

**Draft 2**

**A BILL**

**FOR**

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIA  
CENTRE FOR DISEASE CONTROL (NCDC) AND PREVENTION AND FOR  
MATTERS CONNECTED THEREWITH.**

**BE IT ENACTED** by the National Assembly of the Federal Republic of Nigeria as follows:-

**PART I – ESTABLISHMENT**

- 1.1. There is hereby established a body to be known as the  
**NIGERIA CENTRE FOR DISEASE CONTROL  
(NCDC)** (in this Act referred to as the Centre).

*Establishment  
of the Nigeria  
Centre for  
Disease Control*

1.2 The Centre:-

- (a). shall be a body corporate with perpetual  
succession and a common seal; and  
(b). may sue and be sued in its corporate name

2 i). The Head Office of the Centre shall be in Abuja, Federal  
Capital Territory

ii). The Centre may have branches in all the 6-geographical  
zones of the Federation or in each state of the federation.

iii). The Centre shall be designated as the IHR National Point

**Part II - FUNCTIONS OF THE CENTRE.**

3. The functions of the Centre shall be to:-

- a. Detect, investigate, prevent and control diseases of public health  
importance of emerging and re-emerging diseases including

*Functions of  
the Centre*

- zoonotic diseases, causes of the disease(s) and factors influencing their emergence.
- b. Collaborate, coordinate and network disease diagnostic activities by relevant laboratory services including WHO standard Reference laboratories in Nigeria.
  - c. Strengthen capacity building to support surveillance and research and to implement prevention and control programs through enhanced Nigeria Field Epidemiological and Laboratory Training Programmes (NFELTP)
  - d. Strengthen the health information systems on prevention and control measures of communicable and non-communicable diseases, to ensure prompt implementation of prevention strategies.
  - e. Provide communication to the public on diseases particularly emerging and re-emerging diseases.
  - f. Coordinate the operationalization of international health regulations including trans-border disease surveillance and control activities.
  - g. Provide leadership to coordinate and control national and trans-border responses to mass public health emergencies such as road traffic accidents, floods, bioterrorism, disease outbreaks, heavy metals poisoning and other health emergencies.
  - h. Provide Zonal and State support to strengthen public health preparedness, response, assess and reduce health risk and protection management to emerging, re-emerging disease, pandemics and public health events.
  - i. Network all public health activities targeted at mitigating epidemic disease impact including facilitation of eradication and/or elimination of targeted diseases.
  - j. Prepare national research agenda on public health and nutrition, conduct research, submit policy briefs based on the research result, disseminate research findings and evaluate their impact;
  - k. Establish a frame work for the integration and effectiveness of health research and put in place a national public health research database.
    - l. Undertake health system research vital for health promotion and disease prevention, and evaluate impact of such public

health interventions conducted by the health sector.

- m. Produce or provide scientific guidance and assistance for local production of vaccines and other biologicals such as diagnostic kits, sera and antisera, food science and nutritional products, and other related substances useful for the health service, through locally developed technology or technology transfer.
- n. Undertake research on malnutrition and nutritional deficiencies as well as nutritional improvement at family level;
- o. Strengthen and collaborate on research on traditional medicines and medical practices, study method of production of traditional drugs whose therapeutic efficacy and safety have been proven, provide proposal to materialize their integration into the health service system, cooperate with concerned organizations for the conservation and protection of medicinal plants.
- p. Provide support to the national health policies and programmes on disease control and prevention including the development of a National Service Framework for hospitals, on selected chronic diseases in line with WHO recommendation.
- q. Provide technical support to the states and Local governments to the planning, implementation and management of disease control and prevention to states; support states and local governments in their efforts at controlling and preventing communicable and non-communicable diseases;
- r. Collaborate with and assist sectoral programmes, states, local governments and other stakeholders with relevant technical and logistics support for disease prevention and control.
- s. Implement all decisions of National Council on Health as regards Disease Control and Prevention and disaster management.
- t. Submit regular reports to the Minister.

- u. Carry out such activities as are necessary or expedient for the performance of its functions under this Act.

### **PART III – POWERS OF THE CENTRE**

4. The Centre shall have power to:-

- a) Demand and obtain relevant information, data and report on matters relating to the prevention and control of the communicable and non-communicable diseases occurring within the territory of Nigeria;
  - b) Ensure compliance with all NCDC and WHO guidelines and regulations for Disease diagnostics, disease detection and reporting
  - c) Coordinate the implementation of the International Health Regulation and local compliance in all aspects of public health, ethics and good research practice including liaising with relevant establishments within and outside Nigeria in pursuance of the functions of the Centre.
  - d) Coordinate relevant health sectors on public health emergencies and disasters.
- Powers of the Agency*

### **PART IV - ESTABLISHMENT OF THE GOVERNING BOARD OF THE CENTRE.**

5. There is hereby established for the management of the Centre a governing board (in this Act referred to as the Board) which shall consist of:-
- (a). a Chairman, who shall be appointed by the President, on the recommendation of the Minister.

