

## NIGERIA FOOD SAFETY AND HYGIENE SURVEILLANCE CORPS BILL, 2020

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# A BILL

## FOR

AN ACT TO ESTABLISH THE NIGERIA FOOD SAFETY AND HYGIENE SURVEILLANCE CORPS WITH THE FUNCTION, AMONG OTHERS, TO REGULATE, SUPERVISE AND OVERSEE FOOD SAFETY AND HYGIENE PRACTICES IN MARKETS, EATING PLACES, TRAINING, ISSUE NATIONAL LICENCE TO PERSONS PARTICIPATING IN RAW, COOKED FOOD AND LOCAL WATER VENDORS AND HANDLING BUSINESSES IN ORDER TO AVOID FOOD AND WATER CONTAMINATION AND MISHANDLING AND FOR RELATED MATTERS

*Sponsored by Hon. Aminu Ashiru Mani*

Commencement

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

- 1 I. The objectives of the Act are to provide for:
- 2 (a) Food safety and food hygiene education/enlightenment;
- 3 (b) Environmental and personal hygiene education;
- 4 (c) Organizing and executing programme, projects, workshop and
- 5 seminar on Food safety standard practices in Nigeria;
- 6 (d) Training of all raw and cooked food business owners and
- 7 operators in Nigeria;
- 8 (e) Food hygiene inspection to all raw and cooked food business
- 9 owners and operators;
- 10 (f) Prevention of food contamination through enlightenment and
- 11 public private partnership;
- 12 (g) To educate farmers and food producers and manufacturers on
- 13 measures to control post harvest losses;
- 14 (h) To go into partnership and collaboration with corporate
- 15 persons, organizations, federal, state, local governments and authorities at

Objectives of  
the Act

1 the ward level;

2 (i) To organize food hygiene education at all educational level; and

3 (j) Raising awareness on food fortification and nutrition.

Scope of the  
Act

4 2. This Act shall apply to all raw and cooked food handlers and Local  
5 water vendors, in the public and private sector in the Federal Republic of  
6 Nigeria.

Establishment  
of the Nigeria  
Food Safety and  
Hygiene  
Surveillance  
Corps

7 3. There is hereby established a body to be known as the Nigeria  
8 Food Safety and Hygiene Surveillance Corps. (in this Act referred to as "the  
9 Corps") which:

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

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

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

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

Establishment  
of the Governing  
body of the Corps

17 4.-(1) The Governing body shall consist of:

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

19 (b) Five persons to represent the Staff Officers of the Corps appointed  
20 by the Director General;

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

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

25 (e) One person to represent the National Agency for Food and Drug  
26 Administration and Control appointed by the agency;

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

29 (g) One person to represent the public interest appointed by the  
30 Minister;

1 (h) One person to represent the Consumer Protection Council  
2 appointed by the council;

3 (i) One person to represent the Federal Ministry of Agriculture  
4 appointed by the Minister;

5 (j) One person to represent Environmental Health Officers  
6 Registration Council of Nigeria appointed by the council;

7 (k) One person to represent Federal Ministry of Water Resources;

8 (l) The member of the corps shall be paid such allowance as the  
9 corps determine from time to time.

10 (2) A member of the corps, other than the Chairman and five (5)  
11 staff officers of the corps, shall be appointed by the minister on the  
12 recommendation of the body he/she represents.

13 The provisions of the first schedule to this Act shall have effect with respect  
14 to the proceedings of the corps and other matters mentioned therein.

