

NATIONAL CANCER INSTITUTE BILL, 2016

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL CANCER INSTITUTE TO BE THE NATION'S PRINCIPAL AGENCY FOR CANCER RESEARCH; TO COORDINATE A NATIONAL RESEARCH PROGRAMME ON CANCER CAUSES, PREVENTION, DETECTION, DIAGNOSIS AND TREATMENT THROUGH VARIOUS RESEARCH PROJECTS AND CLINICAL TRIALS, AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

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- 1.-(1) There is hereby established the National Cancer Institute (in this Act referred to as “the Institute”).

(2) The Institute shall be a body corporate with perpetual succession; and a common seal and may sue or be sued in its corporate name.

(3) The Institute shall be located in the Federal Capital Territory of Nigeria and may establish Zonal Centres at the Six Geo-political Zones of the country.

(4) The Institute shall affiliate itself with leading cancer research institute all over the world as may be determined by the Minister.

2.-(1) The functions of the Institute shall be to

(a) co-ordinate a national research programme on causes, prevention, detection, diagnosis and treatment of Cancer through various research projects and clinical trials; and

(b) any other function as may be determined by the Panel of the Institute from time to time.

3. There is hereby established a supervisory body of the Institute known as the Panel of the National Cancer Institute (hereinafter referred to
- Establishment of the Institute

Functions of the Institute

Establishment of the Panel

Functions of the  
Panel

1 as “the Panel”).

2 4.-(1) The Panel shall be charged with the general duty of:

3 (a) formulating policy on the research of Cancer and advise  
4 government;

5 (b) determining and maintaining the standard of research in the  
6 Institute;

7 (c) coordinating the long term planning and overall development of  
8 the Institute;

9 (d) approving the annual budget of the Institute;

10 (e) appointing the Heads of Research Team of the Institute;

11 (f) determining the remuneration, allowances to Heads of Research  
12 Team of the Institute and staff of the Institute;

13 (g) giving general guidelines to the Heads of Research Team of the  
14 Institute for the management of the Institute;

15 (h) creation of subcommittees of the Panel; and

16 (i) performing such other functions which in its opinion are calculated  
17 to facilitate the carrying out of its functions under this Act or any other Act.

18 (2) The Minister may give to the Panel direction of a general character  
19 or relating generally to particular matters (but not to any individual person or  
20 case) with regard to the exercise by the Panel of its function under this Act and  
21 it shall be the duty of the Panel to comply with the directions but no directions  
22 shall be given which is inconsistent with the duties of the Panel under this Act.

Composition of  
the Panel

23 5.-(1) The Panel shall consist of not less than 11 members who shall  
24 be appointed as follows:

25 (a) One person designated as Chairman of the Panel who shall be  
26 appointed by the President; and

27 (b) Ten persons, with not less than 20 years experience in the research  
28 of Cancer or appropriate field, who shall be appointed by the Minister.

29 (2) The Executive Secretary shall be the Secretary of the Panel.

30 (3) The Executive Secretary shall be the Chief Executive and

1       Accounting Officer and shall be responsible to the Panel for the daily  
2       administration of the Panel.

3               (4) There shall be appointed by the Panel a Secretary to the Panel  
4       who shall be:

5               (a) a Legal Practitioner with not less than twelve (12) in practice;  
6       and shall;

7               (b) be a Legal Adviser to the Panel, and committees;

8               (c) perform such other duties as the Panel may from time to time  
9       direct.

10              6. Subject to the provision of section 7, a member of the Panel,       Tenure of Office  
11       other than the ex-officio member shall each hold office for a term of four  
12       years in the first instance and may be re-appointed for a fresh term of four  
13       years and no more.

14              7.-(1) A person shall cease to hold the office as a member of the       Cessation of  
15       Panel if:       Membership

16              (a) He becomes bankrupt;

17              (b) He is convicted of a felony or any offence involving dishonesty  
18       or fraud;

19              (c) He becomes of unsound mind or he is incapable of carrying out  
20       his duties;

21              (d) He is guilty of a serious misconduct in relation to his duties;

22              (e) In the case of a person who possesses a professional  
23       qualification, he is disqualified from practicing his profession in any part of  
24       the world by an order of a competent authority;

25              (f) He resigns his appointment by a letter addressed to the Minister.

26              (2) Where a member of the Panel ceases to hold office for any  
27       reason whatsoever before the expiration of the term for which he is  
28       appointed, another person representing the same interest as that member  
29       shall be appointed, to the Panel for the unexpired term.

30              (3) A member of the Panel may be removed by the Minister if he is



1 satisfied that it is not in the interest of the Panel or the interest of the public that  
2 ~~the~~ member continues in office.

3 (4) The Chairman may only be removed by the President if he is  
4 satisfied that it is not in the interest of the Panel or the interest of the public that  
5 the Chairman continues in office.

