



- 1 (c) a representative each of the Federal Ministry of:  
2 (i) Science and Technology,  
3 (ii) Health,  
4 (iii) Agriculture and Water Resources,  
5 (iv) Commerce and Industry  
6 (v) The representative of the Director General of the National Agency  
7 for Food and Drug Administration and Control, who shall be the highest  
8 ranking registered food professional in the organization.  
9 (vi) The representative of the Director General of Standards  
10 Organization of Nigeria, who shall be the highest ranking registered food  
11 professional in the organization.  
12 (d) the Registrar of the Council;  
13 (e) one representative of Committee of Directors of food related  
14 research institutes in the Federal Ministry of Science and Technology;  
15 (g) two representative of Heads of Department of Food Science and  
16 Technology one from a university and one from a polytechnic accredited by the  
17 council.  
18 (h) one representative each of Nigerian Universities Commission and  
19 National Board for Technical Education;  
20 (i) one representative of the Association of Food, Beverage and  
21 Tobacco Employers;  
22 (j) one representative of Nigerian Association of Small and Medium  
23 Scale Enterprises; and  
24 (k) two other persons as the Council may from time to time, prescribe.  
25 (2) The Chairman shall preside at all the meeting of the Council and  
26 shall hold office for 4 years in the first instance, and may be re-appointed for  
27 another term of 4 years and no more.  
28 (3) In the event of the death, incapacity or inability of the Chairman,  
29 or for any other reason, the Vice-Chairman shall act as the Chairman of the  
30 Council with the approval of the Minister, pending the appointment of a new

1 Chairman for the remaining portion of the term of office of the Chairman  
2 and references in this Act to the Chairman shall be construed accordingly.

3 (4) The provisions of First Schedule to this Act shall have  
4 effect with respect to the qualifications, election and tenure of office of  
5 members of the Council and other matters therein mentioned. First Schedule

6 **3. The Council shall:** Functions of the  
Council

7 (a) determine the standards of knowledge, exposure to equipment,  
8 practice and skills to be attained by persons seeking to become members of  
9 the profession of Food Science and Technology (in this Act referred to as  
10 "the food profession") and to be so registered, and review those standards  
11 from time to time, as circumstances may require;

12 (b) promote the highest standards of competence, practice and  
13 conduct among the members of the food profession;

14 (c) secure, in accordance with the provisions of this Act, the  
15 establishment and maintenance of a register of persons entitled to practice  
16 the food profession, the registration of the premises used for that purpose  
17 and the publication, from time to time, of the lists of the persons and  
18 premises so registered;

19 (d) determine the minimum scale of professional fees for members  
20 of the food profession and review such scale from time to time, as  
21 circumstances may require;

22 (e) serve as an agency that will coordinate, regulate, facilitate and  
23 promote the development of the discipline and practice of food science and  
24 technology in Nigeria;

25 (f) collaborate with relevant national and international  
26 governmental and non governmental agencies;

27 (g) perform such other functions as are necessary for carrying out  
28 the objectives of establishing the Council under this Act.

29 **4. The Council shall have power to:** Power of the  
Council

30 (a) make rules with regard to any matter contained in this Act;

- 1 (b) regulate the enrolment of persons seeking registration
- 2 (c) require any member to acquire such approved qualification as is
- 3 acceptable and commensurate to his cadre in the food profession, either in
- 4 addition to, or in substitution for any other qualification with which he is
- 5 registered by the Council;
- 6 (d) determine fees (including annual subscription), payable by
- 7 registered food professionals on enrolment;
- 8 (e) refuse to register any person as a member of the food profession, if
- 9 it appears to it th such a person:
- 10 (i) does not poses the relevant qualification;
- 11 (ii) has been indicated for an offence and sentenced to more than 2
- 12 years imprisonment;
- 13 (f) strike of the names of members from the register for
- 14 unprofessional conduct; and
- 15 (g) order the re-listing of any member whose name was struck off the
- 16 register, on reasonable grounds.
- 17 **5.-(1)** Subject to the provisions of this section a person shall be
- 18 eligible, for enrolment as a registered professional by the council in the
- 19 categories of:
- 20 (a) Fellow; and
- 21 (b) Member;
- 22 (c) -
- 23 (2) A person admitted into the membership of the profession by the
- 24 Council, in any of the categories specified in subsection (1) of this section, shall
- 25 be so registered by the registrar and be entitled to the use of the title:
- 26 (a) Fellow of Nigerian Council of Food Science and Technology, if:
- 27 (i) he is not less than 40 years of age;
- 28 (ii) he has at least 15 years of relevant working experience in the food
- 29 profession;
- 30 (ii) he is registered as a Certified Food Scientist of Nigeria and has

Admission to  
membership

1           been qualified to be so registered for at least 10 years and he satisfies the  
2           Council that, for the proceeding period of 15 years, he has been in practice as  
3           a food professional;

4                   (iv) he is a fit and proper person to be enrolled;

5                   (v) his application is sponsored by 2 members of the Council, both  
6           of whom shall be a fellows; and

7                   (vii) he is a Fellow of NIFST.

