

*Extraordinary*



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# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL BLOOD SERVICE COMMISSION TO COORDINATE, REGULATE AND ENSURE THE PROVISION OF QUALITY BLOOD AND BLOOD PRODUCTS AND FOR RELATED MATTERS

*Sponsored by Hon. Abass Tajudeen*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE NATIONAL BLOOD SERVICE

2 COMMISSION

3 1.-(1) There is established a body to be known as the National  
4 Blood Service Commission (in this Act referred to as "the Commission").

Establishment  
of the National  
Blood Service  
Commission

5 (2) The Commission shall be a body corporate with perpetual  
6 succession and a common seal, may sue and be sued in its corporate name  
7 and acquire, hold and dispose of any property for the purpose of carrying out  
8 its functions under this Act.

9 (3) The Commission shall have its National Headquarters located  
10 at the Federal Capital Territory, Abuja with Zonal offices in each of the geo-  
11 political zones.

12 2. The Commission shall-

Objectives of  
the Commission

13 (a) co-ordinate and control blood transfusion services on a country  
14 wide basis within the national health plan;

15 (b) ensure the delivery of blood, blood components and blood  
16 derivatives which are safe for transfusion and other medical therapies;

17 (c) be the sole regulatory authority for all blood related services  
18 nationwide; and

19 (d) accredit blood transfusion service facilities throughout the  
20 country.

Establishment  
and Composition  
of the Governing  
Board of the  
Commission

1                   3.-(1) There is established for the Commission a Governing Board (in  
2 this Act referred to as “the Board”) which shall provide the general policy  
3 guidelines for the Commission.

4                   (2) The Board shall consist of-

5                   (a) a Chairman who shall be a qualified Health Professional of proven  
6 integrity with a minimum of 20 years' post qualification experience;

7                   (b) the Director of Hospital services of the Federal Ministry  
8 responsible for Health;

9                   (c) a representative of the Nigerian Society of Hematology and Blood  
10 Transfusion;

11                  (d) a representative of the Association of Medical Laboratory  
12 Scientists of Nigeria;

13                  (e) a representative of (the Armed Forces of Nigeria;

14                  (f) a representative of the National Agency for Food, Drug  
15 Administration and Control (NAFDAC);

16                  (g) a representative of the Nigerian Red Cross Society;

17                  (h) a representative of non-governmental organizations involved in  
18 blood safety; and

19                  (i) the Director-General of the Commission who shall serve as the  
20 Secretary to the Board.

21                  (3) The Chairman and members of the Board, other than those whose  
22 membership is by virtue of their offices, shall be appointed by the President on  
23 the recommendation of the Minister.

24                  (4) The Chairman and other members of the Board shall be persons  
25 who by reason of their professional or business attainments are in the opinion  
26 of the Minister capable of making useful contributions to the work of the  
27 Commission.

28                  (5) The members of the Board, other than the Director-General shall  
29 serve on part-time basis.

30                  (6) The supplementary provisions set out in the First Schedule to this ,

1 Act, shall apply with regard to the proceedings of the Board and other  
2 matters mentioned therein.

3 *[Schedule]*

4 4.-(1) The Board Shall-

Functions of the  
Board

5 (a) formulate and provide policy guidelines for the discharge of the  
6 functions of the Commission;

7 (b) monitor and ensure the implementation of the policies and  
8 programmes of the Commission;

9 (c) be responsible for the appointment, promotion and discipline of  
10 senior staff of the Commission;

11 (d) carry out such other functions as are necessary and expedient to  
12 ensure the efficient performance of its functions under this Act.

13 (2) The Board shall have power to-

14 (a) approve rules and regulations relating to the' appointment,  
15 promotion and discipline of staff of the Commission;

16 (b) set up committees and bodies of experts to carry out specific  
17 functions or tasks on its behalf; and

18 (c) regulate its proceedings and make standing orders with respect  
19 to the holding of its meetings, notice to be given, the keeping of minutes of  
20 its proceedings and such other matters as the Board may from time to time  
21 determine.

22 5.-(1) The Chairman and other members of the Board other than  
23 statutory members shall hold office for a term of four years renewable for  
24 another term of four years and no more.

