

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL CENTRE FOR CANCER RESEARCH AND TREATMENT AND FOR RELATED MATTERS

Sponsored by Hon. Ehiozuwa Johnson Agbonayinma

[] Commencement

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

1. There is hereby established the National Centre for Cancer Research and Treatment (in this Act referred to as "the Centre").

1 2. The Centre shall have the following as functions:

2 (a) To provide national leadership in cancer research, control and
3 treatment;

4 (b) To guide scientific improvements to cancer prevention
5 treatment and care;

6 (c) To coordinate and liaise between the wide range of groups and
7 health care providers with an interest in cancer;

8 (d) To make recommendations to the Government about cancer
9 policy and priorities;

10 (e) To oversee a dedicated budget for research into cancer;

11 (f) To assist with the implementation of Government policies and
12 programs in cancer control;

13 (g) To provide financial assistance, out of money appropriated by
14 the National Assembly, for research and treatment as mentioned above and
15 for the implementation of policies and programs mentioned in paragraph
16 (f).

17 The centre may carry out such other activities as are necessary or expedient
18 for the full discharge of any of the functions of the centre under this Act.

1 3.-(1) There is hereby established a Board to be known as the National
2 Centre for Cancer Research and Treatment Advisory Board (in this Act referred
3 to as the "Board").

4 (2) The Board shall be a body corporate with perpetual succession and
5 a common seal and may sue and be sued in its corporate name.

6 4. The Board shall consist of:

7 (a) a Chairman to be appointed by the President;

8 (b) Permanent Secretary Ministry of Health;

9 A representative of each:

10 (c) Pharmaceutical Council of Nigeria;

11 (d) Nigerian Medical and Dental Council of Nigeria; National
12 Association of Nigerian Nurses and Midwives;

13 (e) Five persons with relevant qualification and cognate experience
14 who shall represent public interest.

15 (f) The Director of the Centre.

16 5.-(1) Subject to the provision of this Section, a member of the Board
17 shall hold office for four years and shall be eligible for re-appointment for a
18 further period of four years.

19 (2) Notwithstanding the provisions of Subsection (1) of this section
20 the President may at anytime remove a member from the Board.

21 (3) Any member may, resign in writing under his hand addressed to
22 the Minister at anytime.

23 (4) The office of a member of the Board shall become vacant if:

24 (a) The period of his appointment has expired;

25 (b) He absents him/herself without leave of the Board from three
26 consecutive meetings of the Board and without reasonable excuse for so doing;

27 (c) He/she is guilty of misconduct in his/her office as a member and a
28 resolution of the Board approves the termination of his/her membership;

29 (d) He/she dies, resigns or is removed from office;

30 (5) Soon after the office of a member of the Board becomes vacant the

1 authority by whom he/she was appointed shall appoint another person in
2 his/her place in accordance with the provisions of this Act.

3 6. Members of the Board, other than ex-officio members, shall be
4 paid out of money at the disposal of the Board, such remunerations and
5 allowances as the Minister may, determine with the approval of the
6 President.

7 7. The provisions contained in the Schedule proceedings to this
8 Act shall have effect with respect to the proceedings of the Board and other
9 matters contained therein.

10 8. The Board shall have power to:

11 (a) erect, provide, equip and maintain research centres, training
12 schools with state of the art facilities as are necessarily suitable for the or
13 required for any of the objects of the centre;

14 (b) encourage and provide for research at the centre;

15 (c) accept gifts, legacies and donations which are consistent with
16 the objects of this centre;

17 (d) enter into contract;

18 (e) acquire and hold movable and immovable property with the
19 approval of the Minister;

20 (i) Subject to the land use Act, sell, mortgage, transfer or
21 otherwise deal with movable or immovable property;

22 (ii) borrow at interest on the security of land or movable property
23 of the Board such moneys as the Board may, from time to time require for
24 the purpose of this Act;

25 (iii) invest the funds of the Board as it thinks fits.