15 *(First Schedule)*

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

Functions of the  
Governing Body  
of the Corps

18 (b) Shall specify the management system of the staff officers of the  
19 corps including financial approvals for the staff officers of the corps;

20 (c) The corps shall have power to borrow or dispose of any  
21 property with prior consent of the Minister;

22 (d) Appoint, promote and discipline its employees necessary for  
23 the proper discharge of the functions of the corps;

24 (e) To appoint, remove or suspend or discipline staff officers and  
25 members of the corps necessary for the services of the corps in force and to  
26 fix their salaries or emoluments where necessary and other conditions of  
27 service;

28 (f) Grant food safety and hygiene Awards, honorary life  
29 membership Award and merit Awards to deserving persons in Nigeria;

30 (g) Determine and prescribe the fee to be paid for License to

1 operate as raw food vendor, hawkers of raw and cooked food vendors and local  
2 water vendors in Nigeria;

3 (h) The corps shall consider and report to the Minister upon all  
4 matters relating to training, licenses and other required standard of practice as  
5 food handlers after training and licensing;

6 (i) Establish and approve Licenses and determining the amount to be  
7 paid for licenses and penalties and offences;

8 (j) Promote, establish training for the employees of the corps  
9 nationally and internationally;

10 (k) Advise the Federal Government generally on the National  
11 Policies on food safety;

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

14 (m) Establish committees as deem which shall be charged with the  
15 functions of the corps;

16 (n) Determining amount to be paid for those that want to become  
17 associates and fellow members of the corps;

18 (o) Promote activities related to these process standard guidelines of  
19 registration, training, licensing, monitoring, inspecting against mishandling of  
20 raw and cooked food by handlers and local water vendors.

Functions and  
Powers of the  
Corps

21 6. The Corps shall:

22 (1) Undertake appropriate investigation into wide spread practice by  
23 street food vendors displaying ready-to-eat food in open containers and  
24 thereby exposing the food to the ever present opportunity of contamination by  
25 dust, flies and microorganisms.

26 (2) Regulate and undertake appropriate measures to investigate fruit  
27 sellers to prevent the use of detergents and cleaning agents for washing of  
28 fruits, and carbide for ripening fruits.

29 (3) Undertake registration training and licence of street food vending,  
30 Bakaterias, catering establishments, abattoirs, traditional markets, hawkers,

1 bar parlour, suya (barbeque).

2 (4) Control the regular inspection, monitoring of raw and cooked  
3 food outlets at the Federal, State, Local Government and Ward Levels to  
4 ensure compliance of statutory food safety requirements.

5 (5) Collaborate with state and local government authorities to  
6 prohibit the display and sale of cooked or ready-to-eat food in open  
7 containers and mishandling of raw food product.

8 (6) Collaborate with the Federal Road Safety Corps to undertake  
9 appropriate investigation into food transportation on the highway.

10 (7) Conduct appropriate investigation of the transportation of raw  
11 and cooked food.

12 (8) Conduct appropriate registration, training and licensing of  
13 local water sources vending as well as oases.

14 (9) Undertake measures to develop suitable training programmes  
15 for various categories of food handlers, managers/owners of food  
16 establishments.

17 (10) Undertake investigation on the use of bad chemicals for  
18 storage, preservation, adulteration of raw and cooked food.

19 (11) Conduct appropriate medical tests of workers working in  
20 eating places.

21 (12) Publish and maintain relevant data base for outcomes of food  
22 safety practices.

23 (13) Regulate and control registration, training, licensing,  
24 monitoring, inspections and mishandling of raw and cooked food.

25 (14) Generate extra revenue to Federal Government.

26 (15) assist health workers in the prevention of food and waterborne  
27 diseases.

28 (16) Collaborate with other relevant establishments to set food  
29 hygiene standards from production to consumption to protect the health of  
30 food consumers and ensure fair practices in food trade:

1           (17) undertake appropriate investigations into the food premises.  
2    food markets, dairies, slaughter houses or abattoirs;

3           (18) undertake inspection of food premises, food markets, dairies,  
4    slaughter houses or abattoirs and water supply, in order to control its  
5    mishandling and distribution;

6           (19) regulate the publications, printing and sale of books or manuals  
7    on food hygiene and safety matters to students and other readers;

8           (20) After training of the food and water vendors, food and water  
9    handlers, determine and prescribe the fees to be paid for obtaining licence to  
10   operate as food vendors, food handler and food serving center in Nigeria.

11          (21) ensure that food safety and hygiene inspectors and Police  
12   officers or any other security agency the corps may approve, work in  
13   collaboration to abate nuisances in food handling;

14          (22) Undertake appropriate awareness of the socio-economic  
15   importance of food safety, paucity of data and information on incidence of food  
16   borne disease outbreaks.