Tenure of office,  
Vacancy, Resignation  
and Removal of  
members, etc.

25 (2) Subject to any other provisions of this Act, a member of the  
26 Board shall hold office on such terms and conditions as may be specified in  
27 his letter of appointment.

28 (3) Notwithstanding the provisions of Section 5 (1) and Section  
29 8(2) of this Act, a member of the Board shall cease to hold office as a  
30 member of the Board if-

- 1 (a) he resigns his appointment as a member;
- 2 (b) his term of office expires;
- 3 (c) he dies;
- 4 (d) he becomes of unsound mind;
- 5 (e) he becomes bankrupt or makes a compromise with his creditors;
- 6 (f) he is convicted of a felony or any offence involving fraud or
- 7 dishonesty;
- 8 (g) he is guilty of serious misconduct in relation to his duties;
- 9 (h) he becomes incapable of carrying out the functions of his office
- 10 either arising from an infirmity of mind and body;
- 11 (i) in the case of a statutory member, he ceases to hold the office on the
- 12 basis of which he became a member of the Board; or
- 13 (j) the president is satisfied that it is not in the interest of the
- 14 Commission or public for the person to continue in office and notifies the
- 15 member in writing to that effect.
- 16 (4) Any member of the Board other than a statutory member may
- 17 resign his office by giving one month notice in writing or such other period as
- 18 may be specified in his letter of appointment to the Minister and the resignation
- 19 shall have effect from the date of its acceptance.
- 20 (5) Where a vacancy occurs in the Board's composition at any time,
- 21 the Chairman of the Board shall formally notify the President through the
- 22 Minister.
- 23 **6. Members of the Board under this Act shall be paid such allowances**
- 24 **as the Government may approve.**
- 25 **7.-(1) The Commission shall-**
- 26 (a) establish, coordinate, regulate and control blood transfusion
- 27 services on a country-wide basis within the national health plan;
- 28 (b) ensure proper compliance with the National Blood Transfusion
- 29 Guidelines and Standards;
- 30 (c) employ suitable persons to work with the National Blood Service

Allowances

Functions of  
the Commission

1 Commission as staff or consultants;

2 (d) appoint, promote and discipline staff of the Commission;

3 (e) maintain a system of quality assurance at all levels of service;

4 (f) maintain a strategic information system;

5 (g) encourage research in all aspects of blood transfusion;

6 (h) issue national guidelines from time to time, for the practice of  
7 blood transfusion in Nigeria;

8 (i) promote the rational use of blood, blood products and  
9 alternatives to blood where appropriate;

10 (j) maintain a cost-effective and sustainable service through  
11 appropriate budgeting and proper use of funds;

12 (k) collaborate with international organisations and other  
13 stakeholders in the field of blood safety;

14 (l) collaborate and partner with relevant Ministries, Departments,  
15 Agencies and Inter-governmental agencies in carrying out the activities of  
16 the Commission;

17 (m) consider such matters as the Minister responsible for health  
18 may, from time to time refer to it and making recommendations thereon;

19 (n) do such other things necessary or expedient to the performance  
20 of its functions under this bet.

21 PART II - MANAGEMENT AND STAFF OF THE COMMISSION

22 8.-(1) There shall be appointed by the president, on the  
23 recommendation of the Minister, a Director-General for the National Blood  
24 Service Commission who shall be-

Appointment of  
the Director-  
General

25 (a) the chief executive officer and the accounting officer of the  
26 Commission;

27 (b) responsible for the execution of the policies of the Commission  
28 and its day to day administration;

29 (c) a qualified health professional with not less than 15 years post  
30 qualification experience in blood transfusion and administration.

1 (2) The Director General shall hold office for a term of 4 years and  
2 may be reappointed for another term of 4 years and no more.

3 (3) The office of the Director-General shall become vacant if-

4 (a) he resigns his office; or

5 (b) the President is satisfied that it is not in the interest of the  
6 Commission or the public for him to continue in office as a Director-General.

