

A BILL

FOR

AN ACT TO AMEND THE NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND CONTROL ACT CAP N1 LAWS OF THE FEDERATION NIGERIA 2004 AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Hon. Goodluck Nanah Opiah

[] Commencement

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

1 1. The National Agency for Food and Drug Administration and
2 Control Act Cap N1 Laws of the Federation 2004 (In this act referred to as
3 "The Principal Act") is amended as set out in this Act.

4 2. Section 2 of the Principal act is amended in subsection (1) by:
5 (a) inserting the following new paragraphs (i) and (j) after the
6 existing paragraph (h) that is:

Amendment of Section 2

7 (i) The Inspector General of Police or his representative;
8 (j) The Controller General of Customs or his representative.
9 (b) substituting for the existing paragraph (j) the following new
10 paragraph:

11 (j) three other persons to represent public interest with vast
12 experience in matter relating to Health to be appointed by the Minister
13 subject to the approval of the President.

14 (c) renumbering the existing paragraph (i) and (j) as paragraph (k)
15 and (l) respectively.

16 3. Section 8 of the Principal act is amended by inserting a
17 provision after the existing paragraph (g), as follow that is:

Amendment of Section 8

18 Provided however that the Agency shall first obtain the approval of the
19 Minister before establishing such new Directorates.

20 4. Section 9 of the Principal act is amended:

Amendment of Section 9

1 (1) In subsection (1) by inserting the words “with not less than fifteen years
2 experience” after the word “drugs” in line 3.

3 (2) In subsection 2 paragraph (c) by deleting the words “chairman and
4 the”.

Amendment of
Section 16

5 5. Section 16 of the Principal Act is deleted.

Amendment of
Section 17

6 6. Section 17 of the principal Act is amended by deleting all the words
7 “and notwithstanding that power, the Minister may issue to the Agency
8 directives as he may think necessary as to the disposal of nay surplus funds of
9 the Agency”.

Amendment of
Section 25

10 7. Section 25 of the Principal Act is amended by substituting for the
11 existing Section 25 the following new Section 25 that is:

12 (1) A person who obstructs an officer of the Agency in the
13 performance of his duties under section 24 or any provisions of this Act or any
14 regulations made thereunder shall be guilty of an offence, and liable on
15 conviction to a fine of not less than NI00, 000 or to imprisonment for a term of
16 not less than one year but not exceeding three years or to both such fine and
17 imprisonment.

18 (2) Any person who contravenes the provisions of any regulations
19 made under this Act is guilty of an offence and liable on conviction to the
20 penalties specified in the regulations.

21 (3) Where no penalty has been specified, the person shall be liable to a
22 fine not exceeding NI,000, 000 or imprisonment for a term of imprisonment
23 not exceeding one year or to both such fine and imprisonment.

24 (4) Where an offence under this Act has been committed by a body
25 corporate, every person who at the time of the commission of the offence was a
26 proprietor, director, general manager, secretary or other similar officer, servant
27 or agent of the body corporate (or a person purporting to act in any such
28 capacity), he, as well as the body corporate shall be deemed to be guilty of the
29 offence and shall be proceeded against and punished accordingly.

30 (5) The Federal High Court shall have exclusive jurisdiction to try

1 offences under this Act.

2 8. This bill may be cited as The National Agency for Food and Short title
3 Drug Administration and Control Act (Amendment) Bill, 2015.

EXPLANATORY MEMORANDUM

The bill seeks to amend the National Agency for Food and Drug Administration and Control Act Cap NI Laws of the Federation 2004 to further empower the Agency to carry out its functions and to bring it in line with present realities.