17          (23) sponsor such national and international conferences as it may  
18   consider appropriate;

19          (24) Liaise with relevant establishments in pursuance of the functions  
20   of the Act.

21          (25) establish and maintain food safety training centres, laboratories  
22   and mobile courts across the country;

23          (26) Undertake the compilation of standard specifications,  
24   regulations and guidelines for the production, importation, exportation, sale  
25   and distribution of raw and cooked food and water with the purpose of avoiding  
26   mishandling of food and water.

27          (27) Publish in well distributed food hygiene publications/manuals,  
28   what amounts to levy for mishandling of food and water, outline penalties for  
29   such offences and ensure it is enforced against its offenders.

30          (28) advise the Federal, State and Local Governments, community



1 leaders, the private sector and other interested bodies regarding the quality,  
2 safety and regulatory provisions on food hygiene and water;

3 (29) Carry out such activities as are necessary or expedient for the  
4 performance of its functions under this Act.

5 (30) To monitor, inspect and give licence to persons working in  
6 cooking places in schools, kitchens, government houses, hospitals, hotels.

7 7. (a) The activities of the corps shall be under supervision of the  
8 Hon. Minister of Health;

Power of the  
Minister to supervise

9 (b) The minister shall supervise to ensure that payment of  
10 remuneration (including pensions), allowances or expenses of any  
11 employee of the corps is effectively settled;

12 (c) The Minister may give directive to the corps relating to the  
13 performance of the corps functions under this act and it shall be the duty of  
14 the corps to comply and give effect to the directive.

15 8. The corps shall have the following departments in the National  
16 and state offices:

Structure and  
Staff Officers of  
the Corps

17 (a) Administration and Personnel;

18 (b) Planning, Research and Statistics;

19 (c) Finance and Audit;

20 (d) Legal, Enforcement and Compliance;

21 (e) Training;

22 (f) Inspection, Monitoring and Evaluation;

23 (g) Food Safety and Hygiene;

24 (h) Water Safety and Hygiene;

25 (i) Nutrition;

26 (j) ICT Department;

27 and any other suitable department as the corps may deem necessary for the  
28 proper performance of the functions of the corps.

29 These departments shall be headed by relevant professionals and  
30 administrators who shall be known as the Assistant Director Generals

1 appointed by the corps.

Establishment  
of the Office of  
the Director-  
General

2 9. There shall be established by this Act, the office of the Director

3 General:

4 (a) The Director General shall be the Chief Executive Officer and  
5 Chairman of the Governing body of the Corps to oversee all the Administrative  
6 activities of the corps.

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

7 10.-(a) The corps shall appoint one person among the most senior  
8 officers of the corps as a Director General for a term of five (5) years in office  
9 and be eligible for re-appointment for another term of five years, except the  
10 first Director General who shall serve for ten (10) years in office and be eligible  
11 for reappointment for another term of five years;

12 (b) The Director General shall in addition to his other functions under  
13 this Act be the Chairman of Governing body of the corps;

14 (c) The corps may, whenever the Director General is absent or for any  
15 other reason of death, incapacity or inability to discharge the function of his  
16 office, appoint an acting Director General among the most senior staff officers  
17 to discharge his functions;

18 (d) The Director General and other staff officers shall work with such  
19 conditions of service and functions as the corps will determine;

20 (e) The provisions of the first schedule to this Act shall have effect  
21 with respect to the tenure of office of members of the corps and the other  
22 matters therein mentioned.

Office of the  
Six (6) Deputy  
Director Generals

23 11. There shall be established by this Act, offices of the six deputy  
24 Director Generals, each representing the six geo-political zones of the  
25 Federation, whose main responsibility shall be to monitor the activities of the  
26 corps under its state jurisdiction of posting and reports to the Director General.

State Director

27 12. There shall be for the corps offices in all the 36 states and the FCT  
28 of the federation, to be headed by a Director who shall be appointed by the  
29 corps to oversee the activities of the corps within the state of posting.

