

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL AGENCY FOR THE PREVENTION AND CONTROL OF CANCER AND FOR RELATED MATTERS

Sponsored by Hon. Muhammad Usman

[] Commencement

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

PART I - ESTABLISHMENT OF THE NATIONAL AGENCY FOR THE CONTROL OF CANCER

1 1.-(1) There is established an Agency to be known as the National
2 Agency for the control of CANCER.

Establishment of
National Agency
for the Control of
Cancer

3 (2) The Agency;

4 (a) shall be a body corporate with perpetual succession and a
5 common seal; and

6 (b) may sue and be sued in its corporate name.

7 2. -(1) There is established a Governing Board of the Agency (in
8 this Act referred to as the "the Board") which shall consist of:

9 (a) a Chairperson;

10 (b) a Human Right lawyer experience in children's, women's rights
11 and CANCER rights issues;

12 (c) a pathologist (oncologist, radiologist, chemotherapist, or
13 phototherapist) with knowledge of diagnostic methodologies in CANCER;

14 (d) a representative of the medical scientists or pharmacists
15 involved in research, prevention and or treatment, development and testing;

16 (e) a person who survived CANCER who is also an early detection-
17 activist;

18 (f) a representative of journalist or advertising agents with

1 experience in mass communication techniques;

2 (g) a sociologist with understanding of community and group
 3 responses to catastrophe;

4 (h) a representative of experienced accountant or management
 5 consultants with financial management skills;

6 (i) a representative of the Federal Ministry of Health not below the
 7 rank of a Director;

8 (j) a representative of the federal Ministry of Education not below the
 9 rank of a Director;

10 (k) a representative of the Society of Oncology Cancer Research of
 11 Nigeria;

12 (l) a representative of a Director from the office of the Secretary to the
 13 Government of the Federation not below the rank of a Director;

14 (m) a representative of the organized private sector involved in
 15 CANCER prevention and early detection issues; and

16 (n) the Chief of Executive Officer of the Agency.

17 (2) The Chief Executive Officer shall provide the Secretary from the
 18 Agency.

Appointment of
 Members of
 Board

19 3.-(1) The Chairperson and members of the Board other than ex-
 20 office members shall be appointed by the President on the recommendation of
 21 the Minister;

22 (2) The Chairperson and members of the Board shall hold office for a
 23 period of four years, but shall be eligible for reappointment for one further
 24 period of 4 years and no more.

25 (3) A member of the Board, other the ex-office members, shall be
 26 appointed on such conditions, as the President may determine.

27 (4) The President shall, when appointing Board members, ensure to
 28 appoint people living with or survived CANCER to serve as Board members.

Disqualification
 from membership
 of Board and
 vacation of Office

29 4.-(1) A person may not be appointed a member of the Board if he is-

30 (a) under any law in force in any part of Nigeria, adjudged lunatic or

- 1 otherwise declared to be of unsound mind;
- 2 (b) under a sentence of death imposed on him by any competent
3 court of law in Nigeria or a sentence of imprisonment or fine;
- 4 (c) within a period of less than ten years prior to his appointment,
5 been convicted and sentenced for an offence involving dishonesty; (by
6 whatever name called); and
- 7 (d) an undischarged bankrupt having been adjusted or otherwise
8 declared bankrupt under any law in force in any part of Nigeria.
- 9 (2) A Member of the Board shall vacate office if he:
- 10 (a) becomes disqualified in terms of subsection (1) from being
11 appointed as a member of the Board;
- 12 (b) is removed by a resolution passed by the Senate;
- 13 (c) is not otherwise reappointed;
- 14 (d) dies or is otherwise incapacitated for a period of one year; and
- 15 (e) submits his resignation to the President in writing.
- 16 (3) If a member of the Board dies or vacates office in accordance
17 with subsection (2) the President may, subject to section 4, appoint a person
18 to fill the vacancy for the unexpired period for which that member was
19 appointed.