8           (b) Certified Food Scientist of Nigeria, if:

9                   (i) he is not less than 20 years of age;

10                  (ii) he holds the qualification approved for registration into the  
11           food profession;

12                  (iii) he is a fit and proper person to be enrolled;

13                  (iv) his application is sponsored by 2'memb-ers of the Council who  
14           have been registered food professionals for minimum period of 5 years;

15                  (v) he is recommended by the governing council of NIFST; and

16                  (vi) satisfies other conditions as prescribed by the council  
17           including examinations, tests and internship.

18           A person accorded any status as specified in subsection (1) of this section by  
19           the Council shall be entitled to the use of the title of:

20                   (a) Fellow of the Nigerian Council of Food Science and  
21           Technology; or

22                   (b) Certified Food Scientist of Nigeria after his name as may be  
23           authorized by the Council according to whether he is a fellow or a Certified  
24           Food Scientist.

25           Notwithstanding the provisions of subsection (1) of the section, the Council  
26           may accord other worthy persons such other status of the profession as the  
27           Council may, from time to time as may be determine.

28                   (3) Notwithstanding the provisions of subsection (2) of this  
29           section, all members excluding centiates, corporate and honorary members  
30           of NIFST whose names appear in the most recent addition of its directory of

1 members and any person who has been a member of NIFST as at the date of  
2 commencement of this Act or who but for this act would have been qualified to  
3 be admitted as member of NIFST within a period of 6 months from the  
4 commencement of this act shall be deemed enrolled into the register of Food  
5 Professionals of the food profession in their serious membership categories  
6 and years of membership in NIFST on fulfilling other requirement described  
7 by the Council.

8 PART II - APPOINTMENT OF REGISTRAR, AND PREPARATION  
9 OF THE REGISTER

Appointment of  
Registrar and  
preparation of  
the Register

10 6. -(1) The Council shall appoint:

11 (a) a fit and proper person, who is a food professional and a fellow of  
12 the Council and NIFST, to be the Registrar and the Chief Executive Officer of  
13 the Council; and

14 (b) such other persons as it may, from time to time need, to assist the  
15 Registrar in the performance of its functions under this Act;

16 (c) The Council shall be responsible for the discipline, promotion and  
17 the determination of the terms and conditions of service of the employees of the  
18 Council;

19 (d) The Registrar shall hold office for 5 years in the first instance, on  
20 such terms and conditions of service as specified in his letter of appointment  
21 and may be eligible for reappointment for another period of 5 years and not  
22 more;

23 (e) The Register shall be responsible for the supervision and general  
24 administration of the employees, under the direction of the Council.

Pensions Act  
No. 2, 2004

25 7.-(1) It is declared that service in the Council shall be approved  
26 service for the purposes of the Pensions Reform Act. And accordingly,  
27 employees of Council excluding temporary, ad-hoc contract staff shall be  
28 entitled to pension, gratuity or other retirement benefits, in respect of the office.

29 (2) Without prejudice to the provisions of subsection (1) of this  
30 section nothing in this Act all prevent the appointment of a person to any office,

1 on terms which preclude the granting a pension, gratuity or other retirement  
2 benefits, in respect of that office.

3 **8.**-(1) The Registrar shall prepare and maintain a register of:

Duty of the  
Registrar to  
prepare the register

4 (a) the names, addresses, and the rules, of all persons who are  
5 entitled in accordance with the provisions of this Act to be registered as  
6 members of the food profession and who, in the manner prescribed by such  
7 rules, apply to be so registered;

8 (b) the premises where members of the food profession engage in  
9 the manufacturing, processing, packaging, storage, warehousing,  
10 importation, exportation, sale, distribution or other activities relating to the  
11 practice of the food profession;

12 (c) the institutions of higher learning accredited by the Council that  
13 are offering courses in food science and technology; and

14 (d) such other persons and establishments as the Council may  
15 direct, to be registered.

16 (2) The register shall consist of two sub-parts, of which the first,  
17 Part A shall be the register of the persons which shall further be made up of  
18 three sub-parts, of which -

19 (a) the first, shall be in respect of premises in which members are  
20 engaged in professional practice; and

21 (b) the second, shall be in respect of tertiary educational  
22 institutions accredited by the Council, to offer courses in food science and  
23 technology.

24 (3) Subject to the provisions of subsections (1) and (2) of this  
25 section, the Council shall make rules, with respect to the form and keeping  
26 of the register and making of entries therein, and in particular:

27 (a) regulate the making of application for registration and provide  
28 for the evidence to be produced in support of such applications;

29 (b) provide for the notification of the Registrar by the person to  
30 whom registered particulars relate, of any change in those particulars;

1 (c) authorizes a registered person to have any qualification which is in  
2 relation to the profession, whether an approved qualification or accepted  
3 qualification for the purposes of this Act, registered in relation to his name, in  
4 addition to or, as he may elect, in substitution for any other qualifications so  
5 registered;

6 (d) specify the fees, including my subscription, to be paid to the  
7 Council in respect of the entry of names on the register, and authorize the  
8 Registrar to refuse to enter a name of on the register, until the fee for the entry  
9 has been paid, and

10 (e) specify such other conditions and matters required to be specified  
11 under this section.

12 (4) Rules made for the purpose of paragraph (d) of this section shall  
13 not come into force until they are confirmed at the next meeting of the Council  
14 or a special general meeting of NIFST.

