

- 1 (a) A Chairman who shall be suitably qualified for the purpose of the
2 Agency;
- 3 (b) Six persons (reflecting the Federal Character), three (3) of whom
4 shall be women, to include-
- 5 (i) a legal practitioner with experience in matters relating to the rights
6 of children, women and persons living with Cancer,
- 7 (ii) a person who is qualified and experienced in matters relating to
8 public health,
- 9 (iii) a medical scientist involved in the formulation and development
10 of vaccines, and its testing and application on the human kind,
- 11 (iv) a Journalist with experience in mass communication techniques
12 and
- 13 (v) a Cancer survivor,
- 14 (v) a social scientist with experience in the mobilization and
15 counseling of communities on responses to afflictions, scourges and other
16 catastrophes of epidemic proportion,
- 17 (vi) an accountant with appreciable experience in financial
18 management skills,
- 19 (c) one person each, not below the rank of Director, to represent-
- 20 (i) the Federal Ministry of Health,
21 (ii) the Secretary to the Government of the Federation,
22 (iii) the Federal Ministry of Women Affairs;
- 23 (d) two persons to represent the NGOs involved in Cancer
24 campaigns;
- 25 (e) one person representing people suffering Cancer;
26 (f) one person representing women;
27 (g) one person representing Youth; and
28 (h) the Director General of the Agency.
- 29 (2) The Chairman and members of the Board of the Agency shall be
30 appointed by the President.

1 (3) The supplementary provisions set out in the First Schedule to
2 this Act shall have effect with respect to the proceedings of the Board and
3 other matters contained therein.

4 (4) The office of the Director General shall provide the Secretariat
5 for the Board.

6 3.-(1) The Board shall-

The Functions
of the Board

7 (a) provide leadership and advocacy for the prevention and control
8 of Cancer scourge in the Federation; and provide intergovernmental and
9 multi sectoral coordination;

10 (b) facilitate the formation and development of national and
11 international partnerships and collaboration for the purpose of enhancing
12 Nigeria's control initiatives on the pandemic;

13 (c) facilitate funding for effective dissemination of information
14 and counseling against HIV and AIDS infections and care and support for
15 people living with Cancer throughout the Federation;

16 (d) review, from time to time, the extent of the implementation of
17 the national strategic framework on the prevention and control of the Cancer
18 by the Agency;

19 (e) determine the overall policies and guideline of the Agency,
20 including its financial and operating procedures and ensure their effective
21 implementation; and

22 (f) make rules for the appointment, promotion and discipline of
23 employees of the Agency.

24 (2) Subject to such conditions as it may impose, the Board may
25 delegate any of its functions under this Act to any of its committees or to the
26 Director General.

27 (3) Nothing in this section shall prevent the Board from performing
28 or exercising any of the functions and powers so delegated;

29 (4) The Board shall be responsible for the appointment, promotion
30 and discipline of the senior staff.

1 4.-(1) Subject to the provisions of section 4 of this Bill, a member of
2 the Board, other than an ex-officio member-

3 (a) shall hold office for a period of four years in the first instance and
4 shall be eligible for reappointment for a further period of four years, and no
5 more;

6 (b) may resign his appointment by writing under his hand a letter
7 addressed to the President, and his membership shall terminate on the date of
8 receipt of the letter of resignation; and

9 (c) shall be paid such remuneration and allowances as the Revenue
10 Mobilisation, Allocation and Fiscal Commission may, from time to time
11 determine.

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

Removal of a
Member and
Cessation of
Membership

16 5.-(1) The Chairman or any member of the Board of the Agency may
17 be removed from office by the President for inability to discharge the functions
18 of his office (whether arising from infirmity of mind or body or any other
19 cause) or for misconduct.

20 (2) Without prejudice to sub-section (1) of this section-

21 (a) no member shall absent himself from meetings for three
22 consecutive times without good reason;

23 (b) where the members of the Board are satisfied that the continued
24 presence on the Board of the Agency of the member is not in the interest of the
25 overall object and functions of the Agency the Chairman of the Board of the
26 Agency may recommend accordingly to the President that the member be
27 removed and declare the office of that member vacant.

