

A BILL

FOR

AN ACT TO ESTABLISH DECONTAMINATION CENTRE WITHIN EACH OF THE THIRTY-SIX (36) STATES AND THE FEDERAL CAPITAL TERRITORY (FCT) OF NIGERIA WITH THE RESPONSIBILITY OF CLEANING, DISINFECTING AND STERILIZATION OF MEDICAL DEVICES AND INSTRUMENTS PRIOR TO RE-USE WITH A VIEW TO PREVENTING TRANSMISSION OF LATROGENIC INFECTION ALSO CALLED HOSPITAL ACQUIRED INFECTIONS AND FOR RELATED MATTERS

Sponsored by Hon Ajilesoro Taofeek Abimbola

[] Commencement

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

1 PART 1 - ESTABLISHMENT OF DECONTAMINATION CENTRES WITHIN
2 EACH OF THE THIRTY - SIX (36) STATES AND THE FEDERAL CAPITAL
3 TERRITORY (FCT) OF NIGERIA

4 1.-(1) there shall be established a Decontamination Centre within Establishment
5 the premises of Federal Health Institutions within each of the thirty six (36)
6 states of Nigeria including the Federal Capital Territory. (in this Act
7 Referred to as "the Centre").

8 (2) each private medical hospital or clinic shall establish its own
9 decontamination Centre within six weeks from the date of commencement
10 of this Bill.

11 (3) The Centre:

12 (a) shall be a body corporate with perpetual succession and a
13 common seal;

14 (b) may sue and be sued in its corporate name; and

15 (c) may acquire, hold and dispose property whether movable or
16 immovable.

	1	(4) the head office of the Centre shall be located in the Federal Capital
	2	Territory (FCT).
Establishment and membership of the Governing Board	3	2. -(1) there shall be established for the Centre, a governing body (in
	4	this Act referred to as "the Board") which shall have overall control of the
	5	Centre.
	6	(2) The Board Shall Consist of:
	7	(a) Chairman, who shall:
	8	(i) be a person of integrity with a proven track record;
	9	(ii) a medical practitioner in possession of post graduate qualification
	10	of at least not less than 10 years registrable with the Medical and Dental
	11	Council of Nigeria (MDCN);
	12	(iii) possess a licence to practice Medicine within one of the thirty six
13	states of Nigeria and the Federal Capital Territory;	
14	(iv) not be less than thirty five 35 years.	
15	(b) a representative of the committee of Chief Medical Directors and	
16	Medical Directors;	
17	(c) a representative of each of:	
18	(i) Federal Ministry of Health;	
19	(ii) Federal Ministry of Science and Technology;	
20	(iii) Nigeria Centre for Disease Control;	
21	(iv) National Institute of Science Laboratory Technologist (NISLT);	
22	(v) the Nigeria Country Office of the World Health Organization.	
23	(d) the Director General of the Centre.	
Tenure of Office	24	3. The Chairman and other members of the Board shall be appointed
	25	by the President on the recommendation of the Minister:
	26	(a) The Chairman and members of the Board Shall each hold office
	27	for a term of 4 years and may be reappointed for a further term of 4 years and no
	28	more, and
29	(b) on such terms and conditions as may be specified in their letter of	
30	Appointment.	

1 4.-(1) Notwithstanding the provisions of section 3 of this Act, a Cessation of
2 person shall cease to hold office as a member of the Board if he- Membership

3 (a) resigns his appointment by a letter addressed to the President;

4 (b) becomes of unsound mind or is incapable of carrying out his
5 duties;

6 (c) becomes bankrupt or makes a compromise with his creditors;

7 (d) is convicted of a felony or any offence involving dishonesty;

8 (e) is guilty of a serious misconduct in relation to his duties;

9 (f) is disqualified, in the case of person who is possessed of
10 professional qualification or suspended from practicing his profession in
11 any part of the world by an order of competent authority made in respect of
12 that member;

13 (g) is removed by the President on the recommendation by the
14 Minister if, in his opinion, he considers that the services of the member are
15 no longer required or that it is not in the interest of the Public or the Board for
16 the member to continue in office.