Alteration of  
the register

15 **9.-(1)** The Registrar shall:

16 (a) correct, in accordance with the Council's directives, any entry in  
17 the register, which the Council directs him to correct, as being in the Council's  
18 opinion an entry which was incorrectly made;

19 (b) make from time to time, any necessary alteration to the registered  
20 particulars of registered persons or premises;

21 (c) remove from the register, the name and particulars of any  
22 registered person or premises, as the Council may direct; and

23 (d) record the names of registered food professionals and of promises  
24 which are in default for more than two years in the payment of annual  
25 subscriptions, and take such actions in relation thereto (including removal of  
26 the names of defaulter from the registrar), as the Council may direct or require.

27 (2) If the Registrar:

28 (a) sends by post to any registered person, a registered letter,  
29 addressed to that person at the person's address on the register, enquiring  
30 whether the registered particulars relating to him are correct and receives no



1 reply to the letter within a period of 3 months from the date of posting it;

2 (b) upon the expiration of the period stated in paragraph (a) of this  
3 subsection, send in like manner to the person in question, a second similar  
4 letter and receive no reply to that letter within three months from the date of  
5 posting it; and

6 (c) sends by electronic means an e-mail to that person, at his e-mail  
7 address without any reply, the Registrar may, remove the particulars relating  
8 to the person in question from the register, but the Council may direct  
9 Registrar to restore to the appropriate part of the register, any particulars  
10 removed there from under this subsection.

11 **10.-(1)** The Registrar shall cause:

12 (a) the register to be printed, published and put on sale to members  
13 of the public, not later than 2 years from the commencement of this Act and  
14 thereafter in each year, cause to be printed, published and put on sale, either a  
15 corrected edition of the register or a list of corrections made to the register,  
16 since it was last printed;

17 (b) a copy of each edition of the register printed and of each list of  
18 corrections to be deposited at the principal offices of the Council and NIFST  
19 Chapter Offices; and

20 (c) to be kept, the register and list deposited and make same  
21 available to members of the public, at all reasonable times for inspection.

22 (2) A document purporting to be a print of an edition of a register  
23 published under this section by the Registrar, and of the list of corrections to  
24 the edition so published, shall (without prejudice to any other made of proof)  
25 be admissible in any proceeding., as evidence that any person specified in  
26 the document as being registered was so registered at the date of the edition  
27 or of the list of corrections, as the case may be and that any person not so  
28 specified was not so registered.

29 (3) Where, in accordance with subsection (2) of this section, a  
30 person is, in any proceeding, shown to have been or not to have been

Publication of the  
register and list  
of correction

1 registered at a particular date, he shall, unless the contrary is proved, be taken  
2 for the purposes of those proceedings as have at all material times thereafter  
3 continued to be, or not to be registered.

4 PART III - REGISTRATION

Registration of  
member and  
premise

5 **11.** Subject to section 5 of this Act and the rules made under section 8  
6 (3) of this Act, a person is entitled to be a member of the food profession, if he  
7 satisfies the Council that:

8 (a) he holds the qualification approved for membership of the food  
9 profession and has been admitted into the membership of NIFST as a  
10 Professional Member;

11 (b) he is by law entitled to practice for all purposes as a food  
12 professional in the country in which the qualification was granted; and

13 (c) he holds at least one of the qualification prescribed for the purpose  
14 of registration and has complied with other requirements prescribed under this  
15 Act.

16 (2) Subject to subsection (1) of this section, a person is entitled to be  
17 registered under the provisions of this Act, if he holds such certificate as may be  
18 recognized by the Council, from time to time.

19 (3) A person applying for registration under this Act shall, in addition  
20 to evidence of qualification, satisfy the Council that he is a fit and proper  
21 person.

22 (4) The Council may, in its sole discretion, provisionally accept a  
23 qualification produced in respect of an application for registration under this  
24 section or direct that the application be renewed within such period, as may be  
25 specified in the direction.

26 (5) An entry directed to be made in the register, under subsection (5)  
27 of this section, shall show that the registration is provisional and no entry so  
28 made shall be converted to full registration, without the consent of the Council  
29 signified in writing in that behalf.

30 (6) The Council shall, from time to time, publish in the Gazette,

1 particulars of qualifications for the time being, accepted for registration  
2 under this Act.

3 **12.-(1)** No registered person shall practice the food profession in Practicing fee  
4 any year unless, he has paid to the Council in respect of that year, the  
5 appropriate practicing fee, as determined by the Council from time to time,  
6 which shall be due on the 1st of January of every year.

7 (3) Any registered person who practices without paying the  
8 practicing fee, commits an offence and is liable on conviction, to a fine of  
9 twice the prescribed fee for each of the years he is in default of payment of  
10 the practicing fee.

11 **13.-(1)** The Council may, in conjunction with the appropriate Approval of  
12 bodies, approve any institution of learning for the purpose of this Act and institutions  
13 may approve: qualifications

14 (a) any course of training at any approved institution, which is  
15 intended for a person seeking to become or who is already a member of the  
16 profession and which in the opinion of the council, is designed to confer on  
17 the person on completing it, sufficient knowledge and skill for the practice  
18 of the food profession;

19 (b) any qualification which, as a result of an examination taken in  
20 conjunction with a course of training approved by the council under this  
21 section, is granted to a candidate on reading a standard at the examination  
22 indicating in the opinion of the council, that the candidate has sufficient  
23 knowledge and skill for the practice of the profession.

24 (2) The Council may, if it deems fit, withdraw such an approval  
25 given under this section in respect any course, qualification or institution,  
26 but before withdrawing such an approval, the Council all give notice that it  
27 proposes to do so, to persons in Nigeria appearing to the Council to be  
28 persons by whom the course is conducted or the qualification is granted or  
29 the institution is controlled, as the case may be, and:

30 (a) afford each such person, an opportunity of making to the

1 Council representations with regard to the proposal; and

2 (b) take into consideration, any representation made with respect to  
3 the proposal, in pursuance of paragraph (a) of this subsection.

4 (3) A course, qualification or institution shall not be treated as  
5 approved during any period the approval is withdrawn under subsection (2) of  
6 this section.

7 (4) Notwithstanding subsection (3) of this section, the withdrawal of  
8 an approval under subsection (2) of this section, shall not prejudice the  
9 registration or eligibility for registration of a person who, by virtue of the  
10 approval was registered or was eligible for registration (either unconditionally  
11 or subject to his obtaining a certificate of experience) immediately before the  
12 approval was withdrawn.

13 (5) The giving or withdrawal of an approval under this section, shall  
14 have effect from such date, either before or after the execution of the  
15 instrument signifying the giving or withdrawal of the approval, as the Council  
16 may specify, in instrument and the Council shall:

17 (a) cause a copy of the instrument to be published, as soon as possible,  
18 in the Gazette and a National Newspaper, and

19 (b) not later than 7 days before the publication of the instrument as  
20 provided in paragraph (a) of this subsection, send a copy of the instrument to  
21 the Minister.

Supervising  
institutions and  
examinations  
leading to approve  
qualification

22 **14.**-(1) The Council shall keep itself informed of the nature of:

23 (a) the instructions given at approved institutions to persons attending  
24 approved course of training; and

25 (b) the examinations, as a result of which approved qualifications are  
26 granted, and for the purpose of performing that duty, the council may appoint,  
27 either from among its own members or otherwise, persons to visit approved  
28 institutions or to observe such examinations.

29 (2) A person appointed under this section, shall report to the Council  
30 on:

1 (a) the adequacy of the instruction given to persons attending  
2 approval courses of training at institutions visited by him;

3 (b) the conduct and adequacy of the examinations observed by  
4 him;

5 (c) any other matter relating to the institutions or examinations, on  
6 which the Council may, either generally or in a particular case, request him  
7 to report, but no such person shall interfere with the giving of any instruction  
8 or the holding of examination.

9 (3) On receiving a report made under this section, the Council may,  
10 if it deems fit, and shall, if so required by the institution, send a copy of the  
11 report to the person appearing to the council to be in charge of the institution  
12 or responsible for the examination to which the institution's examination  
13 report relates, requesting that person to make observation on the report to the  
14 Council, with such period as may be specified in the request, not being less  
15 than 1 month beginning with the date of the request.

16 PART IV - FINANCIAL PROVISIONS

17 **15.**-(1) There is established, a Fund for the Council (in this Act referred to as "the Fund of the Fund").

Fund of the  
Council

18 (2) there shall be paid into the Fund of the Council:

19 (a) Money paid to the Council by way of grants, subsidies, foreign  
20 aid and donations from NIFST, governments and non-government partners,  
21 gifts, charges, fees, subscriptions and interests; and

22 (b) such other money accruing to or vested in the Council in respect  
23 of any matter incidental to its powers and functions under this Act.

24 (3) There shall be paid out of the Fund of the Council established  
25 under subsection (1) of this section:

26 (a) the costs of administration of the Council;

27 (b) the emoluments, allowance and benefits of members of the  
28 council, reimbursement of members of the Council or any committee set up  
29

1 by the Council and for such other expenses as may be authorized by the  
2 Council;

3 (c) the payment of the salaries, fees, or other benefits payable to the  
4 staff and other employees of the Council, so however that, no payment of any  
5 kind under this paragraph (except such as may be authorized by the Council)  
6 shall be made to any person, who is in receipt of emoluments from Government  
7 of the Federation or of a State;

8 (d) expenditures in support of training;

9 (e) research;

10 (f) costs of development and maintenance of any property vested in or  
11 owned by the Council; and

12 (g) any other expenditure approved by the Council, for the discharge  
13 of its functions and obligations under this Act.

14 (4) The Council may invest any surplus fund, in the securities created  
15 or issued by it or in other securities or ventures in Nigeria approved by the  
16 Council and the income generated thereby paid into the Fund.

17 (5) The Council may, from time to time, subject to the approval of the  
18 Minister, borrow money for the purpose of the Council and its functions under  
19 this Act and Such money and interests payable on such money shall be paid out  
20 of the Fund.

Annual estimate 21 **16.** The Council shall, not later than the so" September in each year  
22 submit to the Minister a work-plan, the annual estimates of its income and  
23 expenditure for the succeeding year.

Account and 24 **17.** The Council shall keep proper accounts of its finances and the  
audit 25 records of those accounts find shall cause the account to be audited as soon as  
26 possible after the end of the financial year of which the accounts relate, by a  
27 firm of auditors approved by the Council, from the list of auditors provided by  
28 the Auditor-General of the Federation.

