

NATIONAL PROGRAMME ON IMMUNISATION ACT

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NATIONAL PROGRAMME ON IMMUNISATION ACT

An Act to establish the National Programme on Immunisation.
[1997 No. 12.]

[12th August, 1997]

[Commencement.]

PART I

Establishment, etc., of the National Programme on Immunisation

1. Establishment of the National Programme on Immunisation

(1) There is hereby established a programme to be known as the National Programme on Immunisation (in this Act referred to as "the Programme").

(2) The Programme-

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name; and
- (c) shall have its head office in the Federal Capital Territory, Abuja.

2. Establishment and membership of the National Programme on Immunisation Management Board

(1) There is hereby established, for the management of the affairs and implementation of the policies of the Programme, a board to be known as the National Programme on Immunisation Management Board (in this Act referred to as "the Board").

(2) The Board shall consist of-

- (a) a chairman;
- (b) the National Co-ordinator of the Programme;

- (c) one person to represent the Armed Forces who shall be the deputy co-ordinator of the programme;
- (d) two persons to represent the Federal Ministry of Health;
- (e) two persons to represent the Federal Ministry of Women Affairs and Youth Development;
- (f) one person to represent the Federal Ministry of Information and National Orientation;
- (g) one person to represent the Office of the Vice President;
- (h) one person to represent the Office of the Secretary to the Government of the Federation;
- (i) two persons to represent non-governmental organisations concerned with matters relating to the objective of the Programme; and
- (j) one person to represent public interest.

(3) The chairman and other members of the Board, who are not *ex officio* members, shall be appointed by the President.

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

[Schedule.]

3. Tenure of office

Subject to the provisions of section 4 of this Act, a member of the Board shall hold office-

- (a) for a period of four years and may be re-appointed for a further period of four years; and
- (b) on such terms and conditions as may be specified in their letters of appointment.

4. Removal from office of members

A member of the Board may at any time-

- (a) be removed from office by the President-
 - (i) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; or
 - (ii) if he is satisfied that it is not in the interest of the Programme that the member should continue in office;
- (b) resign his appointment by notice in writing addressed to the President.

5. Allowances, etc., of members

There shall be paid to every member of the Board such allowances and expenses as the President may, from time to time, direct.

PART II

Objective and functions of the Programme

6. Objective of the Programme

The objective of the Programme is to effectively control, through immunisation and the provision of vaccines, the occurrence of the following deadly diseases, that is-

- (a) tuberculosis;
- (b) poliomyelitis;
- (c) diphtheria;
- (d) whooping cough;
- (e) tetanus;
- (f) neonatal tetanus;
- (g) measles;
- (h) diseases of women of child-bearing age; and
- (i) such other diseases as the Minister may by order, from time to time, determine.

7. Functions and powers of the Programme

For the purpose of carrying out its objective under section 6 of this Act, the Programme shall-

- (a) support States and local governments in their immunisation programmes by supplying them with vaccines, needles, syringes, cold chain equipment and such other things and logistics as may be required for those programmes;
- (b) monitor and evaluate the execution of immunisation programmes nationwide;
- (c) provide training facilities to the States and local governments for persons involved in their immunisation programmes;
- (d) mobilise support from the United Nations Organisation, World Health Organisation, United Nations Children's Fund, non-governmental organisations, voluntary organisations and other concerned groups and individuals, towards the realisation of its objective;
- (e) advise the Federal, State and local governments, the private sector and other interested bodies regarding the quality, safety and regulatory provisions on is-

sues relating to immunisation;

(f) compile and publish relevant data resulting from the performance of its functions under this Act or from other sources; and

(g) perform such other functions and exercise such other powers not inconsistent with its objective and functions under this Act as the Minister may, from time to time, assign to it.

8. Functions and powers of the Board

(1) The Board shall-

(a) determine the overall policies of the Programme, including its financial and operative procedures and ensure the effective implementation of those policies and procedures;

(b) assess, from time to time, the research, consultancy and training programmes relative to the immunisation programmes conducted by the various associated institutions with a view to-

(i) ascertaining their suitability; and

(ii) offering those institutions such assistance, either alone or in cooperation with other related bodies, including the United Nations Organisation, the United Nations Children's Fund, the World Health Organisation and other international humanitarian bodies, the non-governmental organisations, and other concerned groups, as may improve the quality and content of immunisation in Nigeria.

(2) The Board may, subject to such conditions as it may impose, delegate any of its functions and powers under this Act to any of its committees or to the National co-ordinator of the Programme.

(3) Nothing in this section shall prevent the Board from performing or exercising any of the functions and powers so delegated.

PART III

Staff of the Programme

9. National co-ordinator of the Programme

(1) There shall be for the Programme a National co-ordinator who shall-

(a) be appointed by the President; and

(b) hold office-

(i) for a period of five years and may be re-appointed for a further period of five years; and

(ii) on such terms and conditions as may be determined, from time to time, by the President.

(2) The National co-ordinator shall be the chief executive of the Programme and shall, subject to the general supervision and control of the chairman and the Board, be responsible for the day-to-day administration of the Programme.