17 (2) where a member of the Board ceases to hold office for before
18 the expiration of the term for which he is appointed, another person
19 representing the same interest as that member shall be appointed to the
20 Board for the unexpired term

21 5. The Board shall have power to:

Powers of the
Board

22 (a) formulate policies and approve action plans, strategies and
23 procedures on the objectives of the Centre;

24 (b) evaluate from time to time, the impact of such policies and
25 procedures on the objectives of the Centre under this Act;

26 (c) appoint, when necessary, technical committees comprises of
27 persons with requisite technical competence from the private or public
28 sector to advise the Centre on such matters as may be determined from time
29 to time;

30 (d) shall submit a monthly report to the Minister;

1 (e) provide a quarterly certificate of compliance to all Health
2 Institutions In Nigeria;

3 (f) construct/build a central documentation facilities in conformity
4 with the international standard Organization (ISO);

5 (g) providing solutions that meets all best practices and International
6 Standard ;

7 (h) do such other things as may, time to time, be necessary to achieve
8 the objectives of the Centre;

9 (i) exercise such other Powers as are necessary or expedient for giving
10 effect to the provision of the Bill.

Remuneration,
Allowances etc.
of Members

11 6. The Chairman and members of the Board other than member
12 referred to in paragraph (iv) of section 2 (2) shall be paid such remunerations,
13 allowances and benefits as may be approved by the Federal Government,
14 from time to time.

15 PART II - OBJECTIVES AND FUNCTIONS OF THE CENTRE

Objectives of
the Centre

16 7. The objectives of the Centre shall be to:

17 (a) Promote and strengthen collaborative research activities on
18 decontamination processes;

19 (b). develop strategies initiative and solution that will eliminate
20 infection and meet the required standard of decontamination in Nigeria health
21 Institutions;

22 (c) sterilize, disinfect and undertake cleaning of every medical
23 instrument and devices applied for decontamination within health institution
24 both government and private within Nigeria to ensure compliance with
25 International Standard Organisation ISO;

26 (d) providing solutions to improving the ageing, non-complaint
27 decontamination facilities in Nigeria;

28 (e) addressing the deficiencies in all health care setting in the country
29 n terms of decontamination;

- 1 **8. The Centre Shall:** Functions of the
Centre
- 2 (a) providing appropriate facilities for the decontamination
- 3 process;
- 4 (b) ensuring appropriate equipment is utilized for the
- 5 decontamination process;
- 6 (c) ensuring decontamination equipment are properly maintained
- 7 and calibrated;
- 8 (e) the equipment are properly monitored and validated;
- 9 (f) single use medical devices are not re-used;
- 10 (g) ensuring the records of decontamination process are kept;
- 11 (h) providing a state of the art sterile and decontamination
- 12 services;
- 13 (i) developing a solution that will eliminate infection and meet the
- 14 required standard of decontamination in Nigeria Hospitals;
- 15 (i) making a re-useable medical devices safe for use on a patient
- 16 and staff handling without presenting an infection hazard;
- 17 (k) ensuring electrical registration of equipments for
- 18 decontamination upon arrival to the dedicated receipt and registration area
- 19 of the Centre;
- 20 (l) creating awareness of the impact of Nosocomial infection, also
- 21 known as Hospital Acquired Infections (HAI) contracted through
- 22 contaminated medical devices or equipment re-utilization;
- 23 (m) reducing the mortality rate that occurs after patients had been
- 24 successfully discharged having recovered from illness;
- 25 (n) promoting combination processes which involves the aseptic
- 26 cleaning, disinfection and sterilization of used Hospital apparatus especially
- 27 surgical instrument to render it free from any microbial agent or biohazard
- 28 before they are re used later in consonance with ISO 13485 Quality System
- 29 World wide;
- 30 (o) ensuring laboratory equipments, surgical equipment, re-ss of

1 useable are free from invasive pathogens which constitute health risk to patient
2 after the success of theatre operation;

3 (p) discouraging the use of unsterilized medical devices in the clinical
4 setting;

5 (q) encouraging the use of appropriate applications of standard
6 operation of procedures for thorough decontamination (sterilization) of
7 apparatus in line with the best practice globally.

