

A BILL

FOR

AN ACT TO PROVIDE FOR COMPULSORY HAEMOGLOBIN-GENOTYPE SCREENING TEST BEFORE A MARRIAGE CONDUCTED UNDER THE MARRIAGE ACT AND BEFORE REGISTRATION OF NEW BIRTHS UNDER THE BIRTH, DEATH, E.T.C. (COMPULSORY REGISTRATION) ACT AND FOR MATTERS CONNECTED THEREWITH, 2017

Sponsored by Senator Ahmed Salau Ogembe.

Co-sponsor: Senator Ovie Omo-Agege

[] Commencement

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

1 1. This Bill may be cited as the Mandatory Haemoglobin-
2 Genotype Test Bill, 2017.

Citation

3 2.-(1) All persons intending to be married under the Marriage Act
4 shall from the date of commencement of this Act be required to undergo
5 mandatory haemoglobin-genotype test in a government accredited medical
6 institution within Six (6) months before contracting any marriage under the
7 Marriage Act.

Mandatory
Haemoglobin-
Genotype Test

8 (2) Any person required under the Birth, Death, E.T.C.
9 (Compulsory Registration) Act to give information and particulars
10 regarding the registration of birth of any child and any medical facility that
11 took delivery of any child shall ensure that the child undergoes mandatory
12 haemoglobin - genotype test as soon as possible before the birth of the child
13 is registered pursuant to the Birth, Death, E.T.C. (Compulsory Registration)
14 Act.

Responsibility of
certain persons to
refuse celebrating
marriage and
registering new
birth for failure to
comply with the
mandatory
Haemoglobin-
Genotype Test

15 3.-(1) The Registrar of Marriages and officiating ministers in
16 places of worship licenced to celebrate marriages under the Marriage Act in
17 each State of the Federation and the Federal Capital Territory, Abuja, shall

1 not celebrate any marriage between persons intending to be married if one or
2 both of such persons fails to undergo the mandatory haemoglobin - genotype
3 test as prescribed in Section 2(1) of this Act.

4 (2) The Registrar of Marriages and officiating ministers in places of
5 worship licenced to celebrate marriages under the Marriage Act in each state of
6 the federation and the Federal Capital Territory, Abuja, shall not celebrate any
7 marriage between persons intending to be married if the result of the
8 haemoglobin - genotype test is such that it is likely that such persons are likely
9 to have children with sickle cell disease.

10 For the purposes of this Act, a man and a woman shall be deemed "likely to
11 have children with sickle cell disease" if the mandatory haemoglobin-
12 genotype test result carried on them under section 2(1) of this Act indicate or
13 confirm that they both have the 'S' genome in their genotype combinations and
14 this includes the following combinations: AS + AS, AS + SS and SS + SS or any
15 such medical condition that will result in the birth of children with sickle cell
16 disease.

17 (3) The Registrar of Births in each State of the Federation and the
18 Federal Capital Territory, Abuja, shall require particulars about the genotype of
19 every new born child before registering the child or issuing a certificate of Birth
20 in respect of the child.

21 4.-(1) It shall be unlawful for persons who are likely to have offspring
22 with sickle cell disease to be married in Nigeria from the date of
23 commencement of this Act. In addition to the instances of void marriages as
24 stipulated in the Marriage Act, any marriage conducted after the
25 commencement of this Act in contravention of this section shall be void and
26 unrecognized in law, provided that nothing in this Act shall invalidate any
27 marriage contracted before this Act between two persons likely to have
28 children with sickle cell disease.

29 (2) It shall be unlawful for any person required under the Birth, Death,
30 E.T.C. (Compulsory Registration) Act to give information and particulars

1 regarding the registration of birth of any child to procure the registration of
2 any child without providing particulars of the genotype of such child to the
3 Registrar of Births. Any person who contravenes this sub-section (2) shall
4 upon conviction be liable to 6 months imprisonment with the option of fine
5 as may be determined by a magistrate or judge.

6 (3) It shall be unlawful for any medical institution that took
7 delivery of any child, to fail to conduct the mandatory haemoglobin -
8 genotype test of the new born child immediately after taking delivery of the
9 child for the purpose of registration of the birth of the child in accordance
10 with this Act. Any medical institution that contravenes this sub-section (3) is
11 guilty of an offence and shall, on conviction, be liable to have its operating
12 licence revoked.

13 (4) It shall be unlawful for any Registrar of Marriages or officiating
14 minister in places of worship licenced to celebrate marriages under the
15 Marriage Act to celebrate any marriage between persons intending to be
16 married if the result of the haemoglobin-genotype test is such that it is likely
17 that such persons are likely to have children with sickle cell disease.

18 (5) Any Registrar of Marriages who contravenes this section (4) of
19 this section is guilty of an offence and shall, on conviction, be liable to
20 dismissal from service.

21 (6) Any place of worship licenced to celebrate marriages under the
22 Marriage Act that contravenes subsection (4) of this section is guilty of an
23 offence and shall, upon conviction, be liable to have its licence to conduct
24 marriages revoked.

25 (7) It shall be unlawful for any Registrar of Births to fail to request
26 particulars about the genotype of every new born child before registering the
27 child or issuing a certificate of Birth in respect of the child. Any person who
28 contravenes the provision of this sub-section (7) is guilty of offence and
29 shall, upon conviction, be liable to dismissal from service.

Responsibility of
Government
Institutions and
professional bodies
sensitise of the
public about the
mandatory
Haemoglobin-
Genotype testing
in accordance
with this Act

1 5. The Federal Ministry of Health, Registrar-General of Marriages,
2 Registrar General of Births, National Population Commission, Ministry of
3 Health in each State of the Federation, the Medical and Dental Practitioners
4 Council of Nigeria or any such body established by an Act of the National
5 Assembly as the recognized association of medical practitioners in Nigeria,
6 shall take steps to initiate programmes, strategies, advocacy or schemes aimed
7 at smooth and efficient delivery of mandatory Haemoglobin - Genotype test
8 across the federation and ensure compliance with the provisions of this Act by
9 medical officers, medical facilities, marriage registries, birth registries and
10 places of worship licenced to celebrate marriages under the Marriage Act.

Interpretation

11 6. In this Act, unless the context indicates otherwise-
12 "Genotype" means the type of gene that makes up the haemoglobin of the red
13 blood cells of a person;
14 "Government accredited medical institution" means an institution
15 approved by law where people are treated when they fall sick or where people
16 can receive medical test or screening;
17 "Haemoglobin" means a form of protein found in the red blood cells
18 that transports oxygen from the lungs to the rest of the body.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for compulsory Haemoglobin-Genotype screening test before a marriage conducted under the Marriage Act and before registration of new births under the birth, death, e.t.c. (Compulsory Registration) Act.