- 1                   **13.** There shall be deputy Directors in all the 36 states and the FCT     Deputy Director  
2                   to occupy the following departments mentioned in section 9 sub-section 1 of  
3                   this Act in the state level of posting shall be known as head of department of  
4                   such department and they shall be appointed by the corps
- 5                   **14.** There shall be a Chief Superintendent Officer in all the 774     Chief  
6                   local government Area councils of Nigeria appointed by the corps to oversee     Superintendent  
7                   the activities of the corps and report to the state director and the corps.     Officers
- 8                   **15.** There shall be Superintendent Officer in each of the ward level     Superintendent  
9                   of all the 36 states and the FCT to oversee the activities of the corps within     Officers  
10                  the ward level of Nigeria.
- 11                  **16.** There shall be supervising officers overseeing the activities of     Supervisor Officers  
12                  the corps in every unit at the ward level of Nigeria.
- 13                  **17.** Inspector officers, Assistant inspector officers, junior officers     Other ranks of  
14                  The staff officers in this category of other ranks of the corps shall be enrolled     the Corps  
15                  by the corps. One thousand staff officers of this category shall be enrolled in  
16                  each of the 36 states and FCT for the purpose of this Act.
- 17                  **18.** The membership of the corps established by this Act shall be     Membership of  
18                  open to the General Public who are interested to be registered, trained and     the Corps  
19                  certified on food safety and hygiene practices for the purpose of rendering  
20                  voluntary services to the corps.
- 21                  **19.** -(a) Associate Members:     Categories of  
22                  (b) Fellow Members;     Membership  
23                  (c) Members enrolled as Staff Officers of the corps.
- 24                  The category a and b members of the corps shall be trained, pay for their  
25                  registration fee, and materials for training. The members of the corps who  
26                  are enrolled as staff officers of the corps shall only be entitled to pension  
27                  benefits and employee's social insurance and compensation benefit and to  
28                  hold offices either at the National or State level and to remain in office  
29                  services for 35 years, which are inclusive of the term(s) of office from the  
30                  date of appointment and subject to rules made pursuant to this Act on issue

1 of professional misconduct.

Tenure of Office

2 20.-(1) A member of the governing body of the corps appointed other  
3 than the Chairman shall hold office for a term of three years, and subject to the  
4 provision of sub section (3) of this section, shall be eligible for re-appointment  
5 for only one further term of three years.

6 (2) The office of member of the corps shall become vacant if he  
7 resigns as a member of the corps by notice in writing under his hand addressed  
8 to the Minister.

9 (3) The minister shall appoint another person to continue in office  
10 with recommendation of the body he represents.

Removal from  
office of the Corps

11 21.-(1) If it appears to the corps that a member other than an ex-officio  
12 member should be removed from office on the grounds of misconduct or  
13 function of his inability to perform the functions of his office, the corps shall  
14 make a recommendation to the Minister.

15 (2) If the Minister, after making such inquiries as he considers  
16 necessary, approves the recommendation, the minister shall write to the corps,  
17 declare the office of such a member vacant.

18 (3) Notwithstanding, the Minister may remove any member of the  
19 corps on ground of misconduct or inability to perform other than an ex-officio  
20 member.

Transitional  
Provision

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

22 (1) All assets and liabilities held or incurred immediately before that  
23 day or on behalf of the incorporated Trustees of Food Hygiene Initiative of  
24 Nigeria shall by virtue of this Act and without further assurance, vest in the  
25 Corps and be held by it for the purposes of the Corps.

26 (2) The incorporated trustees shall cease to exist: The Director  
27 General of the incorporated trustee of Food Hygiene Initiative of Nigeria shall  
28 remain in office as the first Director General and Chairman of the governing  
29 body of the Corps. All staff officers of the incorporated trustees of Food

1 Hygiene Initiative of Nigeria shall by virtue become the staff officers of the  
2 corps.

3 (3) Subject to the sub-section (2) of this Act all things made or done  
4 by the incorporated trustees of Food Hygiene Initiative of Nigeria shall be  
5 deemed to have been made or done by the Corps.

