

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA CENTRE FOR DISEASE CONTROL AND PREVENTION (NCDC) AND FOR MATTERS CONNECTED THEREWITH, 2016.

*Sponsored by Senator T.A. Orji*

[ ] Commencement

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

### PART 1 - ESTABLISHMENT

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1.-(1) There is hereby established a body to be known as the Nigeria Centre for Disease Control (NCDC) (in this Act referred to as the Centre).

Establishment of the Nigeria Centre for Disease Control

(2) The Centre:

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

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

(c) shall have its principal office located at the Federal Capital Territory, Abuja and such other liaison, operations or coordinating branch offices as may be required for the proper discharge of its functions under this Act.

2.-(1) There is hereby established for the management of the Centre a governing board (in this Act referred to as the Board) which shall consist of:

Establishment of the Governing Board of the Centre

(a) a Chairman, who shall be suitably qualified, and appointed by the President, on the recommendation of the Minister;

(b) One representative each of the following Federal Ministries and institutions who should not be below the rank of a Director:

(i) Ministry of Health;

- 1 (ii) Ministry of Science and Technology;
- 2 (iii) Ministry of Education;
- 3 (iv) Ministry of Agriculture and Livestock;
- 4 (v) Ministry of Defence;
- 5 (vi) Ministry of Information and National Orientation;
- 6 (vii) Ministry of Water Resources;
- 7 (viii) Ministry of Environment;
- 8 (ix) National Primary Health care Development Agency;
- 9 (x) National Emergency and Response Agency.
- 10 (c) Two representatives of the private sector;
- 11 (d) The Director-General, who shall be the Secretary to the Board.
- 12 (2) The members of the Board other than ex-officio members shall be
- 13 appointed by the President on the recommendation of the Minister and shall be
- 14 persons of proven integrity and ability.
- 15 (3) The supplementary provisions set out in the Schedule to this Act
- 16 shall have effect with respect to the proceedings of the Board and other matters
- 17 contained therein.
- Tenure of Office 18 **3.-(1) The Chairman and the Members of the Board who are not ex-**
- 19 **officio members shall hold office:**
- 20 (a) for a period of four years in the first instance and may be re
- 21 appointed for one further period of four years and no more;
- 22 (b) on such terms and conditions as may be specified in their letters of
- 23 appointment.
- 24 (2) Notwithstanding the provisions of subsection (1) of this section,
- 25 the Chairman or any member of the Board may at anytime be removed from
- 26 the office by the President for inability to discharge the functions of his office
- 27 (whether arising from infirmity of mind or body or any other cause or
- 28 misconduct).
- 29 (3) A member of the Board shall be paid such emoluments,
- 30 allowances and benefits as the Revenue Mobilization, Allocation and Fiscal

1 Commission may, from time to time determine.

2 (4) Subject to this Act, a member of the Board, other than an ex-  
3 officio member, shall not while holding office on the Board, hold any other  
4 office of emolument in any of the public service of the Government of the  
5 Federation or of a State.

6 4. The Board shall:

Functions of the  
Board

7 (a) formulate the overall policy of the Centre;

8 (b) facilitate the formation and development of partnerships and  
9 collaborations for the purpose of enhancing the initiatives and activities of  
10 the Centre;

11 (c) facilitate funding for the successful implementation of projects  
12 and programs;

13 (d) provide support for developing roadmap for engaging the states  
14 of the Federation and other relevant partners for effective surveillance and  
15 disease prevention and control;

16 (e) supervise the strategic repositioning of the public health system  
17 to respond to and put in place an emergency /pandemic preparedness system  
18 and to efficiently and effectively respond to disease outbreaks and  
19 epidemics/pandemics;

20 (f) ensure that adequate technical systems/expertise are in place for  
21 the NCDC to carry out its functions;

22 (g) have power to appoint committees, as may be expedient which  
23 shall be charged with specific functions delegated by the Board;

24 (h) fix the terms and conditions of service including appointment,  
25 remuneration and discipline of employees of the Centre after consultation  
26 with the Federal Civil Service;

27 (i) have power to do such other things as are necessary for  
28 successful performance of its functions under this Act.