Secretary and  
Legal Adviser

7 9.-(1) There shall be for the Commission, a Secretary and Legal  
8 Adviser who shall-

9 (a) be appointed by the Commission;

10 (b) be responsible to the Director-General and the Board;

11 (c) be responsible for:

12 (i) taking the minutes of meetings of the Board;

13 (ii) keeping the corporate records of the Commission and conducting  
14 the correspondence of the Board;

15 (iii) issuing notices for meetings of the Board;

16 (iv) keeping in safe custody, the common seal, documents and  
17 agreements of the Commission;

18 (d) be in-charge of the Legal Department of the Commission; and

19 (e) perform such other duties as may be assigned to him from time to  
20 time by the Board or the Director-General.

21 (2) The Secretary shall possess adequate professional qualifications,  
22 skills and cognate experience as a legal practitioner.

Other Staff of  
the Commission

23 10.-(1) The Commission may employ such other staff as employees  
24 of the Commission as it may consider necessary to assist the Director-General  
25 in the exercise of its functions under this Act.

26 (2) Notwithstanding the provisions of Subsection 1 of this Section,  
27 employees of the Commission may be appointed by way of transfer of service  
28 or secondment from the Public Service of the Federation.

Condition of  
Service

29 11. The terms and conditions of service including those as to  
30 remuneration, allowances, retirement and other benefits of officers and other

1 employees of the Commission shall be as determined by the Board in  
2 consultation with the National Salaries Income and Wages Commission,  
3 subject to extant Government Rules.

4 12. -(1) Service in the Commission shall be Pensionable under the Pension  
5 Pension Reform Act 2014 and accordingly employees of the Commission  
6 shall, in respect of their services, be entitled to such pension and retirement  
7 benefits as are prescribed there under

8 (2) Notwithstanding the provisions of subsection (1) of this  
9 section, nothing in this Act shall prevent the appointment of a person to any  
10 office on terms which preclude the grant of pension in respect of that office.

11 PART III - STRUCTURE OF THE COMMISSION

12 13.-(1) The Commission shall consist of:

Structure of the  
Commission

13 (a) a Blood Service Department;

14 (b) a Blood Service Regulatory Department;

15 (c) a Quality Control and Information Management Department;

16 (d) an Administration & Finance Department; and

17 (e) such other departments as may be required for the proper  
18 performance of the functions of the Commission.

19 14.-(1) There shall be a Blood Service department to be headed by  
20 a Director who shall be a qualified health professional with requisite training  
21 and not less than 10 years experience in blood safety or blood transfusion.

Blood Service  
Department

22 (2) The Functions of the Blood Service' Department shall be to:

23 (a) provide safe blood and blood components for transfusion to all  
24 persons who may require hemotherapy in Nigeria;

25 (b) coordinate and supervise all blood transfusion services in the  
26 country;

27 (c) develop a system of blood donor mobilization and motivation  
28 based on low risk voluntary non-remunerated donation of blood;

29 (d) maintain a cost effective system and uphold high ethical  
30 practices;



- 1 (e) ensure equitable distribution of equipment and consumables;
- 2 (f) provide the modalities for human capital development and  
3 capacity building to satisfy the needs of the service;
- 4 (g) procure supplies for the service in line with set standards;
- 5 (h) establish a national haemovigilance system;
- 6 (i) develop and maintain an appropriate national algorithm for testing  
7 all donated blood and blood products;
- 8 (j) develop systems for collection, transportation, processing,  
9 storage, distribution of blood and blood components within the service;
- 10 (3) The Blood Service department shall maintain a National  
11 Reference Centre which shall-
- 12 (a) act as a central point for the collection and distribution of rare sera;
- 13 (b) institute and maintain a National Panel of Rare Blood Groups and  
14 Anti-bodies;
- 15 (c) produce and distribute blood grouping reagents and stable  
16 derivatives;
- 17 (d) resolve technical issues relating to blood transfusion;
- 18 (e) develop systems for waste management within the service;
- 19 (f) comply with international best practices and national policies in all  
20 areas of blood transfusion practice;
- 21 (g) mobilize resources from any part of the Service in response to  
22 emergencies; and
- 23 (h) carry out other activities necessary or expedient to the  
24 performance of its functions under this Act.
- 25 **15.-(1)** There shall be a Blood Service regulatory department headed  
26 by a Director, trained in blood safety management, who possesses not less than  
27 10 years relevant experience in blood safety practice.
- 28 (2) The functions of the Blood Service Regulatory department shall  
29 be to:
- 30 (a) coordinate and monitor all regulatory activities relating to blood