*Establishment of the Governing Board.*

(b). One representative each of the following Federal Ministries and institutions who shall not be below the rank of a Director:

- i. Health.
- ii. Science and Technology.
- i. Education.
- ii. Agriculture and Livestock.
- iii. Defence.
- iv. Information and National Orientation.
- v Water Resources.
- vi Environment.
- vii National Primary Health care Development Agency
- viii National Emergency Management Agency
- ix. One representative of the private sector.
- x The Director-General who shall be the Secretary to the Board.
- xi. Nigeria Nuclear Regulatory Agency
- xii. National Agency for Food and Drug Administration and Control (NAFDAC)
- xiii. Ministry of Aviation
- xiv. Customs and Excise
- xv. Immigration
- xvi. Maritime Authority

*Establishment and Membership of the Governing Board*

*Appointment of chairman and members*

6. The members of the Board other than ex-officio members shall be appointed by the President on the recommendation of the Minister and shall be persons of proven integrity and ability.

*Tenure of office*

7. The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters contained therein.

8. The Chairman and the Members of the Board who are not ex-officio members shall hold office:

- (a) For a period of four years in the first instance and may be re-appointed for one further period of four years and no more.
  - (b) on such terms and conditions as may be specified in their letters of appointment.
- 9. Notwithstanding the provisions of section 5 of this Act, the Chairman or any member of the Board may at anytime be removed from the office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause or misconduct).
- 10. A member of the Board shall be paid such emoluments, allowances and benefits as the President of the Federal Republic of Nigeria may, from time to time, approve.

*Functions and Powers of the Board.*

## **PART V – FUNCTIONS AND POWERS OF THE BOARD**

- 11. The Board shall:-
  - a. Manage and supervise the affairs of the Centre.
  - b. Formulate the overall policy of the Centre and act in the name of the Centre.
  - c. Create partnerships and fund raising capabilities for successful projects implementation.
  - d. Provide support for developing a roadmap for engaging the states of the Federation and other relevant partners for effective surveillance and disease prevention and control.
  - e. Supervise the strategic repositioning of the public health system to respond to and put in place an emergency /pandemic preparedness system and to efficiently and effectively respond to disease outbreaks and epidemics/pandemics.
  - f. Ensure that adequate technical systems are in place for the NCDC

to carry out its functions.

- g. Establish committees as may be expedient which shall be charged with specific functions delegated by the Board.
- h. Fix the terms and conditions of service including appointment, remuneration and discipline of employees of the Centre after consultation with the Federal Civil Service.
- i. To do such other things as are necessary for successful performance of its functions under this Act.

*Structure of the Centre.*

## **PART VI – STRUCTURE OF THE CENTRE.**

12. The Centre shall have:

- (a) Office of the DG
- (b) Eight(8) technical Departments to be headed by Directors as follows;
  - i) Laboratory Services and Diagnostics
  - ii) Public HealthEmergency Response
  - iii) Disease Surveillance/IHR.
  - iv) Planning, Research & Statistics
  - v) Human Resource DEvelopment
  - vi) Administration
  - vii) Finance

(c) such other Departments as may be required for the proper performance of the functions of the Centre.

*Staff of the Centre*

## **PART VII- STAFF OF THE CENTRE**

13. (a) There shall be appointed for the Centre by the President on the recommendation of the Minister, a Director-General, who shall be a health professional with requisite experience in public health.

*The Director General*

(b) The Director General shall be:

*General*

- (I) the Chief Executive
- (II) responsible for the day to day administration of the Centre.
- (III) be subject to the supervision of the Board.

(c) The Director-General shall hold office in the first instance for a period of four years and may be re-appointed for a further period of four years and no more on such terms and conditions as may be determined, from time to time, by the President of the Federal Republic of Nigeria.

14. i) The Board may from time to time appoint such other persons as members of staff of the Centre as it may deem necessary to assist the Centre in the performance of its functions under this Act.

~~Appointment of  
Staff of the  
Centre~~

ii) The Staff of the Centre shall be:

- a) public servants as defined in the constitution of the Federal Republic of Nigeria 1999 as amended, and
- b) governed by the rules governing the civil service of the Federation

*Pensions.  
CAP346 LFN*

15. (1) service in the Centre shall be approved service for the purpose of the pensions Act and accordingly employees of the Centre shall in respect of their services be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

*Pensions.*

(2) Notwithstanding subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any officer on term which preclude the grant of a pension, gratuity or retirement benefits.