Annual reports 29 **18.**-(1) The Council shall prepare and submit to the minister not later  
30 than so" June in each financial year, a report on the activities of the Council

1 during the immediate preceding year and shall include in the report, a copy  
2 of the audited accounts of the Council for that year and the auditor's report  
3 on the accounts.

4 (2) The Minister shall submit the report and any recommendation  
5 made by him to the Federal Executive Council.

6 PART V - PROFESSIONAL DISCIPLINE

7 19.-(1) There is established the Nigerian Council of Food Science  
8 and Technology Investigating Panel (in this Act referred to as ("the  
9 investigating Panel") which shall be charged with the duty of:

Establishment of  
disciplinary tribunal  
and investigating  
panel

10 (a) conducting a preliminary investigation into any case where it is  
11 alleged that a person registered is guilty of misconduct in his capacity as a  
12 food professional or shall for any other person, be the subject of proceedings  
13 before the Disciplinary Tribunal; and

14 (b) deciding whether the case shall be referred to the disciplinary  
15 Tribunal.

16 (2) The Investigation Panel shall be appointed by the Council and  
17 shall consist of 2 members of the Council and one other registered food  
18 professional, who is not a member of the count

19 (3) there is established the Nigerian Council of Food Science and  
20 Technology disciplinary Tribunal ("in this Act referred to as "the  
21 Disciplinary Tribunal") which shall be charged with the duty of considering  
22 and determining any case referred to it by the investigating panel established  
23 under subsection (1) of this section and any other case of which the  
24 Disciplinary Tribunal has cognizance, under this Act.

25 (4) The Disciplinary Tribunal shall consist of the Chairman of the  
26 Council and 6 other members of the Council appointed by the Council,  
27 provided that, a member of the Tribunal, and provided that no person who  
28 has accused the respondent is appointed a member of the Disciplinary  
29 Tribunal.

Second Schedule	1	(5) The provisions of Second Schedule to this Act shall, so far as they
	2	are applicable to the Disciplinary Tribunal and Investigating Panel
	3	respectively, have effect in respect of those bodies,
	4	(6) The Council may make rules, not inconsistent with this Act, as to
	5	acts which constitute professional misconduct.
Penalty for unprofessional conduct	6	<b>20.</b> -(1) Where:
	7	(a) a person registered under this Act is adjudged by the Disciplinary
	8	Tribunal to be guilty of infamous conduct in any professional matter;
	9	(b) a person registered under this Act is convicted by a court or
	10	tribunal in Nigeria or elsewhere, having power to impose imprisonment a
	11	penalty for any offence (whether or not punishable with imprisonment) which
	12	in the opinion of the disciplinary Tribunal is incompatible with the status of a
	13	member of the profession; or
	14	(c) the disciplinary Tribunal is satisfied that the name of any person
	15	has been fraudulently registered, the Disciplinary Tribunal may, if it deems fit,
	16	give a directive reprimanding that person or ordering the Registrar to strike his
	17	name off the relevant part of the register.
	18	(2) The Disciplinary Tribunal may, if it deems fit defer or further defer
	19	its decision as to the giving of a direction under subsection (1) of this section
	20	until a subsequent meeting of the disciplinary Tribunal, but:
	21	(a) no decision shall be deferred under this subsection, for periods
	22	exceeding 1 year in the aggregate; and
	23	(b) no person shall be a member of the disciplinary Tribunal, for the
	24	purpose of reaching a decision which has been deferred, unless he was present
	25	as a member of the Disciplinary Tribunal when the decision was deferred.
	26	(3) For the purpose of subsection (1)(b) of this section, a person shall
	27	not be treated as convicted, unless the conviction stands at a time when no
	28	appeal or further appeal is pending or may (without extension of time) be
	29	brought in connection with the conviction.
	30	(4) When the Disciplinary Tribunal gives a direction under subsection



1 (1) of the section, the Disciplinary Tribunal shall cause notice of the  
2 direction to be served on the person to whom it relates.

3 (5) A person to whom a direction relates may, at any time within 28  
4 days from the date of service on him of notice of the directive, appeal against  
5 the directive to the Federal High Court and the Disciplinary Tribunal may,  
6 appear as the respondent to the appeal and for the purpose of enabling  
7 directives to be given as to the costs of the appeal and of proceedings before  
8 the Federal High Court, the Disciplinary Tribunal shall be deemed to be a  
9 party thereto, whether or not it appears on the hearing of the appeal.

10 (6) A directive of the Disciplinary Tribunal under subsection (1) of  
11 this section, shall take effect where:

12 (a) no appeal is brought against the direction, within the time limit  
13 provided for the appeal or on the expiration of that time;

14 (b) an appeal is brought and is withdrawn or struck out for want of  
15 prosecution on the withdrawal or striking out of the appeal; and

16 (c) an appeal is brought and is not withdrawn or struck out as  
17 provided in paragraph of this subsection, if and when the appeal is  
18 dismissed.

19 (7) A directive of the Disciplinary Tribunal shall not take effect, in  
20 accordance with the provisions of this subsection.