1 transfusion services in the country;

2 (b) register all blood transfusion services and blood banks in both  
3 public and privates sectors;

4 (c) accredit all service providers to ensure standards as prescribed  
5 in the national guidelines;

6 (d) inspect all blood services nationwide;

7 (e) enforce high standards in blood services nationwide;

8 (f) collaborate with states of the federation to carry out its functions  
9 under this Subsection; and

10 (9) do such other things necessary or expedient to the performance  
11 of its functions under this Act.

12 (3) The Blood Service Regulatory Department shall collaborate  
13 with Law enforcement agencies to carry out its functions where necessary.

14 16.-(1) There shall be a Quality Control and Information  
15 Management Department headed by a Director who has not less than 10  
16 years relevant experience in quality management of blood safety practice.

The Quality  
Control and  
Information  
Management  
Department

17 (2) The functions of the Quality Management Department shall be  
18 to:

19 (a) coordinate, supervise, monitor and maintain a system of blood  
20 quality management;

21 (b) certify the quality of all reagents, blood products and  
22 derivatives in collaboration with other regulatory authorities in the country;

23 (c) maintain a quality assurance system in all aspects of the  
24 national blood transfusion service;

25 (d) develop a national external quality assessment system for blood  
26 transfusion; and

27 (e) monitor, evaluate and manage all information processes and  
28 procedures within the Commission;

29 (f) gather, analyse and collate all blood safety data nationwide;

30 (g) maintain a national blood safety data reporting system;

1 (h) do such other things necessary or expedient to the performance of  
2 its functions under this Act.

National Blood  
Service Zonal  
Centres

3 17.-(1) The National Blood Service Department shall have a Centre in  
4 each of the six (6) Geopolitical Zones in Nigeria.

5 (2) The zonal centres shall serve as linkage and reference centres for  
6 the States and other blood transfusion services within the zone.

7 (3) The Board of the Commission shall appoint directors for the zonal  
8 centres.

State Blood  
Transition  
Centres

9 18. The Commission shall liaise with each state government to  
10 establish state blood transfusion centres in line with the national health policy.

Local Government  
Area Blood Banks

11 19. The Commission shall liaise with each state government to  
12 establish Local Government Area blood banks in line with the national health  
13 policy.

Relationship  
with Health  
Establishments

14 20.-(1) All health establishments involved in blood transfusion  
15 practice shall continue to carry out their activities provided that they comply  
16 with:

17 (a) all the guidelines issued by the Commission;

18 (b) the facilities are inspected and certified by the Commission in  
19 order to operate;

20 (c) all relevant data of their activities are made available on demand to  
21 the zonal centre in the prescribed manner; and

22 (d) they co-ordinate their activities with those of the State Blood  
23 Centres particularly in the area of donor recruitment.

The Armed Forces  
and Paramilitary  
Blood Transfusion  
Centres

24 21.-(1) The Armed Forces and Paramilitary blood transfusion centres  
25 shall operate their blood transfusion activities in accordance with operational  
26 guidelines and the provisions of this Act.

27 (2) The functions of the Armed Forces and Paramilitary Blood  
28 Transfusion centres shall be to:

29 (a) pool resources particularly in donor recruitment and blood  
30 collection in conjunction with the zonal and state blood transfusion services;

1 (b) maintain blood services centres among the Armed forces and  
2 Paramilitary health facilities; and

3 (c) liaise with the Commission in order to utilize training  
4 opportunities available to its staff.

5 PART IV - FINANCIAL PROVISIONS

6 22.-(1) The Commission shall establish and maintain a Fund ("the Fund of the  
7 Fund"), which shall consist of- Commission

8 (a) such sums as may be appropriated to the Commission by the  
9 Federal Government;

10 (b) grants, gifts or donations from international organizations and  
11 donor agencies;

12 (c) fees, fines and charges for services rendered by the  
13 Commission;

14 (d) publications made by the Commission;

15 (e) all other sums of money accruing to the Commission by way of  
16 gift or testamentary disposition and endowments; and

17 (f) Other funds which may from time to time accrue to the  
18 Commission.

19 (2) The Commission shall from time to time apply the Fund-

20 (a) to the cost of the administration of the Commission:

21 (b) the maintenance of any property acquired or vested in the  
22 Commission;

23 (c) for reimbursing members of the Board or any committee of the  
24 Board for such expenses authorized by the Board or the Commission and for  
25 allowances in accordance with the rates approved by the Government;

26 (d) to the payment of salaries; fees, other remunerations or  
27 allowances payable to members of the Board and employees of the  
28 Commission; and

29 (e) to any other payment incidental to the foregoing provisions or  
30 in connection with or incidental to any other functions of the Commission

1 under this Act.

Borrowing  
Power

2 23. The Commission may, with the consent of and in accordance with  
3 the general authority given by the Minister responsible for Finance, borrow  
4 such sums of money as it may require in the exercise of its functions under this  
5 Act.

Annual Estimates

6 24. The Commission shall, not later than the 30th day of September in  
7 each year submit to the Minister, an estimate of its income and expenditure for  
8 the next succeeding year.

Audit of Accounts

9 25. The Commission shall keep proper accounts in respect of each  
10 year and proper records in relation to those accounts and shall cause its  
11 accounts to be audited within six months after the end of each year by qualified  
12 auditors appointed from the list of auditors in accordance with the guidelines  
13 supplied by the Auditor-General for the Federation.

Power to accept  
gift

14 26.-(1) The Commission may accept gift of land, money or other  
15 property or things on such terms and conditions, if any, as may be specified by  
16 the person or organisation making the gift.

17 (2) The Commission shall not accept any such gift where the terms or  
18 conditions attached by the person or organisation making the gift are  
19 inconsistent with the objectives and functions of the Commission, under this  
20 Act.

#### 21 PART V - OFFENCES AND PENALTIES

Offences and  
Penalties

22 27.-(1) Any person who, without the supervision of a registered  
23 medical practitioner-

24 (a) collects or arranges to bleed a blood donor for the purpose of  
25 transfusion; or

26 (b) administers blood components to a patient;

27 commits an offence, and shall be liable on conviction to imprisonment for a  
28 term of not less than six months or to a fine of not less than five hundred  
29 thousand Naira or to both.

1                   (2) Any person who, without the supervision of a registered  
2 medical practitioner-

3                   (a) obtains blood from a donor and offers monetary reward or other  
4 commensurate reward for service; or

5                   (b) arranges for blood donations with the purpose of offering or  
6 obtaining monetary reward;

7 commits an offence, and shall be liable on conviction to imprisonment for a  
8 term of not less than six months or to a fine of not less than five hundred  
9 thousand Naira or to both.

10                  (3) Any person who operates a blood bank commits an offence, if  
11 he-

12                  (a) processes blood for the purpose of obtaining blood products  
13 without the approval of the commission or:

14                  (b) prepares blood for transfusion without approval of the  
15 Commission; or

16                  (c) fails to comply with the guidelines and standards issued by the  
17 Commission from time to time;

18                  (d) aids another person to commit any of the offences mentioned in  
19 this section and shall be liable on conviction to imprisonment for a term of  
20 not less than six months or to a fine of not less than five hundred thousand  
21 Naira or to both.

22                  (4) Any person who-

23                  (a) transfuses blood not properly screened for hepatitis B & C  
24 virus, HIV I & II, Syphilis and other transmissible agents as specified by the  
25 Commission from time to time;

26                  (b) transfuses blood not typed for ABO and RH (D) factor;

27                  (c) supplies for transfusion blood not screened except in life-  
28 threatening situation;

29                  (d) labels blood or blood products in a manner as to mislead others  
30 about the status of the blood products;

1 (e) supplies expired blood for transfusion into a human being;

2 (f) bleeds a child without parental consent; or

3 (g) engages in practices that can compromise blood safety.

4 commits an offence and shall be liable on conviction to imprisonment for a  
5 term of not less than six months or to a fine of not less than five hundred  
6 thousand Naira or to both.

