

NIGERIA FOOD VENDORS BIO-DATA COLLATION AGENCY BILL, 2021

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A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIA FOOD VENDORS BIO-DATA COLLATION AGENCY WITH THE FUNCTION, AMONG OTHERS, TO REGULATE, TRAIN AND ENGAGE IN BIO-DATA CAPTURING OF ALL THE FOOD VENDORS IN NIGERIA IN ORDER TO DEVELOP A STANDARD FOOD AND WATER VENDORS IDENTIFICATION NUMBER FOR EASY TRACEABILITY SYSTEM OF ANY FOOD POISONING AND MISHANDLING CASES AND ALSO COLLABORATE WITH FINANCIAL INSTITUTIONS BOTH NATIONALLY AND INTERNATIONALLY TO EMPOWER THE FOOD VENDORS WITH FUNDS AS SOFT LOAN TO ENABLE THEM ACQUIRE THE NECESSARY FOOD PROCESSING MACHINES AND OTHER FOOD EQUIPMENT TO ENABLE THE FOOD VENDORS MEET UP WITH INTERNATIONAL STANDARD REQUIREMENT OF FOOD SAFETY AND HYGIENE PRACTICE AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Ahmad Yunusa

[] Commencement

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

- | | | |
|----|---|-----------------------|
| 1 | 1. The objectives of the Act are to provide for: | Objectives of the Act |
| 2 | (a) Food safety and food hygiene education/enlightenment; | |
| 3 | (b) Financial Management training for all the food vendors in | |
| 4 | Nigeria; | |
| 5 | (c) Organizing and executing programme, projects, workshop and | |
| 6 | seminar on Food safety standard practices in Nigeria; | |
| 7 | (d) Training of all food and water vendors business owners and | |
| 8 | operators in Nigeria; | |
| 9 | (e) Surveillance and Monitoring of food vendors/sales attendants; | |
| 10 | (f) Prevention of food contamination through enlightenment and | |
| 11 | public private partnership; | |

1 (g) To educate farmers and food producers and manufacturers on
2 measures to control post harvest losses;

3 (h) To go into partnership and collaboration with corporate persons,
4 organizations, federal, state, local governments and authorities at the ward
5 level;

6 (i) Raising awareness on food fortification and nutrition.

Scope of the
Act

7 2. This Bill shall apply to all food and water vendors in the public and
8 private sector in the Federal Republic of Nigeria.

Establishment
of the Nigeria
Food Vendors
Bio-Data Collation
Agency

9 3. There is hereby established a body to be known as the Nigeria Food
10 Vendors Bio-Data Collation Agency. (in this Act referred to as "the Agency")
11 which:

12 (a) shall be a body corporate under that name with perpetual
13 succession and a common seal;

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

15 (c) and may subject to the Land Use Act, hold, acquire and dispose of
16 any property movable or immovable, purchase or take on lease any interest in
17 land, building, or property; and

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

Establishment
of the Governing
Body of the
Agency

19 4.-(1) The Governing body shall be referred to as the Council and
20 shall consist of:

21 (a) A Chairman who shall be the Director General;

22 (b) Five persons to represent the Staff Officers of the Agency
23 appointed by the Director General;

24 (c) One person to represent the Federal Ministry of Health,
25 Department of Public Health appointed by the Minister;

26 (d) Two persons to represent the National Market Association in
27 rotation of two (2) years bases appointed by the association;

28 (e) One person to represent the Standard Organization of Nigeria
29 appointed by the Agency;

1 (f) One person to represent the public interest appointed by the
2 President;

3 (g) One person to represent the Consumer Protection Council
4 appointed by the council;

5 (h) One person to represent the Federal Ministry of Agriculture
6 appointed by the Minister;

7 (i) One person to represent Federal Ministry of Water Resources
8 appointed by the Minister;

9 (j) One person to represent Central Bank of Nigeria appointed by
10 the Governor; and

11 (k) The member of the Council shall be paid such allowance as the
12 Council determine from time to time.

13 (2) A member of the Council, other than the Chairman and five (5)
14 staff officers of the Agency, shall be appointed by the minister on the
15 recommendation of the body he/she represents.

16 The provisions of the first schedule to this Act shall have effect
17 with respect to the proceedings of the Council and other matters mentioned
18 therein.