20 PART III - FUNCTIONS AND POWERS OF THE AGENCY

21 5.-(1) Subject to this Act and in addition to any other functions as
22 may be conferred on, the Agency shall;

Functions and
Powers of the
Agency

- 23 (a) coordinate, plan and identify multi sectoral CANCER
24 prevention, detection and treatment activities of the National Cancer
25 Response;
- 26 (b) facilitate the engagement of all tiers of government on issues of
27 CANCER;
- 28 (c) Oversee the functionality of all designed CANCER treatment
29 centers in the Country
- 30 (d) advocate for the mainstreaming of CANCER prevention

- 1 interventions into all sectors of the society;
- 2 (e) develop and periodically update the strategic plan of the National
3 CANCER response programme;
- 4 (f) provide leadership in the formulation of policies and sector-
5 specific guidelines on CANCER;
- 6 (g) establish mechanisms to support CANCER research in the
7 country;
- 8 (h) mobilize resources (local and foreign) and coordinate its equitable
9 application for CANCER activities;
- 10 (i) develop its own capacity and facilitate the development of other
11 stakeholders' capacity;
- 12 (j) provide linkage with global community on CANCER;
- 13 (k) monitor and evaluate all CANCER activities in the Federal
14 Republic of Nigeria;
- 15 (l) oversee, coordinate and facilitate the national CANCER response;
- 16 (m) develop and disseminate, in a transparent and participatory
17 manner, the policies and strategies required for CANCER prevention and
18 mitigate the adverse consequences of CANCER;
- 19 (n) build capacity throughout the nation to implement the national
20 CANCER response programme;
- 21 (o) facilitate the development and management of the policies and
22 strategies of all sector to ensure the human, financial and organization
23 resources to support the successful executive of the national CANCER
24 response programme;
- 25 (p) Coordinate the country's role in the international cancer response;
- 26 (q) Support Federal line Ministries and other entities to ensure
27 transparent and accurate reporting on the utilization of financial and material
28 resources; and
- 29 (r) Perform such functions as may, from time to time be assigned to it.
- 30 (2) The Agency shall have the power to do all things necessary to

1 carry out its functions including:

2 (a) Undertaking operational research, on its own or in association
3 or partnership with a national international institute or tertiary education
4 institution;

5 (b) co-operating with persons and institutions undertaking basic
6 research in Nigeria and other countries by the exchange of scientific
7 knowledge and the provision of access to the resources and specimens
8 available to the Service;

9 (c) enter into contracts within or outside Nigeria, with any persons,
10 government, or institution and execute any contract, deed or any other
11 document in Nigeria or any foreign country for the purpose of combating
12 CANCER;

13 (d) open and operate ordinary and domiciliary accounts for the
14 Agency in recognized banking institutions in Nigeria;

15 (e) enter into agreements to facilitate or secure the payment of
16 commitments and to this end indemnify any person or cede, exchange or
17 cancel agreements;

18 (f) appoint officers and employees on such remuneration and on
19 such conditions subject to the relevant legislation;

20 (g) pay gratuities and pensions to its officers and employees;

21 (h) develop and maintain an appropriate organizational structure
22 and office arrangement; and

23 (i) generally, enter into any contract or perform any act, whether
24 within Nigeria or outside, as will in the opinion of the Board contribute
25 towards the attainment of the Agency's objectives.

26 (3) The Board shall:

27 (a) determine the overall policies of the Agency, including its
28 financial and operating procedures and ensure the effective implementation
29 of the policies and procedures;

30 (b) make rules for the appointment, promotion and discipline of

1 employees of the Agency; and

2 (c) establish, encourage and promote training programmes for the
3 employees of the Agency and other appropriate persons from public or private
4 organizations; provided that the Agency shall not be an implementing body.

Delegation and
Supplementary
provisions

5 6.-(1) Subject to such conditions as it may impose, the Board may
6 delegate any of its functions under this Act to any of its Committees or to the
7 Chief Executive Officer.

8 (2) Nothing in this section shall prevent the Board from performing or
9 exercising any of the functions and power so delegated.

10 7. The Supplementary provisions set in the Schedule to this Act shall
11 have effect with respect to the proceedings of the Board and other matters
12 contained therein.

13 PART IV - STRUCTURE OF THE AGENCY

Structure of the
Agency

14 8.-(1) There shall be for the Agency an Executive Management
15 Committee, which shall consist of-

16 (a) the Chief Executive Officer; and

17 (b) the head of the main divisions of the Agency.

18 (2) The Executive Management Committee is responsible for the
19 management of the Agency in accordance with the policies of the Agency.

20 PART V - STAFF OF THE AGENCY

Staff of the
Agency

21 9.-(1) There shall be appointed by the President, on the
22 recommendation of the Board, a Chief Executive Officer of the Agency who
23 shall be responsible for the day-to-day administration of the Agency and also
24 be its Chief Accounting Officer.

