

A BILL [EXECUTIVE]

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA CENTRES FOR DISEASE CONTROL AND PREVENTION TO PROMOTE, COORDINATE AND FACILITATE THE PREVENTION, DETECTION AND CONTROL OF COMMUNICABLE DISEASES IN NIGERIA AND FOR RELATED MATTERS

[] Commencement

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

1 PART I - OBJECTIVES AND ADMINISTRATION

2 1. The objective of this Act is to create a Centre with the Objective
3 responsibility to:

4 (a) protect Nigerians from the impact of public health diseases;

5 (b) maintain the highest state of alertness to detect and respond to
6 disease outbreaks, public health disasters, mass morbidity and mortality due
7 to pathogenic, chemical or biological agents;

8 (c) develop and coordinate capabilities, measures and activities to
9 control outbreaks and reduce the health impact of public health disasters

10 (d) develop and coordinate an information network for the
11 reporting and notification of communicable diseases;

12 (e) develop and make accessible guidelines and standards for
13 relevant public health activities at all levels in the country;

14 (f) communicate information to the public that they need to protect
15 themselves from public health threats as well as communicate information
16 to health professionals that they need to safely manage their patients and
17 protect themselves;

18 (g) lead Nigeria's implementation of International Health
19 Regulations and coordinate its participation in international disease control
20 activities by establishing and maintaining close communication and

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1 collaboration with relevant international health organizations as well as other
2 countries of the world.

PART II - ESTABLISHMENT AND FUNCTIONS OF THE CENTRE

Establishment of the Nigerian Centers for Disease Control and Prevention

4 2.-(1) There is hereby established a body known as the Nigeria Centre
5 for Disease Control and Prevention (in this Act referred to as "the Centre").

Commencement

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

Functions of the Centre

10 (c) may acquire, hold or dispose of property whether moveable or
11 immovable; and
12 (d) may enter into contracts and incur obligations.

13 (3) The functions of the Centre shall be to

Objective

14 (a) prevent, detect, monitor and control diseases of national and
15 international public health importance, including emerging and re-emerging
16 diseases;

17 (b) develop, maintain and coordinate surveillance systems to collect,
18 analyze and interpret data on diseases of public health importance, in order to
19 detect public health threats, guide health interventions and set public health
20 priorities;

21 (c) lead the response to disease outbreaks and public health disasters
22 in order to minimize the impact on health;

23 (d) develop and maintain a network of reference and specialized
24 laboratories for pathogen detection, disease surveillance and outbreak
25 response, and develop and maintain guidelines and processes for specimen
26 collection and transportation to reference laboratories including the World
27 Health Organization (WHO) standard reference laboratories in Nigeria;

28 (e) conduct, collate, synthesize and disseminate public health
29 research to inform policy and guidelines on diseases of public health
30 (g) lead Nigeria's implementation of International Health
31 Regulations and coordinate its participation in international disease control
32 activities by establishing and maintaining close communication and

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- 1 importance and put in place a national public health research agenda and
- 2 database;
- 3 (f) strengthen national health information systems to support
- 4 prevention and control measures of communicable and non-communicable
- 5 diseases;
- 6 (g) provide information to the public through multiple platforms
- 7 on diseases and public health events;
- 8 (h) coordinate the operationalization of, and ongoing international
- 9 health regulations, including trans-border disease surveillance and control
- 10 activities and lead the collaboration with global health agencies;
- 11 (i) provide support and coordinate the control of national and trans-
- 12 border responses to mass public health emergencies, such as mass
- 13 casualties, floods, nuclear, biological and chemical terrorism, disease
- 14 outbreaks, and heavy metals poisoning;
- 15 (j) develop and maintain a communication network with all public
- 16 health institutions with roles in mitigating the impact of diseases;
- 17 (k) provide scientific guidance for local production of vaccines and
- 18 other biological agents such as diagnostic kits, sera and anti-sera, food
- 19 science and nutritional products; and other related substances useful for the
- 20 health services, through locally developed technology or technology
- 21 transfer;
- 22 (l) provide support to the Federal Ministry of Health for the
- 23 development of evidence-based guidelines and policies as well as the
- 24 implementation of programmes relating to disease prevention and control,
- 25 in line with international guidelines and recommendations;
- 26 (m) provide guidance, technical and logistic support to the States
- 27 and Local Governments for the planning, implementation and management
- 28 of diseases of public health importance and on activities to reduce health risk
- 29 and impact from public health events;
- 30 (n) provide technical support to relevant government institutions

Centre of the Powers of the

1 on environmental health activities as it relates to disease prevention, control
2 and emergency disaster response;

3 (o) provide technical support for health disaster risk-reduction and
4 management in collaboration with other major stakeholders in the country;

5 (p) implement relevant decisions of National Council on Health as
6 regards disease control, prevention and disaster management;

7 (q) serve as secretariat to the National Health Emergency
8 Preparedness and Response Committee; and

9 (r) carry out such activities as may be necessary or expedient for the
10 performance of its functions under this Act.