19 *(First Schedule)*

20 5. (a) Shall have powers to do anything which in its opinion is
21 calculated to facilitate the carrying out of its activities under the Act;

22 (b) Shall specify the management system of the staff officers of the
23 agency including financial approvals for the staff officers of the Agency;

24 (c) The Council shall have power to borrow or dispose of any
25 property with prior consent of the Minister;

26 (d) Appoint, promote and discipline its employees necessary for
27 the proper discharge of the functions of the agency;

28 (e) To appoint, remove or suspend or discipline staff officers and
29 members of the agency necessary for the services of the agency in force and

Functions of the
Governing Body
of the Agency

1 to fix their salaries or emoluments where necessary and other conditions of
2 service;

3 (f) Grant food safety and hygiene Ambassadorial and Merit Award to
4 deserving food vendors and persons in Nigeria;

5 (g) Determine and prescribe the fee to be paid for Bio-Data means of
6 Identification Number to operate as food vendor in Nigeria;

7 (h) The Council shall consider and report to the Minister upon all
8 matters relating to training, bio-data capturing and food vendors identification
9 number;

10 (i) Establish and approve food vendors means of identification
11 number and determining the amount to be paid for means of identification
12 number, offences and penalties;

13 (j) Promote, establish training for the employees of the agency
14 nationally and internationally;

15 (k) Advise the Federal Government generally on the National Policies
16 on food safety;

17 (l) Establish programmes for the quality and standard of food safety
18 and hygiene practices;

19 (m) Establish committees as deem which shall be charged with the
20 functions of the Council;

21 (n) Determining amount to be paid for those that want to become
22 associates and fellow members of the Agency;

23 (o) Promote activities related to these process standard guidelines of
24 food vendors bio-data capturing, training, food vendors identification number,
25 monitoring, surveillance against mishandling of food and water and proper
26 financial management by food vendors (soft loans).

27 **6. The Agency shall:**

28 (1) To liaise with the central bank of Nigeria and other financial
29 institutions, both National and international for food vendors capacity building
30 soft loan;

1 (2) Undertake the control of bio-data collection of all food and
2 water vendors and sales attendants in Nigeria for simple traceability system;

3 (3) Undertake appropriate surveillance and monitoring of food and
4 water vendors activities in markets and eating places;

5 (4) Develop a National Food Vendors Identification number and
6 issue same to vendors;

7 (5) Establish offices in all market and motor parks in Nigeria for
8 easy food vendors Bio-Data Capturing and easy traceability system;

9 (6) Undertake appropriate investigation into wide spread practice
10 by street food vendors displaying ready-to-eat food in open containers and
11 thereby exposing the food to the ever present opportunity of contamination
12 by dust, flies and microorganisms;

13 (7) Regulate and undertake appropriate measures to investigate
14 fruit sellers to prevent the use of detergents and cleaning agents for washing
15 of fruits, and carbide for ripening fruits;

16 (8) Collaborate with state and local government authorities for
17 easy bio-data capturing of food and water vendors;

18 (9) Collaborate with the Federal Road Safety Corps to undertake
19 appropriate investigation into food transportation on the highway;

20 (10) Conduct appropriate investigation of the transportation of raw
21 and cooked food;

22 (11) Undertake measures to develop suitable training programmes
23 on financial management and food safety related matters for various
24 categories of food handlers, managers/owners of food establishments;

25 (12) Undertake investigation on the use of bad chemicals for
26 storage, preservation, adulteration of raw and cooked food;

27 (13) Publish and maintain relevant data base for outcomes of food
28 vendors bio-data capturing and identification number;

29 (14) Regulate and control bio-data capturing of all kinds of food
30 and water vendors in Nigeria;

- 1 (15) Generate extra revenue to Federal Government;
- 2 (16) assist health workers in the prevention of food and waterborne
3 diseases through food safety and hygiene training related matters;
- 4 (17) Collaborate with other relevant establishments to set food
5 vendors easy traceability system;
- 6 (18) undertake surveillance of food premises, food markets, dairies,
7 slaughter houses or abattoirs and water supply, in order to control its
8 mishandling and distribution;
- 9 (19) ensure that food vendors bio-data capturing surveillance team
10 and Police officers or any other security agency the Council may approve,
11 work in collaboration to abate nuisances in food handling;
- 12 (20) Undertake appropriate awareness of the socio-economic
13 importance of food safety, paucity of data and information on incidence of food
14 borne disease outbreaks;
- 15 (21) sponsor such national and international conferences as it may
16 consider appropriate;
- 17 (22) Liaise with relevant establishments in pursuance of the functions
18 of the Act;
- 19 (23) Carry out such activities as are necessary or expedient for the
20 performance of its functions under this Act;
- 21 (24) To regularly conduct seminars and training on proper operation
22 and utilization of the equipment and fund respectively for better performance
23 of the food and water vendors empowerment.
- 24 7.-(a) The activities of the agency shall be under supervision of the
25 Hon. Minister of Health;
- 26 (b) The minister shall supervise to ensure that payment of
27 remuneration (including pensions), allowances or expenses of any employee
28 of the agency is effectively settled;
- 29 (c) The Minister may give directive to the agency relating to the
30 performance of the agency functions under this act and it shall be the duty of the