21 (8) A person whose name is struck off the register under the  
22 directive of the Disciplinary Tribunal under this section, shall not be entitled  
23 to be registered again, except in pursuance of a directive in that behalf, and a  
24 directive under this section for the striking off a person's name from the  
25 register may, prohibit an application under this subsection by that person  
26 until the expiration of such period from the date of the directive and where he  
27 has duly made such an application, from the date of his last application) as  
28 may be specified in the directive.

## 1 PART V - MISCELLANEOUS

Application of  
the Act to  
unregistered  
person

2 21. A person who is not a registered food professional, who but for this  
3 Act, would have qualified to apply for and obtain membership of the food  
4 profession may, within the period of 6 months beginning from the  
5 commencement of this Act, apply for registration by the council, in such  
6 manner as may be prescribed by rules made by the Council and if approved, the  
7 shall be registered according to his qualification.

When a person  
is deemed to  
practice as a food  
professional

8 22.-(1) Subject to subsection (2) of this section, a person shall be  
9 deemed to practice as a food professional if, in consideration of the  
10 remuneration received, and whether by himself or in partnership with any other  
11 person, he:

12 (a) engages himself in the practice of the profession holds himself  
13 out to the public as a food professional;

14 (b) offers to perform or performs any service involving the  
15 knowledge of the profession;

16 (c) renders professional service or assistance in or about matters of  
17 principle or detail relating to the profession, or

18 (d) renders any other service, which may by regulation made by the  
19 Council, with the approval of the Minister, be designated as service  
20 constituting practice of the food profession.

21 (2) Nothing in this section shall be construed as applying to persons  
22 who, while in the employment of any Government, perform duties of a food  
23 professional.

Rules as to  
practice

24 23.-(1) Notwithstanding section 14 (1) the Council may make rules:

25 (a) for the training of suitable persons in food science and technology;

26 and

27 (b) for the supervision and regulation of the engagement, training on  
28 the job and transfer of suitable persons registered as food professionals.

29 (2) The Council may also make rules:

30 (a) prescribing the form of licence to practice which shall be issued

1 annually or, if the Council deems fit, by endorsement in an existing licence;

2 and

3 (b) prescribing the period of practical training to be completed in  
4 the premises of a member of the profession in practice, before a person  
5 qualifies for a licence to practice as a food professional.

6 (3) Rules when made under this section shall, if the Chairman of  
7 the Council so directs, be published in the Gazette.

8 **24.** The Council shall:

9 (a) provide and maintain a print and electronic library and research  
10 facilities as the Council may deem necessary, to perform the functions of the  
11 Council under this Act;

Provision of  
library research  
facilities etc.

12 (b) promote training and research into food processing  
13 preservation and quality control systems, systems management and allied  
14 matters; and

15 (c) co-ordinate food information management system in the  
16 country, to facilitate studies and research in food science and technology  
17 development in Nigeria.

18 **25.**-(1) A food professional shall not practice in premises that is not  
19 registered by the Council.

Offences

20 (2) A person who, for the purpose of procuring the registration of  
21 any name, qualification or either material:

22 (a) makes a statement which he believes to be false in a material  
23 particular; or

24 (b) recklessly makes a statement which is false in a material  
25 particular; commits an offence under this Act.

26 (3) Where, on or after the relevant date, a person who is not a  
27 registered member of the food profession practices or holds himself out to  
28 practice for or in expectation of a reward or takes or uses any name, title,  
29 addition or description, implying that he is a member of the food profession,  
30 commits an offence under this Act, but in the case of a person falling within

1 section 5 (5) of this Act:

2 (a) the subsection shall not apply in respect of anything done by him  
3 during the period of 6 months mentioned in that section; and

4 (b) if, within that period, he duly applies for membership of the  
5 profession, and unless within that period he is notified that his application has  
6 not been approved, this subsection shall not apply in respect of anything done  
7 by him between the end of that period and the date on which he is registered or  
8 is notified.

9 (4) Where the Registrar or any other person employed by or on behalf  
10 of the Council, willfully makes any falsification or colludes with another  
11 within or outside the Council in any matter relating to the register, the Registrar  
12 or such other person commits an offence.

13 (5) A person who commits an offence under this section is liable on  
14 conviction:

15 (a) for the first offender, to a fine of not less than N50,000 and not  
16 exceeding N100,000; and

17 (b) for the second or any subsequent offender, to imprisonment for a  
18 term not exceeding 2 years or to a fine of any amount not less than N200,000 or  
19 both.

20 (6) Where an offence under this section which has been committed by  
21 a body corporate is proved to have been committed with the consent or  
22 connivance of, or to be attributable to any neglect on the part of any director,  
23 manager, secretary or other similar officer of the body corporate, he is deemed  
24 to have committed the offence, and is liable to be prosecuted and punished  
25 accordingly.

26 (7) In this section, "the relevant date" means the first anniversary of  
27 the coming into force of this Act or such earlier date as may be prescribed for  
28 the purpose of this section by order of the Minister published in the Gazette.

29 (8) Any member of Council who, in respect of any year and without  
30 paying the prescribed practicing fee, practices as such, commits an offence and

1 shall be liable on conviction:

2 (a) in the case of a first offender, to a fine, twice the prescribed  
3 practicing fee;

4 (b) in the case of a second or subsequent offence, to a fine of not  
5 less than, three times the prescribed practicing fee.

