

A BILL

FOR

AN ACT TO AMEND THE COUNTERFEIT AND FAKE DRUGS AND UNWHOLESOME PROCESSED FOODS (MISCELLANEOUS PROVISIONS) ACT CAP C34 LAWS OF THE FEDERATION 2004 TO INCREASE THE PENALTIES FOR OFFENCES UNDER THE ACT, TO MAKE COMPREHENSIVE PROVISIONS FOR ASSET FORFEITURE, COMPENSATION 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 Counterfeit and Fake Drugs and Unwholesome Processed
2 Foods (Miscellaneous Provisions) Act Cap C34 Laws of the Federation
3 2004 (In this act referred to as "The Principal Act") is amended as set out in
4 this Act.

5 2. Section 3 of the principal act is amended in sub section (1) by
6 substituting for the existing Section 3 (1) the following new sub section (1)
7 as follows that is:

8 (1) Any person who commits an offence under:

9 (a) Section 1 (a) of this Act is liable on conviction to a fine not
10 exceeding N10,000,000 or to life imprisonment or to such fine and
11 imprisonment.

12 (b) Sections 1 (b) and (c) of this act, is liable on conviction to a fine
13 not exceeding N5,000, 000 or to imprisonment for a term of not less than 7
14 years or to both such fine and imprisonment.

15 (c) Section 2 (1) of this Act, is liable on conviction to a fine not
16 exceeding N5, 000, 000 or to a term of imprisonment of not less than 7 years
17 or to both such fine and imprisonment.

1 (2)Where an offence under section 1 or 2 of this Act has been
2 committed by a body corporate, every person who at the time of the
3 commission of the offence was a proprietor, director, general manager,
4 secretary or other similar officer, servant or agent of the body corporate (or a
5 person purporting to act in any such capacity), he, as well as the body corporate
6 shall be deemed to be guilty of the offence and shall be proceeded against and
7 punished accordingly.

8 3. Section 10 of the principal act is amended by substituting for the
9 existing Section 10 the following new Section (10) that is:

10 10. (1). Any drug, poison or unwholesome processed food product
11 seized by a Task Force established by this act shall be forfeited to the Federal
12 Government and shall be destroyed by the Agency provided that the agency
13 shall have the power to confiscate proceeds of crimes under this Act, pay it into
14 a fund to be known as "Victims Compensation Fund" and compensate victims
15 of such crimes under this act from the fund.

16 (2) The Agency may with the approval of the Minister make
17 provisions for the effective implementation of the provisions of sub section (1)
18 of this act including the establishment of a victim's compensation fund and the
19 procedure for its operation.

20 4. This bill may be cited as The Counterfeit and Fake Drugs and
21 Unwholesome Processed Foods (Miscellaneous Provisions) Act
22 (Amendment) Bill, 2015.

EXPLANATORY MEMORANDUM

The bill seeks to amend the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act Cap C34 Laws of the Federation 2004 to increase the penalties for those who produce, import, manufacture or sale of counterfeit, fake and unwholesome processed foods in Nigeria and to provide for the forfeiture of assets and proceeds of crime as well as compensate victims from a such assets.