10. Other staff of the Programme

(1) The Board may, from time to time, appoint such other persons as it may deem necessary to assist the Board in the performance of its functions under this Act.

(2) The members of staff of the Programme appointed under subsection (1) of this section shall be appointed on such terms and conditions of service as the Board may, after consultation with the Federal Civil Service Commission, determine.

(3) The members of staff of the Programme shall be-

(a) public officers as defined in the Constitution of the Federal Republic of Nigeria 1999; and

(b) governed by the rules governing the civil service of the Federation.

11. Pensions

(1) It is hereby declared that service in the Programme shall be approved service for the purposes of the Pensions Act, and accordingly, officers and other persons employed in the Programme shall, in respect of their service in the Programme, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

[Cap. P4.]

(2) Nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Programme and not by any other person or authority.

PART IV

Financial provisions

12. Fund of the Programme

There shall be established and maintained for the Programme a fund into which shall be paid and credited-

(a) all subventions and extra-budgetary allocation from the Federal Government;

(b) all sums accruing to the Programme by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;

(c) foreign aid and assistance from bilateral agencies; and

(d) all other sums which may, from time to time, accrue to the Programme.

13. Expenditure of the Programme

The Programme shall, from time to time, apply the funds at its disposal to-

- (a) publicise and promote the activities of the Programme;
- (b) establish and maintain the head office of the Programme at the Federal Capital Territory, Abuja and its other offices in the States and local government areas in Nigeria;
- (c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;
- (d) pay the salaries, allowances and benefits of members of staff of the Programme;
- (e) pay other overhead allowances, benefits and other administrative costs of the Programme;
- (f) train its members of staff;
- (g) provide scholarship and awards for specialised training of its members of staff;
- (h) support national and international scientific and professional organisations and pay annual dues and other contributions to those organisations; and
- (i) undertake such other activities as are connected with all or any of the functions of the Programme under this Act.

14. Power to accept gifts

- (1) The Programme may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Programme shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Programme under this Act.

15. Annual estimates, accounts and audit

- (1) The Board shall cause to be prepared and submitted to the Minister, not later than 30 September in each year, an estimate of the expenditure and income of the Programme during the next succeeding year.
- (2) The Board shall cause to be kept proper accounts of the Programme and proper records in relation to those accounts and when certified by the Board, the accounts shall be audited by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

16. Annual report

The Board shall, not later than 30 June in each year, submit to the Minister a report on the activities and administration of the Programme during the immediately preceding year

and shall include in the report the audited accounts of the Programme and the auditor's report on those accounts.

17. Exemption from tax

(1) The Programme shall be exempted from the payment of income tax on any income derived by the Programme under this Act or accruing to it from any of its investments.

(2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Programme.

PART V

Miscellaneous provisions

18. Premises and offices

(1) For the purpose of providing offices and premises necessary for the performance of its functions, the Programme may, subject to the Land Use Act-

[Cap. L5.]

- (a) purchase or take on lease any interest in land, building or property; and
- (b) build, equip and maintain offices and premises.

(2) The Programme may, subject to the Land Use Act, 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.

19. Power to borrow

(1) The Programme may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(2) The Programme shall not, without the approval of the Minister, borrow money which exceeds, at any time, the limit set by the Minister.

(3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Programme shall not borrow the sum without the prior approval of the Minister.

20. Power of Minister to give directions

The Minister may give to the Programme directives of a general character with regard to the performance or exercise by the Programme or Board of its functions or powers, as the case may be, and it shall be the duty of the Programme or Board to comply with the directives.

21. Regulations

The Board may, with the approval of the Minister, make regulations generally for the purpose of carrying out or giving full effect to the provisions of this Act.

22. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the National Programme on Immunisation Management Board established under section 2 of this Act;

"diseases" means diseases, including tetanus, poliomyelitis, diphtheria, whooping cough, measles and tuberculosis, which are controllable through immunisation;

"member" means a member of the Board and includes the chairman;

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

"Programme" means the National Programme on Immunisation established under section I of this Act;

"public service" has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

23. Short title

This Act may be cited as the National Programme on Immunisation Act.

SCHEDULE

[Section 2 (4).]

Supplementary provisions relating to the Board, etc.

Proceedings of the Board

1. (I) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman and four other members of the Board, and the quorum of any committee of the Board shall be as determined by the Board.

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

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

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

the
Board and shall not count towards a quorum.

Committee

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

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board, and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

4. (1) The fixing of the seal of the Programme shall be authenticated by the signature of the chairman or any person generally or specifically authorised by the Board to act for that purpose and the National co-ordinator.

(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 Programme by the National co-ordinator or any person generally or specifically authorised by the Board to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Programme 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 proceeding of the Board or of committee shall not be adversely affected by-

(a) a vacancy in the membership of the Board or committee; or

(b) a defect in the appointment of a member of the Board or committee; or

(c) reason that a person not entitled to do so took part in the proceeding of the Board or committee.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation