



2022

GOVERNMENT BUSINESS

WRAP UP REPORT

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INTRODUCTION

2022 was an active year in Nigerian governance. Being the eve of an election year, there was increased pace to ensure that legislative business was concluded, in time for the election year, which historically experiences a lull, as campaigning moves into full swing.

Significantly, in 2022, twenty statutes were passed by the legislature and received Presidential assent. Of these, the headline-catcher was the Electoral Act, which had laboured through the green chamber for many years, but eventually saw the light of day, in time to regulate the 2023 general elections.

For commercial participants, there were far reaching reforms introduced by the Nigeria Startup Act – which seeks to make the Nigerian economy more attractive especially for startups. In specialized sectors like civil aviation – a new statute was enacted, with significant effects for those in the aviation sector. We also assess the recently passed ARCON Act, which has major impacts on advertising – which is an activity that every business undertakes.

The report further sets out the major statutory changes that impact white collar crime, crime prevention, legislative reform, healthcare, and other miscellaneous areas. In all these, we set out the key changes, our assessment of the potential impact, as well as a view on the initial public reaction.

It is our expectation that this report gives you a succinct, while detailed, lay-of-the-land, on the legislative changes in Nigeria, in 2022. Indeed, the impact of these reforms are likely to be felt, for years to come.





ELECTIONEERING & ELECTORAL MATTERS



Electoral Act 2022

Introduction

Since Nigeria's return to democratic rule, in 1999, the polity has been bedevilled by repeated allegations of electoral malpractices at all levels. Several attempts have been made to strengthen the electoral process in Nigeria, from 1999 until date.

Legislative efforts have been made to address changes that come with modern day challenges and developments, particularly as they affect the electoral process. These efforts can be gleaned from the various electoral reforms that have been implemented overtime. There was the Electoral Act (No.2), 2006 and INEC Act, Cap 15, LFN, 2004 which were both repealed by Electoral Act of 2010 (the 2010 Electoral Act). Twelve years after the enactment of the 2010 Electoral act, a new electoral act was passed, the Electoral Act of 2022(the 2022 Electoral Act).

The need for a new law arose to bridge the gaps that the 2010 Electoral Act created. Non-inclusion of technology in the election process, silence of the Act on what happens in the event of death of a candidate after election has commenced but before declaration of results, mode of conduct of party primaries that always resulted in cases before conventional courts and tribunals, internal displacement and diaspora voting among others are some of the gaps created by the Act.

Prior to the conduct of the 2015 and 2019 general elections, INEC pursuant to its powers under section 153 of the Electoral Act, issued regulations and guidelines to further bolster the framework for the conduct of elections – including the “Approved Guidelines for and Regulations for the Conduct of the 2015 General Election” (the **2015 Regulations**) and the Regulations and Guidelines for the Conduct of Elections, 2019 (the **2019 Regulations**).



1. Olaniyonu, Y. 2022. "Electoral Act 2022: 12-Year-Old Trajectory of a Law". ThisDay Publication. Available at <https://www.thisdaylive.com/index.php/2022/02/26/electoral-act-2022-12-year-old-trajectory-of-a-law/>
2. See Regulation 7(a) of the 2015 Regulations. Available at <https://www.inecnigeria.org/wp-content/uploads/2019/02/FINAL-Approved-2015-Election-Guidelines-as-signed-PDF.pdf>

Understandably, the regulations have been unable to address the gaps in the 2010 Electoral Act. Although the 2015 Regulations had attempted to push the envelope, by the introduction of the system of verification of voters' cards through card readers, such as to curb the manipulation of the electoral process.² Seeing as a regulation is subject to the primary legislation, it was clear, that for proper and far-reaching reform of the electoral process, the primary legislation, being the 2010 Electoral Act, would have to be amended.

Attempts to amend the 2010 Electoral Act, thus began, in 2016 soon after the conclusion of the 2015 general elections. These attempts culminated in the Electoral Bill of 2018 (**2018 Electoral Bill**). The 2018 Electoral Bill was transmitted to the President for assent, but it was declined. This was attributed to certain areas of conflict due to some drafting issues that remained unaddressed following prior revisions to the bill.

In November 2021, the National Assembly again passed the Electoral Bill, with modifications from the 2018 version (**2021 Electoral Bill**). Assent was withheld by the President, on the ground that imposing direct primaries on political parties posed attendant risks. The National Assembly again passed a reviewed electoral bill, with further modifications from the 2021 Electoral Bill in January 2022 (**2022 Electoral Bill**). The President finally granted his assent to the 2022 Electoral Bill on 25 February 2022 – at which point, it became the **2022 Electoral Act**, and repealed the 2010 Electoral Act .

