

# NATIONAL AGENCY FOR POPULATION PROGRAMMES AND DEVELOPMENT ACT

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## NATIONAL AGENCY FOR POPULATION PROGRAMMES AND DEVELOPMENT ACT

**An Act to establish the National Agency for Population Programmes and Development to ensure successful implementation of the National Policy on Population at all levels in accordance with set goals and objectives.**

[1993 No. 53.]

[2 1st July, 1993]

I Commencement.]

## PART I

### *Establishment of the National Agency for Population Programmes and Development and its Governing Board*

#### **1. Establishment of the National Agency for Population Programmes and Development**

(1) There is hereby established a body to be known as the National Agency for Population Programmes and Development (in this Act referred to as “the Agency”) which-

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) may sue and be sued in its corporate name.

(2) The Agency shall be based in and be supervised by the Federal Ministry of Health.

#### **1. Establishment of the Governing Board**

(1) There is hereby established for the Agency, a Governing Board which shall consist of-

- (a) a chairman who shall be a highly respected population expert to be appointed by the President;
- (b) the Permanent Secretary of the Federal Ministry of Health or his representative;
- (c) the Permanent Secretary of the Federal Ministry of Finance or his representative;
- (d) the Permanent Secretary of the Federal Ministry of Information and National Orientation or his representative;
- (e) the secretary of the National Planning Commission or his representative;
- (j) the Permanent Secretary of the Federal Ministry of Education or his representative;
- (g) the Permanent Secretary of the National Commission for Women, or his representative;
- (h) the executive director of the National Primary Health Care Development Agency or his representative;
- (i) the Permanent Secretary of the Nigerian Institute of Social and Economic Research or his representative;

- (j) the executive director of the National Council on Population and Environmental Activities or his representative;
- (k) the executive director of the Planned Parenthood Federation of Nigeria;
- (l) one person to represent the Fertility Research Department in a university;
- (m) four eminent persons to represent public interest, one from each of the four health zones established by section 7 of this Act; and
- (n) the executive director of the Agency who shall be the secretary to the Board.

(2) A member of the Board, under paragraphs (l) and (m) of subsection (1) of this section shall be appointed by the Minister of Health on the recommendation of the body, if any, he represents.

(3) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

## **1. Tenure of office**

(1) A member of the Board appointed, otherwise than by office, shall hold office for a period of four years, and subject to the provisions of subsection (2) of this section, shall be eligible for re-appointment for only one further period of four years.

(2) The office of a member of the Board shall become vacant if-

- (a) he resigns as a member of the Board by notice in writing under his hand addressed to the Minister; or
- (b) the Minister is satisfied that it is not in the interest of the Agency for the person appointed to continue in office and notifies the member in writing to that effect.

## **PART II**

### *Functions and powers*

## **1. Functions of the Agency**

The Agency shall-

- (a) ensure the successful implementation of the National Population Policy at all levels in accordance with the set goals and objectives of the policy;
- (b) be responsible for planning, facilitating and co-ordinating all activities at the Federal, State and local government levels and in the private sector for the achievement of national population goals;

- (c) maintain liaison with relevant agencies of the Federal, State and local governments and non-governmental organisations to ensure adequate co-ordination and integration of population and development policies and programmes;
- (d) monitor the effects of population and development policies and programmes on a continuous basis;
- (e) maintain the flow of materials needed for the effective management of population programmes through supply, logistics, inventory taking and related activities;
- (f) maintain liaison with Government and non-governmental agencies involved with population matters at the implementation and monitoring stages;
- (g) co-ordinate the activities of donors, multilateral and bilateral agencies and non-governmental organisations engaged in population activities;
- (h) devise effective and rational method of motivating communities to participate actively in the planning and implementation of the National Population Policy and projects;
- (i) make recommendation, from time to time, for the review of the National Population Policy;
- (j) involve the public and private sectors in the exchange of ideas and information on population programmes;
- (k) co-ordinate the training needs of bodies and organisations engaged in population activities and organise training programmes to meet those needs;
- (l) promote and co-ordinate research designed to improve the efficiency of population programmes;
- (m) collect, process, analyse and disseminate national population programmes and other related data;
- (n) receive from the Federal Government such money as may be made available for purposes of population programmes and disburse the money to such bodies or organisations engaged in population activities in accordance with such formula as the Agency may prescribe, from time to time;
- (o) act as the agency for channelling external aid into population programmes;
- (p) recommend for implementation, as appropriate, the plans and objectives of bodies and organisations engaged in population activities;
- (q) recommend appropriate materials and technical, financial and other support for the implementation of the National Population Policy;
- (r) review the impact of the population programmes;
- (s) prepare annual budgets and reports; and
- (t) carry such other activities which are connected with the other functions of the Agency under this Act.

