

**NIGERIA CENTRE FOR DISEASE CONTROL AND PREVENTION
(ESTABLISHMENT) ACT, 2018**

EXPLANATORY MEMORANDUM

This Act establishes the Nigeria Centre for Disease Control and Prevention to promote, coordinate and facilitate the prevention, detection and control of communicable diseases in Nigeria and other events of public health importance.

**NIGERIA CENTRE FOR DISEASE CONTROL AND PREVENTION
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**NIGERIA CENTRE FOR DISEASE CONTROL AND PREVENTION
(ESTABLISHMENT) ACT, 2018**

A Bill

For

An Act to establish the Nigeria Centre for Disease Control and Prevention for the prevention, detection, investigation, monitoring and control of communicable diseases in Nigeria; and for related matters.

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Commencement

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

PART I - OBJECTIVES AND ADMINISTRATION

Objectives.

1. The objective of this Act is to establish a Centre with the responsibility to:

- (a) protect Nigerians from the impact of communicable diseases of public health importance;
- (b) maintain the highest state of alertness to detect and respond to disease outbreaks, public health disasters, mass morbidity and mortality due to pathogenic, chemical or biological agents;
- (c) develop and coordinate capabilities, measures and activities to control outbreaks and mitigate the health impact of public health disasters;
- (d) develop and coordinate an information network for the reporting and notification of communicable diseases;
- (e) develop and make accessible guidelines and standards for relevant public health activities at all levels in the country;
- (f) communicate information to the public on the need to protect themselves from public health threats as well as health professionals on the need to safely manage their patients and protect themselves; and
- (g) lead Nigeria's implementation of International Health Regulations and coordinate its participation in international disease, prevention and control activities by establishing and maintaining close communication and collaboration with relevant international health organisations as well as other countries of the world.

PART II - ESTABLISHMENT AND FUNCTIONS OF THE CENTRE

(1) There is established the Nigeria Centre for Disease Control and Prevention (in this

Establishment of

Act referred to as "the Centre").

Nigeria Centre for
Disease Control and
Prevention.

(2) The Centre:

- (a) is a body corporate with perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name;
- (c) may acquire, hold or dispose of property, whether moveable or immovable; and
- (d) may enter into contracts and incur obligations.

3. (1) The Centre shall:

Functions of the Centre.

- (a) prevent, detect, monitor and control diseases of national and international public health importance, including emerging and re-emerging diseases;
- (b) develop, maintain and coordinate surveillance systems to collect, analyse and interpret data on diseases of public health importance, in order to detect public health threats, guide health interventions and set public health priorities;
- (c) lead the response to disease outbreaks, public health emergencies and disasters in order to minimise the impact on health;
- (d) develop and maintain a network of reference and specialised laboratories for pathogen detection, disease surveillance and outbreak response;
- (e) develop and maintain guidelines and processes for specimen collection and transportation to reference laboratories including the World Health Organization (WHO) standard reference laboratories in Nigeria;
- (f) conduct, collate, synthesise and disseminate public health research to inform policy and guidelines on diseases of public health importance, and put in place a national public health research agenda and database;
- (g) strengthen national health information systems to support prevention and control measures of communicable diseases;
- (h) provide information to the public through multiple platforms on diseases and public health events;
- (i) coordinate the operationalisation of, and ongoing international