The Electoral Act 2022 is a laudable effort to keep the Nigerian electoral process up to standard practice with that of other democratic countries all over the world. Salient innovations of the Electoral Act will be examined under the relevant focus areas for better appreciation and understanding.

The President granted his assent to the 2022 Electoral Bill on 25 February 2022 – at which point, it became the 2022 Electoral Act, and repealed the 2010 Electoral Act .



Key Focus Areas

Technological Innovations



Technological advancement in electioneering is one of the key reforms contained in the 2022 Electoral Act, as highlighted below:

Legalisation of the Smart Card Reader (SCR)

The SCR which INEC attempted to introduce through the 2015 Regulations has now been placed on a stronger legal footing, per the provisions of section 47 of the 2022 Electoral Act. This section provides for the use of SCR or any other technological device that may be prescribed by INEC, for the accreditation of voters, and further provides that where the SCR deployed fails to function in a polling unit and a fresh SCR is not deployed, **the election in that unit shall be cancelled** and a fresh election shall be scheduled where INEC is satisfied that the result of the election in that polling unit will have a significant impact on the final result of the whole election. This puts paid to the common practice of manual accreditation that featured in previous elections within the country.

Establishment of the National Electronic Register of Election Results (NERER)

The Electoral Act makes provision for an electronic database to act as a repository of election results across polling units as well as a register of collated election results of each election conducted by INEC.³ Further, the 2022 Electoral Act provides for the electronic transmission of election results, a process which is supported by the presence of the NERER.⁴

3. Section 62(2) of the Electoral Act.

4. Section 152 showing that the definition of "electronic format" refers to the NERER or Register of Voters and they support the transmission of data.

Electronic Database for Register of Voters (RoV)

The Electoral Act mandates INEC to maintain and update a National Register of Voters⁵ which shall inter alia include the names of all persons entitled to vote in any Federal, State or Local Government election or FCT Area Council elections. The RoV is to be kept in two forms: (i) an electronic format in a central database and (ii) a paper-based format.⁶

Use of Electronic Voting Machines (EVMs)

The Electoral Act provides for the use of EVMs for the conduct of elections⁷ and further provides that polling agents are entitled to be present at the distribution of the election materials, the EVMs and other voting devices from the office to the polling booth.⁸



Timeframe Amendments

Beyond technological innovations introduced by the Act, there are other notable provisions which impact timeframes for certain electoral activities:

Extension of the Timeframe for Publication of Election Notice

Electoral Act, INEC was expected to issue an election notice on the date of an election 90 days before the day appointed for holding the election.⁹ However, the Electoral Act has amended the timeframe from 90 days to 360 days before the day appointed for holding the election.¹⁰ This clearly mandates additional time for adequate preparation for the election.

5. Section 9(1) of the Electoral Act.
6. Section 9(2) of the Electoral Act.
7. Section 41(1) of the Electoral Act.

8. Section 41(3) of the Electoral Act.
9. Section 39 of the repealed Act.
10. Section 28 of the Electoral Act.

Early Conduct of Party Primaries

Under the 2010 Electoral Act, political parties were mandated to submit a list of their sponsored candidates 60 days before the day appointed for the general elections.¹¹ However, under the 2022 Electoral Act, the timeframe has been amended from 60 days to 180 days before the day appointed for the general elections.¹² To adapt to this new timeframe, political parties are thus required to adjust the calendar of their operations such that party primaries are conducted on time in order for political parties to satisfy the 180 days disclosure requirement.

Extension of Campaigning Timeframe

By the repealed Act, public campaigns are expected to commence 90 days before polling day and end 24 hours prior to the polling day.¹³ However, under the Electoral Act, the timeframe has been extended from 90 days to 150 days before polling day.¹⁴ There is no doubt that the extension will have a deep impact on politicking as more time is granted to raise awareness, sensitize the citizenry, and afford scrutiny of candidates by the citizenry.



Strengthening the Powers and Operations of INEC

As it relates to INEC's operations and its powers with respect to the conduct of elections, the following are worth consideration:

Establishment of the INEC Fund

In a bid to actualise financial independence for INEC, the 2022 Electoral Act establishes the INEC Fund¹⁵ and further provides that the funds due to INEC for any general elections are to be released to INEC no later than one year before the next general election.

11. Section 31(1) of the repealed Act.
12. Section 29(1) of the Electoral Act.
13. Section 99(1) of the repealed Act.
14. Section 94(1) of the Electoral Act.
15. Section 3 of the Electoral Act.

Power to Review

Under the 2010 Electoral Act, the decision of a returning officer¹⁶ on any question arising from or relating to (a) an unmarked ballot paper; (b) a rejected ballot paper; and (c) a declaration of scores of candidates (the **three areas**) and the return of a candidate, were subject to review by a tribunal or court in an election petition proceeding.¹⁷ However, the 2022 Electoral Act, creates an additional internal review process, by stipulating that INEC has the power to review the decision of a returning officer with respect to "declaration and return", within seven days.¹⁸



Sundry Matters

In addition to the foregoing, there are certain other key provisions which have been introduced by the Electoral Act:

Overvoting Re-defined?

