



SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL HEALTH
COMMISSION TO PROVIDE PROFESSIONAL
SUPERVISION FOR ALL HEALTH AGENCIES AND
ORGANISATIONS IN NIGERIA THROUGH THE
MINISTER AND FOR OTHER CONNECTED MATTERS.

SPONSOR: SENATOR MUHAMMED ABBA AJI PhD, MFR

(BORNO CENTRAL) 2nd February, 2006

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL HEALTH COMMISSION TO PROVIDE PROFESSIONAL SUPERVISION AND COORDINATION OF ALL HEALTH AGENCIES AND ORGANISATIONS IN NIGERIA AND FOR OTHER CONNECTED PURPOSES.

*Sponsor: Senator Muhammed Abba Aji PhD, MFR
(Borno Central) 23rd January, 2006*

Commencement

Be it enacted by the National Assembly of the Federal Republic of Nigeria as follows:

1. There is hereby established a body known as the National Health Commission (in this Act referred to as the Commission)
 - (1) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
 - (2) The Commission shall have its principal office at the Federal Capital Territory, Abuja.
2. The membership of the Commission shall comprise:-
 - (a) A Chairman
 - (b) Two members from each geo-political zone;
 - (c) The Secretary of the government of the Federation; (d) The Head of Service of the Federation;
 - (e) The Permanent Secretary from the Ministry of Education;
 - (f) The Permanent Secretary from the Ministry of Finance;
 - (g) The Permanent Secretary from the Ministry of Health;

Establishment of the National Health Commission

Composition of the Commission

- (h) Registrar, Nigeria Medical Association;
- (i) Registrar, Pharmaceutical Society of Nigeria;
- (j) Registrar, National Council of Nurses and Midwives;
- (K) One representative of other Health organizations and bodies;
- (l) President of the Institute of Medical and Laboratory Technologists of Nigeria;
- (m) The Chief Executives of the National Primary Health care Development agency, National Programme on Immunization, National Action Committee on aids, National Health Insurance Scheme **and** National Agency for Food and Drug Administration and Control.

Subject to this Act, the Commission shall perform the following functions: (a) Advise the President and State Governors through the Minister on all matters relating to Health policies.

Functions of the Commission

(b) Assist the minister in the formulation and implementation of National Health *policies*.

(c) Supervise and coordinate the activities of all Health bodies in Nigeria.

(d) Inquire into and advise the government through the Minister on the financial needs, both recurrent and capital of the various Health bodies in Nigeria.

(e) Receive block grant from the Federal Government and Donor agencies for the Health bodies and organizations.

(f) Monitor, evaluate and perform periodic audits of activities of the various Health bodies and those of donor agencies and non- governmental organizations.

(g) Carry out such other activities as are conducive to the discharge of the provision of this Act.

The Commission shall have power to-

Powers of the Commission

(a) acquire, hold, manage and dispose of any movable and immovable property;

(b) purchase and acquire assets, business or property considered

necessary for the performance of its functions under this Act;

(d) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission.

(1) The powers conferred on the Commission may be exercised by it or through any of its employees or agent authorized to do so.

(2) Subject to this Act, the Minister may give the Commission directives of a general nature or specific direction relating generally to a particular matter with regard to the carrying out of the functions of the Commission and it shall be the duty of the Commission to comply with such directives.

Directives

There shall be for the Commission an Executive Secretary who shall:-

(a) be appointed by the president of the Federal Republic of Nigeria on the recommendation of the Minister.

Appointment of
the Executive
Secretary

(b) be a person with good knowledge of Health and administrative matters

(c) be the Accounting Officer of the Commission.

(d) hold office for a period of four years in the first instance and may be eligible for re-appointment for a further four years on conditions as to emoluments and conditions of service as may be specified in his letter of appointment.

(1) The Executive Secretary shall be subject to the general directions of the Commission:-

(i) the administration of the Secretariat of the Commission

(ii) general direction and control of all other employees

Service in the Commission shall be approve for the purposes of the Pension Reform Act and accordingly the staff of the Commission shall be entitled to pension, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

There shall be paid and credited to the Commission:-

(a) all monies accruing to the Commission by way of annual subvention from the federation account

Pension Act
2004

(b) donations, gifts Testamentary dispositions grants from individual or Corporate bodies at home and abroad.