## 5. Functions of the Board

The Board shall-

- (a) manage and supervise the affairs of the Agency;
- (b) formulate the overall policy of the Agency and act in the name of the Agency;
- (c) work closely with the management of the Agency to ensure smooth operation of population programmes;
- (d) approve annual reports and statements of accounts of the Agency; and
- (e) carry out such other activities which are connected with the other functions of the Board.

## 6. Powers of the Board

The Board shall have power-

- (a) to carry out the functions of the Agency under this Act;
- (b) to specify the management system of the Agency; and
- (c) to do such other things as are necessary for the successful performance of its functions under this Act.

## PART III

### *Health care zones*

#### 1. Health zones

(1) The Agency shall, for the purpose of effectively discharging its functions under this Act, decentralise its field activities and shall, for that purpose, cause Nigeria to be divided into four health zones made up as follows-

- (a) Zone "A", with headquarters at Enugu, comprising Abia, Akwa-Ibom, Anambra, Bayelsa, Benue, Cross River, Ebonyi, Enugu, Imo and Rivers States;
- (b) Zone "B", with headquarters at Ibadan, comprising Delta, Edo, Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States;
- (c) Zone "C", with headquarters at Kaduna, comprising Kaduna, Katsina, Kebbi, Kogi, Kwara, Niger, Sokoto States, Zamfara and the Federal Capital Territory, Abuja
- (d) Zone "D", with headquarters at Bauchi, comprising Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Nassarawa, Plateau, Taraba and Yobe States.

(2) A health zone shall have a zonal office to co-ordinate population programmes and activities in that zone.

#### PART IV

#### *Establishment, etc., of special committees and working groups for the Agency*

### **8. Establishment, membership and functions of the Committee of Experts on Population**

(1) There is hereby established for the Agency, a committee to be known as the Committee of Experts on Population (in this Act referred to as "the Committee of Experts").

(2) The Committee of Experts shall consist of-

(a) the executive director of the Agency as chairman;

(b) one representative from each Federal agency and private and non governmental organisation involved in the implementation of population programmes as may be determined by the Minister.

(3) The Committee of Experts shall-

(a) advise the Agency on ways and means of achieving its objectives; and

(b) perform such other duties as the Agency may, from time to time, assign to it.

### **9. Establishment and membership of the National Consultative Group on Population for Development**

(1) There is hereby established a group to be known as the National Consultative Group on Population for Development (in this Act referred to as "the National Consultative Group").

(2) The National Consultative Group shall consist of-

(a) the Minister of Health;

(b) the Ministers of the following Federal Ministries or their representatives who shall not be below the rank of director, that is-

(i) Agriculture and Rural Development;

(ii) Finance;

(iii) Education;

(iv) Information and National Orientation;

(v) Internal Affairs;

(vi) Justice;

(vii) Works and Housing; and

(viii) Employment, Labour and Productivity;

(c) the chief executives of the following bodies or their representatives who shall not be below the rank of director, that is-

(i) the National Planning Commission;

(ii) the National Population Commission;

(iii) the Nigerian Institute for Social and Economic Research;

(iv) the Directorate of Food, Roads and Rural Infrastructure; and

(v) the National Orientation Agency;

(d) the following zonal representatives on rotational basis, that is-

(i) the Commissioner of Health of a State in the zone;

(ii) the Commissioner of Information and Culture of a State in the zone;

(iii) the Commissioner of Education of a State in the zone;

(iv) the Permanent Secretary, Governor's Office of a State in the zone;

(v) the Commissioner of Finance and Economic Development of a State in the zone;

(vi) the Commissioner for Justice of a State in the zone;

(e) the chairman, Planned Parenthood Federation of Nigeria;

(j) the Permanent Secretary of Women Affairs and Youth Development;

(g) the President of the National Council of Women Societies;

(h) the President of the Nigeria Labour Congress;

(i) the President of the Supreme Council for Islamic Affairs;

(j) the chairman of the Christian Association of Nigeria;

(k) four representatives of traditional rulers, one from each zone;



- (l) four representatives appointed on personal merit by the Minister, one from each zone;
- (m) the executive director of the National Primary Health Care Development Agency;
- (n) the director, Department of Planning, Research and Statistics Federal Ministry of Health; and
- (o) the executive director of the Agency.