Power of the
Minister to
Supervise

1 agency to comply and give effect to the directive.

2 8. The Agency shall have the following departments in the
3 National and state offices:

Structure and
Staff Officers of
the Agency

- 4 (a) Administration and Personnel;
5 (b) Planning, Research and Statistics;
6 (c) Finance and Audit;
7 (d) Legal, Enforcement and Compliance;
8 (e) Training, Surveillance and Operations;
9 (f) Bio-Data Capturing;
10 (g) Monitoring and Evaluation;
11 (h) Food and Water Safety;
12 (i) Nutrition;

13 (j) ICT Department and any other suitable department as the
14 agency may deem necessary for the proper performance of the functions of
15 the Agency.

16 These departments shall be headed by relevant professionals and
17 administrators who shall be known as the Assistant Director Generals
18 appointed by the Council.

19 9. There shall be established by this Act, the office of the Director
20 General;

Establishment
of the Office of
the Director-
General

21 (a) The Director General shall be the Chief Executive Officer and
22 Chairman of the Governing body of the Agency to oversee all the
23 Administrative activities of the Agency.

24 10.-(a) The agency shall appoint one person among the most senior
25 officers of the agency as a Director General for a term of five (5) years in
26 office and be eligible for re- appointment for another term of five years,
27 except the first Director General who shall serve for ten (10) years in office
28 and be eligible for reappointment for another term of five years;

Appointment of
the Director
General and other
Staff Officers of
the Agency

29 (b) The Director General shall in addition to his other functions
30 under this Act be the Chairman of Governing body of the Agency;

1 (c) The Council may, whenever the Director General is absent or for
2 any other reason of death, incapacity or inability to discharge the function of
3 his office, appoint an acting Director General among the most senior staff
4 officers to discharge his functions;

5 (d) The Director General and other staff officers shall work with such
6 conditions of service and functions as the agency will determine;

7 (e) The provisions of the first schedule to this Act shall have effect
8 with respect to the tenure of office of members of the Council and the other
9 matters therein mentioned.

Office of the
Six (6) Deputy
Director Generals

10 11. There shall be established by this Act, offices of the six deputy
11 Director Generals, each representing the six geo-political zones of the
12 Federation, whose main responsibility shall be to monitor the activities of the
13 Agency under its state jurisdiction of posting and reports to the Director
14 General.

State Director

15 12. There shall be for the Agency offices in all the 36 states and the
16 FCT of the federation, to be headed by a Director who shall be appointed by the
17 agency to oversee the activities of the agency within the state of posting.

Assistant and
Deputy Directors

18 13. There shall be Assistant and Deputy Directors in all the 36 states
19 and the FCT to occupy the following departments mentioned in section 9 sub-
20 section 1 of this Act in the state level of posting shall be known as head of
21 department of such department and they shall be appointed by the agency.

Chief
Superintendent
Officers

22 14. There shall be a Chief Superintendent Officer in all the 774 local
23 government Area councils of Nigeria appointed by the agency to oversee the
24 activities of the Agency and report to the State Director.

Superintendent
Officers

25 15. There shall be Superintendent Officer in each of the ward level of
26 all the 36 states and the FCT to oversee the activities of the agency within the
27 ward level of Nigeria.

Supervisor Officers

28 16. There shall be supervising officers overseeing the activities of the
29 agency in every unit at the ward level of Nigeria.