6 **26.** Regulations made under this Act shall, if unopposed within 21  
7 days, stand. Regulations

8 **27.** In this Act: Interpretation

9 "Chairman" means the Chairman of the Nigerian Council of Food Science  
10 and Technology appointed under section 2 (1)(a) of this Act;

11 "Council" means the Nigerian Council of Food Science and Technology,  
12 established under section 1 of this Act;

13 "Disciplinary Tribunal" means the Nigerian Council of Food Science and  
14 Technology Disciplinary Tribunal established under section 19(3) of the  
15 Act;

16 "food profession" means the profession of food science and technology;

17 "food professional" means a person who is qualified for the membership of  
18 NIFEST, admitted and registered by the Nigerian Council of Food Science  
19 and Technology, for the purpose of this Act;

20 "Investigating Panel" means the Nigerian Council of Food Science and  
21 Technology Investigating Panel, established under section 19(1) of this Act

22 "Minister" means the Minister charged with responsibility for matters  
23 relating to science and technology;

24 "NIFST" means the Nigerian Institute of Food Science and Technology;

25 "relevant authority" means body charged with the registration of food  
26 premises by either the Federal, State or Local Government; and

27 "Registrar" means the Registrar, appointed by the Council, under section 6  
28 (1)(a) of this Act.

29 **28.** This Bill may be cited as the Nigerian Council of Food Science  
30 and Technology Bill, 2015. Citation

## 1 SCHEDULES

## 2 FIRST SCHEDULE

3 *Section 2 (4)*

## 4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

5 *Qualifications, Election and Tenure of office of Members of the Council*

6 **1.** Subject to the provisions of this Schedule, a member of NIFST,  
7 excluding its out-going President may, be elected as Vice-Chairman of the  
8 Chairman of the Council during its annual general meeting preceding the date  
9 of their appointment as members of the Council.

10 **2.** An elected or nominated member of the Council, upon its  
11 recommendation, shall be appointed by the Minister, to hold office for a period  
12 of 3 years, beginning from the date of such appointment into the Council.

13 **3.** A member of the Council who ceases to be a member of NIFST  
14 shall, if he is also an elected member of the Council cease to be a member of the  
15 Council.

16 **4.** An elected member of the Council may, by notice in writing under  
17 his hand addressed to the Chairman, resign from the Council and any  
18 nominated member may, through the organization he represents, in the same  
19 manner resign from the Council.

20 **5.** At any meeting of the Council, the Chairman shall preside, in his  
21 absence the Vice-Chairman shall preside, and in the absence of the Vic-  
22 Chairman, the members present at the meeting shall appoint one of their  
23 member to preside at the meeting.

24 **6.** Where the Council desires to obtain the advice of any person on a  
25 particular matter, the Council may co-opt him as a member, for such period as  
26 the Council deems fit, but a person who is a member by virtue of this provision,  
27 shall not be entitled to vote at such a meeting and shall not count towards a  
28 quorum.

29 **7.** Notwithstanding anything in the provisions of this Schedule, the

1 first meeting of the Council shall be convened, after consultation with the  
2 Minister.

3 **8.**-(1) A special meeting of the Council shall be convened at  
4 anytime, if not less than 10 members of the food profession required it by  
5 notice in writing addressed to the Registrar, setting out the objects of the  
6 proposed meeting, and the Chairman shall cause the meeting to be  
7 convened.

8 (2) The quorum for any meeting of the Council or any of its  
9 Committees shall be one third of its members, while that of the food  
10 profession, shall be one tenth of its registered members.

11 *Committees*

12 (1) The Council may appoint one or more committees, to carry out  
13 on behalf of the, such motion as the Council may determine.

14 (2) A committee appointed under this paragraph shall, consist of  
15 the number of persons determined by the Council, of whom, not more than  
16 one-third may, be food professional who are its members of the Council.

17 (3) A person other than a member of the Council shall hold office  
18 on the committee in accordance with the terms of the letter by which he is  
19 appointed.

20 (4) Decision of a committee of the Council shall be of no effect,  
21 until it is confirmed by the Council.

22 *Miscellaneous*

23 (1) The fixing of the seal of the Council shall be authenticated by the  
24 signature of the Chairman, or of some other members of the Council  
25 authorized generally or specially by the Council to act for that purpose.

26 (2) A contract or instrument which, if made or executed by a person  
27 not being a body corporate, would not be required to be under seal, and may  
28 be made or executed on behalf of the Council, as the case may be, by any  
29 person generally or specially authorized to act for that purpose by the  
30 Council.

1 (3) Any document purporting to be a document dully executed under  
2 the seal of the Council shall be received in evidence and shall, unless the  
3 contrary is proved be deemed to be so executed.

4 11. The validity of any proceeding of the meeting of the Councilor of a  
5 committee of the Council shall not be adversely affected by:

6 (a) any vacancy in membership;

7 (b) any defect in the appointment of a member of the Council, or of a  
8 person serving on the Committee; or

9 (c) reason that a person not entitled to do so took part in the  
10 proceedings.