8 PART III - STAFF OF THE CENTRE

Director General 9 **9.**-(1) there shall be for the Centre a Director- General who shall be:

10 (a) appointed by the President on the recommendation of the
11 Minister;

12 (b) the Chief Executive and accounting officer of the Centre; and

13 (c) responsible to the Board for the policy direction and day-to-day
14 administration of the Centre.

15 (2) the Director General shall hold office:

16 (a) for a term of 4 years in the first instance and may be re-appointed
17 for another term of 4 years and no more, and

18 (b) on such term and conditions as may be contained in his letter of
19 appointment

Other staff of
the Centre 20 **10.**-(1) the Board shall appoint for the Centre, such other number of

21 staff as it may deem necessary and expedient from time to time for the proper
22 and efficient performance of the functions of the Centre.

23 (2) The term and conditions of the service (including remuneration,
24 allowances, benefits and pensions) of officers and employees of the Centre
25 shall be determined by the Board.

26 (3) the Board shall have power to appoint either on transfer or on
27 secondment from any public service of the federation, such number of
28 employees as may, in the opinion of the Board, be required to assist the Centre
29 in the discharge of any of its function under this Act, and shall have power to
30 pay such persons so employed such remuneration (including allowance) as

1 (d) such counter - part funding as may be provided, from time to time,
2 by the Federal, State or Local Government;

3 (e) loans and grants-in-aid from national, bilateral and multilateral
4 agencies;

5 (f) rents, fees and other internally generated revenues from services
6 provided by the center, and

7 (g) all sums of money accruing to the Centre by way of grant, gifts,
8 testamentary dispositions and endowment and contributions from any sources
9 whatsoever.

10 (3) the fund shall be managed in accordance with the rules made by
11 the Board and without prejudice of the power to make rules under this
12 subsection, the rule shall in particular contains provisions:

13 (a) specifying the manner in which the assets or the fund of the Centre
14 are to be held and regulating the making of payments into and out of the fund;

15 (b) requiring keeping of proper accounts and records for the purpose
16 of fund in such form as been specified in the rules;

17 (c) securing that the account are audited periodically by auditor
18 appointed from a list of Auditors approved by the Auditor General of the
19 Federation, and

20 (d) requiring copies of the account and of the Auditors report on them
21 to be furnished to the Federal Ministry of Finance and the Federal Ministry of
22 Health.

Application of
Fund

23 **14.** The Center shall, from time to time, apply the proceeds of the
24 funds established pursuant to Section 13 of this Act to;

25 (a) the cost of administration of the Center;

26 (b) the payment of the emoluments, allowances and benefits of
27 members of the Board and for reimbursing members of the Board or any
28 committees set up by the Board for such expenses as may be expressly
29 authorize by the Board;

30 (c) the payment of salaries, fees or other remuneration or allowances,

1 gratuities and pensions, and benefits payable to the members of the Board
2 and other employees of the center as the case may be;

3 (d) the payment for all consultancies, contracts, including
4 mobilization, variations, legal fees and cost of contract administrations;

5 (e) the payment for all purchase;

6 (f) undertaking such other activities as connected with all or any of
7 the functions of the center under this Act;

8 **15. -(I)** the Center may accept gifts of land, money or other Power to accept
gift
9 property on such terms and conditions as may be specified by the person or
10 organization making the grant.

11 (2) the Center shall not accept any gift if the conditions attached by
12 the person or organization making the gift are inconsistent with the
13 objectives or functions of the center under this Act.

14 **16.-(I)** the Center shall, not later than 30th September in each year, Annual Estimates
15 submit through the Minister to the President an estimate of its expenditure
16 and income for the next succeeding year.