2021

Nigeria Food Vendors Bio-Data Collation Agency Bill, 2021

C 3103

1	17. Inspector officers, Assistant Inspector officers, junior officers	3	Other ranks of the Agency
2	The staff officers in this category of other ranks of the agency shall be	4	
3	enrolled by the agency. One thousand staff officers of this category shall be	5	
4	enrolled in each of the 36 states and FCT for the purpose of this Act.	6	
5	18. The membership of the agency established by this Act shall be	7	Membership of the Agency
6	open to the General Public who are interested to be registered, trained and	8	
7	certified on food safety and hygiene practices for the purpose of rendering	9	
8	voluntary services to the agency.	10	Categories of Membership
9	19.-(a) Associate Members;	11	
10	(b) Fellow Members;	12	
11	(c) Members enrolled as Staff Officers of the agency.	13	
12	The category a and b members of the agency shall be trained, pay for their	14	
13	registration fee, and materials for training. The members of the agency who	15	
14	are enrolled as staff officers of the Agency shall only be entitled to pension	16	
15	benefits and employee's social insurance and compensation benefit and to	17	
16	hold offices either at the National or State level and to remain in office	18	
17	services for 35 years, which are inclusive of the term(s) of office from the	19	
18	date of appointment and subject to rules made pursuant to this Act on issue	20	Tenure of Office
19	of professional misconduct.	21	
20	20.-(1) A member of the governing body of the Council appointed	22	
21	other than the Chairman shall hold office for a term of three years, and	23	
22	subject to the provision of sub section (3) of this section, shall be eligible for	24	
23	re-appointment for only one further term of three years.	25	
24	(2) The office of member of the Council shall become vacant if he	26	
25	resigns as a member of the Council by notice in writing under his hand	27	
26	addressed to the Minister.	28	
27	(3) The minister shall appoint another person to continue in office	29	
28	with recommendation of the body he represents.	30	Removal from Office of the Council
29	21.-(1) If it appears to the Council that any member other than the		
30	Chairman should be removed from office on the grounds of misconduct or		

1 of his inability to perform the functions of his office, the Council shall make a
2 recommendation to the Minister.

3 (2) If the Minister, after making such inquiries as he considers
4 necessary, approves the recommendation, the minister shall write to the
5 Council, declare the office of such a member vacant.

6 (3) Notwithstanding, the Minister may remove any member of the
7 Council on ground of misconduct or inability to perform other than the
8 Chairman.

Transitional
Provision

9 22.-(a) On the commencement of this Act:

10 (1) All assets and liabilities held or incurred immediately before that
11 day or on behalf of the incorporated Trustees of Food Hygiene Initiative of
12 Nigeria shall by virtue of this Act and without further assurance, vest in the
13 agency and be held by it for the purposes of the Agency;

14 (2) The incorporated trustees shall cease to exist: The National
15 President of the incorporated trustee of Food Hygiene Initiative of Nigeria
16 shall remain in office as the first Director General and Chairman of the
17 governing body of the Council. All staff officers of the incorporated trustees of
18 Food Hygiene Initiative of Nigeria shall by virtue become the staff officers of
19 the agency;

20 (3) Subject to the sub-section (2) of this Act all things made or done by
21 the incorporated trustees of Food Hygiene Initiative of Nigeria shall be deemed
22 to have been made or done by the Agency;

23 (4) All fees and other money(s) payable to the incorporated trustees of
24 Food Hygiene Initiative of Nigeria;

25 (5) such money(s) as may be payable to the incorporated trustees of
26 Food Hygiene Initiative of Nigeria whether in the course of the discharge of its
27 functions or otherwise;

28 (6) Fees charged for services rendered by the incorporated trustees of
29 Food Hygiene Initiative of Nigeria;

30 (7) all sums accruing to the incorporated trustees of Food Hygiene

1 Initiative of Nigeria by way of gifts, endowments, ~~bonuses~~ or other
2 voluntary contributions by persons and organizations;

3 (8) Foreign aid and assistance from bilateral agencies and grants
4 from the Federal, State or Local Governments.

5 (9) Such money(s) as are held by the incorporated Trustees of Food
6 Hygiene Initiative of Nigeria incorporated under the Companies and Allied
7 Matters Act FLN 2014 (in this Act hereafter referred to as "the Agency") on
8 its ceasing to exist as provided in this Act shall be vested in the Agency and
9 be held by Nigeria Food Vendors Bio-Data Collation Agency at the
10 immediate commencement of this Act.

11 23.-(1) On the commencement of this Act, the Food Hygiene
12 Initiative of Nigeria, of the registered trustees of the Food Hygiene Initiative
13 of Nigeria incorporated under the Companies and Allied Matters Act FLN
14 2014 (in this section referred to as the incorporated trustees) shall cease to
15 exist.

