

2373

**NATIONAL INSTITUTE FOR CANCER RESEARCH AND TREATMENT (ESTABLISHMENT)
ACT, 2017**

EXPLANATORY MEMORANDUM

This Act establishes the National Institute for Cancer Research and Treatment of Cancer patients in Nigeria.

NATIONAL INSTITUTE FOR CANCER RESEARCH AND TREATMENT (ESTABLISHMENT)
ACT, 2017

Arrangement of Sections

Section:

1. Establishment of the National Institution for Cancer Research and Treatment and its functions.
2. Establishment and membership of the Board.
3. Tenure of office of members.
4. Powers of the Board.
5. Director of the Institute.
6. Appointment of Secretary and other staff.
7. Pensionable service.
8. Financial provisions.
9. Account and audit.
10. Annual estimates.
11. Annual report.
12. Power to give directives.
13. Regulations.
14. Interpretation.
15. Citation.

Schedule.

NATIONAL INSTITUTE FOR CANCER RESEARCH AND TREATMENT (ESTABLISHMENT) ACT, 201

A Bill

For

An Act to establish the National Institute for Cancer Research and Treatment of Cancer patients in Nigeria; and for related matters.

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria -

- 1. (1) There is established the National Institute for Cancer Research and Treatment (in this Act referred to as "the Institute"). Establishment of National Institute for Cancer Research and Treatment and its functions.
- (2) The Institute -
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue and be sued in its corporate name.
- (3) The Institute shall -
 - (a) provide national leadership in cancer research, control and treatment;
 - (b) guide scientific improvements to cancer prevention, treatment and care;
 - (c) coordinate and liaise between the wide range of groups and health care providers with an interest in cancer;
 - (d) make recommendations to the Government about cancer policy and priorities;
 - (e) oversee a dedicated budget for research into cancer;
 - (f) assist with the implementation of Government policies and programmes in cancer control;
 - (g) provide financial assistance, out of money appropriated by the National Assembly, for research and treatment and for the implementation of policies and programmes mentioned in paragraph (f) of this subsection.
- (4) The Institute may carry out such other activities as are necessary or expedient for the full performance of any of the functions of the Institute under this Act.

2. (1) There is established the National Institute for Cancer Research and Treatment Board (in this Act referred to as "the Board"). Establishment and membership of the Board.

(2) The Board shall consist of -

- (a) a chairman to be appointed by the President;
- (b) a representative of the Ministry responsible for health matters;
- (c) a representative each of -
 - (i) Pharmaceutical Council of Nigeria,
 - (ii) Medical and Dental Council of Nigeria, and
 - (iii) Nursing and Midwifery Council of Nigeria;
- (d) eight persons with relevant qualifications and experience each to represent -
 - (i) Radiologists,
 - (ii) Medical Laboratory Scientists,
 - (iii) Physiotherapists,
 - (iv) Nigerian Cancer Society,
 - (iv) Civil Society Organisations,
 - (v) a cancer survivor living free of cancer for a minimum of 5 years,
 - (vi) National Complementary and Alternative Medical Association, and
 - (vii) National Association of Nigeria Traditional Medicine Practitioners;and
- (e) the Director of the Institute.

3. (1) Subject to the provision of this section, a member of the Board shall hold office for a term of four years and may be eligible for re-appointment for a further term of four years and no more. Tenure of office members.
- (2) Notwithstanding the provisions of subsection (1) of this section, the President may at any time remove a member from the Board. If he is satisfied that it is not in the interest of the Institute or public that a member continues in office.
- (3) A member may, in writing under his hand addressed to the Minister, resign at any time.
- (4) The office of a member of the Board is vacant if -
- (a) the term of his appointment has expired;
 - (b) he absents himself without leave of the Board from three consecutive meetings of the Board and without reasonable excuse for so doing;
 - (c) he is guilty of misconduct in his office as a member and a resolution of the Board approves the termination of his membership; or
 - (d) he dies, resigns or is removed from office.
- (5) Soon after the office of a member of the Board becomes vacant, the authority by whom he was appointed shall appoint another person in his place in accordance with the provisions of this Act.
- (6) Members of the Board, other than ex-officio members, shall be paid, out of the money, at the disposal of the Board, such remunerations and allowances as the Minister may, with the approval of the President, determine.
- (7) The provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters contained in the Schedule. Schedule.
4. The Board shall have power to - Powers of the Board.
- (a) erect, provide, equip and maintain research centres, training schools with state of the art facilities as are necessarily suitable for the, or required for any of the objects of the Institute;
 - (b) encourage and provide for research at the Institute;