26 (f) do anything which in its opinion, may advance the objects of
27 which the centre was set up.

28 9.-(1) Notwithstanding the provisions of the Pension Act, it is
29 hereby declared that service in the centre shall be approved service for the
30 purposes of that Act and accordingly, the employees of the centre shall in

1 respect of their service in the centre be entitled to such pensions, gratuities and
2 other retirement benefits as prescribed in the Pension Reform Act 2004, So
3 however, that nothing in this Act shall prevent the appointment of a
4 person to any office on terms which or other retirement benefit in respect of that
5 office.

6 **10.-(1)** The Board shall establish and maintain a fund from which
7 shall be defrayed with the general or specified approval of the Minister in any
8 case, all expenditure incurred by the Board.

9 (2) There shall be paid and credited to the fund established in
10 pursuance to subsection (1) of this section:

11 (a) such sums as may be provided by the Federal Government or a
12 State Government for payment into the fund;

13 (b) all money raised for the general purposes of the centre;

14 (c) all money accruing to the Board on behalf of the centre by any
15 means, including grants-in-aid, endowments and donations.

16 (d) all charges, dues, fees for services rendered by the fund.

17 **11.-(1)** The Board shall keep proper accounts in respect of each year
18 and proper records in relation to those accounts and shall cause to be prepared
19 in each year:

20 (a) a statement showing the income and expenditure of the centre for
21 immediately preceding year; and

22 (b) a statement of the assets and liabilities of the centres as at the last
23 day of the immediately proceedings year;

24 (2) The Board shall cause every statement prepared under this section
25 to be audited within six months after the end of the year to which the statement
26 relates by auditors appointed from the list and
27 in accordance with the guidelines supplied by the Auditor General for the
28 Federation.

29 (7). (1) There shall be a director of the centre who shall be appointed
30 by the President, on the recommendation of the Minister.

1 (2) A person shall not be qualified to be appointed as a Director,
2 unless he/she is medical Doctor with at least twenty years research and
3 administrative experience in a reputable establishment.

4 (3) The Board shall not exercise any disciplinary control over the
5 director, without the approval of the Minister.

6 (4) Subject to the provision of this Act and the control of the Board
7 over the matters affecting finance of the centre, the director shall be the chief
8 executive of the centre and shall be charged with the general responsibility
9 for the management and administration of the affairs of the centre and in
10 particular;

11 (a) direct and regulate the programme of work at the centre;

12 (b) promote research within and outside of the centre

13 (c) keep safe custody of all records of the centre;

14 (d) demand and receive from any person attending training or
15 courses at the centre fees as the Board may, from time to time determine;

16 (e) prepare and present to the Board annual and other reports on the
17 progress of work at the centre and on the expenditure or liabilities by the
18 centre;

19 (f) be responsible for the day to day running and management of
20 the centre;

21 (g) exercise such powers and performs such duties as may be
22 determined from time to time by the President.

23 **12.-(1)** There shall be for the centre an administrative secretary
24 who shall be appointed by the Board to perform such duties as may be
25 assigned to him by the Board.

26 (2) Subject to Section 7 of this Act, the Board may appoint such
27 other staff for the centre as it may determine and pay to its staff such
28 remunerations and allowances as payable to persons on equivalent in the
29 civil service of the federation.

30 **13.** The Board shall cause to be prepared not later than 1st June in

1 each year an estimate of the expenditure necessary to carryout the programme
2 approved by the Board during the immediately preceding year, and shall not
3 later than 31st October in each year, submit to the Minister the estimate of
4 expenditure and that of its income during the next succeeding year.

5 **14.-(1)** The Board shall prepare and submit to the Minister once every
6 year a report, in such form as the Minister may direct, on the activities of the
7 Board during the immediately preceding year, and shall include in the report a
8 copy of the credited accounts of the centre for that year and the auditor's report
9 thereon.

10 **15.** The minutes may give directives of a general power or nature with
11 regard to the carrying out the objects of the centre under this Act and it shall be
12 the duty to comply with such directives.