17 (2) the Board shall cause to be kept proper accounts of the Center
18 in respect of each year and proper records in relation thereto and shall cause
19 the accounts to be audited within six months after the end of each year by
20 auditors appointed from the list and in accordance with the guidelines
21 supplied by the Auditor General for the Federation

22 **17.-(I)** the center shall prepare and submit through the Minister Annual Reports
23 annual reports to the President, not later than 30th June in each year, a report
24 in such forms as the President may direct on the activities of the center
25 during the immediately preceeding year, and shall include in such report of
26 the audited accounts of the center for that year and the auditor's report
27 thereon.

28 **18.-(1)** Any health Institution, government or private that fails to Penalties for
default
29 install decontamination center within six weeks after the commencement of
30 this Bill shall pay a fine of Five Hundred Thousand Naira from the day of

1 default until the date of compliance

2 (2) In the event that a patient or any visitor contracts a disease or
3 infection, within the premises of a health institution, government or private
4 due to failure to decontaminate, such a health institution shall pay to the victim
5 a compensation of One Million Naira in addition to payment of the medical
6 expenses for the treatment of the said disease or infection

7 PART V - LEGAL PROCEEDINGS

Limitation of
suits against
the member

8 **19.**-(1) subject to the provisions of this Act, the provisions limitation
9 of the Public Officers Protection Act shall apply in relation to any suit instituted
10 against any member, center, officer or employee of the center.

11 (2) notwithstanding anything contained in any other law, no suit
12 against a member of the Board, the Director- General or any other officer or
13 employee of the center for any act done in pursuant or execution of this Act or
14 any other law or enactment or of any public duties or authority or in respect of
15 any alleged neglect or default in the execution of this Act or any other law or
16 enactment, duties or authority, shall lie or be instituted in any court unless it is
17 commenced:

18 (a) within three months after the Act, neglect or default complain of;

19 (b) in the case of a continuation of damage or injury, within six
20 months next after the ceasing thereof.

21 (3) No suit shall be commenced against a member of the Board, the
22 Director-General or any other officers or employee of the Center before the
23 expiration of a period of one month after written notice of the intension to
24 commence the suit shall have been served on the Centre by the intending
25 plaintiff or his agent.

26 (4) The notice referred to in subsection (3) of this section shall clearly
27 and explicitly state;

28 (a) the cause of action;

29 (b) the particulars of the claim;

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

1 (d) the relief which he claims.

2 **20.** A notice, summons or other document required or authorized
3 to be served on the Center under the provisions of this Act or any other law or
4 enactment may be served by delivering it to the Director- General or by
5 sending it through registered post addressed to the Director General at the
6 Principal office of the Centre

Service of
Documents

7 **21.**-(1) Any action or suit against the Center, no execution or
8 attachment of process in the nature thereof shall be issued against the center
9 unless not less than three months notice of the intention to execute or attach
10 has been given to the center.

Restriction on
execution against
the property of
the Centre

11 (2) Any sum of money which by the judgment of any court has been
12 awarded against the center shall, subject to any direction given by the court
13 where no notice of appeal against the judgment has been given, be paid from
14 the fund of the center.

15 **22.** A member of the Board, the Director-General or any officer or
16 employee of the Center shall be indemnified out of the assets of the Centre
17 against any liability incurring by him in defending any proceeding, whether
18 civil or criminal, if the proceeding is brought against him in capacity as a
19 member, Director General, Officer or other employee of the Centre.

Indemnity

20 PART VI - MISCELLANEOUS

21 **23.** The Minister may give to the Center such directives of a
22 general nature or relating generally to matters of policy with regards to the
23 exercise of its functions as he may consider necessary and it shall be the duty
24 of the center to comply with the directives or cause them to be complied
25 with.

Directives by
the Minister

26 **24.** The Minister may, on the recommendation of the Board, make
27 regulations generally for giving full effect to the provisions of this Act.