Dissolution of
Food Hygiene
Initiative of Nigeria

16 (2) Accordingly, the incorporated trustee of Food Hygiene
17 Initiative of Nigeria is hereby dissolved and the provision of the second
18 schedule to this act shall apply in relation to the employees, assets and
19 leadership of the incorporated trustee of Food Hygiene Initiative of Nigeria,
20 the assets and liabilities of the incorporated trustees of Food Hygiene
21 Initiative of Nigeria and other matters connected with the incorporated
22 trustees set out therein.

23 24. The Agency shall have power:

24 (a) to open and operate ordinary and domiciliary account for the
25 agency in any recognized banking institution.

Financial
Provisions

26 (1) The Council shall establish and maintain a fund for the
27 purposes of this Act.

28 (2) All funds shall be paid into the Agency's accounts:

29 (a) All fees and other money payable to the Agency in pursuance of
30 this Act; and

(b) Such money(s) as may be payable to the agency, whether in the

course of the discharge of its functions or otherwise.

(3) These shall be paid out of the fund of the agency:

(a) The remuneration and allowances of the Director General and staff officers of the agency;

(b) Such reasonable travelling and subsistence allowances of the members of the Council in respect of the time spent on the business of the agency as the Council may, with the approval of the Minister, determine; and

(c) any other expenses incurred by the agency in the discharge of its functions under this

Act.

(4) The agency shall prepare and submit to the minister not later than 30 November of the year in which this Act comes into force. So however that

the Minister may, if he considers it necessary extend the period and of each subsequent year an estimate of its income and expenditure during the succeeding financial year.

(5) The agency shall keep proper accounts in respect of each financial year and proper records in relation to those accounts, and shall cause its account to be accredited within six (6) months after the end of each financial year to which the accounts, related by auditors appointed from the list in accordance with the guidelines supplied by the Auditor General of the Federation.

(6) Cost of maintaining the head office at the Federal Capital

Territory, Abuja and its other offices located in other states and places in Nigeria.

(7) Pay for other administrative costs of the staff officers of the agency.

(8) Cost for the training of members and staff officers.

(9) All sums accruing to the agency by way of gifts, endowments, bequests or other voluntary and/or assistance from liberal agencies, or grants

Discipline of
the Agency

Ministry
of Health

1	from the federal state or local government.		
2	(10) The agency shall pay to the Federal Republic of Nigeria, 15%	1	
3	(fifteen percent) gross total of all audited income that accrues to the agency	2	
4	yearly.	3	
5	25. (1) A person who obstructs a staff officer of the agency in the	4	General Offences
6	performance of his duties under this Act shall be guilty of an offence and	5	
7	liable on conviction to a fine of N10,000 or to imprisonment for a term not	6	
8	exceeding two years or both.	7	
9	(2) Where an offence under this Act which has been committed by a	8	
10	corporate body is proved to have been committed with the consent or	9	
11	connivance of, or to be attributed to any neglect on the part of any director,	10	
12	manager, secretary or other similar officer of the corporate body or any	11	
13	person purporting to act in any of those capacities, he as well as the corporate	12	
14	body shall be deemed to be guilty of the offence and shall be liable on	13	
15	conviction to a fine of N200,000 only.	14	
16	(3) Where a penalty has been specified, the person shall be liable to	15	
17	a fine of N100,000 only or imprisonment for a term of one year or to both	16	
18	such fine and imprisonment.	17	
19	(4) Any food vendor or food handler, water vendor or handler who	18	Legal Proceedings
20	violates the provisions of this act, or rules and regulations made pursuant to	19	
21	this act, shall be subject to summary trial in a magistrate court which shall	20	
22	make such orders, convictions and issue penalties for such offences.	21	
23	(5) In the case of a food and water vendor carrying out any	22	
24	activities of food or water vending without bio-data capturing or food	23	
25	vendors identification number, such a person shall be liable to a fine not	24	
26	exceeding N10,000 only.	25	
27	(6) Depending on the gravity of the offence so committed, the court	26	
28	may order the closure of such premises until such fine either prescribed by	27	
29	this act or as the court deems fit is complied with.	28	
30	(7) Provided that before such prosecution is carried out, the must	29	

1 offender must have been given adequate notice of two weeks preceding the
2 time of prosecution to comply with the requirement of this act.