25 (2) The Chief Executive Officer shall hold office in the first instance
26 for a period of 4 years and may be re-appointed for a further period of 4 years
27 and not more and on such terms and conditions as may be determined, from
28 time to time, by the President.

29 (3) The Board may, from time to time, appoint for the agency such
30 other staff, as it may deem necessary to assist the Chief Executive Officer in the

1 performance of the functions of the Agency.

2 (4) The terms and conditions of Service (including remuneration,
3 allowances, benefits and pensions) of officers and employees of the Agency
4 shall be determined by the Board:

5 (a) service in the Agency shall be approved service for the purpose
6 of the Pension Act and accordingly officers and other persons employed in
7 the Agency shall, in respect of their services in the Agency, be entitled to
8 pension, gratuities and other retirement benefits as are prescribed
9 thereunder;

10 (b) notwithstanding the provisions of subsection (1) of this section,
11 the Agency may appoint a person to any office on the terms, which preclude
12 the grant of a pension, gratuity or retirement benefits; and

13 (c) for the purpose of the application of the Pensions Act, any
14 powers exercisable thereunder by the Minister or other regulations under
15 section 23 thereof, is hereby vested and shall be exercisable by the Board
16 and not by other persons or authority.

17 PART VI - FINANCIAL PROVISIONS

18 **10.-(1)** The Agency shall establish and maintain a fund from which
19 shall be defrayed all expenditure incurred by the Agency.

Financial
Provisions

20 (2) There shall be credited to the fund established pursuant to
21 subsection (1) of this section such payments as may be made to it by the
22 Federal Government for the running expenses of the Agency and all other
23 assets accruing from time to time to the Agency.

24 (3) The Agency may establish and maintain one or more funds into
25 which shall be credited such payments as may be made to it by donors and
26 other agencies from time to time for the purpose of supporting CANCER
27 activities and programmes in Nigeria.

28 (4) The Agency shall also, from time to time, apply the funds at its
29 disposal to:

30 (a) the cost of administration of the Agency;

1 (b) paying members of the Board and any Committee set up by the
2 Agency for such expenses as may be expressly authorized by the Agency or the
3 President in accordance with this Act and at the approved rates;

4 (c) the payment of salaries, fees, other remuneration, allowances,
5 pensions and gratuities payable to officers of the Agency;

Gift

6 11. The Agency may accept gifts, including land, money or other
7 property, on such terms and conditions, if any, as may be specified by the
8 person or organization making the gift
9 provided that the conditions attached by the person or organization making the
10 gift are not inconsistent with the functions of the Agency under this Act.

Accounts and
Audit

11 12. The Chief Executive Officer shall cause to be prepared and
12 submitted to the Board, not later than 30th September of each year, an estimate
13 of the expenditure and income of the Agency for the following year.

14 13. The Agency shall cause to be kept proper accounts of the Agency
15 in respect of each financial year and proper records in relation thereto and shall
16 cause the accounts to be audited not later than 6 months after the end of the year
17 by the auditors appointed from the list and in accordance with the guidelines
18 supplied by the Auditor-General for the Federation.

19 14. The Chief Executive Officer shall, not later than 30th June in each
20 year, prepare and submit to the Board a report on the activities and
21 administration of the Agency during the preceding year and shall include in the
22 report a copy of the audited accounts of the Agency for the year and the
23 auditor's report thereon.

24 15. The Agency shall be exempted from the payment of income tax on
25 any income derived by it under this Act or accruing to it from any investments.

26 16. The provisions of any enactment relating to the taxation of
27 companies or trust funds shall not apply to the Agency.

28 PART VII - MISCELLANEOUS

29 17. The Board may make such regulations as are necessary or
30 expedient for carrying into effect the provisions of this Act.

