

NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND CONTROL DECREE 1993

Function of the Agency

The Agency shall have the following functions, that is, to

- a) Regulate and control the importation, exportation, manufacture, advertisement, distribution, sale and use of food, drugs, cosmetics, medical devices, bottled water and chemicals;*
- b) Conduct appropriate tests and ensure compliance with standard specifications designed and approved by the Council for the effective control of the quality of food, drugs, cosmetics, medical devices, bottled water and chemicals and their raw materials as well as their production processes in factories and other establishments;*
- c) Undertake appropriate investigations into the production premises and raw materials for food, drugs, cosmetics, medical devices, bottled water and chemicals and establish relevant quality assurance systems, including certification of the production sites and of the regulated products;*
- d) Undertake inspection of imported food, drugs, cosmetics, medical devices, bottled water and chemicals and establish relevant quality assurance systems, including certification of the production sites and of the regulated products;*
- e) Compile standard specifications and guidelines for the production, importation, exportation, sale and distribution of food, drugs, cosmetics, medical devices, bottled water and chemicals;*
- f) Undertake the registration of foods, drugs, cosmetics, medical devices, bottled water and chemicals;*
- g) Control the exportation and issue quality certification of food, drugs, cosmetics, medical devices, bottled water and chemicals intended for export;*
- h) Establish and maintain relevant laboratories or other institutions in strategic areas of Nigeria as may be necessary for the performance of its functions under this Decree;*
- i) Pronounce on the quality and safety of food, drugs, cosmetics, medical devices, bottled water and chemicals after appropriate analysis;*
- j) Undertake measures to ensure that the use of narcotic drugs, and psychotropic substances are limited to medical and scientific purposes;*
- k) Grant authorization for the import and export of narcotic drugs and psychotropic substances as well as other controlled substances,*
- l) Collaborate with the National Law Enforcement Agency in measures to eradicate drug abuse in Nigeria;*

- m) Advise Federal, State and Local Governments, the private sector and other interested bodies regarding the quality, safety and regulatory provisions on food, drugs, cosmetics, medical devices, bottled water and chemicals;
- n) Undertake and co-ordinate research programmes on the storage, adulteration, distribution and rational use of food, drugs, cosmetics, medical devices, bottled water and chemicals;
- o) Issue guidelines on, approve and monitor the advertisement of food, drugs, cosmetics, medical devices, bottled water and chemicals;
- p) Compile and publish relevant data resulting from the performance of the functions of the Agency under this Decree or from other sources;
- q) Sponsor such national and international conferences as it may consider appropriate;
- r) Liase with relevant establishments within and outside Nigeria in pursuance of the functions of the Agency; and
- s) Carry out such activities as are necessary or expedient for the performance of its functions under this Decree.

FINANCIAL PROVISIONS

Fund of the Agency

1. The Agency shall establish a fund which shall be defrayed all expenditure incurred by the Agency for the purposes of this Decree.
2. There shall be paid and credited to the fund of the Agency-
 - a) Fees charged for services rendered by the Agency;
 - b) All sums accruing to the Agency by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations;
 - c) Foreign aid and assistance from bilateral agencies; and
 - d) Subventions and extra-budgetary allocations from the federal Government.

Expenditure

- a) The cost of establishing and maintaining the Head office of the Agency at the Federal Capital Territory, Abuja and its other offices located in other places in Nigeria;
- b) Pay allowances and other benefits of members of the council and of its committees;
- c) Pay the emoluments and entitlement of the Director-General and other members of staff of the Agency;
- d) Pay the personnel, overhead, allowances, benefits and other administrative costs of the Agency;
- e) The training of members of staff of the Agency;
- f) Provide scholarships and awards for specialized training of personnel
- g) Publicise and promote the activities of the Agency

- h) Support national and international scientific and professional organisations and pay annual and other contributions to such bodies;*
- i) Undertake any other activity in connection with all or any of the functions of the Agency*

Exemption from Income Tax

All income derived by the Agency from the sources specified in section 13 (2) of this Decree shall be exempt from income tax and all contributions to the fund of the Agency shall be tax deductible

Capital Production Income

Subject to the approval of the Minister, the Agency may invest in the profitable productions of capital goods by joint-venture, partnerships, shareholding or as sole proprietor, as the case may be, and the net incomes so generated shall be paid into the fund of the Agency.

Disposal of Surplus funds

The Council may invest any surplus funds in profit yielding ventures, and notwithstanding that power, the minister may issue to the Agency directives as he may think necessary as to the disposal of any surplus funds of the Agency.

MISCELLANEOUS

Power to borrow

- 1) The Agency may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Decree.*
- 2) The Agency 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 Agency shall not borrow the sum without the approval of the Minister.*

Power to accept Gifts

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

Power to enter the premises

(1) An officer of the Agency may, in the course of his duty, at any reasonable time and on production of his certificate of designation if so required-

- a) Enter (if need be by force) any premises in which he reasonably believes that any article to which this Decree or the regulations apply is manufactured, prepared, preserved, packaged, stored or sold;*
- b) Examine any article in the premises which appears to him to be an article to which this Decree or the regulations apply or anything in the premises which he reasonably believes is used or is capable of being used for the manufacture, preparation, preservation, packaging, storage or sale of any such article;*
- c) Take a sample or specimen of any article to which this Decree or the regulations apply or which he has power to examine under paragraph(b) of this subsection;*

- d) Open and examine, while on the premises, any container or package which he reasonably believes may contain anything to which this Decree or the regulations apply or which may help in his investigations;*
- e) Examine any book, document or other record found on the premises which he reasonably believes may contain any information relevant to the enforcement of this Decree or the regulations and make copies thereof or extracts therefrom; and*
- f) Seize and detain for such time as may be necessary for the purpose of this Decree, any article by means of or in relation to which he reasonably believes any provision of this Decree or the regulations has been contravened.*

2) The owner or person in charge of any premises entered by an officer of the Agency in pursuant of this section, and every person found thereon, shall give reasonable assistance in their power to the officer and shall make available to the officer all such information as the officer and shall make available to the officer all such information as the officer may reasonably require for the purposes of this Decree.