Financial

(c) all other assets that may from time to time accrue to the Commission. provisions

The Commission may from time to time borrow such sums it may require in the execution of its functions under this Act.

(1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be prescribed by the person or organization making the gift.

Power to borrow

10. (2) The Commission shall not accept any gifts if the conditions attached are inconsistent with the objectives of the Commission.

Power to accept gifts

11. The Commission may subject to the land Use Act acquire any land for the purpose of discharging its functions.

The Commission shall prepare and submit to the National Assembly through the Minister not later than 30th September of each year, an estimate of its expenditure and income during the next succeeding year.

Cap. 202 LFN
1990

12. The Commission shall -

a) Cause to be kept proper accounts and records of the transactions of the Commission;

13.

Maintain effective control over its assets and liabilities incurred in the discharge of its functions.

Annual
Estimates

14. Prepare in respect of each financial year a statement of account in such form as the Auditor-General may direct.

Accounts

(1) The Commission shall cause the accounts to be audited not later than six months after the end of each year by the Auditor General of the Federation.

(2) The Auditor-General or any officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and paper of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission.

Audit

The Commission shall submit to the President through the Minister not later than 30th June of each financial year, a report of its activities during the proceeding year and it shall include in such report a copy of the audited accounts of the Commission for that year and a copy of the

Auditor's report on it.

MISCELLANEOUS PROVISIONS

(1) The Provisions of the Public Officers Protection act shall apply in 16. respect of any suit instituted against any officer or employee of the Commission.

Annual Report

17. (2) No suit shall be instituted against any member of the Commission, the Executive Secretary, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.

Limitation of Suits against the Commission

(3) The notice referred to in Subsection (2) of this section, shall state the cause of action, the particulars of claim, the name and place of abode of the intending plaintiff and the relief sought by him.

A notice, summons or other documents required or authorized to be served upon the Commission under the provisions of this Act, or any other law enactment may be served by delivering it to the Executive Secretary at the principal office of the Commission.

(1) In any action or suit, no execution or attachment of process shall be issued against the Commission without the consent of the Attorney General of the Federation

18. (2) Any sum of money which may be judgment of any court be by the court where notice of appeal of the said judgment has been given, be paid from the general reserve of the Commission.

Service of documents

A member of the Commission, the Executive Secretary, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceedings is brought against him in his capacity as a member of the Commission, the Executive Secretary, officer or employees of the Commission.

The Commission may engage the service of persons with knowledge or experience in matters relevant to the functions of the Commission to assist otherwise than on the basis of full time employment.

Indemnity of Officers

In this Act unless the context otherwise requires;
"Commission" means National Health Commission

"Minister" means the "Minister of Health.

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

Power to engage
staff

20.

This Act may be Cited as the National Health Commission,
(Establishment, etc) Act, 2006.

21. SCHEDULE 1.

**SUPPLEMENTARY PROVISIONS RELATING TO THE
COMMISSION**

Interpretations.

1. (1) Subject to this act and to Section 27 of the Interpretation Act, the Commission may make standing orders regulating its Proceeding or those of any of its Committees.

22.

(2) The quorum of the Commission shall be five members and the quorum of any Committee of the Commission shall be determined by the Commission.

Citation.

2. (1) The Commission shall meet not less than four times in each year and subject thereto, the Commission 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 three members, he shall summon a meeting of the Commission to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at that meeting.

(3) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt such a person for such a period as it deems fit; but a person who is in attendance by virtue of this sub-section, shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

3. (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such of its functions as the Commission may determine.

(2) A decision of a Committee of the Commission shall be of no effect until it is approved by the Commission.

Miscellaneous

4. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman, the Executive Secretary, or of any other person authorized generally or specifically to act for that purpose by the Commission.

(2) Any contract or instrument which, if made or executed 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 Commission by the Chairman, Executive Secretary, or any person generally or specially authorized to act for that purpose by the Commission.

(3) Any document purporting to be a document duly executed under the seal of the Commission, shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Commission or of a Committee thereof, shall not be adversely affected by any vacancy in the membership of the Commission or of a Committee, or by any defect in the appointment of a member of the Commission, or of a Committee, or by reason that a person not entitled to do so took part in the proceedings of the Commission or of the Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Health Commission to provide professional supervision and coordination of all Health Agencies and Organizations, Non-Governmental Organizations and Donor Agencies in Nigeria.

Proceedings of
the Commission
CAP 192 LFN.