11 (2) The Centre shall submit annual costed work plans relating to its
12 functions to the Minister for approval.

Powers of the
Centre

13 4. The Centre shall have power to:

14 (a) demand and obtain relevant information, data, clinical samples
15 and report on diseases on public health relevance and control of public health
16 events, including communicable and non-communicable diseases,
17 emergencies and disasters occurring within the territory of Nigeria;

18 (b) develop and enforce the use of standards, protocols and guidelines
19 for disease prevention and control including diagnostics, disease detection and
20 reporting in compliance with international best practices;

21 (c) operate quarantine services including inspection, isolation,
22 detention and management of quarantine stations at points of entry into
23 Nigeria;

24 (d) implement and coordinate disease detection, prevention and
25 control activities including but not limited to International Health Regulations,
26 surveillance, disease preparedness and response, capacity building for health
27 workers, research and ethical standards as it relates to diseases of public health
28 importance;

29 (e) coordinate relevant health sectors on the preparation and response
30 to public health emergencies and disasters in the country including networking

1 and liaising with relevant establishments within and outside Nigeria in
2 pursuance of the functions of the Centre; and

3 (f) do all such things as may be necessary for or incidental to the
4 carrying out of its functions and duties under this Act.

5 PART III - ESTABLISHMENT AND FUNCTIONS OF

6 THE GOVERNING BOARD

7 5. (1) There shall be a Governing Board for the Centre (in this act
8 referred to as "the Board") which shall consist of: Establishment
of the Governing
Board of the
Centre

9 (a) a chairman, who shall be appointed by the President, on the
10 recommendation of the Minister; and shall be a renowned Medical or Public
11 Health practitioner of not less than 15 years post call experience;

12 (b) the Director-General and Chief Executive Officer of the Centre
13 who shall also be the Secretary to the Board;

14 (c) the Permanent Secretary for the Federal Ministry responsible
15 for Health;

16 (d) one representative from the following Federal Ministries and
17 institutions who shall not be below the rank of a Director and with relevant
18 experience:

19 (i) Health,

20 (ii) National Primary Health Care Development Agency, and

21 (iii) Finance;

22 (e) one person from the private sector with at least 10 years
23 cognitive experience and knowledge in the field of public health; and

24 (f) one representative of the Civil Societies organization.

25 (2) The members of the Board other than the ex-officio members
26 shall be appointed by the President on the recommendation of the Minister
27 and shall be persons of proven integrity and ability with cognate experience
28 in disciplines relevant to the objectives of this Bill.

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

1 matters contained therein:

Tenure of office

2 6.-(1) The Chairman and the members of the Board who are not ex-
3 officio members shall hold office:

4 (a) for a single term of four years and no more; and

5 (b) on such terms and conditions as may be specified in their letters of
6 appointment.

7 (2) Notwithstanding the provisions of sub-section (1)(a) of this
8 section, the Chairman or any member of the Board may at any time be removed
9 from office by the President for inability to discharge the functions of his
10 office, whether arising from infirmity of mind or body or any other cause or
11 misconduct, or in public interest.

Remunerations

12 7. A member of the Board shall be paid such emoluments, allowances
13 and benefits as the President may, from time to time, approve.

Cessation of membership

14 8.-(1) The office of the Chairman, the Director - General or a member
15 of the Board shall become vacant where:

16 (a) his term of office expires;

17 (b) he resigns from his office by a notice in writing under his hand
18 addressed to the President;

19 (c) he dies;

20 (d) he has been absent from the Board meetings for four consecutive
21 times without the permission of the Board;

22 (e) he becomes of unsound mind or incapable of carrying out his
23 duties due to physical or mental illness;

24 (f) he has been declared bankrupt or he makes compromise with his
25 creditors;

26 (g) he has been convicted of a felony or any offence involving
27 dishonesty;

28 (h) he is guilty of gross misconduct relating to his duties;

29 (i) the President directs the removal of the member upon being
30 satisfied that it is not in the interest of the Centre or of the public for the person

1 to continue in office as a member of the Board; or

2 (j) in the case of an ex-officio member, he ceases to hold the office
3 on the basis of which he became a member of the Board.