(3) The Agency shall serve as the secretariat of the National Consultative Group.

## **10. Functions of the National Consultative Group**

The functions of the National Consultative Group shall be to-

- (a) advise on and assist in the co-ordination of the implementation of the National Population Policy for development, unity, progress and self-reliance;
- (b) advise on, improve on and approve strategies and budgets for the implementation of all population programmes;
- (c) assist the Agency in the evaluation of population programmes; and
- (d) approve operational reports.

## **11. Establishment and composition of the State Consultative Committee on Population for Development**

(1) There is hereby established for each State of the Federation, a State Consultative Committee on Population for Development (in this Act referred to as "the State Consultative Committee") which shall be an integral part of the State Ministry of Health.

(2) The State Consultative Committee shall consist of-

- (a) the Commissioner for Health in the State as the chairman;
- (b) the Commissioners for the following State Ministries or their representatives

who shall not be below the rank of director, that is-

- (i) Agriculture;
- (ii) Education;
- (iii) Information;

- (iv) Social Development;
  - (v) Works;
  - (vi) Justice; and
  - (vii) Finance;
- (c) the Permanent Secretary or a person not below the rank of director to represent the Governor's Office;
- (d) the Director-General of the State Commission for Women;
- (e) the State Manager of the Planned Parenthood Federation of Nigeria;
- (f) the State Director of the National Population Commission;
- (g) the State Director of the National Primary Health Care Development Agency;
- (h) the State Family Planning Co-ordinator;
- (i) one person to represent the Local Government areas in primary health care;
- (j) one person to represent the Local Government areas in family planning;
- (k) the State President of the Christian Association of Nigeria;
- (l) the State President of the Supreme Council for Islamic Affairs; and
- (m) one Local Government Supervisor for Health to represent the Local Governments in the State.

(3) Members of the State Consultative Committee shall be appointed by the Governor on the recommendation of the bodies they represent.

## **12. Functions of the State Consultative Committee**

The State Consultative Committee shall-

- (a) advise on and assist in the co-ordination of the implementation of the National Population Policy for development, unity, progress and self-reliance;
- (b) advise on, define and approve strategies and budgets for the implementation of all population programmes;
- (c) assist the State Ministry of Health in the evaluation of population programmes in the State; and
- (d) approve operational reports.

### **13. Establishment and composition of the State Working Group on Population**

The State Consultative Committee shall establish a group to be known as the State Working Group on Population (in this Act referred to as "the State Working Group") which shall consist of-

- (a) the Commissioner for Health in the State as chairman;
- (b) one person to represent the State Ministry of Agriculture;
- (c) one person to represent the State Ministry of Education;
- (d) one person to represent the State Ministry of Information;
- (e) one person to represent the State Ministry of Social Development;
- (f) one person to represent the State Ministry of Works;
- (g) one person to represent the State Ministry of Justice;
- (h) one person to represent the State Ministry of Finance;
- (i) one person to represent the Governor's Office;
- (j) one person to represent the State Commission for Women;
- (k) one person to represent the Planned Parenthood Federation of Nigeria;
- (l) one person to represent the National Council for Women Societies in the State;
- (m) the director of the Department of Primary Health Care in the State;
- (n) the State Family Planning Co-ordinator;
- (o) one person to represent the Local Government areas in primary health care; and
- (p) one person to represent the Local Government areas in family planning.

### **14. Functions of the State Working Group**

The State Working Group shall-

- (a) define the roles of each implementing organisation or agency in relation to the specific objectives of the National Population Policy in the State;
- (b) define and develop projects from the specific objectives of the National Population Policy as it applies to the State;
- (c) determine dates for the implementation and completion of population projects in the State;

- (d) determine the cost of implementation of population projects developed in the State;
- (e) monitor progress of implementation of population programmes in the Local Government areas;
- (j) ensure collaboration among implementing organisations and agencies of the National Population Policy and programmes; and
- (g) perform such other functions as the State Consultative Committee may, from time to time, assign to it.

## **15. Proceedings of bodies established under this Part**

A body established under this Part of this Act shall determine its quorum and otherwise regulate its own procedure.

## **PART V**

### *Staff of the Agency*

## **16. Appointment of executive director and other staff of the Agency**

(1) There shall be appointed for the Agency by the President, an executive director whose rank shall be equivalent to that of a Permanent Secretary in the civil service of the Federation.