- health regulations, including trans-border disease surveillance and control activities and lead the collaboration with global health agencies;
- (j) provide support and coordinate the control of national and trans-border responses to mass public health emergencies, such as mass casualties, floods, nuclear, biological and chemical terrorism, disease outbreaks and heavy metals poisoning;
 - (k) develop and maintain a communication network with all public health institutions, with roles in mitigating the impact of diseases;
 - (l) provide scientific guidance for local production of vaccines and other biological agents such as diagnostic kits, sera and anti-sera, food science and nutritional products, and other related substances useful for the health services, through locally developed technology or technology transfer;
 - (m) provide support to the Federal Ministry of Health for the development of evidence-based guidelines and policies as well as the implementation of programmes relating to disease prevention and control, in line with international guidelines and recommendations;
 - (n) provide guidance, technical and logistic support to the States and Local Governments for the planning, implementation and management of diseases of public health importance and on activities to reduce health risk and impact from public health events;
 - (o) provide technical support to relevant government institutions on environmental health activities, as it relates to disease prevention, control and emergency disaster response;
 - (p) provide technical support for health disaster risk-reduction and management in collaboration with other major stakeholders in the country;
 - (q) implement relevant decisions of National Council on Health as regards disease control, prevention and disaster management;
 - (r) serve as the Secretariat to the National Health Emergency Preparedness and Response Committee;
 - (s) lead on the training of field epidemiologists through the Nigeria Field Epidemiology Training Programme; and
 - (t) carry out such activities as may be necessary or expedient for the performance of its functions under this Act.

(2) The Centre shall submit annual costed work plans relating to its functions to the Minister for approval.

4. The Centre has powers to:

Powers of the Centre.

- (a) demand and obtain relevant information, data, clinical samples and report on diseases of public health relevance and control of public health events, including communicable diseases, emergencies and disasters occurring within Nigeria;
- (b) develop and enforce the use of standards, protocols and guidelines for disease prevention and control including diagnostics, disease detection and reporting in compliance with international best practices;
- (c) collaborate with Port-Health Services to operate quarantine services including inspection, isolation, detection and management of quarantine stations at points of entry into Nigeria;
- (d) implement and coordinate disease detection, prevention and control activities including international health regulations, surveillance, disease preparedness and response, capacity building for health workers, research and ethical standards as it relates to diseases of public health importance;
- (e) coordinate relevant health sectors on the preparation and response to public health emergencies and disasters in the country including networking and liaising with relevant establishments within and outside Nigeria in pursuance of the functions of the Centre; and
- (f) do all such things as may be necessary for or incidental to the performance and discharge of its functions and duties under this Act.

PART III - ESTABLISHMENT AND FUNCTIONS OF THE GOVERNING BOARD

5. (1) There is established a Governing Board for the Centre (in this Act referred to as "the Board") which shall consist of:

Establishment of
Governing Board of the
Centre.

- (a) a chairman, who shall be:
 - (i) appointed by the President, on the recommendation of the Minister, and
 - (ii) a renowned health professional of at least 15 years cognate experience;

(b) a Director-General and Chief Executive Officer who is also the Secretary to the Board;

(c) the Permanent Secretary of the Federal Ministry responsible for health;

(d) a representative each, not below the rank of a Director and with relevant experience, from the Federal Ministry of:

(i) Health,

(ii) Finance,

(iii) Science and Technology,

(v) Agriculture and Rural Development, and

(vi) Environment;

(e) a representative each, not below the rank of a Director and with relevant experience, from:

(i) National Primary Health Care Development Agency, and

(ii) Armed Forces Medical Services;

(f) a person from the private sector with at least 10 years cognitive experience and knowledge in the field of public health; and

(g) a representative of the Civil Society Organisations.

(2) The members of the Board other than the ex-officio members shall be appointed by the President on the recommendation of the Minister, and shall be persons of proven integrity, ability and with cognate experience in disciplines relevant to the objectives of this Act.

(3) 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 in the Schedule. Schedule.

6. (1) The Chairman and the members of the Board, who are not ex-officio members, shall hold office: Tenure of office.

(a) for a term of four years and no more; and

(b) on such terms and conditions as may be specified in their letters of appointment.

(2) Notwithstanding the provisions of subsection (1) (a), the Chairman or any member of the Board, may, at any time be removed from office by the President, for inability

to discharge the duty of his office, whether arising from infirmity of mind or body or any other cause, or misconduct, or in the public interest.

7. A member of the Board shall be paid such emoluments, allowances and benefits in line with what is obtainable in other Board as the President may approve. Remunerations.

8. (1) The office of the Chairman, the Director-General or a member of the Board becomes vacant where: Cessation of membership.