4 (2) Where a vacancy occurs in the membership of the Board, it
5 shall be filled by an appointment by the President of a successor to hold
6 office for the remainder of the term of office of his predecessor and the
7 successor shall represent the same interest as that member whose exit
8 created the vacancy;

9 9. The Board shall:

10 (a) provide oversight functions on the affairs of the Centre;

11 (b) formulate the overall policy of the Centre and act in the name of
12 the Centre;

13 (c) create partnerships and fund raising capabilities for successful
14 project implementation;

15 (d) provide support for engaging the States of the Federation, and
16 other relevant partners for effective surveillance and disease prevention and
17 control;

18 (e) supervise the strategic repositioning of the public health system
19 to enable it respond to and put in place an emergency and pandemic
20 preparedness system, and to efficiently and effectively respond to disease
21 outbreaks and other public health events;

22 (f) ensure that adequate technical systems are in place for the
23 Centre to carry out its functions;

24 (g) establish committees as may be expedient which shall be
25 charged with specific functions delegated by the Board;

26 (h) set the terms and conditions of service including appointment,
27 remuneration, promotion and discipline of employees of the Centre after
28 consultation with the Ministry and other relevant authorities; and

29 (i) do such other things of a policy nature as may be necessary for
30 successful performance of its functions under this Act.

Functions and
powers of the
Board

Operational
structure of the
Centre

1 **10.-(1) The Centre shall:**
 2 (a) have its corporate office situate at the Federal Capital Territory,
 3 Abuja;
 4 (b) have Zonal Offices in all the six geo political zones of the
 5 Federation and branches in all the States of the Federation; and
 6 (c) be designated as the International Health Regulations National
 7 Focal Point.

8 (2) The operational structure of the Centre shall comprise:

9 (a) office of the Director General;
 10 (b) seven departments to be headed by Directors as follows:
 11 (i) Outbreak Preparedness and Response,
 12 (ii) Health Emergencies Preparedness and Response,
 13 (iii) Epidemiology and Surveillance,
 14 (iv) Planning, Research and Statistics,
 15 (v) Laboratory and Diagnostic Services,
 16 (vi) Finance and Accounts, and
 17 (vii) Human Resources and administration; and
 18 (c) such other Departments as may be required for the proper
 19 performance of the functions of the Centre.

20 PART IV - MANAGEMENT AND STAFF OF THE CENTRE

Appointment
of the Director-
General

21 **11.-(1) There shall be appointed for the Centre by the President on the**
 22 recommendation of the Minister, a Director - General, who shall be a health
 23 professional with a minimum of fifteen years postgraduate qualification
 24 experience in relevant fields of medicine or public health.

25 (2) The Director-General shall be:

26 (a) the Chief Executive Officer to the Centre and be responsible for
 27 the day to day administration of the Centre; and

28 (b) subject to the supervision of the Board and the Minister.

29 (3) The Director-General shall hold office for a term of five years on
 30 such terms and conditions as may be specified in his letter of appointment and

1 be eligible for reappointment for another term of 5 years and on such terms
2 and conditions as may be determined, from time to time, by the President on
3 the recommendation of the Minister.

4 12.-(1) The Board shall have power to appoint such other persons
5 as it may deem necessary as staff of the Centre and may engage experts to
6 render consultancy services to the Centre, subject to extant Public Service
7 rules.

Other staff of the
Centre

8 (2) The Staff of the Centre shall be public servants as defined in the
9 Constitution of the Federal Republic of Nigeria, 1999 (as amended);

10 (3) The employment of the staff of the Centre shall be subject to
11 such terms and conditions as may from time to time be stipulated by the
12 Board and contained in the respective staff's employment contracts.

13 13.-(1) The Centre shall develop and implement appropriate staff
14 conditions of Service for its staff with particular regard to the issues of
15 remuneration, pension scheme and other fringe service benefits, sufficient
16 for the Centre to attract and retain quality and high caliber manpower.

Conditions of
Service

17 (2) Services in the Centre shall be approved service for the purpose
18 of the Pensions Reform Act and accordingly employees of the Centre shall
19 in respect of their services be entitled to pensions, gratuities and other
20 retirement benefits as are prescribed therein.

21 (3) Notwithstanding subsection (2) of this section, nothing in this
22 Act shall prevent the appointment of a person to any office on terms which
23 precludes the grant of a pension, gratuity or other retirement benefits.