*Cap 364 LFN*

(3) For the purpose of the application of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the government of the Federation, other than the power to make regulations under section 2 or 3 thereof, is hereby vested and shall be exercisable by the Centre and

*Fund of the*



not by other Persons or Authority.

---

*Centre*

## **PART VIII – FINANCIAL PROVISIONS**

16. (1) The Centre shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre for the purposes of this Act.

(2) There shall be credited to the fund established in pursuance of subsection (1) of this section – such payments as may be

- a) Federal Government appropriation for the running of expenses of the Centre and all other assets accruing, from time to time to the Centre.
- b) All sums accruing to the Centre by way of gifts, endowments, bequest, donations or voluntary contributions by persons and organisations.
- c) Foreign aid and assistance from multilateral and bilateral Organisations/Agencies
- d) Subventions and extra-budgetary allocations from the Federal Government.

*Fund of the Agency*

*Expenditure of the Agency*

(3) shall establish and administer a public health emergency fund for the purpose of rapid response to public health emergencies and disasters.

17. The Centre shall, from time to time, apply the proceeds of the funds at its disposal to:

- (a) the cost of administration of the Centre
- (b) paying members of the Board or of any committee set up by the Board for such expenses as may be expressly authorized by the Board in accordance with the approved rates;
- (c) the payment of salaries, fees or other remuneration, allowances, pensions and gratuities payable to officers and

<p>servants of the Centre;</p> <p>(d) publicize and promote the activities of the Centre;</p> <p>(e) training members of staff of the Centre;</p> <p>(f) Support national and international scientific and professional organizations working on Disease Control and Prevention and pay annual dues and other contributions to such organizations;</p> <p>(g) Support and encourage national non-governmental organization, working nationwide in the effort to mitigate the impact of the communicable and non-communicable disease.</p> <p>(h) Conduct and support research activities relating to HIV/AIDS and other diseases.</p> <p>(i) Maintain any property vested in the Centre anywhere in Nigeria.</p> <p>(j) Anything done in connection with any of its functions under this Act.</p>	<hr/> <p><i>Acceptance of gift</i></p>
<p>18. (1) The Centre may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.</p> <p>(2) The Centre shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Agency under this Act.</p>	<p><i>Annual estimates, accounts and audit</i></p>
<p>19. (1) The Board shall cause to be prepared and submitted to the Minister, not later than 30<sup>th</sup> September of each year, an estimate of the expenditure and income of the Centre for the following year.</p> <p>(2) The Board shall keep proper accounts of the Centre in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines provided by the Auditor-General for the Federation.</p>	<p><i>Annual report</i></p> <p><i>Investment. Cap 449 LFN.</i></p>
<p>20. The Board shall, not later than 30<sup>th</sup> June in each year, prepare and submit to the Minister a report on the activities and</p>	<hr/>

administration of the Centre during the immediately preceding year and shall include in the report a copy of the audited accounts of the Centre for the year and the auditor's report there-on.

21. The Centre may, subject to the provision of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any securities as may, from time to time, be approved by the Board. *Premises and offices. Cap. 202 LFN*
22. (1) The Centre shall be exempted from the payment of income tax or any incomes derived by it under this Act or accruing to it from any investments.
- (2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Centre. *Premises and Offices Cap202 LFN*
- (3) The Centre shall be exempt from payment of custom excise and duties for health commodities (medicines, equipment, vehicles etc.) for the purpose of public health events and disasters. *The National Advisory Council.*

#### **PART IX – CONSTITUTION OF ADVISORY COUNCIL OF NCDC**

23. Constitution of a National Advisory Council (NAC) for NCDC *Functions of NAC*
- (a) Membership shall be nominated by the DG of the Centre and appointed by the Minister. *Order of the President of The Federal Republic of Nigeria to Give directive*
- (b) This Council shall be chaired by a renowned public health scientist.
24. Functions of NCDC NAC committee. *Regulations*
- (a) to provide high quality scientific and technical advice and guidance to the NCDC and assist in its mentoring
- (b) to identify most effective tools for project implementation

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>(c) to advise on how to engage the community to intensify active and passive surveillance, risk reduction and disaster management by the NCDC in both public and private health Institutions in Nigeria.</li> <li>(d) to advice on how to mobilise international technical and scientific support.</li> <li>(e) to support resource mobilization activities of the NCDC.</li> </ul> | <hr/> <p><i>Interpretation</i></p> <p><i>Premises and offices. CAP 202 LFN.</i></p> |
|--|---|