Allowances of  
members

6 8. A Member of the Panel shall be paid such salaries, allowances and  
7 expenses as the Federal Government may from time to time determine on the  
8 recommendation of the Revenue Mobilization, Allocation and Fiscal  
9 Commission.

Presiding Officers  
of the Panel

10 9. The Chairman, or in his absence, the vice-chairman, or in the  
11 absence of both, a member elected by the Panel, shall preside at all meetings of  
12 the Panel, and the vice-chairperson or person presiding at any meeting shall,  
13 with respect to such meeting or any business transacted, have all the powers of,  
14 and be deemed to be, the chairman of the Panel under this Act.

Meetings of the  
Panel

15 10.-(1) The Panel shall hold ordinary meetings as and when  
16 necessary, so however, that ordinary meetings are held at intervals not  
17 exceeding three months.

18 (2) The Chairman may convene ordinary meetings of the Panel at  
19 such times and at such places as he may in his discretion deem fit.

20 (3) The Chairman, or in his absence the vice-chairman, shall at any  
21 time convene a special meeting of the Panel upon receipt of a requisition signed  
22 by five members calling upon him to do so, and such special meeting shall be  
23 held not later than one month after receipt of such requisition.

24 (4) The Chairman shall have a casting as well as deliberative vote.

25 (5) The decision of the majority of the members present and voting at  
26 any meeting of the Panel shall be deemed to be the decision of the Panel.

27 (6) Any member of the Panel who has an interest, or whose spouse has  
28 an interest, in any company or undertaking with which the Panel proposes to  
29 make a contract, or has an interest in any contract which the Panel proposes to  
30 make, shall disclose the nature of his interest and shall not vote or take any part

1 in the proceedings of the Panel relating to such contract.

2 (7) At any meeting of the Panel, a quorum shall be constituted by  
3 not less than one-third of the total members, including the chairman of the  
4 Panel.

5 (8) No act, decision or proceeding of the Panel shall be questioned  
6 on account of any vacancy in the membership thereof, or on account of  
7 appointment of any member of the Panel being defective if the act was done  
8 or authorized or the decision was taken or the proceeding took place by or in  
9 accordance with a majority vote of the persons who at the time were entitled  
10 to act as members.

11 (9) The Panel may from time to time make standing orders  
12 providing for the regulation of:

13 (a) the meetings of the Panel;

14 (b) the conduct of its business and other operations in carrying out  
15 its functions; and

16 (c) the duties of its officers, staff and agents.

17 11.-(1) There shall be an Executive Secretary, who shall be  
18 appointed by the Panel and such other staff as the Panel may appoint to assist  
19 the Executive Secretary.

Appointment of  
Executive  
Secretary and  
Staff

20 (2) The terms and conditions of service of the Executive Secretary  
21 and other staff of the Panel shall be determined by the Panel subject to the  
22 approval of the Minister.

23 (3) The staff of the Panel shall be considered as appointment to  
24 public service of the Federation.

25 12.-(1) There is hereby established a Research Team of the  
26 Institute (hereinafter referred to as the "Research Team").

Establishment of  
Research Team  
of the Institute

27 (2) The Research Team shall consist of not less than 10 Heads of  
28 Research and such number of staff as may be determined by the Panel from  
29 time to time.

30 (3) The Heads of Research shall be appointed by the Panel subject

1 to approval of the Minister.

2 (4) The Heads of Research shall have not less than 10 years  
3 experience in the research of Cancer.

4 (5) The Research Team shall conduct the research of Cancer in the  
5 Institute.

Regulations

6 13. -(1) The Panel may with the approval of the Minister make  
7 regulations:

8 (a) regulating the appointment, conditions of service, termination of  
9 appointment and retirement benefits of the staff of the Panel and Institute;

10 (b) determining the persons who are authorized to sign contracts,  
11 cheques and other documents on behalf of the Institute and otherwise,  
12 regulating procedure in relation to transactions entered into by the Institute;

13 (c) Ensuring that the seal of the Institute is kept in proper custody and  
14 is used only by the authority of the Panel;

15 (d) as to access the member of the public either generally or of a  
16 particular class, to premise under the control of the Panel and as to the orderly  
17 conduct of members of the public on those premise, and

18 (e) for safe guarding any property belonging to or controlled by the  
19 Institute from damage by members of the public.

20 (2) Regulations under this section shall not come into force until they  
21 are confirmed (with or without modifications) by the Minister and published in  
22 such a manner as he may direct.

Appointment of  
staff of the Institute

23 14. The Panel shall appoint on request of the Heads of Research such  
24 number of staff as, may in the opinion of the Panel, be expedient and necessary  
25 for the proper and efficient performance of the functions of the Institute.

Service in the  
Institute pensionable

26 15.-(1) The Pension Reform Act shall, except otherwise stated, apply  
27 to all appointment of staff in the service of the Institute.