The 2010 Electoral Act provided that, where the votes cast at an election in any polling unit exceeded the number of registered voters in that polling unit, the result of the election for that polling unit shall be declared null and void by INEC, with a future election held at a specified date and time.¹⁹ However, under the 2022 Electoral Act, the phrase "registered voters" has been replaced with "accredited voters".²⁰

Neither the 2010 Electoral Act nor the 2022 Electoral Act defines the phrase "registered voters" or "accredited voters" – although section 47(1) of the 2022 Electoral Act provides as follows: "*a person intending to vote in an election shall present himself with his voter's card to a presiding officer **for accreditation** at the polling unit in the constituency in which his name **is registered**.*" One may thus deduce that those registered voters who have been accredited to vote, are those who shall be considered as accredited voters, in accordance with the 2022 Electoral Act.

16. Section 152 of the Electoral Act defines Returning Officer as "a person appointed by the Commission to be in charge of the conduct of election in a constituency, and this includes persons who may be under different titles but who are charged by the Commission with the same responsibilities in a constituency as a Returning Officer"

17. Section 68 of the repealed Act.

18. Section 65(1) of the Electoral Act.

19. Section 53(2) of the repealed Act.

20. Section 51(1) of the Electoral Act.

Death of a Candidate

The 2022 Electoral Act retains section 36 of the repealed Act by stating that where before the commencement of polls a candidate dies, the election shall be postponed and shall commence within 14 days of the candidate's death.²¹ The 2022 Electoral Act then goes further to state that where a candidate dies after polls, but before the announcement of the final result; the election will be suspended for not more than 21 days.²² The Act goes even further to state that where the election is for a position in the legislative house, the election shall start afresh and the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit the name of a new candidate to the Commission to replace the dead candidate. **This said, for gubernatorial, presidential and FCT Area Council elections, the running mate shall continue with the election and nominate a new running mate.**

Political Appointees

The 2010 Electoral Act provided that except where a political appointee is also an officer of a political party, such a person shall not be an automatic voting delegate at the convention or congress of any political party for the purpose of the nomination of candidates for any election.²³ However, the 2022 Electoral Act has taken an absolute and nonexceptional stance in this regard – providing that in no instance shall a political appointee at any level be a voting delegate or be voted for at the Convention or Congress of any political party for the purpose of the nomination of candidates for any election.²⁴

Limitation on Election Expenses

There was an upward review of the limit of money that can be expended by candidates of various elections. The maximum election expenses to be incurred by a candidate at a presidential election shall not exceed N5,000,000,000. The maximum election expenses to be incurred by a candidate in respect of governorship election shall not exceed N1,000,000,000. The maximum amount of election expenses to be incurred by a candidate in respect of a senatorial and House of Representatives seat shall not exceed N100,000,000 and N70,000,000 and others as provides in the Act.²⁵

21. Section 34(1) of the Electoral Act.

22. Section 34(3)(a) of the Electoral Act.

23. Section 87(8) of the 2010 Electoral Act

24. Section 84(12) of the 2022 Electoral Act

25. Section 88 of the 2010 Electoral Act

Potential Impact

One of the major developments that the new Act brought is that it has aligned itself with the realities of the digital or computer age by creating an electronic database and also provide for electronic transmission of result. This will reduce rigging or manipulation of election process and ensures eligible voters are not disenfranchised based on disability amongst many other innovations.²⁶

There is a cause-and-effect relationship between electoral effectiveness and confidence in democratic Nations. This confidence can either permeate the business environment; stabilizing the inflow of foreign direct investment, or its lack, can scare away potential investment. Enactment of the Act presents an opportunity to revamp trust in the nation's socio-economic institutions. If the novel provisions of the Act are maximized and put to the best use possible, it would make the election free and fair and thereafter strengthen the trust of potential investors in the country.



Initial Public Reaction

According to reports, the signing of the Electoral Act 2022 has come with relief considering the agitations on the delay surrounding the entire process. The provisions of the 2022 Electoral Act are being implemented in the conduct of the upcoming 2023 general elections, and more so, the courts have begun to apply the 2022 Electoral Act in resolving electoral disputes, since its passage.²⁷

26. <https://businessday.ng/politics/article/electoral-act-2022-implication-and-developmental-trend-it-brings-to-electoral-process-in-nigeria/> Accessed on 24 January 2022.