13 **16.** The Board may, with the approval of the Minister, make
14 regulations generally for carrying into effect the provisions of this Act and due
15 administration of the centre.

Interpretation

16 **17.** In this Act unless the context otherwise requires:

17 "Board" means the National Centre for Cancer Research and Treatment
18 Advisory Board established under Section 3 (1) of this Act;

19 "Cancer" means the uncontrolled growth of the cells in the human body and the
20 ability of these cells to migrate from the original site and spread to distant sites
21 and includes but is not limited to skin cancer, lung cancer, colon cancer, breast
22 cancer (in women), and prostate cancer (in men), cancer of the kidneys,
23 ovaries, uterus, pancreas, bladder, rectum, and blood and lymph node cancer
24 (leukaemia and lymphomas);

25 "Centre" means the National Centre for Cancer research and Treatment
26 established by Section 1 of this Act;

27 "Director" means the Director of the Centre appointed under Section 7(1) of this
28 Act;

29 "Minister" means the Minister charged with the responsibility for matters
30 relating to Health;

1 "Power" includes duties and functions.

2 **18.** This bill may be cited as the National Centre for Cancer
3 Research and Treatment (Establishment) Etc Bill, 2016.

4 SCHEDULE

5 *Section*

6 *Proceedings of the Board, etc*

7 **1.** Subject to this Act and Section 27 of the Interpretation Act, the
8 Board may make standing orders to regulate the proceedings of the Board or
9 any Committee thereof.

10 **2.-(i)** The Board shall meet not less than two times in every year for
11 the exercise of its functions under this Act and at such times and places as the
12 Chairman may, from time to time appoint;

13 **(ii)** The Chairman shall, if required to be so by notice in writing by
14 not less than five other members, call a special meeting of the Board to be
15 held within 28 days from the date on which the notice is given;

16 **(iii)** Any notice given under sub-paragraph (2) of this paragraph
17 shall state the matters to be discussed at the special meeting and any matter
18 not so stated shall not be discussed at the meeting;

19 **(iv)** At every meeting of the Board, the Chairman shall preside and
20 in his absence the members present shall appoint one of their members to
21 preside at the meeting.

22 **3.** The quorum of the Board shall be four and the quorum of any
23 Committee of the Board shall be determined by the Board.

24 **4.** Minutes of every meeting of the Board shall be regularly
25 entered in a book to be kept for the purpose and shall, after approval by
26 members, be signed by the Chairman at the next ensuing meeting.

27 **5.** The Board may act notwithstanding any vacancy in its
28 membership or any defect in the appointment of a member or the fact that
29 any person not entitled to do so took part in the proceedings.

30 **6.-(1)** The seal of the Board shall not be used or affixed to any

1 document, except in pursuance of a resolution duly passed at a properly
2 constituted meeting of the Board.

3 (2) The fixing of the seal of the Board shall be authenticated by the
4 signature of Chairman or the director or of some other member authorized
5 generally or specifically to act for that purpose by the Board.

6 (3) Any contract or instrument which, if made or executed by a
7 person executed on behalf of the Board by any person generally or specially
8 authorised to act for that purpose by the Board.

9 (4) Any document purporting to be document duly executed under
10 the seal of the Board shall be received in evidence and shall, unless the contrary
11 is proved, be presumed to be so executed.

12 7. Members of the Board who are not public officers shall be paid out
13 of the money at the disposal of the Board such travelling and other allowances
14 in accordance with such scales as may be approved, from time to time, by the
15 Minister.

16 8. Any member of the Board or a Committee thereof who has a
17 personal interest in any contract or arrangement entered into or purposed to be
18 considered by the Board or a Committee thereof shall forthwith disclose his
19 interest to the Board or Committee and shall not vote on any question relating
20 to such contract or arrangement.

EXPLANATORY MEMORANDUM

The Bill seeks to provide for the establishment of the National Centre for
Cancer Research and Treatment to research into cancer and to provide
treatment to patients in Nigeria