Disciplinary  
procedure for  
staff of the  
Institute

28 16.-(1) Notwithstanding anything to the contrary contained in any  
29 other law, where it appears to the Panel that any staff of the Institute has been  
30 guilty of misconduct, the Panel may without prejudice to any other disciplinary

1 powers conferred on it by regulation, direct:

2 (a) that the staff shall not, during such period as may be specified in  
3 the direction participate in such activities of the Institute, or make use of  
4 such activities of the Institute as may be specified;

5 (b) that the activities of the staff shall during such period as may be  
6 specified in the direction, be restricted in such manner as may be so  
7 specified;

8 (c) that the staff be rusticated for such period as may be specified in  
9 the direction;

10 (d) that the staff be expelled from the Institute.

11 (2) Where a direction is given under subsection (1) (c) or (d) of this  
12 section in respect of any staff, that staff may, within the prescribed period  
13 and in the prescribed manner appeal to the Panel; and where such an appeal  
14 is brought, the Panel shall, after causing such inquiry to be made in the  
15 matter as the Panel considers just, either confirm or set aside the direction or  
16 modify it in such manner as the Panel thinks fit.

17 (3) The fact that an appeal from a direction is brought in pursuance  
18 of subsection (1) of this section, shall not affect the operation of the direction  
19 while the appeal is pending.

20 (4) The Panel may delegate its powers under this section to a  
21 disciplinary committee consisting of such members of the Panel as the Panel  
22 may nominate.

23 (5) Nothing in the section shall be construed as preventing  
24 restriction or termination of member of staff's activities in the Institute  
25 otherwise than on the ground of misconduct.

26 (6) A direction under subsection (1) (a) of this section may be  
27 combined with a direction under subsection (1) (b) of this section.

28 17. There shall be established and maintained for the Institute a  
29 fund into which shall be paid:

Fund of the  
Institute

30 (a) all subventions and budgetary allocations from the



1 Government of the Federation;

2 (b) all funds accruing to the Institute by way of gifts; and

3 (c) aids and assistance from individuals, Non- Governmental  
4 Organizations and International Organizations, the purpose for which is  
5 consistent with the objectives of establishing the Institute.

Expenditure of  
the Institute

6 **18.** The Institute shall from time to time apply the funds at its disposal  
7 to:

8 (a) defray the cost of administration and maintenance of the Institute;

9 (b) publicize and promote the activities of the Institute;

10 (c) pay allowances, expenses and other benefits of staff and  
11 committee of the Institute;

12 (d) pay the salaries, allowances and benefits of the staff of the  
13 Institute;

14 (e) pay the overhead allowances of benefits and administrative cost of  
15 the Institute; and

16 (f) undertake such other activities as are connected with all or any of  
17 the functions of the Institute under this Act or any other Act.

Power to accept  
gifts

18 **19.** The Institute shall have power to accept gifts of lands, money or  
19 any other property on such terms and conditions, if the condition attached by  
20 the person or organization making the gift is not inconsistent with the  
21 objectives of establishing the Institute.

Annual Estimate  
and Expenditure  
of the Institute

22 **20.-(1)** The Institute shall not later than 30th September of each year,  
23 submit to the Minister through the Panel an estimate of the expenditure and  
24 income of the Institute for the next succeeding year.

25 (2) The Panel shall cause to be kept, proper accounts of the Institute in  
26 respect of each year and proper records in relations thereof and shall cause the  
27 accounts to be audited not later than six months after the end of each year by  
28 auditors appointed from the list supplied, and in accordance with the guidelines  
29 supplied by the Auditor General.

1	21. The Panel shall prepare and submit a report, to the Minister not	Annual Report of the Institute
2	later than 30th June in each year, in such form, as the Minister may direct, on	
3	the activities of the Institute during the immediate preceding year and shall	
4	include in the report a copy of the audited accounts of the Institute for the	
5	year and auditors report thereon.	
6	22. The Panel may, in order to enable the Institute discharge its	Borrowing Powers of the Institute
7	functions under this Act and meet its obligations, borrow on such terms and	
8	in such currencies as may be agreed between it and any lender, such sums as	
9	it may require.	
10	23. In this Act, unless the context otherwise requires:	
11	“Auditor-General” means the Auditor-General of the Federation;	Interpretation
12	“Chairman” means the Chairman of the Panel;	
13	“Duty” includes function and power;	
14	“Federation” means the Federal Republic of Nigeria;	
15	“Function” includes power and duty;	
16	“Institute” means the National Cancer Institute;	
17	“Minister” means the minister charged with responsibility for matters	
18	related to health;	
19	“Panel” means the Panel of the National Cancer Institute;	
20	“President” means the President of the Federal Republic of Nigeria;	
21	“Staff” unless otherwise stated means staff of the Panel and Institute.	
22	24. This Bill shall be cited as the National Cancer Institute Bill,	Short Title
23	2016.	

EXPLANATORY MEMORANDUM

This Act seeks to establish the National Cancer Institute to be the Nation's principal agency for Cancer research; to coordinate a national research programme on Cancer causes, prevention, detection, diagnosis and treatment through various research projects and clinical trials, and for matters related thereto.