- (a) his term of office expires;
- (b) he resigns by a notice in writing addressed to the President;
- (c) he dies;
- (d) he has been absent from the Board meetings for four consecutive times without the permission of the Board;
- (e) he becomes of unsound mind or incapable of carrying out his duties due to physical or mental illness;
- (f) he has been declared bankrupt or makes compromise with his creditors;
- (g) he has been convicted of a felony or any offence involving dishonesty;
- (h) he is guilty of gross misconduct relating to his duties;
- (i) the President directs the removal of the member upon being satisfied that it is not in the interest of the Centre or of the public for the person to continue in office as a member of the Board; or
- (j) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Board.

(2) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.

9. The Board shall: Functions and powers of the Board.

- (a) provide supervisory functions on 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 project implementation;

- (d) provide support 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 enable it respond to and put in place an emergency and pandemic preparedness system, and to efficiently and effectively respond to disease outbreaks and other public health events;
- (f) ensure that adequate technical systems are in place for the Centre to perform its functions;
- (g) establish committees as may be expedient to be charged with specific functions delegated by the Board;
- (h) set the terms and conditions of service including appointment, remuneration, promotion and discipline of employees of the Centre after consultation with the Ministry and other relevant authorities; and
- (i) do such other things of a policy nature as may be necessary for successful performance of its functions under this Act.

10. (1) The Centre shall:

Operational structure of
the Centre.

- (a) have its corporate office situate at the Federal Capital Territory, Abuja;
- (b) have Zonal Centres in all the six geo political zones of the Federation and Offices in all the States of the Federation; and
- (c) be designated as the International Health Regulations National Focal Point.

(2) The operational structure of the Centre shall comprise:

- (a) office of the Director-General;
- (b) seven Departments headed by Directors:
 - (i) Outbreak Preparedness and Response,
 - (ii) Health Emergencies Preparedness and Response,
 - (iii) Epidemiology and Surveillance,
 - (iv) Planning, Research and Statistics,
 - (v) Laboratory and Diagnostic Services,

(vi) Finance and Accounts, and

(vii) Human Resources and Administration; and

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

PART IV - MANAGEMENT AND STAFF OF THE CENTRE

11. (1) The President shall, on the recommendation of the Minister, appoint a Director-General for the Centre who shall be a health professional with at least 15 years postgraduate qualification experience in relevant fields of medicine or public health.

Appointment of the Director-General.

(2) The Director-General shall be:

(a) the Chief Executive Officer of the Centre and responsible for the administration of the Centre; and

(b) subject to the supervision of the Board and the Minister.

(3) The Director-General shall hold office for a term of four years on such terms and conditions as may be specified in his letter of appointment and be eligible for reappointment for another term of 4 years and no-more on such terms and conditions as may be determined by the President on the recommendation of the Minister.

12. (1) The Board may appoint such other persons as it considers necessary as staff of the Centre and may engage experts to render consultancy services to the Centre, subject to extant Public Service Rules.

Other staff of the Centre.

(2) The staff of the Centre shall be public servants as defined in the Constitution of the Federal Republic of Nigeria, 1999.

(3) The employment of the staff of the Centre shall be subject to such terms and conditions as may be stipulated by the Board and contained in the respective staff employment contracts.

3. (1) The Centre shall develop and implement appropriate conditions of service for its staff with particular regard to the issues of remuneration, pension scheme and other service fringe benefits, sufficient for the Centre to attract and retain quality and high caliber manpower.

Conditions of service.

(2) Service in the Centre shall be approved service for the purpose of the Pensions Reform 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 in the Act.

Act No. 4, 2014.

(3) Notwithstanding subsection (2), nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits.

- (4) For the purpose of the application of the Pensions Reform Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make Regulations under section 2 or 3 of the Act is vested and exercisable by the Board. Act No. 4, 2014.

PART V - FINANCIAL PROVISIONS

14. (1) The Centre shall establish and maintain a fund (in this Act referred to as "the Fund") from which shall be defrayed all expenditure incurred by the Centre for the purpose of this Act. Fund of the Centre.