28 (3) Any vacancy in the Board occurring as a result of any of the
29 circumstances described under this section of this Bill shall be filled by
30 appointing a person who shall represent the same interest which the

1 predecessor represented, and shall hold office for the unexpired term of
2 office of the last holder of the office.

3 PART II - FUNCTIONS AND POWERS OF THE AGENCY

4 6.-(1) Subject to this Act the Agency shall perform the following
5 functions-

Functions and
Powers of the
Agency

6 (a) plan and coordinate activities of the various sectors in the
7 National Response Strategic Framework;

8 (b) facilitate the engagement of all tiers of government and all
9 sectors on issues of Cancer prevention, care and support;

10 (c) advocate for the mainstreaming of Cancer interventions into all
11 sectors of the society;

12 (d) formulate policies and guidelines on Cancer;

13 (e) support Cancer research in the country;

14 (f) mobilize resources (local and foreign) and coordinate equitable
15 application for Cancer activities;

16 (g) provide and coordinate linkages with the global community on
17 Cancer;

18 (h) monitor and evaluate all Cancer activities in the country;

19 (i) facilitate the development and management of the policies and
20 strategies of all sectors to ensure the human, financial and organizational
21 resources to support the successful execution of a national Cancer response
22 programme.

23 (j) establish, encourage and promote training programme for the
24 employees of the Agency and other appropriate persons from public or
25 private organizations;

26 (k) perform such functions as may, from time to time be assigned to
27 it by the Government; and

28 (l) facilitate collaboration for the management of Cancer and
29 opportunistic infections.

30 (2) In addition to the functions of the Agency as provided in sub-

- 1 section (1) of this section, the Agency shall have power to-
- 2 (a) co-operate with persons and institutions undertaking research in
- 3 Nigeria and in other countries;
- 4 (b) enter into contract within or outside Nigeria, with any persons,
- 5 government, or institutions, and execute any contract, deed or any other
- 6 document within or outside the Federal Republic or any foreign country for the
- 7 purpose of combating Cancer;
- 8 (c) open and operate ordinary and domiciliary accounts for the
- 9 Agency in recognized banking institutions;
- 10 (d) appoint officers and employees at such remuneration and on such
- 11 conditions and subject to the relevant provisions of this Bill;
- 12 (e) pay gratuities and pensions to its officers and employees;
- 13 (f) develop and maintain an appropriate organizational structure;
- 14 (g) generally, enter into any contract or perform any act, whether
- 15 within the Federal Republic of Nigeria or outside, as will in the opinion of the
- 16 Board contribute towards the attainment of the Agency's objectives; and
- 17 (h) establish State and Zonal Offices to coordinate the Agency's
- 18 functions.

19 PART III – STRUCTURE OF THE AGENCY

Structure of
the Agency

- 20 7.-(1) There shall be created for the Agency a Management
- 21 Committee, which shall consist of-
- 22 (a) the Director General who shall be the Chief Executive Officer
- 23 (CEO),
- 24 (b) the heads of the departments of the Agency; and
- 25 (c) any other person that may be co-opted by the Director General.
- 26 (2) The Management Committee shall be responsible for the
- 27 management of the Agency in accordance with the policies of the Agency.
- 28 (3) The Management shall be responsible for the appointment,
- 29 promotion and discipline of the Junior staff of the Agency.

1 PART IV - STAFF OF THE AGENCY

2 **8.**-(1) The Director General shall:Staff of the
Agency

3 (a) be appointed by the President;

4 (b) be answerable to the Board;

5 (c) be a person qualified as a medical scientist for not less than
6 fifteen years;

7 (d) be experienced in matters concerning Cancer.