29 PART II - FUNCTIONS AND POWERS OF THE CENTRE

30 5. The functions of the Centre shall be to:

Functions of the  
Centre

- 1 (a) Detect, investigate, prevent and control diseases of public health  
2 importance of emerging and re-emerging diseases including zoonotic diseases,  
3 causes of the disease(s) and factors influencing their emergence;
- 4 (b) Collaborate, coordinate and network disease diagnostic activities  
5 by relevant laboratory services including WHO standard Reference  
6 laboratories in Nigeria;
- 7 (c) Strengthen capacity building to support surveillance and research  
8 and to implement prevention and control programs through enhanced Nigeria  
9 Field Epidemiological and Laboratory Training Programmes (NFELTP);
- 10 (d) Strengthen the health information systems on prevention and  
11 control measures of communicable and non-communicable prompt  
12 implementation of prevention strategies;
- 13 (e) Provide communication to the public on diseases particularly  
14 emerging and re-emerging diseases;
- 15 (f) Support the operationalization of international health regulations  
16 including trans-border disease surveillance and control activities;
- 17 (g) Provide leadership to coordinate and control national and trans-  
18 border responses to mass public health emergencies such as road traffic  
19 accidents, floods, bioterrorism, disease outbreaks, heavy metals poisoning and  
20 other health emergencies;
- 21 (h) Provide Zonal and State support to preparedness, response, assess  
22 and protection management to emerging, pandemics;
- 23 (i) Network all public health activities targeted at mitigating epidemic  
24 disease impact including facilitation of eradication and/or elimination of  
25 targeted diseases;
- 26 (j) Prepare national research agenda on public health and nutrition,  
27 conduct research, submit policy briefs based on the research result,  
28 disseminate research findings and evaluate their impact;
- 29 (k) Establish a framework for the integration and effectiveness of  
30 health research and put in place a national public health research database;
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1 (l) Undertake health system research vital for health promotion and  
2 disease prevention, and evaluate impact of such public health interventions  
3 conducted by the health sector;

4 (m) Produce or provide scientific guidance and assistance for local  
5 production of vaccines and other biologicals such as diagnostic kits, sera  
6 and antisera, food science and nutritional products, and other related  
7 substances useful for the health service, through locally developed  
8 technology or technology transfer;

9 (n) Undertake research on malnutrition and nutritional deficiencies  
10 as well as nutritional improvement at family level;

11 (o) Provide support to the national health policies and programmes  
12 on disease control and prevention including the development of a National  
13 Service Framework for hospitals, on selected chronic diseases in line with  
14 WHO recommendation;

15 (p) Provide technical support to the states and Local governments  
16 in the planning, implementation and management of disease control and  
17 prevention; and support states and local governments in their efforts at  
18 controlling and preventing communicable and non-communicable diseases;

19 (q) Collaborate with and assist sectoral programmes, states, local  
20 governments and other stakeholders with relevant technical and logistics  
21 support for disease prevention and control;

22 (r) Implement all decisions of National Council on Health as  
23 regards Disease Control and Prevention;

24 (s) Submit regular reports to the Minister;

25 (t) Carryout such activities as are necessary or expedient for the  
26 performance of its functions under this Act.

27 6. The Centre shall have power to:

28 (a) Demand and obtain relevant information, data and report on  
29 matters relating to the prevention and control of communicable and non-  
30 communicable diseases occurring within the territory of Nigeria;

Powers of the  
Centre

1 (b) Ensure compliance with all NCDC and WHO guidelines and  
2 regulations for Disease diagnostics, disease detection and reporting;

3 (c) Oversee the implementation of the International Health  
4 Regulation and coordinate local compliance in all aspects of public health,  
5 ethics and good research practice, including liaising with relevant  
6 establishments within and outside Nigeria in pursuance of the functions of the  
7 Centre.

8 PART III - STRUCTURE OF THE CENTRE

9 7.-(1) There shall be created for the Centre a management committee,  
10 which shall consists of:

11 (a) the Director-General, who shall be the Chief Executive Officer  
12 (CEO);

13 (b) the heads of the departments of the Centre; and any other person  
14 that may be co-opted by the Director-General.

15 (2) The management committee shall be responsible for the  
16 management of the Centre in accordance with its policies.

17 (3) The Management Committee shall be responsible for the  
18 appointment, promotion and discipline of the Junior staff of the Centre.

19 PART IV - STAFF OF THE CENTRE

Appointment of  
Director-General

20 8.-(a) There shall be appointed for the Centre by the President on the  
21 recommendation of the Minister, a Director-General, who shall be a person  
22 with good knowledge of Medicine or Public Health, with not less than fifteen  
23 years of relevant experience;

24 (b) The Director General shall be:

25 (i) the Chief Executive, and responsible for the day-to-day  
26 administration of the Centre;

27 (ii) be answerable to the Board;

28 (c) The Director-General shall hold office in the first instance for a  
29 period of four years and may be re-appointed for a further period of four years  
30 and no more on such terms and conditions as may be determined, from time to

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1 time, by the President.

2 9.-(1) The Board may from time to time appoint such other persons  
3 as members of staff of the Centre as it may deem necessary to assist the  
4 Centre in the performance of its functions under this Act.