(2) There shall be credited to the Fund:

- (a) such sums as may be appropriated to the Centre by the Federal Government;
- (b) fees and charges for services rendered by the Centre;
- (c) fees from publications made by the Centre;
- (d) such sums accruing to the Centre by way of gifts, grants, endowments, bequests, donations or voluntary contributions by persons or organisations;
- (e) foreign aid and assistance from multilateral and bilateral organisations or agencies;
- (f) subventions and extra budgetary allocations accruable from the Federal Government or any other institution; and
- (g) 2½% of the 50% Basic Health Care Provision Fund established under section 11 (1) of the National Health Act.

Act No. 8, 2014.

5. The Centre shall apply the proceeds of the Fund at its disposal to:

Expenditure of the Centre.

- (a) the cost of administration of the Centre;
- (b) perform the functions of the Centre under this Act;
- (c) pay members of the Board or any committee set up by the Board for such expenses as may be expressly authorised by the Board in accordance with the approved rates;
- (d) the payment of salaries, fees or other remuneration, allowances, pensions and benefits payable to employees of the Centre;
- (e) publicise and promote the activities of the Centre;
- (f) build the capacity of staff of the Centre;

- (g) conduct and support research activities;
- (h) publish scientific findings, health education material, protocols, guidelines and public health rules and regulations;
- (i) support membership of national or international scientific and professional organisations, working on Disease Control and Prevention and pay annual dues and other contributions to such organisations;
- (j) support and encourage national non-governmental organisations, nationwide in the effort to mitigate the impact of communicable and non-communicable diseases;
- (k) build, acquire and maintain any property vested in the Centre;
- (l) implement rapid response to public health emergencies and disasters; and
- (m) conduct any other activities relevant to the performance of its functions under this Act.

- 6. (1) The Centre may accept gifts of land and money or other property on such terms and conditions, as may be specified by the person or organisation offering the gift. Acceptance of gifts.
- (2) The Centre shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the functions of the Centre.
- 7. The Board shall cause to be prepared and submitted to the Minister, not later than 30th September of each year, an estimate of the expenditure and income of the Centre for the following year. Annual estimates.
- 8. The Board shall keep proper accounts of the Centre in respect of each year and proper records in relation thereto and shall cause the account to be audited not later than six months after the end of each year by auditors appointed in accordance with the guidelines provided by the Auditor-General for the Federation. Audit of accounts.
- 9. The Board shall, not later than 30th June in each year, prepare and submit to the Minister a report on the activities and administration of the Centre during the 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 on the accounts. Annual reports.
- 10. (1) The Centre may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest any of its funds in any security as may be recommended by the Board and approved by the Minister. Investments.
- (2) The Centre is exempted from the payment of income tax on any incomes derived by it under this Act or accruing to it from any investment.
- (3) The Centre is exempted from payment of custom excise and duties for health

commodities (medicines, equipment, etc.) for the purpose of public health events and disasters.

PART VI - NATIONAL ADVISORY COUNCIL

21. (1) There is established for the Centre the National Advisory Council.

Establishment of National Advisory Council.

(2) The National Advisory Council shall consist of nine members with requisite expertise in public health and social science and shall be appointed by the Minister.

(3) The Council shall be chaired by a public health professional.

22. The National Advisory Council shall:

Functions of the National Advisory Council.

(a) provide high quality scientific and technical advice and guidance to the Centre and assist in its mentoring;

(b) advise on community engagement as it relates to the activities of the Centre;

(c) advise on how to mobilise international technical and scientific support; and

(d) support resource mobilisation activities of the Centre.

PART VII – MISCELLANEOUS

23. For the purpose of providing office premises necessary for the performance of its functions, the Centre may, subject to the Land Use Act:

Premises and offices.

Cap. L5, LFN, 2004.

(a) purchase or take on lease any land, building or property;

(b) build, equip and maintain offices and premises; or

(c) 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.

24. Subject to the provisions of this Act, the Minister may give 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 the Board shall comply with such directives.

Power of the Minister to give directives.