8 (2) The Director General shall be the Chief Executive Officer of
9 the Agency who shall be responsible for the day-to-day running of the
10 Agency.11 (3) The Director General shall be the Chairman of the National
12 Council on Cancer.13 (4) The Director General shall hold office for a period of 4 years in
14 the first instance and may be re-appointed for a further period of 4 years and
15 no more, on such terms and conditions as may be determined, from time to
16 time, by the President.17 **9.**-(1) The Terms and Conditions of service including
18 remuneration, allowances, benefits and pensions of officers and employees
19 of the Agency shall be determined by the Board.Terms and
Condition of
Service20 (2) Service in the Agency shall be approved service for the purpose
21 of the Pensions Act, and accordingly officers and other persons employed in
22 the Agency shall, in respect of their services in the Agency, be entitled to
23 pension, gratuities and other retirement benefits as are prescribed there
24 under.25 (3) Notwithstanding subsection (1) of this section, the Agency may
26 appoint a person to any office on the terms, which preclude the grant of a
27 pension, gratuity or retirement benefits, and;28 (4) For the purpose of the application of the Pension Reform Act,
29 any powers exercisable there under by the Minister of Finance or other
30 regulations thereof, is hereby vested and shall be exercisable by the Board

1 and not any other person or authority.

2 PART V - FINANCIAL PROVISIONS

Funds and
expenditure of
the Agency

3 **10.**-(1) The Agency shall establish and maintain a fund from which
4 shall be defrayed all expenditure incurred by the Agency.

5 (2) There shall be credited to the fund established in pursuance of
6 subsection (1) of this section such payments as may be made to it by the Federal
7 Government for the running expenses of the Agency and all other assets
8 accruing from time to time to the Agency.

9 (3) The Agency may establish and maintain one or more funds into
10 which shall be credited such payments as may be made to it by donors and other
11 agencies from time to time for the purpose of supporting Cancer activities and
12 programmes in the Federal Republic.

13 (4) The Agency shall disburse these funds to ministries, States and
14 other organizations that qualify and have been granted funding by the Agency
15 for executing Cancer activities and programmes.

16 (5) The Agency shall also, from time to time, apply the funds at its
17 disposal to-

18 (a) the cost administration of the Agency;

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

22 (c) the payments of salaries, fees or other remunerations, allowances,
23 pensions and gratuities payable, to officers and servant of the Agency;

24 (d) publicise and promote the activities of the Agency;

25 (e) train the members of staff of the Agency; and

26 (f) undertake all activities connected with its functions under this Bill.

Acceptance of
Gifts

27 **11.** The Agency may accept gifts, including land, money or other
28 property, on such terms and conditions, if any, as may be specified by the
29 person or organization making the gift provided that the conditions attached by
30 the person or organization making the gift are not inconsistent with the

1 tax on any income derived by it under this Act or accruing to it from any
2 investments.

3 (2) The provisions of any enactment relating to the taxation of
4 companies or trust funds shall not apply to the Agency.

5 PART VI - ESTABLISHMENT OF THE NATIONAL COUNCIL ON CANCER

Establishment
of the National
Council on
Cancer

6 **17.**-(1) There is hereby established for the purpose of this Bill the
7 National Council on Cancer (in this Bill, referred to as “the National Council”).

8 (2) The National Council on Cancer shall comprise delegates from all
9 States, the Federal Capital Territory (FCT) and representatives of other
10 stakeholders on Cancer matters as directed by the Board; delegates which shall
11 include but not limited to the following:

12 (a) the Director General of the National Agency for the Control of
13 Cancer as the Chairman;

14 (b) all Chairpersons for State Action Committee on Cancer;

15 (c) all Secretaries of State Action Committee on Cancer;

16 (d) two representatives of recognized umbrella organizations of civil
17 societies and Non-Governmental Organizations on Cancer;

18 (e) two representatives of umbrella organizations of Cancer
19 Survivors;

20 (f) one representative of media organization involved in Cancer;

21 (g) one representative of Youth organization involved in Cancer;

22 (h) one representative of women organization involved in Cancer;

23 (i) two representative of faith-based organizations involved in
24 Cancer;

25 (j) one representative of Nigerian National Labour Organization.