- (c) accept gifts, legacies and donations which are consistent with the objects of this Institute;
- (d) enter into contract;
- (e) acquire and hold movable and immovable property;
- (f) with the approval of the Minister -
 - (i) and subject to the Land Use Act, sell, mortgage, transfer or otherwise deal with movable or immovable property,
 - (ii) borrow, at interest on the security of land or movable property of the Board, such money as the Board may require for the purpose of this Act, and
 - (iii) invest the funds of the Board as it deems fit; and
- (g) do anything which, in its opinion, may advance the objects for which the Institute was established.

Cap. L5 LFN, 2004.

5. (1) The President shall, on the recommendations of the Minister, appoint a Director of the Institute. Director of the Institute.
- (2) A person shall not be qualified to be appointed as a Director unless the person is an oncologist with 10 years research experience and preferably a Professor with administrative experience.
- (3) The Board shall not exercise any disciplinary control over the Director without the approval of the Minister.
- (4) Subject to the provision of this Act and the control of the Board over the matters affecting finance of the Institute, the Director shall be the Chief Executive of the Institute and shall be charged with the general responsibility for the management and administration of the affairs of the Institute and, in particular -
- (a) direct and regulate the programme of work at the Institute;
 - (b) promote research within and outside the Institute;
 - (c) keep safe custody of all records of the Institute;
 - (d) demand and receive, from any person attending training or courses at the Institute, fees as the Board may determine;

- (e) prepare and present to the Board annual and other reports on the progress of work at the Institute and on the expenditure or liabilities of the Institute;
- (f) be responsible for the day-to-day running and management of the Institute;
- (g) exercise such powers and discharge such duties as may be determined by the President;
- (h) create a central online data base for statistical analysis to create access by both public and private individuals with a view to attracting donor agencies;
- (i) establish a department of telemedicine for collaboration with peers both within and outside the country; and
- (j) be responsible for establishing a cancer preventive protocol according to age and family history of every Nigerian with a view to carrying out a public awareness campaigns for screening right from the primary health centre to the secondary and tertiary hospitals with the ultimate referral centre for everything cancer being the Institute aimed at eradicating medical tourism by the theme "operation know your health centre and referral point".

6. (1) There shall be for the Institute an administrative secretary who shall be appointed by the Board to discharge such duties as may be assigned to him by the Board. Appointment of Secretary and other staff.
- (2) The Board may appoint such other staff for the Institute as it may determine and pay to its staff such remunerations and allowances payable to persons on equivalent grade in the Civil Service of the Federation.
7. (1) Service in the Institute shall be approved service for the purposes of the Pension Reform Act. Pensionable service. Act No. 4, 2014.
- (2) Officers and staff of the Institute are entitled to pensions, gratuities and other retirement benefits as prescribed in the Pension Reform Act, and nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or other retirement benefit in respect of that office. Act No. 4, 2014

8. (1) The Board shall establish and maintain a fund from which shall be defrayed, with the general or specified approval of the Minister in any case, all expenditure incurred by the Board. Financial provisions.
- (2) There shall be paid and credited to the Fund established under subsection (1) -
- (a) such sums as may be provided by the Federal Government or a State Government;
 - (b) all money raised for the general purposes of the Institute;
 - (c) all money accruing to the Board on behalf of the Institute by any means, including grants -in- aid, endowments and donations; and
 - (d) all charges, dues and fees for services rendered by the Fund.
- (3) The Board shall establish Public Private Partnership (PPP) wherever possible for providing clinical services using PPP model to defray costs and maximise efficiency.
9. (1) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year - Account and audit.
- (a) a statement showing the income and expenditure of the Institute for immediately preceding year; and
 - (b) a statement of the assets and liabilities of the Institute as at the last day of the immediately preceding year.
- (2) The Board shall cause every statement prepared under this section to be audited within six months after the end of the year to which the statement relates by auditors appointed from the list, and in accordance with the guidelines, supplied by the Auditor-General for the Federation.
10. The Board shall - Annual estimates.
- (a) cause to be prepared, not later than 1st June in each year, an estimate of the expenditure necessary to carry out the programme approved by the Board during the immediately preceding year; and
 - (b) not later than 31st October in each year, submit to the Minister the estimate of expenditure and that of its income during the next succeeding year.