11 12. A member of the Council and any person holding office on a  
12 committee of the Council who has a personal interest in any contract or  
13 arrangement entered into or proposed to be considered by the Councilor on  
14 behalf of the Council shall immediately disclose his interest to the Council, and  
15 shall not vote on any question relating to the contract or arrangement.

16 13. A person shall not by reason of his professional membership of  
17 the Council be treated as holding an office in the public service of the  
18 Federation.

19 SECOND SCHEDULE

20 *Section 19 (5)*

21 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL

22 AND THE INVESTIGATING PANEL

23 *The Disciplinary Tribunal*

24 1. The quorum of the Disciplinary Tribunal shall be 4, at least 2 of  
25 whom shall be registered fool professionals.

26 2. -(i) The Attorney-General of the Federation may make rules as to-

27 (a) the selection of members of the Disciplinary Tribunal for the  
28 purpose of any proceeding;

29 (b) the procedure to be followed and the rules of evidence to be  
30 observed in proceedings; and



1 (c) the procedure to be followed and the rules of evidence to be  
2 observed in the proceedings before the Disciplinary Tribunal.

3 (2) The rules shall in particular, provide for:

4 (a) securing that notice of the proceedings shall be given at such  
5 time and in such manner, as may be specified by the rule, to the person who is  
6 the subject of the proceedings;

7 (b) who, in addition to the person mentioned in, paragraph (a) shall  
8 be a party to the proceedings;

9 (c) securing that any party to the proceedings shall, if he so  
10 requests, be entitled to be heard by the Disciplinary Tribunal;

11 (d) securing that any party to the proceedings may be represented  
12 by a legal practitioner;

13 (e) subject to the provisions of section 20 (5) of this Act, as to the  
14 costs of proceedings before the Disciplinary tribunal;

15 (f) requiring, in a case where it alleged that the person who is the  
16 subject of the proceedings is guilty of infamous conduct in any respect, that  
17 where the Disciplinary Tribunal adjudges that the allegation has not been  
18 proved, it shall record a finding that the person is not guilty of such conduct  
19 in respect of the matters to which the allegation relates; and

20 (g) publishing in the Gazette, notice of any directive of the  
21 Disciplinary Tribunal which has taken effect, providing that a person's  
22 name shall be struck off a register.

23 3. For the purpose of any proceeding before the Disciplinary  
24 Tribunal, any member of the Disciplinary Tribunal may, at Minister oaths  
25 and any party to the proceedings may issue out of the Registry of the High  
26 Court, writs of *subpoena and testificandum duces tecum*, but no person  
27 appearing before the Disciplinary Tribunal shall be compelled:

28 (a) to make any statement before the Disciplinary Tribunal tending  
29 to incriminate himself; or

30 (b) to produce any document under such writ which he could not be

1 compelled to produce at the trial of an action.

2 4.-(1) For the purpose of advising the Disciplinary Tribunal on  
3 questions of law arising in the proceedings before it, there shall in all such  
4 proceedings, be an assessor to the Disciplinary Tribunal, who shall be  
5 appointed by the Council, on the nomination of the Attorney-General of the  
6 Federation and shall be a legal practitioner of not less than 7 years standing.

7 (2) The Attorney-General of the Federation shall make rules as to the  
8 functions of assessor appointed under this paragraph and in particular, such  
9 rules shall contain provisions for securing:

10 (a) that where an assessor advises the Disciplinary Tribunal on any  
11 question of law as to evidence, procedure or any other matter specified by the  
12 rules, he shall do so in the presence of every party or person representing a party  
13 to the proceedings who pause threat; or

14 (b) if the advice I tendered while the Disciplinary Tribunal is  
15 deliberating in private, that every such party or person shall be informed of  
16 what advice the assessor has rendered; and

17 (c) that every such party or person shall be informed of it in any case  
18 the Disciplinary Tribunal does not accept the advice of the assessor on such a  
19 question.

20 (3) An assessor may be appointed under this paragraph either  
21 generally or for any particular proceeding or class of proceeding and shall hold  
22 and vacate office in accordance with the terms of the letter by which he is  
23 appointed

24 *The Investigating Panel*

25 5. The quorum of the Investigating Panel shall be 3.

26 6.-(1) The Investigating Panel may, at any of its meetings attended by  
27 all its members, make standing orders with respect to the Investigating Panel.

28 (2) Subject to the provisions of the standing orders, the Investigating  
29 Panel may regulate its own procedure.

30 7.-(1) A person who ceases to be a member of the disciplinary tribunal

1 or the investigating Panel shall be eligible for re-appointment as a member  
2 of the Disciplinary Tribunal or investigation Panel, as the case may be

3 (2) A person may, if eligible, be a member of both Disciplinary  
4 Tribunal and Investigating Panel, but no person who acted as a member of  
5 the Investigating Panel with respect to any case shall act as a member of the  
6 Disciplinary Tribunal with respect to that case.

7 8. The Disciplinary Tribunal or the Investigating Panel may act  
8 not withstanding any vacancy in its membership and proceedings of either  
9 body shall not be invalidate by any irregularity in the appointment of  
10 member of that body or subject to paragraph 7 (2) of this Schedule, by reason  
11 of the fact that any person who was not entitled to do so took part in the  
12 proceedings of that body.

13 9. All expenses of the Disciplinary Tribunal or the Investigating  
14 Panel shall be defrayed by the Council.