Power to make
Regulations

28 **24.** In this Act:

Interpretation

29 "Center" means the Nigerian Decontamination center established under
30 section I of the Act;

1 "Chairman" means the chairman of the Board of the center;
2 "Director-General" means the Director-General of the center appointed
3 pursuant to section 2 of this Act;
4 "Minister" means the Ministers charged with the responsibility for matters
5 relating to health;
6 "President" means the President of the Federal Republic of Nigeria.

Short title

7 **25.** This Bill may be cited as the Nigerian Decontamination Centres
8 (Establishment) Bill, 2023.

9

SCHEDULE

10

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD. ETC

11

Proceedings of the Board

12

1. Subject to this act and section 27 of the interpretation Act (which
13 provides for decisions of the statutory body to be taken by a majority of its
14 members and for the person presiding at any meeting. When a vote is ordered,
15 to have a second or casting vote), the board may make standing orders
16 regulating its proceedings or that of any of its committees.

17

2. At every meeting of the Board, the Chairman shall preside and in
18 his absence the members present at the meeting shall appoint one of their
19 members to preside at the meeting.

20

3. The quorum at a meeting of the Board shall consist of the Chairman
21 or, in an appropriate case, the person presiding at the meeting pursuant to
22 paragraph 2 of this schedule, and three or four other members.

23

4. The Board shall for the purpose of this Act, meet not less than two
24 times in each year and subject, thereto, the Board shall meet whenever it is
25 summoned by the Chairman, and if required to do so, by notice given to him by
26 not less than three or four other members, he shall summon a meeting of the
27 Board to be held within 28 days from the date on which the notice is given.

28

5. Where the Board desires to obtain the advice of any person on a
29 particular matter, the Board may co-opt him to the Board for such period as it
30 deems fit. But a person who is a member by virtue of this sub-paragraph shall

1 not be entitled to vote at any meeting of the Board and shall not count
2 towards a quorum.

3 *Committees*

4 6.-(1) subject to its standing orders, the Board may appoint such
5 number of standing and ad hoc-committees as it deems fit to consider and
6 report on any matter with which the center is concerned

7 (2) A committee appointed under this paragraph shall:

8 (a) consist of such number of persons (not necessarily members of
9 the Board as may be determined by the Board), and a person, other than a
10 member of the Board, shall hold office on the committee in accordance with
11 the terms of his appointment; and

12 (b) be presided over by a member of the Board.

13 (3) the quorum of any committee set up by the Board shall be as
14 may be determined by the Board.

15 (4) a decision of a committee of the Board shall be of no effect until
16 the Board confirms it.

17 *Miscellaneous*

18 7. The fixing of the seal of the Center shall be authenticated by the
19 signature of the Chairman, the Director-General or any other person
20 generally or specifically authorized by the board to act for that purpose.

21 8. Any contract or instrument which; if made or executed by a
22 person not being a body corporate, would not be required to be under seal
23 may be made or executed on behalf of the Center by the Director-General or
24 by any other person generally or specifically authorized by the Board to act
25 for the purpose.

26 9. Any document purporting to be a contract, instrument or other
27 document duly signed or sealed on behalf of the Center shall be received in
28 evidence and shall, unless the contrary is proved, be presumed without
29 further proof have been so signed or sealed.

30 10. The validity of any proceeding of the Board or of any of its es

- 1 committees shall not be affected by:
- 2 (a) any vacancy in the membership of the Board, or committee, or
- 3 (b) any defect in the appointment of a member of the board or
- 4 committee: or
- 5 (c) reason that any person not entitled to do so took part in the
- 6 proceedings of the Board or committee.
- 7 11. Any member of the Board or committee who has a personal
- 8 interest in any contract or arrangement entered into or proposed to be
- 9 considered by the board or committee shall:
- 10 (a) disclose his interest to the Board or committee; and
- 11 (b) not vote on any question relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Decontamination Center within each of the Thirty six (36) States and the Federal Capital Territory FCT of Nigeria with the responsibility of Cleaning, Disinfecting and Sterilization of medical devices and instruments prior to re-use with a view to prevent transmission of Latrogenic Infection also called Hospital Acquired Infection.