**PART X – MISCELLANEOUS**

- |  |  |
|--|--|
| <p>25. (a). For the purpose of providing office premises necessary for the performance of its functions, the Centre may, subject to the Land Use Act.</p> <ul style="list-style-type: none"> <li>(a). purchase or take on lease any interest in land, building or property; and</li> <li>(b). build, equip and maintain offices and premises.</li> </ul> <p>(b). The Centre may, subject to the Land Use Act, let, sell or lease out any office or premises held by it, which is no longer required for the performance of its functions under this Act.</p> | <p><i>Short title</i></p> <p><i>Power of the Minister to give Directives</i></p> |
| <p>26. Subject to the provisions of this Act, the Minister may give to the Board such directives of a general or special nature relating to the performance by the Centre of any or all of its functions under this Act, and it shall be the duty of the Board to comply with such directives.</p>   | <p><i>Legal proceedings</i></p> <p><i>Cap.192 LFN</i></p>                        |
| <p>27. The Board may, with the approval of the Minister make such regulations as are necessary or expedient for carrying into effect the provisions of this Act.</p>   |  |
| <p><b>28. Legal proceedings</b></p> <p>(a) No suit shall be commenced against the Centre before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his agent and the notice shall clearly and</p>   |  |

---

explicitly state;

a) the course of action.

b) the particulars of the claim

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

d) the relief which he claims.

(b) The notice referred to in subsection 1 of this section and any summons notice or other document required or authorized to be served upon the Centre under the provision of this Act or any other enactment or law, may be served by;

a) delivering the same to the Director General or;

b) sending it by Registered post addressed to the Director General at the Head office of the Centre.

(c) in any action or suit of the Centre, no execution or attachment or process in the nature thereof shall be issued against the Agency but any sums of money which may by the judgment of the court be awarded against the Centre shall subject to any direction given by the Centre shall be paid from the general reserve of the Centre.

*Interpretation*

29. In this Act, unless the context otherwise requires;

“Centre” means the Nigeria Centre for Disease Control (NCDC) and Prevention established under section 1 of this Acts;

“Board” means the Governing board of the National Agency for the NCDC

“Functions” includes duties and powers;

“NCDC” means Nigeria Centre for Disease Control and Prevention.

The “President” means The President of the Federal Republic of Nigeria

The “Minister” means the Minister of Health charged with the responsibility for health.

“Member” means a member of the governing board and includes the Chairman.

---

---

30. This Act may be cited as the Nigeria Centre for Disease Control and Prevention (Establishment) Act 2013.

**SCHEDULE Section 2(3)**

**SUPPLEMENTARY PROVISIONS RELATING  
TO THE BOARD**

***Proceedings of the Board***

*Supplementary  
Provisions  
Relating to the  
Board*

1. Subject to this Act and section 2/7 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its communities.
2. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at the meeting.
3. The quorum of the Board shall be the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and nine other members.
4. The Board shall meet not less than four times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than nine other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Upon any special occasion, the Board may co-opt any person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or

count towards a quorum.

6. In special circumstance where there is a stalemate in agreement among Board Members, the case or issue may be escalated to the Hon Minister for arbitration purposes, and a resolution. In circumstances where this is not expedient, the matter may be further be escalated to the Federal Executive Council, whose decision is final.

---

*Committees*

### **Committees**

7. (1). Subject to its standing orders, the Board may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Centre is concerned.
  - (2). Every committee appointed under sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.
  - (3). The decision of a committee of the Board shall be of no effect until it is adopted by the Board.
8. The validity of any proceeding of the Board or Committee shall not be affected by:-
  - a) any vacancy in the membership of the Board or committee thereof; or
  - b) a defect in the appointment of a member of the Board or committee; or
  - c) reason that a person not entitled to do so took part in the proceeding of the Board or committee.

*Miscellaneous*

### **Miscellaneous**

---

- 
9. The fixing of the seal of the Centre shall be authenticated by the signature of the Chairman or such other member authorized generally or specifically authorized by the Board to act for that purpose and of the Director-General of the Centre.
  10. Any contract or instrument which, if made 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 Centre by the Director-General or by any other person generally or specifically authorized by the Board to act for that purpose.
  11. Any document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Centre shall be received in evidence and, unless the contrary is proved, be presumed, without further proof, to have been so signed or sealed.

### **EXPLANATORY MEMORANDUM**

The Bill seeks to establish the Nigeria Centre for Disease Control and Prevention to coordinate and facilitate the prevention, detection, and control of the Communicable and non-Communicable Diseases in Nigeria and other events of public health importance.

---

---