Conduct of
Proceedings

3 26.-(1) Subject to the provisions of section 174 of the Constitution of
4 the Federal Republic of Nigeria 1999 (which relates to the power of the
5 Attorney General of the Federation to institute, continue or discontinue
6 criminal proceedings against any person in a court of law), any legal officer
7 under the employment of the agency or an external legal practitioner employed
8 by the agency may with the consent of the Attorney-General of the Federation,
9 conduct criminal proceedings in respect of offences under this Act or
10 regulations made under Act.

11 (2) In a judicial proceeding for an offence under this Act or any
12 regulation made under it, the provisions of the Adjudication of Criminal Justice
13 Act 2015 and any other law applicable in the location shall, with such
14 modifications as the circumstances may require apply to the trial of offences
15 generally.

16 (3) The agency can be represented in a civil or criminal proceeding by
17 a lawyer under its employment or an external legal practitioner of its choice.

Legal
Proceedings

18 27.-(1) A suit shall only be commenced against the agency within two
19 months from the arising of a cause of action.

20 (2) No suit shall commence against the agency before expiration of a
21 period of two month after a written notice of intention to commence the suit
22 shall have been served on the agency by the intending plaintiff or his agent and
23 the notice shall clearly and explicitly state:

24 (a) the cause of action;

25 (b) the particulars of the claim;

26 (c) the name and place of abode of the intending plaintiff; and

27 (d) the relief which he claims;

28 (3) The notice referred to in the subsection (2) of this section and any
29 summons, notice or other document required or authorized to be served on the

1 agency under the provisions of this Act or any other enactment or law, may
2 be served by:

3 (a) delivering the same to the Director General of the agency; or

4 (b) sending it by registered post addressed to the Director- General
5 at the Head office of the agency.

6 (4) In any action or suit against the agency, no execution or
7 attachment or process in the nature thereof shall be issued against the
8 agency, but any sum of money which maybe the judgment of the court
9 awarded against the agency shall, subject to any directives given by the
10 agency, be paid from the Fund of the agency.

11 (5) The Federal High Court shall have exclusive jurisdiction to try
12 offences under this act.

13 28. The Agency shall:

14 (a) provide and maintain a library comprising books and
15 publications for the advancement of knowledge of Food Hygiene, Financial
16 Management and such other books and publications as the Council may
17 think necessary for the purpose;

18 (b) encourage research into Food Hygiene, Financial Management
19 and allied subjects to the extent that the Council may, from time to time, if
20 considered necessary.

21 29. The Council may, with the approval of the Minister make
22 regulations:

23 (a) to prescribe fees to be paid for services rendered by the agency;

24 (b) to prescribe the methodologies for private sector payment into
25 the fund of the agency;

26 (c) Any regulations, made under this Act shall be published in the
27 Gazette as soon as may be after they are made; and the Minister shall as soon
28 as may be after they are so published lay a copy of any such regulation before
29 the President of the Federal Republic of Nigeria;

30 (d) Rules made for the purposes of this Act shall be subject to at its

Provision of
Library

Power to make
Regulations

confirmation by the agency at its next annual meeting or any special meeting of the Council convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

Committees

30.-(1) The Council may appoint one or more committees to carry out on behalf of the Corps, such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one third shall be persons who are not members of the Council and a person other than a member of the Council shall hold office on the Committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

31.-(1) The fixing of the seal of the Agency shall be authenticated by the signature of the Director General of the Agency or of some other member of the Council authorised generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed 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 Council as the case may require, by any person generally or specially authorised to act for that purpose by the Council.

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

(4) The validity of any proceedings of the corps or of a committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Council or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

(5) Any member of the Council, and any person holding office on a

1 committee of the Council, who has a personal interest in any contract or
2 arrangement entered into or proposed to be considered by the Committee on
3 behalf of the Council, or on behalf of the Agency or a committee thereof,
4 shall forthwith disclose his interest to the Director General of the agency, as
5 the case may be, and shall not vote on any question relating to the contract or
6 arrangement.

7 32.-(1) Subject to the provision of any applicable standing order,
8 the Council shall meet whenever summoned by the Chairman and if the
9 Chairman is required to do so by notice given to him by not less than six
10 other members, he shall summon a meeting of the Council to be held within
11 twenty-one days from the day on which the notice is given.

12 (2) At any meeting of the Council, the Chairman in his absence, the
13 Council shall appoint any other member present to preside over the meeting.