Appointment of  
staff of the Centre

5 (2) The Staff of the Centre shall be: governed by the rules  
6 governing the Public service of the Federation, and the terms and conditions  
7 of service including remuneration, allowances, benefits and pensions of  
8 officers and employees shall be determined by the Board.

9 (3) Service in the Centre shall be approved service for the purpose  
10 of the Pensions Act and accordingly employees of the Centre shall in respect  
11 of their services be entitled to pensions, gratuities and other retirement  
12 benefits as are prescribed thereunder.

13 (4) Notwithstanding subsection (1) of this section, nothing in this  
14 Act shall prevent the appointment of a person to any office on term, which  
15 preclude the grant of a pension, gratuity or retirement benefits.

16 (5) For the purpose of the application of the Pensions Act, any  
17 power exercisable thereunder by the Minister or other authority of the  
18 government of the Federation, other than the power to make regulations  
19 under section 2 or 3 thereof, is hereby vested and shall be exercisable by the  
20 Board and not by any other Person or Authority.

21 PART V - FINANCIAL PROVISIONS

22 10.-(1) The Centre shall establish and maintain a fund from which  
23 shall be defrayed all expenditure incurred by the Centre for the purposes of  
24 this Act.

Fund of the  
Agency

25 (2) There shall be credited to the fund established in pursuance of  
26 subsection (1) of this section - such payments as may be:

27 (a) Federal Government appropriation for the running of expenses  
28 of the Centre and all other assets accruing, from time to time to the Centre;

29 (b) All sums accruing to the Centre by way of gifts, endowments,  
30 bequest, donations or voluntary contributions by persons and organizations;

1 (c) Foreign aid and assistance from multilateral and bilateral  
2 agencies;

3 (d) Grants from other sources.

4 (3) The Centre shall create and administer a public health emergency  
5 fund for the purpose of rapid response to health emergencies.

Expenditure of  
the Agency

6 11. The Centre shall, from time to time, apply the proceeds of the  
7 funds at its disposal to:

8 (a) the cost of administration of the Centre;

9 (b) paying members of the Board or of any committee set up by the  
10 Board for such expenses as may be expressly authorized by the Board in  
11 accordance with the approved rates;

12 (c) the payment of salaries, fees or other remuneration, allowances,  
13 pensions and gratuities payable to officers and servants of the Centre;

14 (d) publicize and promote the activities of the Centre;

15 (e) training members of staff of the Centre;

16 (f) support national and international scientific and professional  
17 organizations working on Disease Control and Prevention and pay annual dues  
18 and other contributions to such organizations;

19 (g) support and encourage national non-governmental organization,  
20 working nationwide in the effort to mitigate the impact of the communicable  
21 and non-communicable disease;

22 (h) conduct and support research activities relating to Communicable  
23 and other diseases.

24 (i) maintain any property vested in the Centre anywhere In Nigeria;

25 (j) anything done in connection with any of its functions under this  
26 Act.

Acceptance of  
Gifts

27 12.-(1) The Centre may accept gifts of land, money or other property  
28 on such terms and conditions, if any, as may be specified by the person or  
29 organization making the gift.

30 (2) The Centre shall not accept any gift if the conditions attached by

1 the person or organization making the gift are inconsistent with the  
2 functions of the Centre under this Act.

3 **13.-(1)** The Board shall cause to be prepared and submitted to the  
4 Minister, not later than 30th September of each year, an estimate of the  
5 expenditure and income of the Centre for the following year.

Annual estimates  
and audit report

6 (2) The Board shall keep proper accounts of the Centre in respect of  
7 each year and proper records in relation thereto and shall cause the accounts  
8 to be audited not later than 6 months after the end of each year by auditors  
9 appointed from the list and in accordance with the guideline provided by the  
10 Auditor-General for the Federation.

11 **14.** The Board shall, not later than 30th June in each year, prepare  
12 and submit to the Minister a report on the activities and administration of the  
13 Centre during the immediately preceding year and shall include in the report  
14 a copy of the audited accounts of the Centre for the year and the auditor's  
15 report there-on.

Annual report

16 **15.-(1)** The Centre may, subject to the provision of this Act and the  
17 conditions of any trust created in respect of any property, invest all or any of  
18 its funds in any securities as may, from time to time, be approved by the  
19 Board.

Investment and  
taxes

20 (2) The Centre shall be exempted from the payment of income tax  
21 on any incomes derived by it under this Act or accruing to it from any  
22 investments.

23 (3) Accordingly, the provisions of any enactment relating to the  
24 taxation of companies or trust funds shall not apply to the Centre.