- 1 **18. In this Act-** Interpretation
- 2 "Agency" means the National Agency for the Control of CANCER,
- 3 established under Section I of this Act;
- 4 "Functions" includes duties and powers; and
- 5 "Member" means a member of the Board of the Agency and included the
- 6 Chairman;
- 7 "Minister" means the Minister responsible for Health;
- 8 "President" means the President and Commander - in - Chief of the Federal
- 9 Republic of Nigeria.
- 10 **19. This Act may cited as the National Agency for the Control of** Short Title
- 11 CANCER Bill, 2016.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

PROCEEDINGS OF THE BOARD

- 15 **1. Subject to this Act and Section 27 of the Interpretation Act, the**
- 16 Board may make standing orders regulating its proceedings or those of any
- 17 of its communities.
- 18 **2. Every meeting of the Board of the Agency shall be presided over**
- 19 by the Chairman and if the Chairman is unable to attend the members
- 20 present at the meeting shall elect one of their members to preside at the
- 21 meeting.
- 22 **3. The meetings of the Board and the conduct of business at**
- 23 meetings shall be prescribed by Regulations:
- 24 (1) a quorum for a meeting of the Board shall be half of the
- 25 appointed members;
- 26 (2) a decision of the majority of the members of the Board presents
- 27 at any meeting constitutes a decision of the Board and, in the event of an
- 28 equality of votes, the member presiding at the meeting shall have a casting
- 29 vote in addition to his deliberative vote.
- 30 (3) a decision taken by the Board or an act performed under the

1 authority of the Board is not invalid by reason only of a vacancy on the Board,
2 or that a person who is not entitled to sit as a member of the Board sat as a
3 member at the time when the decision was taken or the act was authorized, if
4 the decision was taken or the act was authorized by the requisite majority of the
5 members of the Board who were present at the time and entitled to sit as
6 members.

7 (4) minutes of the proceedings of every meetings of the Board shall be
8 prepared and entered in a book kept for that purpose.

9 (5) minutes of the proceedings of each meeting shall be submitted at
10 the next meeting of the Board and, if confirmed as correct, shall be confirmed
11 by the signature of the chairperson or other members present thereat and may,
12 when so confirmed, be evidence in a court of law of the proceedings of the first-
13 mentioned meeting.

14 (6) in the absence of the chairperson or the person acting as the
15 chairperson from a particular meeting of the Board, the members present at that
16 meeting may elect one of them to preside at that meeting.

17 4. The Board shall meet not less than four times in each year and,
18 subject thereto, the Board shall meet whenever it is summoned by the
19 Chairman, and if the Chairman is required to do so by notice given to him by
20 not less than nine other members, he shall summon a meeting of the Board to be
21 held within 14 days from the date on which the notice is given. ..

22 *Committees*

23 5.-(1) Subject to section 9 and standing orders, the Board may appoint
24 such number of standing and ad-hoc committees as it deems fit to consider and
25 report on any matter with which the Board is concerned.

26 (2) Every Committee appointed under sub-paragraph (1) of this
27 paragraph shall be presided over by a member of the Board and shall be made
28 up of such number of persons, not necessarily members of the Board, as the
29 Board may determine in each case.

30 (3) The decision of a committee of the board shall be of no effect until

1 it is adopted by the Board.

2 6.-(1)(a) The Board may appoint one or more committees to assist it
3 with the performance of its functions and exercise of its powers; provided
4 that it must appoint:

5 (i) a Finance Committee;

6 (ii) an Audit Committee; and

7 (iii) a Human Resources and Remuneration Committee.

8 (b) The Board may appoint one or more specialist advisory
9 committees, to be chaired by a Board member but consisting of members
10 other than members of the Board, to assist it with the performance of its
11 functions and exercise of its powers.

12 (2) The provisions of sections 6 and 7 apply mutatis mutandis to
13 Committees of the Board.

14 *Miscellaneous*

15 7. The fixing of the seal of the Board shall be authenticated by the
16 signature of the Chairman or such other member authorized generally or
17 specifically authorized by the Board to act for that purpose and of the Chief
18 Executive Officer.

19 8. Any contract or instrument which, if made by a person not being
20 a body corporate, would not be required to be under seal, may be made or
21 executed on behalf of the Board by the Chief Executive Officer or by any
22 other person generally or specifically authorized by the Board to act for that
23 purpose.

24 9. Any document purporting to be a contract, an instrument or
25 other document signed or
26 sealed on behalf of the Board shall be received in evidence and, unless the
27 contrary is proved, be presumed, without further proof, to have been so
28 signed or sealed.

29 10. The validity of any proceedings of the Board or Committee
30 shall not be affected by:

- 1 (a) any vacancy in the membership of the Board or Committee;
- 2 (b) a defect in the appointment of a member of the Board or
- 3 Committee; or
- 4 (c) reason that a person not entitled to do so took part in the
- 5 proceeding of the Board of Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Agency for the Prevention and Control of Cancer and other related matters.