14 (3) Notwithstanding anything to the contrary, the first meeting of
15 the Council shall be summoned by the chairman with the approval of the
16 minister who may give such direction as to procedure to be followed at that
17 meeting as he may deem fit.

18 (4) A committee appointed under this paragraph shall elect the
19 number of persons determined by the Council and not more than one-third of
20 those persons may be persons who are not members of the Council.

21 (5) The Council may appoint one or more committee to carry out
22 on behalf of the Council, such of its functions as the Council may determine

23 (6) A person other than a member of the Council shall hold office
24 on a committee in accordance with the terms of the instrument by which he
25 is appointed.

26 (7) A decision of the committee shall be of no effect until it is
27 confirmed by the Council.

28 (8) The fixing of the seal of the Agency shall be authenticated by
29 the signature of the chairman or of some other member authorized generally
30 or specially by the Council to act for that purpose.

Meetings of the
Council

1 (9) Any contract or instrument which if made or executed by a person
2 not being a body (corporate), or would not be required to be under seal, may be
3 made or executed on behalf of the Agency by any person generally or specially
4 authorized by the Council to act for that purpose.

5 (10) The quorum of any meeting of the Council shall be ten (10)
6 members and that of any special meeting of the Council shall be fifteen
7 members.

Revenue generation
to the Federal
Republic of
Nigeria

8 33. In this Act, the Agency shall serve as an avenue for the generation
9 of revenue to Federal Republic of Nigeria.

10 (1) All sums accruing to the Agency by way of gifts, endowment
11 bequests, or other voluntary assistance from liberal agencies or grants from the
12 Federal state or local government.

13 (2) All money generated by the Agency on food and water vendors
14 bio-data capturing and food vendor means of identification number,
15 membership fee, offences fee, subscription fees.

16 (3) The Agency shall pay to the federal Republic of Nigeria Revenue
17 Account 15% (fifteen percent) gross of all audited income that accrues to the
18 agency yearly.

Discipline of
Staff Officers
of the Agency

19 34.-(1) If it appears to the Council that there are reasons for believing
20 that any staff officer or a member of the senior staff officers of the Council other
21 than the Director General shall be removed from office on ground of
22 misconduct or inability to perform the functions of his office,

23 (2) the Council shall:

24 (i) Direct the investigating committee of the Council to give notice of
25 those reasons to the person concerned to afford the person an opportunity of
26 making representation on the matter to the Council in person.

27 (3) The investigating committee shall continue with investigation on
28 the matter and report to the Council within two weeks.

29 (4) If the Council, after considering the report of the investigating
30 committee, is satisfied that the person in question should be removed as

1 aforesaid, the Council may remove the person concerned by an instrument
2 in writing signed on the directive of the Council.

3 (5) The Director General of the Agency may in a case of
4 misconduct by a member of the senior staff officers which in the opinion of
5 the Director General is prejudicial to the interest of the Council, suspend
6 such member of "senior staff" and any such suspension shall forthwith be
7 reported to the Council.

8 (6) For good cause, any senior staff officer may be suspended from
9 office or his appointment may be terminated by the Council and for the
10 purposes of this suspended from office or his appointment may be
11 terminated by the Council and for the purposes of this sub-section.

12 (7) If any junior staff officer of the agency is accused of misconduct
13 or inefficiency, the Director General may suspend him for not more than
14 three (3) months and forthwith shall direct the matter to the Junior Staff
15 investigating committee to consider the case and make recommendation(s)
16 as to the appropriate action to be taken by the Director General.

17 (8) Under this section, the junior staff officer of the agency shall be
18 informed in writing of the charges against him and be given reasonable
19 opportunity to defend himself.

20 (9) The Director General may after considering the
21 recommendations pursuant to the subsection 7 of this section, dismiss,
22 terminate, retire or down grade the junior staff officer concerned.

23 (10) Any person aggrieved by the Director General's decision
24 under section (8) of this section may within a period of 25 days from the date
25 of receipt of the letter communicating the decision to him, address a petition
26 to the Council to reconsider his case and the Council decision thereon shall
27 be final.

28 35. There shall be service uniform for the staff officers of the
29 agency:

Service Uniform
of the Staff Officers
of the Agency

30 (1) The members registered as Fellow and Associate members of

1 the agency shall comply with annual fees prescribed by the agency and they
2 shall pay for their T-Shirt and other materials.