Responsibilities
of the National
Council

26 **18.**-(1) The National Council shall have responsibility for:

27 (a) coordinating all intervention programmes for the prevention,
28 control and management of Cancer in the Federation or any part thereof;

29 (b) establishing minimum standards for the control and management
30 of Cancer infections by providing technical direction;

1 (c) maintaining unity and cooperation among all stakeholders
2 involved in the fight against Cancer;

3 (d) assessing the extent of progress made at Federal, State and
4 Local Council levels.

5 (2) The Director-General of the Agency shall be the coordinator of
6 the affairs of the National Council, and in that regard shall provide the
7 secretariat to facilitate the activities and programmes of the National
8 Council.

9 PART VII – MISCELLANEOUS PROVISIONS

10 19.-(1) in this Bill- the following words and expressions have the Interpretations
11 meaning respectively assigned to them, that is to say-

12 “Agency” means the National Agency for the Control of Cancer established
13 pursuant to section 1 (1) of this Bill;

14 “Board” means the Governing Board of the Agency established pursuant to
15 section 2 (1) of this Bill;

16 “Chairman” means the Chairman of Governing Board of the Agency;

17 “Director-General” means the Director-General of the Agency;

18 “functions” includes power and duty;

19 “Cancer” means a disease caused by an uncontrolled division of abnormal
20 cells in a part of the body; or a malignant growth or tumour resulting from an
21 uncontrolled division of cells;

22 “Junior Staff” means officers of the Agency on Salary Grade Level 01 to 06
23 in accordance with the Federal Government Public Service Salary Structure'

24 “member” means a member of the National Agency for the Control of
25 Cancer and includes the Chairman;

26 “National Council” means the National Council on Cancer established
27 pursuant to section 17 (1) of this Bill;

28 “National Strategic Framework” refers to the National Response strategies
29 and measures formulated and put to effect for combating the wide spread
30 nature of the Cancer in the Federation and any part thereof, and as specified

1 under this Bill;
2 “President” means the President of the Federal Republic of Nigeria, and the“
3 Presidency” shall be construed accordingly; and
4 “Senior Staff” means officers of the Agency on Salary Grade Level 07 and
5 above in accordance with the Federal Government Public Service Salary
6 Structure.

7 (2) The Interpretation Act shall be applied for interpreting the
8 provisions of this Bill.

Provisions of
the Act Severable

9 **20.** If any provision of this Bill or the application thereof to any
10 person, body corporate, statutory body or circumstances is held invalid, such
11 invalidity shall not affect other provisions or applications of this Bill which can
12 be given effect without that invalid provisions or application, and this end, the
13 provisions of this Bill are severable.

Short title

14 **21.** This Bill may be cited as the National Agency for the Control of
15 Cancer (Establishment, etc.) Bill, 2020.

16 SCHEDULE

17 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS OF THE
18 BOARD OF THE AGENCY

19 *Meeting of the Board*

20 1. Subject to this Act and section 27 of the Interpretation Act (which
21 provides for decisions of a statutory body to be taken by a majority of its
22 members and the person presiding at any meeting, when a vote is ordered, to
23 have a second or casting vote), the Board may make standing orders regulating
24 its proceedings or that of any of its committees.

25 2. At every meeting of the Board, the Chairman shall preside and in
26 his absence the members present at the meeting shall appoint one of their
27 members to preside.

28 3. The quorum at a meeting of the Board shall consist of the
29 Chairman (or, in an appropriate case, the person presiding at the meeting) and
30 1/3rd other members.

1 4. The Board shall for the purpose of this Bill, meet not less than
2 three times in each year and subject, thereto, the Board shall meet whenever
3 it is summoned by the Chairman, and if required to do so, by notice given to
4 him by not less than 5 other members, he shall summon a meeting of the
5 Board to be held within 14 days from the date on which the notice is given.

