraph (2), access to all
7 books or other documents, cash and securities of the Agency; and

8 (b) give to the auditor, upon request, all such information as may be
9 within their knowledge in relation to the business of the Agency

10 (4) The auditor's fee and any expenses of the audit shall be paid by the
11 Agency.

12 (5) The Auditor-General shall be entitled at all reasonable times to
13 examine the accounts and other records of the Agency in relation to the
14 business of the Agency.

Operating Plan 15 4. The Agency shall, not later than the 30th day of November in each
16 year, submit to the Minister responsible for Finance and the Minister, for his
17 approval a corporate plan, an Operating plan, and estimates, of revenue and
18 expenditure, for the ensuing financial year.

Returns etc. 19 5. The Agency shall furnish the Minister with such returns, accounts
20 and other information as he may require with respect to the activities of the
21 Agency and afford him facilities for verifying the information in such manner
22 and at such time as he may reasonably require.

Annual report 23 6.-(1) The Agency shall prepare in the prescribed form and submit to
24 the Minister responsible for finance and the Minister a quarterly, half yearly
25 and annual reports in accordance with the Financial Regulation and
26 Accountability Act.

Seal and execution
of documents 27 7.-(1) The seal of the Agency shall be-

28 (a) kept in the custody of the chairman or the secretary of the Board;

29 and

30 (b) authenticated by the signatures of the chairman or any other

1 member of the Agency Authorized to act in that behalf by the Agency and the
2 secretary of the Board.

3 (2) All documents (other than those required by law to be under
4 seal) made by, and all decisions of the Agency may be signified under the
5 hand of the chairman or any member authorized to act in that behalf or the
6 secretary of the Board.

7 SECOND SCHEDULE

8 *The Board of the Nigeria Anti-doping Agency*

9 1.-(1) The Board shall consist of-

Constitution of
Board

10 (a) not less than nine and not more than eleven members appointed
11 by the Minister by instrument in writing, being individuals who appear to
12 the Minister to be appropriate for appointment under this paragraph
13 (hereinafter referred to as the "appointed members"); and

14 (a) The Executive director who is knowledgeable in area of Anti-
15 doping management and administration who shall be the secretary of the
16 Board.

17 (2) The appointed members shall include-

18 (a) an individual who has demonstrated knowledge or experience
19 in pharmacy or sports medicine;

20 (b) an individual who is a former Athlete, former coach or former
21 sports administrator;

22 (c) an individual with a proven academic background in sport;

23 (d) an individual who has demonstrated knowledge or experience
24 in marketing or public relations;

25 (e) representative of NAFDAC;

26 (f) Representative of NDLEA;

27 (g) Representative of Nigeria Custom Service;

28 (h) An attorney at law.

29 2. An Individual, in Nigeria is a fit and proper person for
30 appointment into the board if-

Meaning of fit
and proper
person

1 (a) The individual-

2 (i) has not been convicted of an offence involving fraud, dishonesty
3 or moral turpitude or of an offence listed in the Second Schedule to the
4 Proceeds of crime Act or an offence that is similar to any such offence in
5 another jurisdiction;

6 (ii) is not an undischarged bankrupt; and

7 (iii) is in compliance with any tax and other statutory requirements
8 imposed on the individual;

9 (b) the individual's employment record or any other information does
10 not give the Minister reasonable cause to believe that the individual carried out
11 any act involving dishonesty or any act involving impropriety that will
12 interfere with his ability to fulfil his functions; and

13 (c) the individual is, in the opinion of the Minister-

14 (i) an individual of sound probity, and is able to exercise competence,
15 diligence and sound judgment in fulfilling his functions;

16 (ii) an individual who possesses the knowledge skills and experience
17 which are necessary for the intended functions to be carried out by that
18 individual; and

19 (iii) an individual whose appointment will not raise an issue of
20 conflict of interest or undue influence.

Temporary
appointment

21 3. The minister may appoint any individual to act temporarily in the
22 place of any appointed member of the Board in the case of the absence or
23 inability to act of such member in keeping with the composition of the Board.

Chairman and
Deputy Chairman

24 4.-(1) The Minister shall appoint a chairman and a deputy chairman
25 from among the appointed members.

26 (2) In the case of the chairman being absent from or unable to act at
27 any meeting, the deputy chairman shall exercise the functions of the chairman,
28 if the deputy chairman is present at the meeting and is able to so act.