6 (4) All fees and other money(s) payable to the incorporated trustees  
7 of Food Hygiene Initiative of Nigeria.

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

11 (6) Fees charged for services rendered by the incorporated trustees  
12 of Food Hygiene Initiative of Nigeria.

13 (7) all sums accruing to the incorporated trustees of Food Hygiene  
14 Initiative of Nigeria by way of gifts, endowments, bequests or other  
15 voluntary contributions by persons and organizations;

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

18 (9) Such money(s) as are held by the incorporated Trustees of Food  
19 Hygiene Initiative of Nigeria incorporated under the Companies and Allied  
20 Matters Act LFN 2014 (in this Act hereafter referred to as "the Corps") on its  
21 ceasing to exist as provided in this Act shall be vested in the Corps and be  
22 held by Nigeria Food Safety and Hygiene Surveillance Corps at the  
23 immediate commencement of this Act.

24 23.-(1) On the commencement of this Act, the Food Hygiene  
25 Initiative of Nigeria, of the registered trustees of the Food Hygiene Initiative  
26 of Nigeria incorporated under the Companies and Allied Matters Act LFN  
27 2014 (in this section referred to as the incorporated trustees) shall cease to  
28 exist.

Dissolution of  
Food Hygiene  
Initiative of  
Nigeria

29 (2) Accordingly, the incorporated trustee of Food Hygiene  
30 Initiative of Nigeria is hereby dissolved and the provision of the second

1 schedule to this act shall apply in relation to the employees, assets and  
2 leadership of the incorporated trustee of Food Hygiene Initiative of Nigeria.  
3 the assets and liabilities of the incorporated trustees of Food Hygiene Initiative  
4 of Nigeria and other matters connected with the incorporated trustees set out  
5 therein.

6 **24.** The Corps shall have power-

7 (a) to open and operate ordinary and domiciliary account for the corps  
8 in any recognized banking institution.

9 (1) The corps shall establish and maintain a fund for the purposes of  
10 this Act.

11 (2) shall be paid into the fund of the corps and Account audit and  
12 estimate:

13 (a) All fees and other money payable to the corps in pursuance of this  
14 Act; and

15 (b) Such money(s) as may be payable to the corps, whether in the  
16 course of the discharge of its functions or otherwise.

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

18 (a) The remuneration and allowances of the Director General and  
19 staff officers of the corps;

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

23 (c) any other expenses incurred by the corps in the discharge of its  
24 functions under this Act.

25 (4) The corps shall prepare and submit to the minister not later than 30  
26 November of the year in which this Act comes into force. So however that the  
27 Minister may, if he considers it necessary extend the period and of each  
28 subsequent year an estimate of its income and expenditure during the  
29 succeeding financial year.

30 (5) The corps shall keep proper accounts in respect of each financial

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

6 (6) Cost of maintaining the head office at the Federal Capital  
7 Territory, Abuja and its other offices located in other states and places in  
8 Nigeria.

9 (7) Pay for other administrative costs of the staff officers of the  
10 corps.

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

12 (9) All sums accruing to the corps by way of gifts, endowments,  
13 bequests or other voluntary and/or assistance from liberal agencies, or  
14 grants from the federal state or local government.

15 (10) The corps shall pay to the Federal Republic of Nigeria 15%  
16 (fifteen percent) gross of all audited income that accrues to the corps yearly.

17 25.-(1) A person who obstructs a staff officer of the corps in the  
18 performance of his duties under this Act shall be guilty of an offence and  
19 liable on conviction to a fine of N10,000 or to imprisonment for a term not  
20 exceeding two years or both.

General Offences

21 (2) Where an offence under this Act which has been committed by a  
22 corporate body is proved to have been committed with the consent or  
23 connivance of, or to be attributed to any neglect on the part of any director,  
24 manager, secretary or other similar officer of the corporate body or any  
25 person purporting to act in any of those capacities, he as well as the corporate  
26 body shall be deemed to be guilty of the offence and shall be liable on  
27 conviction to a fine of N200,000 only.