(2) The executive director shall-

- (a) be the head of the secretariat of the Agency;
- (b) be responsible for the day-to day administration of the Agency and keep the books and records of the Agency; and
- (c) be subject to the supervision and control of the chairman and of the Board.

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

(4) The members of staff of the Agency appointed under subsection (3) 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.

(5) The members of staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

## **17. Pension**

(1) Service in the Agency shall be approved service for the purpose of the Pensions Act and, accordingly, officers and other persons employed in the Agency shall be entitled to pensions, gratuities and other benefits as are prescribed thereunder.

[Cap. P4.]

(2) Notwithstanding subsection (1) of this section, the Agency may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purpose 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, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

## PART VI

### *Financial provisions*

#### **18. Fund of the Agency**

(1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section such payments as may be made to it by the Federal Government for the running expenses of the Agency and all other assets accruing, from time to time, to the Agency.

#### **19. Expenditure of the Agency**

The Agency may, from time to time, apply the proceeds of the fund established in pursuance of section 18 of this Act-

- (a) to the cost of administration of the Agency;
- (b) for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Agency in accordance with the rates approved by the President;
- (c) to the payment of salaries, fees or other remuneration, allowances, pensions and gratuities payable to the employees of the Agency;
- (d) for the maintenance of any property vested in the Agency; and
- (e) for and in connection with all of its functions under this Act.

## **20. Annual estimates and accounts**

(1) The Board shall, not later than 31 October in each year, submit to the Minister an estimate of the expenditure and income of the Agency during the following year.

(2) The Board shall keep proper accounts of the Agency in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

## **PART VII**

### *Miscellaneous*

## **21. Annual reports**

The Board shall prepare and submit to the President through the Minister, not later than 30 June in each year, a report in such form as he may direct on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report thereon.

## **22. Access to records, etc.**

(1) For the purpose of carrying out the functions of the Agency under this Act, the executive director or any other officer of the Agency authorised in that behalf shall-

(a) have a right of access to all the records of any health institution or authority engaged in population activities;

(b) by notice in writing served on a person in charge of any health institution or authority require that person or authority to furnish information on such matters as may be specified in the notice.

(2) It shall be the duty of a person or an authority required to furnish information pursuant to subsection (1) of this section to comply with the notice within a reasonable period of time.

## **23. Power of Minister to give directives**

The Minister may give directives of a general or special character to the Agency relating to the performance by the Agency of any or all of its functions under this Act, and it shall be the duty of the Agency to comply and give effect to those directives.

## **24. Regulations**

The Minister may make regulations for carrying into effect the provisions of this Act.

## 25. Interpretation

In this Act, unless the context otherwise requires-

**“Agency”** means the National Agency for Population Programmes and Development established by section 1 of this Act;

**“functions”** includes duties and powers;

**“Minister”** means the Minister charged with responsibility for matters relating to health;

**“zone”** means a health zone established by section 7 of this Act.

## 26. Short title

This Act may be cited as the National Agency for Population Programmes and Development Act.

### SCHEDULE

[Section 2 (3).]

#### *Supplementary provisions relating to the Board and the Agency*

##### *Proceedings of the Board*

**1.** Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board and any committee thereof.

[Cap. 123.]

**2.** Every meeting of the Board shall be presided over by the chairman and if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

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

**4.** The Board may, on any special occasion, co-opt any person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

##### *Committees*

**5.** (1) Subject to its standing orders, the Board may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Agency is

concerned.

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

**6.** The decision of a committee shall be of no effect until it is confirmed by the Board.

### *Miscellaneous*

**7.** The fixing of the seal of the Agency shall be authenticated by the signature of the chairman and of the executive director of the Agency or such other member authorised generally or specially by the Board to act for that purpose.

**8.** A contract or an instrument which, if made 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 Agency by the executive director or by any other person authorised generally or specifically by the Board to act for that purpose.

**9.** A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been so signed or sealed.

**10.** The validity of a proceeding of the Board or of a committee thereof shall not be adversely affected-

- (a) by a vacancy in the membership of the Board; or
- (b) by a defect in the appointment of a member of the Board or committee; or
- (c) by reason that a person not entitled to do so took part in the proceeding.

**11.** A member of the Board or committee who has a personal interest in a contract or an arrangement entered into or proposed to be considered by the Board or committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

## **SUBSIDIARY LEGISLATION**

### *No Subsidiary Legislation*