29 (3) In the case of the chairman and the deputy chairman being absent
30 from or unable to act at any meeting, members of the Board present at the

1 meeting shall elect one of their member to act as chairman at that meeting.

2 5.-(1) On the application of any member, the Minister may grant Leave of
3 leave of absence to the member. Absence

4 (2) The Minister may direct a member to proceed on leave of
5 absence if the member has been charged of an offence involving fraud,
6 dishonesty or moral turpitude or of any criminal offence in any jurisdiction

7 6.-(1) Subject to the provisions of this Schedule, the appointment Tenure of office
8 of every appointed member of the Board shall be evidenced by an
9 instrument in writing.

10 (2) The instrument shall specify the period of office of the member,
11 which shall not exceed four years.

12 (3) Every appointed member of the Board shall be eligible for re-
13 appointment.

14 7.-(1) The chairman may, at any time, resign his office by Resignation
15 instrument in writing addressed to the Minister.

16 (2) The resignation shall take effect as from the date of receipt by
17 the Minister of the instrument.

18 (3) An appointed member other than the chairman may, at any time,
19 resign his office by instrument in writing addressed to the Minister and
20 transmitted through the chairman.

21 (4) From the date of the receipt by the Minister of such instrument,
22 the member shall cease to be a member of the Board.

23 8. The Minister may revoke the appointment of any member if Revocation of
24 the member is- appointment

25 (a) is unable to discharge the functions of his office (whether
26 arising from infirmity of body or mind or any other cause);

27 (b) is convicted and sentenced to a term of imprisonment or to
28 death;

29 (c) becomes bankrupt or compounds with, or suspends payment to,
30 his creditors;

- 1 (d) becomes disqualified for appointment by virtue of paragraph 2;
- 2 (e) fails to discharge the functions of his office in a competent
- 3 manner;
- 4 (f) fails to attend three consecutive meetings of the Board, or any of its
- 5 committees, without reasonable excuse or explanation; or
- 6 (g) engages in such activities as are reasonably considered prejudicial
- 7 to the interest of the Agency.

Publication of
membership

8 9. The names of the members of the Board as first constituted and

9 every change in the membership thereof shall be published in the Gazette.

Publication and
meeting

10 10.-(1) The Board shall meet at such times as may be necessary or

11 expedient for the transaction of business and such meetings shall be held at

12 such places and times and on such days as the Board may determine.

13 (2) The chairman or, in the case of his absence or inability to act, the

14 deputy chairman or the individual elected in accordance with paragraph 5(3),

15 as the case may be, shall preside at meetings of the Board.

16 (3) Subject to sub-paragraph, (4) decisions of the Board shall be by a

17 majority of the members present and voting, however, in addition to an original

18 vote, the chairman, deputy chairman or other member presiding at a meeting

19 shall have an original and a casting vote in any case in which the voting is equal.

20 (4) The quorum for meetings of the Board shall be five.

21 (5) The minutes of each meeting of the Board shall be kept in proper

22 form and shall be confirmed by the chairman as soon as practicable at a

23 subsequent meeting.

24 (6) The validity of any proceedings of the Board shall not be affected

25 by any vacancy among the members or by any defect in the appointment of a

26 member.

Remuneration

27 11. There shall be paid to the chairman, deputy chairman and other

28 members of the Board such remuneration (whether by way of honorarium,

29 salaries or fees) and such allowances, as the Minister responsible for the public

30 service may determine.

1 12. Any summons, notice or other document required or
2 authorized to be served upon the Board under the provisions of this or any
3 other enactment may, unless there is express provision to the contrary, be
4 served by delivering same to the chairman or secretary of the Board. or by
5 sending it by registered post addressed to the secretary of the Board at the
6 principal office of the Agency.

Service of
documents

7 13.-(1) The Board may appoint committees for special purposes
8 connected with the functions of the Board and which, in the opinion of the
9 Board, would be better regulated and managed by means of committees.

Appointment of
Committees

10 (2) The number of members of a committee appointed under sub-
11 paragraph (1), the terms of appointment of such members, the quorum of the
12 committee and the areas within which the committees are to exercise
13 authority shall be determined by the Board.

14 (3) Committees of the Board shall make recommendations to the
15 full Board for its ratification and decision.

16 14. The office of chairman, deputy chairman, or member of the
17 Board or any of its committees shall not be a public office.

Office of
Chairman or
Member not a
Public office