28 (3) Where a penalty has been specified, the person shall be liable to  
29 a fine of N100,000 only or imprisonment for a term of one year or to both  
30 such fine and imprisonment.

1 (4) Any food vendor or food handler, water vendor or handler who  
2 violates the provisions of this act, or rules and regulations made pursuant to this  
3 act, shall be subject to summary trial in a magistrate court which shall make  
4 such orders, convictions and issue penalties for such offences.

5 (5) In the case of a food vendor or food handler who practicing as a  
6 food handler or food vendor operating without licence shall be liable to a fine  
7 not exceeding N10,000 only.

8 (6) Depending on the gravity of the offence so committed, the court  
9 may order the closure of such premises until such fine either prescribed by this  
10 act or as the court deems fit is complied with.

11 (7) provided that before such prosecution is carried out, the offender  
12 must have been given adequate notice of two weeks preceding the time of  
13 prosecution to comply with the requirement of this act.

Conduct of  
Proceedings

14 26.-(1) Subject to the provisions of section 174 of the Constitution of  
15 the Federal Republic of Nigeria 1999( which relates to the power of the  
16 Attorney General of the Federation to institute, continue or discontinue  
17 criminal proceedings against any person in a court of law), any legal officer  
18 under the employment of the corps or an external legal practitioner employed  
19 by the corps may with the consent of the Attorney- General of the Federation,  
20 conduct criminal proceedings in respect of offences under this Act or  
21 regulations made under Act.

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

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

Legal Proceedings

29 27.-(1) A suit shall only be commenced against the corps within two  
30 month from the arising of a cause of action.



1 (2) No suit shall commence against the corps before expiration of a  
2 period of two month after a written notice of intention to commence the suit  
3 shall have been served on the corps by the intending plaintiff or his agent  
4 and the notice shall clearly and explicitly state-

5 (a) the cause of action;

6 (b) the particulars of the claim;

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

8 (d) the relief which he claims;

9 (3) The notice referred to in the subsection (2) of this section and  
10 any summons, notice or other document required or authorized to be served  
11 on the corps under the provisions of this Act or any other enactment or law,  
12 may be served by-

13 (a) delivering the same to the Director General of the corps; or

14 (b) sending it by registered post addressed to the Director- General  
15 at the Head office of the corps.

16 (4) In any action or suit against the corps, no execution or  
17 attachment or process in the nature thereof shall be issued against the corps,  
18 but any sum of money which maybe the judgment of the court awarded  
19 against the corps shall, subject to any directives given by the corps, be paid  
20 from the Fund of the corps.

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

23 28. The Corps shall-

24 (a) provide and maintain a library comprising books and  
25 publications for the advancement of knowledge of Food Hygiene, and such  
26 other books and publications as the Council may think necessary for the  
27 purpose;

28 (b) encourage research into Food Hygiene and allied subjects to the  
29 extent that the Corps may, from time to time, if considered necessary.

Provision of  
library

Power to make  
Regulations

1                   29. The corps may, with the approval of the Minister make  
2 regulations:

3                   (a) to prescribe fees to be paid for services rendered by the corps;

4                   (b) to prescribe the methodologies for private sector payment into the  
5 fund of the corps;

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

10                  (d) Rules made for the purposes of this Act shall be subject to  
11 confirmation by the corps at its next annual meeting or any special meeting of  
12 the Corps convened for the purpose, and if then annulled shall cease to have  
13 effect on the day after the date of annulment, but without prejudice to anything  
14 done in pursuance or intended pursuance of any such rules.

Committees

15                  30.-(1) The Corps may appoint one or more committees to carry out  
16 on behalf of the Corps, such functions as the Corps may determine.

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

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

Miscellaneous

24                  31.-(1) The fixing of the seal of the Corps shall be authenticated by the  
25 signature of the Director General of the Corps or of some other member of the  
26 Corps authorised generally or specially by the corps to act for that purpose.