24 (4) For the purpose of the application of the Pensions Reform Act,
25 any power exercisable therein by the Minister or other authority of the
26 Government of the Federation, other than the power to make Regulations
27 under section 2 or 3 thereof is hereby vested and shall be exercisable by the
28 Board.

29 PART V - FINANCIAL PROVISIONS

30 14.-(1) The Centre shall establish and maintain a Fund (in this Act

Fund of the
Centre

1 referred to as "the Fund") from which shall be defrayed all expenditure
2 incurred by the Centre for the purpose of this Act.

3 (2) There shall be credited to the Fund established under subsection
4 (1) of this section:

5 (a) such sums as may be appropriated to the Centre by the Federal
6 government;

7 (b) fees and charges for services rendered by the Centre;

8 (c) fees from publications made by the Centre;

9 (d) such sums accruing to the Centre by way of gifts, grants,
10 endowments, bequests, donations or voluntary contributions by persons or
11 organizations;

12 (e) foreign aid and assistance from multilateral and bilateral
13 organizations or agencies; and

14 (f) subventions and extra budgetary allocations accruable from the
15 Federal Government or any other Institution.

16 15. The Centre shall, from time to time, apply the proceeds of the
17 funds at its disposal to:

18 (a) the cost of administration of the Centre;

19 (b) carry out the functions of the Centre under this Act;

20 (c) pay members of the Board or any committee set up by the Board
21 for such expenses as may be expressly authorized by the Board in accordance
22 with the approved rates;

23 (d) the payment of salaries, fees or other remuneration, allowances,
24 pensions and benefits payable to employees of the Centre;

25 (e) publicize and promote the activities of the Centre;

26 (f) build the capacity of staff of the Centre;

27 (g) conduct and support research activities;

28 (h) publish scientific findings, health education material protocols,
29 guidelines and public health rules and regulations;

30 (i) support membership of national, international scientific and

1 professional organizations, working on Disease Control and Prevention and
2 pay annual dues and other contributions to such organization;

3 (j) support and encourage national non-governmental
4 organization, nationwide in the effort to mitigate the impact of
5 communicable and non-communicable diseases;

6 (k) build, acquire and maintain any property vested in the Centre;

7 (l) implement rapid response to public health emergencies and
8 disasters; and

9 (m) conduct any other activities relevant to the performance of its
10 functions under this Act.

11 16.-(1) The Centre may accept gifts of and money or other
12 property on such terms and conditions, if any, as may be specified by the
13 persons or organization making the gift.

Acceptance of
gifts

14 (2) The Centre shall not accept any gift if the conditions attached
15 by the persons or organization offering the gift are inconsistent with the
16 functions of the Centre under His Act.

17 17. The Board shall cause to be prepared and submitted to the
18 Minister, not later than 30th September of each year, an estimate of the
19 expenditure and income of the Centre for the following year.

Annual estimates

20 18. The Board shall keep proper accounts of the Centre in respect
21 of each year and proper records in relation thereto and shall cause the
22 account to be audited not later than six months after the end of each year by
23 auditors appointed in accordance with the guidelines provided by the
24 Auditor General for the Federation.

Audit of
accounts

25 19. The Board shall, not later than 30th June in each year, prepare
26 and submit to the Minister a report on the activities and administration of the
27 Centre during the preceding year and shall include in the report a copy of the
28 audited accounts of the Centre for the year and the auditor's report there-on,

Annual reports

29 20.-(1) The Centre may, subject to the provisions of this Act and the
30 conditions of any trust created in respect of any property, invest any of its

Investments

1 funds in any securities as may, from time to time, be approved by the Board.

2 (2) The Centre shall be exempted from the payment of income tax on
3 any incomes derived by it under this Act or accruing to it from any investments;

4 (3) The Centre shall be exempted from payment of custom excise and
5 duties for health commodities (medicines, equipment, vehicles etc.) for the
6 purpose of public health events and disasters.

7 **PART VI - NATIONAL ADVISORY COUNCIL**

Constitutional
of the National
Advisory Council

8 **21.-(1)** There shall be constituted for the Centre, a National Advisory
9 Council.

10 (2) The Council shall consist of nine members with requisite expertise
11 in public health and shall be appointed by the Minister.

12 (3) The Council shall be chaired by a renowned public health
13 professional.

Functions of
the Advisory
Council

14 **22.** The National Advisory Council established pursuant to section 21
15 of this act shall:

16 (a) provide high quality scientific and technical advice and guidance
17 to the Centre and assist in its mentoring;

18 (b) advice on community engagement as it relates to the activities of
19 the Centre;

20 (c) advice on how to mobilize international technical and scientific
21 support; or

22 (d) support resource mobilization activities of the Centre.