7 (5) Any person who knowingly interferes with or tampers or  
8 obstructs in whatsoever manner, the proper donation, collection, screening,  
9 banking, processing, distribution, transfusion of blood and blood products,  
10 inspection of records and premises where blood is processed for transfusion  
11 commits an offence and shall be liable on conviction to imprisonment for a  
12 term of not less than six months or to a fine of not less than five hundred  
13 thousand Naira or to both,

14 (6) Any person who, for the purpose of procuring blood or blood  
15 products from the blood transfusion service:

16 (a) makes a statement which he believes to be false in a material  
17 particular; or

18 (b) recklessly makes a statement, which is false in a material  
19 particular, commits an offence and shall be liable on conviction to  
20 imprisonment for a term of not less than six months or to a fine of not less than  
21 five hundred thousand Naira or to both,

22 (7) Any person who, without the approval of the commission, imports  
23 or exports blood and blood products for transfusion commits an offence and is  
24 liable on conviction to imprisonment for a term of not less than six months or to  
25 a fine of not less than five hundred thousand Naira (N500,000.00) or to both.

26 (8) A body corporate that commits an offence under this Act shall be  
27 liable on conviction to a fine of not less than One Million Naira  
28 (N1,000,000.00) and any person who at the time of the commission of the  
29 offence was a chief executive officer, director, secretary, manager or other  
30 similar officer of the body corporate or was purporting to act in any such

1 capacity shall be liable on conviction to imprisonment for a term of not less  
2 than 6 months or a fine of not less than Five Hundred Thousand Naira  
3 (N500,000.00) or to both;

4 Provided that, nothing contained in this section shall render any  
5 person liable to any punishment if he proves that the offence was committed  
6 without his knowledge or that he exercised all due diligence to prevent the  
7 commission of such offence, Nothing in this Part shall preclude:

8 (a) the proper expression of appreciation to the donor of blood by  
9 way of tokens or gestures other than financial reward; or

10 (b) the charging of appropriate fees as determined by the  
11 commission to cover the cost of preparation of blood components for  
12 transfusion or the proper performance of autologous blood transfusion.

#### 13 PART VI - MISCELLANEOUS

14 28. Subject to this Act, the Minister may give to the Commission  
15 directives of a general nature or specific directives relating generally to  
16 a particular matter with regard to the carrying out of the functions of the  
17 Commission under this Act and it shall be the duty of the Commission to  
18 comply with such directives.

Directives of  
the Minister

19 29.-(1) For the purpose of carrying out the functions conferred on  
20 the Commission under this Act, the Director-General or any other officer of  
21 the Commission authorised in that behalf:

Power to obtain  
information

22 (a) shall have a right of access to all the records of any institution or  
23 authority to which this Act applies; and

24 (b) may, by notice in writing served on any person in charge of any  
25 institution or authority responsible for blood transfusion service, require  
26 that person to furnish or cause to be furnished, information on such matter as  
27 may be specified in the notice.

28 (2) It shall be the duty of any person required to furnish information  
29 pursuant to subsection (1) of this section to comply with the notice within a  
30 reasonable period of time or within the time stated in the notice.



Power of the  
Commission to  
make Regulations

1                   **30.**-(1) The Commission may, with the approval of the Minister, make  
2 regulations generally for the purposes of carrying into effect the provisions of  
3 this Act;

4                   (2) Regulations when made, shall be published in the Federal Official  
5 Gazette and in such manner as the Commission may prescribe.

Legal Proceedings

6                   **31.**-(1) No Civil action shall be commenced against the Commission  
7 or its authorised officers before the expiration of a period of 30 days after  
8 written notice of intention to commence the suit shall have been served on the  
9 Commission by intending plaintiff or his agent, and the notice shall clearly and  
10 explicitly state the:

11                   (a) cause of action;

12                   (b) particulars of the claim;

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

14                   (d) relief sought.

15                   (2) The notice referred to in Subsection (1) of this section and any  
16 summons, or other documents required or authorised to be served on the  
17 Commission under this Act or any other enactment or law, may be served by:

18                   (a) delivering it to the Commission; or

19                   (b) sending it by registered mail to the postal address of the  
20 Commission.

Restriction on  
execution against  
property of the  
Commission

21                   **32.** In any action or suit against the, commission, no execution shall  
22 be levied or attachment process issued against the Commission unless not less  
23 than three months' notice of the intention to execute or attach has been given to  
24 the Commission.