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

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

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

9 (5) Any member of the corps, and any person holding office on a  
10 committee of the Corps, who has a personal interest in any contract or  
11 arrangement entered into or proposed to be considered by the Committee on  
12 behalf of the corps, or on behalf of the Corps or a committee thereof, shall  
13 forthwith disclose his interest to the Director General of the corps, as the  
14 case may be, and shall not vote on any question relating to the contract or  
15 arrangement.

16 32.-(1) Subject to the provision of any applicable standing order,  
17 the corps shall meet whenever summoned by the Chairman and if the  
18 Chairman is required to do so by notice given to him by not less than six  
19 other members, he shall summon a meeting of the corps to be held within  
20 twenty one days from the day on which the notice is given.

Meetings of the  
Corps

21 (2) At any meeting of the corps, the Chairman in his absence, the  
22 corps shall appoint any other member present to preside over the meeting.  
23 ~~standing anything to the contrary, the first meeting of~~  
24 the corps shall be summoned by the chairman with the approval of the  
25 minister who may give such direction as to procedure to be followed at that  
26 meeting as he may deem fit.

27 (4) A committee appointed under this paragraph shall elect the  
28 number of persons determined by the corps and not more than one-third of  
29 those persons may be persons who are not members of the corps.

30 (5) The corps may appoint one or more committee to carry out on

1      behalf of the corps, such of its functions as the corps may determine.

2               (6) A person other than a member of the corps shall hold office on a  
3      committee in accordance with the terms of the instrument by which he is  
4      appointed.

5               (7) A decision of the committee shall be of no effect until it is  
6      confirmed by the corps.

7               (8) The fixing of the seal of the corps shall be authenticated by the  
8      signature of the chairman or of some other member authorized generally or  
9      specially by the corps to act for that purpose.

10              (9) Any contract or instrument which if made or executed by a person  
11      not being a body (corporate), or would not be required to be under seal, may be  
12      made or executed on behalf of the corps by any person generally or specially  
13      authorized by the corps to act for that purpose.

14              (10) The quorum of any meeting of the corps shall be ten (10)  
15      members and that of any special meeting of the corps shall be fifteen members.

Revenue  
generation to  
the Federal  
Republic of  
Nigeria

16              33. In this Act, the corps shall serve as an avenue for the generation of  
17      revenue to Federal Republic of Nigeria:

18              (1) All sums accruing to the corps by way of gifts, endowment  
19      bequests, or other voluntary assistance from liberal agencies or grants from the  
20      Federal state or local government.

21              (2) All money generated by the corps on food and water vendors  
22      registration fee, licenses fee, membership fee, offences fee, subscription fees.

23              (3) The corps shall pay to the federal Republic of Nigeria Revenue  
24      Account 15% (fifteen percent) gross of all audited income that accrues to the  
25      corps yearly.

Discipline of  
Staff Officers  
of the Corps

26              34.-(1) If it appears to the corps that there are reasons for believing  
27      that any staff officer or a member of the senior staff officers of the corps other  
28      than the Director General shall be removed from office on ground of  
29      misconduct or inability to perform the functions of his office.

30              (2) the corps shall:

1 (i) Direct the investigating committee of the corps to give notice of  
2 those reasons to the person concerned to afford the person an opportunity of  
3 making representation on the matter to the corps in person.

4 (3) The investigating committee shall continue with investigation  
5 on the matter and report to the corps within two weeks.

6 (4) If the corps, after considering the report of the investigating  
7 committee, is satisfied that the person in question should be removed as  
8 aforesaid, the corps may remove the person concerned by an instrument in  
9 writing signed on the directive of the corps.

10 (5) The Director General of the corps may in a case of misconduct  
11 by a member of the senior staff officers which in the opinion of the Director  
12 General is prejudicial to the interest of the corps, suspend such member of  
13 "senior staff" and any such suspension shall forthwith be reported to the  
14 corps.

15 (6) For good cause, any senior staff officer may be suspended from  
16 office or his appointment may be terminated by the corps and for the  
17 purposes of this suspended from office or his appointment may be  
18 terminated by the corps and for the purposes of this sub-section.