23 **PART VII - MISCELLANEOUS**

Premises and
offices

24 **23.** For the purpose of providing office premises necessary for the
25 performance of its functions, the Centre may, subject to the Land Use act:

26 (a) purchase or take on lease any interest in and, building or property;

27 (b) build, equip and maintain offices and premises; or

28 (c) let, sell or lease out any office or premises held by it, which is no
29 longer required for the performance of its functions under this Act.

1 24. Subject to the provisions of this Act, the Minister may give the
2 Board such directives of a general or special nature relating to the
3 performance by the Centre of any or all of its functions under this Act, and it
4 shall be the duty of the Board to comply with such directives.

Power of the
Minister to give
directives

5 25. The Centre may, with the approval of the Minister, make
6 Regulations and issue guidelines, generally for the purpose of giving effect
7 to the provisions of this Act.

Regulations

8 26.-(1) No suit shall be commenced against the Centre before the
9 expiration of a period of one month after written notice of intention to
10 commence the suit shall have been served upon the Centre by the intending
11 plaintiff or his agent and the notice shall clearly and explicitly state the:

Legal proceedings

- 12 (a) cause of action;
13 (b) particulars of the claim;
14 (c) name and place of abode of the intending plaintiff; and
15 (d) relief which he claims.

16 (2) The notice referred to in subsection (1) of this section and any
17 summons, notice or other document required or authorized to be served
18 upon the Centre under this Act or any other enactment or law, may be served
19 by:

- 20 (a) Delivering the same to the Director General; and
21 (b) Sending it by registered post addressed to the Director-General
22 at the Head Office of the Centre.

23 (3) In any actions or suit of the Centre, no execution or attachment
24 or process in the nature thereof shall be issued against the Centre without the
25 consent of the Attorney General of the Federation.

26 (4) Notwithstanding the provision of subsection (3) of this section,
27 any sums of money which may by the judgment of the court be awarded
28 against the Centre, shall subject to any direction given by the Centre be paid
29 from the general reserve of the Centre.

1 not less than six other members, he shall convene a meeting of the Board to
2 be held within 30 days from the date on which the notice was given.

3 3. Every meeting of the Board shall be presided over by the
4 Chairman and if the Chairman is unable to attend a particular meeting, the
5 members present at the meeting shall elect one of them to preside at the
6 meeting.

7 4. The quorum of any meeting of the Board shall consist of the
8 Chairman (or in an appropriate case, the person presiding at the meeting
9 pursuant to paragraph 2 of this Schedule) and six other members.

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

13 6. The Chairman shall, in the case of an equality of votes, have a
14 casting vote in addition to his deliberate vote.

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

20 8. The Board shall meet for the conduct of its business at such
21 places and on such days as the Chairman may appoint.

22 *Committees*

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

26 10. A committee appointed under paragraph 9 of this Schedule
27 shall be presided over by a member of the Board and shall consist of such
28 number of persons (not necessarily all members of the Board) as, may be
29 determined by the Board and a person other than a member of the Board

1 shall hold office on the committee in accordance with the terms of his
2 appointment.

3 11. A decision of a committee of the Board shall be of no effect until
4 the Board confirms it.

5 *Miscellaneous*

6 12. The signature of the Chairman and the Secretary to the Board
7 shall authenticate the fixing of the seal of the Centre.

8 13. A contract or an instrument, which, if made or executed by any
9 person not being a body corporate, would not be required to be under seal, may
10 be made or executed on behalf of the Centre by the Director-General or by any
11 person generally or specifically authorized to act for that purpose by the Board.

12 14. A document purporting to be a contract, an instrument or other
13 document signed or sealed on behalf of the Centre shall be received in evidence
14 and until the contrary is proved, be presumed without further proof, to have
15 been properly signed or sealed.

16 15. The validity of any proceeding of the Board or its committees
17 shall not be affected by:

- 18 (a) any vacancy in the membership of the Board or its committees;
19 (b) reason that a person not entitled to do so took part in the
20 proceedings;
21 (c) any defect in the appointment of a member

22 16. Any member of the Board or committee who has a personal
23 interest in any arrangement entered into or proposed to be considered by the
24 Board or any committee shall:

- 25 (a) disclose his interest to the Board or committee; and
26 (b) not vote on any question relating to the arrangement.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the this Act, but is intended
to explain its purport)*

The Bill seeks to establish the Nigeria Centre for Disease Control and Prevention to promote, coordinate and facilitate the prevention, detection and control of communicable diseases in Nigeria and other events of public health importance.