3 (2) The members of the agency enrolled by the Council as staff
4 officers shall comply and pay for their service uniform and other service
5 material and also to remain in service for 35 years, inclusive of the term(s) of
6 office from the date of appointment and subject to rules made pursuant to this
7 Act on issue of professional misconduct:

8 (i) The members of the staff officers of the agency only shall be
9 entitled to pension benefits and employees' social insurance of compensation
10 benefits and to hold office either at National or state or local government level.

Pension benefits

11 36.-(1) Service of the agency shall be approved service for the
12 purpose of the Pensions Reform Act and, accordingly, staff officers employed
13 in the agency shall be entitled to pensions, gratuity and other benefits, as are
14 prescribed under the Act.

15 (2) Notwithstanding the provisions of subsection (1) of this section,
16 the Council may appoint staff officers to any office on terms which preclude the
17 grant of a pension, gratuity or other retirement benefits in respect of that office.

Employees
Social Insurance
and Compensation
Benefits

18 37.-(1) The staff officers of the agency shall also be entitled to the
19 benefits accruable from an employer to an employee as contained in the
20 Nigeria Social Insurance Trust Fund Act provided the employees of the agency
21 comply with their terms and responsibilities in Nigeria Social Insurance Trust
22 Fund Act.

23 (2) The Employees Compensation Act 2010 or any of such later
24 amendment to the Act shall be applicable to the staff officers of the agency for
25 only injuries contained while the staff is in the course of his duty for the agency.

Interpretation

26 38. In this Act, unless the context otherwise requires:

27 "Appointed day" means the day this Act comes into force;

28 "Bio-Data" means specific and particular information of a food or water
29 vendor "Food" includes raw, cooked, sea, farm crops or animal foods;

30 "Food Safety" means all measures to ensure that food does not cause harm to

- 1 the consumer when it is prepared;
- 2 "Food Hygiene" means all conditions and measures necessary to ensure that
3 safety and suitability of food at all stages of food chain;
- 4 "Food Handler" means any person who directly handles any packaged or
5 unpackaged food;
- 6 "Staff Officer" means an officer enrolled to render services on behalf of the
7 Agency;
- 8 "Agency" means the agency established by sub-section 1 of this Act.
- 9 "Food vendor" means a person who trades or sells, commercial cooked or
10 uncooked food, whether in the street, hotel or any premises food can be
11 purchased;
- 12 "Enrolled" in relation to a member, means staff officer of the agency;
- 13 "Fees" includes annual subscriptions;
- 14 "Food Vendors Identification Number" means a specific number used to
15 identify food vendors;
- 16 "Financial Management" means proper and gainful utilization of funds in
17 business "Incorporated Trustee" means the Registered Trustee of Food
18 Hygiene Initiative of Nigeria incorporated under the Companies and Allied
19 Matters Act 2014;
- 20 "Premises" include building, lands, tenements, hereditaments, road, air and
21 sea vehicles, tents, and any structure of any kind;
- 22 "Loan" means financial or monetary support given out to boost business
23 which must be paid back as stated in the condition of disbursement;
- 24 "Trustee" means the Trustee of Food Hygiene Initiative of Nigeria;
- 25 "Member" means persons that register as fellow or associate member of the
26 agency which includes the Director General and other staff officers of the
27 agency;
- 28 "Minister" means the Minister charged with responsibility for matters
29 relating to Health;

1 "Water" includes rain, well; river, pipe borne, borehole or sachet packaged
2 bottled water;

3 "water handler" means any person who directly handles any packaged or
4 unpackaged water;

5 "Water vendor" means any person who trades or sells, commercial water,
6 whether in the street, hotel or any premises water can be purchased.

Short title

7 39. This Bill may be cited as Nigeria Food Vendors Bio-Data
8 Collation Agency Bill, 2021.

9 FIRST SCHEDULE

10 Supplementary provisions relating to the agency

11 SECOND SCHEDULE

12 Transitional provision relating to the employees, assets and liabilities of the
13 incorporated trustees of Food Hygiene Initiative of Nigeria registered under
14 the Companies and Allied Matters Act LFN 2014.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Food Vendors Bio-Data Collation Agency with the function, among others, to regulate, train and engage in bio-data capturing of all the food vendors in Nigeria in order to develop a standard food and water vendors Identification Number for easy traceability system of any food poisoning and mishandling cases and also collaborate with financial institutions both Nationally and Internationally to empower the food vendors with funds as soft loan to enable them acquire the necessary food processing machines and other food equipment to enable the food vendors meet up with international standard requirement of food safety.