11. The Board shall prepare and submit to the Minister, once every year, a report, in such form as the Minister may direct, on the activities of the Board during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Center for that year and the auditor's report. Annual report.

12. The Minister may give directives of a general nature with regard to the carrying out the objects of the Institute under this Act and the Institute shall comply with such directive. Power to give directives.

13. The Board may, with the approval of the Minister, make regulations generally for bringing into effect the provisions of this Act and due administration of the Institute. Regulations.

In this Act - Interpretation.

"Board" means the National Institute for Cancer Research and Treatment Board established under section 3 (1) of this Act;

"cancer" -

(a) means the uncontrolled growth of the cells in the human body and the ability of these cells to migrate from the original site and spread to distant sites; and

(b) includes skin cancer, lung cancer, colon cancer, breast cancer (in women), and prostate cancer (in men), cancer of the kidneys, ovaries, uterus, pancreas, bladder, rectum, and blood and lymph node cancer (leukemias and lymphomas);

"Director" means the Director of the Institute appointed under section 5 (1) of this Act;

"Institute" means the National Institute for Cancer Research and Treatment established under section 1 (1) of this Act;

"Minister" means the Minister charged with the responsibility for matters relating to health;

"power" includes duties and functions.

15. This Act may be cited as the National Institute for Cancer Research and Treatment (Establishment) Act, 2017. Citation.

SCHEDULE

Section 3 (7)


Proceedings of the Board, etc

1. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders to regulate its proceedings or that of any committee.
- 2.-(1) The Board shall meet, at least two times in every year, for the performance of its functions under this Act and at such times and places as the Chairman may appoint.
 - (2) The Chairman shall, if required to do so by notice in writing by at least five other members, call a special meeting of the Board to be held within 28 days from the date on which the notice is given.
 - (3) Any notice given under subparagraph (2) shall state the matters to be discussed at the special meeting and any matter not so stated shall not be discussed at the meeting.
 - (4) At every meeting of the Board, the Chairman shall preside and, in his absence, the members present shall appoint one of them to preside at that meeting.
3. The quorum of the Board shall be four and the quorum of any committee of the Board shall be determined by the Board.
4. Minutes of every meeting of the Board shall be regularly entered in a book to be kept for the purpose and shall, after approval by members, be signed by the Chairman at the next meeting.
5. The Board may act notwithstanding –
 - (a) any vacancy in its membership; or
 - (b) any defect in the appointment of a member; or
 - (c) that a person not entitled to do so took part in the proceedings.
6. (1) The seal of the Board shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Board.
 - (2) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman, the Director or any other member authorised generally or specifically to act for that purpose by the Board.
 - (3) Any contract or instrument, which if made or executed by a person not being a body corporate would be required to be under seal, may be made or executed on behalf of the Board by any person generally or specially authorised to act for that purpose by the Board.
 - (4) Any document purporting to be document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

7. Members of the Board who are not public officers shall be paid, out of the money at the disposal of the Board, such traveling and other allowances in accordance with such scales as may be approved by the Minister.
8. Any member of the Board or a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall disclose his interest to the Board or committee and shall not vote on any question relating to such contract or arrangement.

2384

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

14th DAY OF NOVEMBER, 2017

Schedule to the National Institute for Cancer Research and Treatment (Establishment) Bill, 2017

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
National Institute for Cancer Research and Treatment (Establishment) Bill, 2017.	An Act establish of the National Institute for Cancer Research and Treatment of Cancer patients in Nigeria; and for related matters.	This Bill establishes the National Institute for Cancer Research and Treatment of cancer patients in Nigeria.	16 th May, 2016	14 th June, 2017

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

[Signature]
MOHAMMED ATABA SANI-OMOLORI

Clerk to the National Assembly

16th Day of November, 2017

[Signature]
MUHAMMADU BUHARI, GCFR

President of the Federal Republic of Nigeria

20 Day of November, 2017

December

I ASSENT

12385