25 **PART VI - CONSTITUTION OF ADVISORY COUNCIL OF NCDC**

26 **16.** Constitution of a National Advisory Council (NAC) for  
27 NCDC:

Constitution of  
NAC

28 (a) Membership shall be nominated by the DG of the Centre and  
29 appointed by the Minister;

1 (b) This Council shall be chaired by a renowned public health  
2 scientist.

Functions of  
NAC

3 **17. Functions of NCDC NAC committee:**

4 (a) to provide high quality scientific and technical advice and  
5 guidance to the NCDC and assist in its mentoring;

6 (b) to identify most effective tools for project implementation;

7 (c) to advise on how to engage the community to intensify active and  
8 passive surveillance by the NCDC in both public and private health Institutions  
9 in Nigeria;

10 (d) to advise on how to mobilize international technical and scientific  
11 support;

12 (e) to support resource mobilization activities of the NCDC.

13 **PART VII - MISCELLANEOUS**

Miscellaneous

14 **18.-(i)** For the purpose of providing office premises necessary for the  
15 performance of its functions, the Centre may, subject to the Land Use Act:

16 (a) purchase or take on lease any interest in and, building or property;

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18 (b) build, equip and maintain offices and premises.

19 (2) The Centre may, subject to the Land Use Act, let, sell or lease out  
20 any office or premises held by it, which is no longer required for the  
21 performance of its functions under this Act.

Power of the  
Minister to give  
directives

22 **19.** Subject to the provisions of this Act, the Minister may give to the  
23 Board such directives of a general or special nature relating to the performance  
24 by the Centre of any or all of its functions under this Act, and it shall be the duty  
25 of the Board to comply with such directives.

26 **20.** The Board may, with the approval of the Minister make such  
27 regulations as are necessary or expedient for carrying into effect the provisions  
28 of this Act.

Legal proceedings

29 **21.-(I)** No suit shall be commenced against the Centre before the  
30 expiration of a period of one month after written notice of intention to

1 commence the suit shall have been served upon the Agency by the intending  
2 plaintiff or his agent and the notice shall clearly and explicitly state:

3 (a) the course of action;

4 (b) the particulars of the claim;

5 (c) name and place of abode of the intending plaintiff and; (d) the  
6 relief which he claims.

7 (ii) The notice referred to in subsection 1 of this section and any  
8 summons notice or other document required or authorized to be served upon  
9 the Centre under the provision of this Act or any other enactment or law, may  
10 be served by:

11 (a) delivering the same to the Director General; or

12 (b) sending it by Registered post addressed to the Director General  
13 at the Head office of the Centre.

14 (iii) in any action or suit of the Centre, no execution or attachment  
15 or process in the nature thereof shall be issued against the Agency but any  
16 sums of money which may by the judgment of the court be awarded against  
17 the Centre shall subject to any direction given by the Centre be paid from the  
18 general reserve of the Centre.

19 **22.** In this Act, unless the context otherwise requires;

Interpretation

20 "Centre" means the Nigeria Centre for Disease Control (NCDC) established  
21 under section 1 of this Acts;

22 "Board" means the Governing board of the National Agency for the NCDC;

23 "Functions" includes duties and powers;

24 "NCDC" means Nigeria Centre for Disease Control;

25 The "President" means The President of the Federal Republic of Nigeria;

26 The "Minister" means the Minister of Health charged with the responsibility  
27 for health;

28 "Member" means a member of the governing board and includes the  
29 Chairman.

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*Committees*

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7.-(1). Subject to its standing orders, the Board may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Centre is concerned.

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

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(3) The decision of a committee of the Board shall be of no effect until it is adopted by the Board.

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8. The validity of any proceeding of the Board or Committee shall not be affected by:

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(a) any vacancy in the membership of the Board or committee thereof;

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(b) a defect in the appointment of a member of the Board or committee; or

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(c) reason that a person not entitled to do so took part in the proceeding of the Board or committee.

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*Miscellaneous*

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9. The fixing of the seal of the Centre shall be authenticated by the signature of the Chairman or such other member authorized generally or specifically authorized by the Board to act for that purpose and of the Director-General of the Centre.

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10. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Centre by the Director-General or by any other person generally or specifically authorized by the Board to act for that purpose.

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11. Any document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Centre shall be received in

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- 1 evidence and, unless the contrary is proved, be presumed, without further
- 2 proof, to have been so signed or sealed.

EXPLANATORY MEMORANDUM

The Bill seeks to establish the Nigeria Centre for Disease Control to coordinate and facilitate the prevention, detection, and control of Communicable and non-Communicable Diseases in Nigeria.