Indemnity of  
officers of the  
Commission

25                   **33.** A member of the Board, Director-General, officer or employee of  
26 the Commission shall be indemnified out of the assets of the Commission  
27 against any proceedings brought against him in his capacity as a member of the  
28 Board, Director-General, officer or employee of the Commission where the act  
29 complained of is not ultra vires his power.

1                    34. In this Act, unless the context otherwise requires: Interpretation  
2                    "Board" means the Governing Board of the National Blood Service  
3                    Commission;  
4                    "Chairman" means the Chairman of the Board;  
5                    "Commission" means National Blood Service Commission;  
6                    "Director General" means the Director General of the Commission  
7                    appointed pursuant to Section 8 of the Act;  
8                    "Member" means a member of the Board and includes the Chairman; and  
9                    "Minister" means the Minister charged with responsibility for matters  
10                    relating to health matters;  
11                    "NGO" means Non-Governmental Organisation.

12                    35. This Bill may be cited as the National Blood Service Short Title  
13                    Commission Bill, 2019.

14                    SCHEDULE

15                    *Section 3(6)*

16                    SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

17                    *Proceedings of the Board*

18                    1. Subject to this Act and section 27 of the Interpretation Act  
19                    (which provides for decisions of a statutory body to be taken by a majority of  
20                    its members and for the Chairman to have a second or casting vote), the  
21                    Board may make standing orders regulating the proceedings of the Board  
22                    and any Committee thereof.

23                    2. The Board shall meet not less than four times in each year and,  
24                    subject thereto, the Board shall meet whenever it is summoned by the  
25                    Chairman, and if the Chairman is required to do so by notice given to him by  
26                    not less than seven other members, he shall summon a meeting of the Board  
27                    to be held within fourteen days from the date on which the notice was given.

28                    3. Every meeting of the Board shall be presided over by the  
29                    Chairman or if the Chairman is unable to attend a particular meeting, the  
30                    members present at the meeting shall elect one of their members to preside at

1 the meeting.

2 4. The quorum at a meeting of the Board shall consist of the  
3 Chairman (or, in an appropriate case, the person presiding at the meeting  
4 pursuant to paragraph 3 of this Schedule) and six other members.

5 5. The quorum of any committee of the Board shall be as determined  
6 by the Board.

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

12 *Committee*

13 7.-(1) Subject to its standing orders, the Board may appoint such  
14 number of standing ad-hoc committees, as it thinks fit to consider and report on  
15 any matter which the Board is concerned.

16 (2) Every committee appointed under the provisions of sub-  
17 paragraph (1) of this Paragraph, shall be presided over by a member of the  
18 Board and shall be made up of such number of persons, not necessarily  
19 members of the Board, as the Board may determine in each case. The decision  
20 of a Committee shall be of no effect, until it is confirmed by the Board.

21 *Miscellaneous*

22 8. The fixing of the seal of the Commission shall be authenticated by  
23 the signature of the Director General and of any other member authorised  
24 generally or specially by the Board to act for that purpose.

25 9. Any contract or instrument which, if made by a person not being a  
26 body corporate, would not be required to be under seal, may be made or  
27 executed on behalf of the Commission by the Director General or any person  
28 authorised generally or specially by the Board to act for that purpose.

29 10. A document purporting to be a contract, an instrument or other  
30 document signed or sealed on behalf of the Commission shall be received in

1 evidence and, unless the contrary is proved be presumed without further  
2 proof, to have been properly signed or sealed.

3 11. Members of the Board who are not public officers shall be paid  
4 out of monies at the disposal of the Commission such remuneration; fee or  
5 allowances in accordance with such scales as may be approved, from time to  
6 time, by the Minister.

7 12. The validity of any proceedings of the Board or of a committee  
8 thereof, shall not be adversely affected by:

9 (1) a vacancy in the membership of the Board;

10 (2) any defect in the appointment of a member of the Board or  
11 Committee; or

12 (3) reason that a person not entitled to do so, took part in the  
13 proceedings.

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

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Blood Service Commission to coordinate, regulate and ensure the provision of quality blood and blood products.