6 5. Where the Board desires to obtain the advice of any person on a
7 particular matter, the Board may co-opt him to the Board for such period as it
8 thinks fit, but a person who is a member by virtue of this paragraph shall not
9 be entitled to vote at any meeting of the Board and shall not count towards a
10 quorum.

11 6. A member of the Board who is directly or indirectly interested
12 in any matter being deliberated on by the Board, or is interested in any
13 contract made or proposed to be made by the Agency shall, as soon as
14 possible after the relevant facts have come to his knowledge disclose the
15 nature of his interest at the meeting of the Board.

16 7. A disclosure under this paragraph shall be recorded in the
17 Minutes of Meetings of the Board and the member concerned shall-

18 (a) not, after the disclosure, take part in any deliberation or decision
19 of the Board; and

20 (b) be excluded for the purpose of constituting a quorum of any
21 meeting of the Board for any deliberation or decisions, with regard to the
22 subject matter in respect of which his interest is so disclosed.

23 8. A decision of the majority of the members of the Board present
24 at any meeting constitutes a decision of the Board and, in the event of an
25 equality of votes, the member presiding at the meeting shall have a casting
26 vote in addition to his or her deliberative vote.

27 9. A decision taken by the Board or an act performed under the
28 authority of the Board shall no be invalidated by reason only of a vacancy on
29 the Board, or that a person who is not entitled to sit as a member of the Board
30 sat as a member at the time when the decision was taken or the act was

1 authorized, if the decision was taken or the act was authorized by requisite
2 majority of the members of the Board who were present at the time and entitled
3 to sit as members.

4 10. Minutes of the proceedings of each meeting shall be submitted at
5 the next meeting of the Board and, if passed as correct, shall be confirmed by
6 the signature of the chairperson or other member presiding thereat and may,
7 when so confirmed, be evidence in a court of law of the proceedings of the first-
8 mentioned meeting.

9 *Committees of the Board*

10 11.-(1) Subject to its standing orders, the Board may appoint such
11 number of standing and ad hoc committees as it thinks fit to consider and report
12 on any matter with which the Agency is concerned.

13 (2) A Committee appointed under this paragraph shall consist of such
14 number of persons (not necessary members of this Board as may be determined
15 by the Board), and a person, other than a member of the Board, shall hold office
16 on the committee in accordance with the terms of his appointment and the
17 committee shall be presided over by a member of the Board.

18 (3) The quorum of any committee set up of the Board shall be as may
19 be determined by the Board.

20 (4) A decision of a committee of the Board shall be of no effect until it
21 is ratified by the Board.

22 *Miscellaneous*

23 12. The fixing of the seal of the Agency shall be authenticated by the
24 signature of the Chairman or any other person generally or specifically
25 authorized by the Board, to act for that purpose, and that of the Director
26 General.

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

1 14. Any document purporting to be a contract, instrument or other
2 document duly signed or sealed on behalf of the Agency shall be received in
3 evidence and shall, unless the contrary is proved, be presumed without
4 further proof to have been so signed or sealed.

5 15. The validity of any proceedings of the Board or of any of its
6 committees shall not be affected by:

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

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

10 (c) reasons that a person not entitled to do so took part in the
11 proceedings of the Board or committee.

12 16. A member of a committee who has a personal interest in any
13 contract or arrangement entered into or proposed to be considered by the
14 committee shall forthwith disclose his interest to the committee and shall not
15 vote on any question relating to the contract or arrangement.

16 17. No member of the Board shall be personally liable for any act
17 or omission done or made in good faith while engaged in the business of the
18 Agency.

19 18. The Supplementary provisions set in the Schedule to this Act
20 shall have effect with respect to the proceedings of the Board and other
21 matters contained therein.

EXPLANATORY MEMORANDUM

The Bill seeks to formally establish the National Agency for the Control of Cancer, (NACC) and to set up other high powered intervention to coordinate the implementation of programmes for the control of the disease in Nigeria.