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

24 (8) Under this section, the junior staff officer of the corps shall be  
25 informed in writing of the charges against him and be given reasonable  
26 opportunity to defend himself.

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

30 (10) Any person aggrieved by the Director General's decision

1 under section (8) of this section may within a period of 25 days from the date of  
2 receipt of the letter communicating the decision to him, address a petition to the  
3 corps to reconsider his case and the corps decision thereon shall be final.

Service uniform  
of the Staff Officers  
of the Corps

4 35. There shall be service uniform for the staff officers of the corps:

5 (1) The members registered as Fellow and Associate members of the  
6 corps shall comply with annual fees prescribed by the corps and they shall pay  
7 for their T-Shirt and other materials.

8 (2) The members of the corps enrolled by the corps as staff officers  
9 shall comply and pay for their service uniform and other service material and  
10 also to remain in service for 35 years, inclusive of the term(s) of office from the  
11 date of appointment and subject to rules made pursuant to this Act on issue of  
12 professional misconduct:

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

Pension benefits

16 36.-(1) Service of the corps shall be approved service for the purpose  
17 of the Pensions Reform Act and, accordingly, staff officers employed in the  
18 corps shall be entitled to pensions, gratuity and other benefits, as are prescribed  
19 under the Act.

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

Employees  
Social Insurance  
and Compensation  
Benefits

23 37.-(1) The staff officers of the corps shall also be entitled to the  
24 benefits accruable from an employer to an employee as contained in the  
25 Nigeria Social Insurance Trust Fund Act provided the employees of the corps  
26 comply with their terms and responsibilities in Nigeria Social Insurance Trust  
27 Fund Act.

28 (2) The Employees compensation Act 2010 or any of such later  
29 amendment to the Act shall be applicable to the staff officers of the corps for  
30 only injuries contained while the staff is in the course of his duty for the corps.

1                   38. In this Act, unless the context otherwise requires-

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

3           "Food" includes raw, cooked, sea, farm crops or animal foods;

4           "Food Safety" means all measures to ensure that food does not cause harm to  
5           the consumer when it is prepared;

6           "Food Hygiene" means all conditions and measures necessary to ensure that  
7           safety and suitability of food at all stages of food chain;

8           "Food Handler" means any person who directly handles any packaged or  
9           unpackaged food;

10          "Staff Officer" means an officer enrolled to render services on behalf of the  
11          corps;

12          "Corps" means the corps established by sub-section 1 of this Act.

13          "Food vendor" means a person who trades or sells, commercial cooked or  
14          uncooked food, whether in the street, hotel or any premises food can be  
15          purchased;

16          "Enrolled" in relation to a member, means staff officer of the corps;

17          "Fees" includes annual subscriptions;

18          "Incorporated Trustee" means the Registered Trustee of Food Hygiene  
19          Initiative of Nigeria incorporated under the Companies and Allied Matters  
20          Act 2014;

21          "Premises" include building, lands, tenements, hereditaments, road, air and  
22          sea vehicles, tents, and any structure of any kind;

23          "Trustee" means the Trustee of Food Hygiene Initiative of Nigeria;

24          "Member" means persons that register as fellow or associate member of the  
25          corps which includes the Director General and other staff officers of the  
26          corps.

27          "Minister" means the Minister charged with responsibility for matters  
28          relating to Health;

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

- 1 "water handler" means any person who directly handles any packaged or  
2 unpackaged water;  
3 Water vendor" means any person who trades or sells, commercial water.  
4 whether in the street, hotel or any premises water can be purchased.

Short title

- 5 39. This Bill may be cited as Nigeria Food Safety and Hygiene  
6 Surveillance Corps Bill, 2020.

7 FIRST SCHEDULE

- 8 Supplementary provisions relating to the corps

9 SECOND SCHEDULE

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Food Safety and Hygiene Surveillance Corps with the function, among others, to regulate, supervise and oversee food safety and hygiene practices in markets, eating places, training, issue National Licence to persons participating in raw, cooked food and local water vendors and handling businesses in order to avoid food and water contamination and mishandling.