25. The Centre may, with the approval of the Minister, make regulations and issue guidelines generally for the purpose of giving effect to the provisions of this Act.

Regulations.

26. (1) 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 has been served upon the Centre by the intending plaintiff or his agent and the notice shall clearly state the:

Legal proceedings.

(a) cause of action;

(b) particulars of the claim;

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

(d) relief which he claims.

(2) The notice referred to in subsection (1) and any summons or other document required or authorised to be served upon the Centre under this Act or any other enactment or law may be served by:

(a) delivering it to the Director-General; and

(b) sending it by registered post addressed to the Director-General at the Head Office of the Centre.

(3) In any action or suit against the Centre, no execution or attachment process in that nature shall be issued against the Centre without the consent of the Attorney-General of the Federation.

(4) Notwithstanding the provision of subsection (3), any sum of money which may, by the judgment of the court be awarded against the Centre, shall, subject to any direction given by the Centre, be paid from the general reserve of the Centre.

27. In this Act:

Interpretation.

"Board" means the Governing Board of the Centre;

"function" includes duties and powers;

"Member" means a member of the Governing Board and includes the Chairman;

"Minister" means the Minister charged with the responsibility for health;

"Ministry" means the Ministry charged with the responsibility for health matters; and

"President" means the President of the Federal Republic of Nigeria.

28. This Act may be cited as the Nigeria Centre for Disease Control and Prevention (Establishment) Act, 2018. Citation.

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board may regulate its proceedings and make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may determine.
2. There shall be at least four meetings of the Board in every calendar year but the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than six other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.
3. Every meeting of the Board shall be presided over by the Chairman and, if he is unable to attend a particular meeting, the members present shall elect one of them to preside at the meeting.
4. The quorum of any meeting of the Board shall be the Chairman (or in an appropriate case, the person presiding under paragraph 2) and six other members.
5. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
6. The Chairman shall, in the case of an equality of votes, have a casting vote.
7. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend for such period as it deems fit, but the person is not entitled to vote at any meeting of the Board and does not count towards the quorum.
8. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

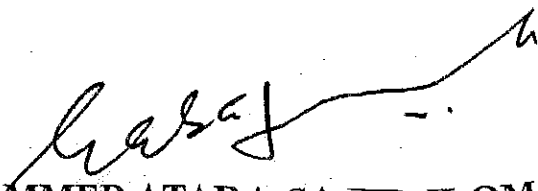
Committees

9. The Board may set up one or more committees to perform, on behalf of the Board, such functions as the Board may determine and report on any matter with which the Board is concerned.
10. A committee set up under paragraph 9 shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.
11. A decision of a committee of the Board is of no effect until the Board confirms it.

Miscellaneous

12. The signature of the Chairman and the Secretary to the Board shall authenticate the fixing of the seal of the Centre.
13. A contract or an instrument, which if made or executed by any 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 person generally or specifically authorised to act for that purpose by the Board.
14. A 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 is, until the contrary is proved, presumed without further proof, to have been properly signed or sealed.
15. The validity of any proceeding of the Board or its committee is not affected by:
 - (a) any vacancy in the membership of the Board or its committees;
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
16. Any member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or any committee shall:
 - (a) disclose his interest to the Board or committee; and
 - (b) not vote on any question relating to the arrangement.

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

5th DAY OF OCTOBER, 2018

Schedule to the Nigeria Centre for Disease Control and Prevention (Establishment) Bill, 2018

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
Nigeria Centre for Disease Control and Prevention (Establishment) Bill, 2018.	An Act to establish the Nigeria Centre for Disease Control and Prevention; for the prevention, detection, investigation, monitoring and control of communicable diseases in Nigeria; and for related matters.	This Act establishes the Nigeria Centre for Disease Control and Prevention to promote, coordinate and facilitate the prevention, detection and control of communicable diseases in Nigeria and other events of public health importance.	29 th March, 2018	17 th July, 2018

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.

Mohammed Ataba Sani-Omolori
MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
5th Day of October, 2018

I ASSENT

Muhammadu Buhari
MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
08 Day of October, 2018

NOV.