27. Elumoye D. et al. 2022. Relief as Buhari Signs Electoral Act, Demands Alteration of Clause Banning Political Appointees. *ThisDay*. Available at <https://www.thisdaylive.com/index.php/2022/02/26/relief-as-buhari-signs-electoral-act-demands-alteration-of-clause-banning-political-appointees/>. Accessed on 14.12.2022



ECONOMICALLY RELEVANT REFORMS



Nigeria Startup Act 2022

Introduction

In 2022, the Nigeria Startup Act 2022 (the **Startup Act**), was passed. In the press statements that have been issued by the Federal Government since its passage: the Federal Government has hailed the Startup Act, as a win for young businesses, and Nigerian youth, especially those in the tech industry.

Interestingly, the Startup Act is the first such enactment of its kind in Nigeria, and the third such enactment in Africa: after Tunisia and Senegal enacted similar laws. Since the passage of the Nigerian Startup Act, the Democratic Republic of Congo, has also passed its own startup act.

The stated objectives of the Startup Act, are to:

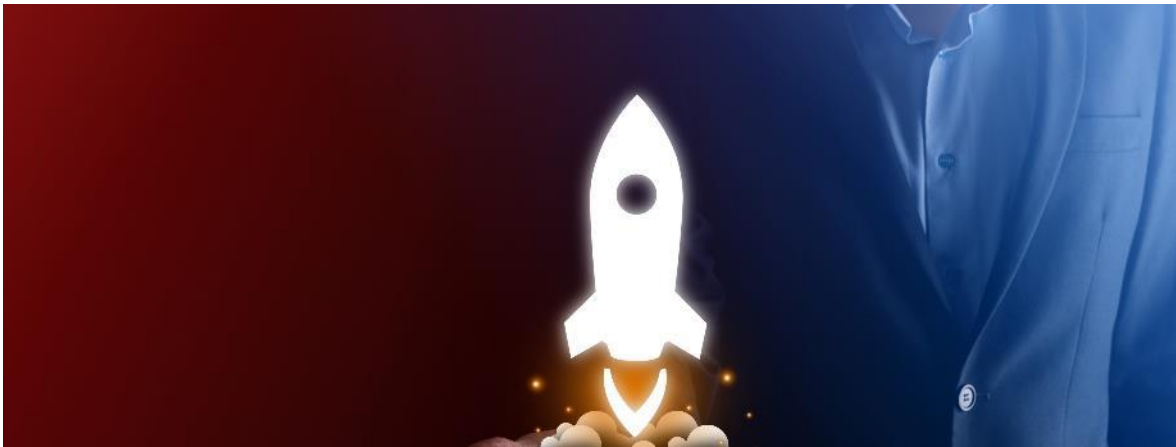
01 provide a legal and institutional framework for the development of startups in Nigeria;

02 provide an enabling environment for the establishment, development and operation of startups in Nigeria;

01 provide for the development and growth of technology-related talents; and

01 position Nigeria's startup ecosystem as the leading digital technology centre in Africa, having excellent innovators with cutting-edge skills and exportable capacity.

Key Focus Areas



The Startup Act establishes the National Council for Digital Innovation and Entrepreneurship (the **Council**), responsible for providing general guidelines for the realisation of the objectives of the Startup Act.²⁸ The Startup Act has also designated the National Information Technology Development Agency (**NITDA**), as the Secretariat of the Council, to help operationalise the function of the Council.

The Startup Act also mandates the establishment of a startup portal, to serve as a platform through which a startup may conduct its registration processes with relevant MDAs. The benefit of the startup portal is geared toward;

- facilitating the issuance of a permit or licence to a labelled startup;
- providing a platform for interaction between a startup and the Federal Government, private institutions, angel investors, venture capitalists, incubators, accelerators and other relevant institutions;
- creating opportunities for a startup to participate in beneficial challenges and programmes including, incubation and accelerator programmes, showcases, pitch competitions, fellowships, and other related programmes;
- fostering access of a startup to finance, information, innovation, and the global market;
- fostering information exchange between various stakeholders in the Nigerian startup ecosystem;

^{28.} Section 7 of the Startup Act.

-  providing access to tools and resources to a startup; (g) providing assistance to a startup labelled as such pursuant to the startup act;
-  providing opportunities for a startup to enter into contracts with the Federal Government, through public procurement or other engagement processes ;
-  receiving complaints and recommendations from industry stakeholders and the general public;
-  serving as a platform for announcement and application of various schemes and incentives granted to a startup by the Federal Government ; etc.



The Startup Act also provides for a Startup Investment Seed Fund (Startup Fund), which is a fund to be managed by the Nigeria Sovereign Investment Authority (NSIA).

For a startup to benefit from the various incentives provided for under the Startup Act, it must bear the “startup label”.²⁹ Under the startup Act, a startup label is a certificate issued by the Secretariat to a startup upon the fulfilment of certain labelling conditions stipulated by the Startup Act.

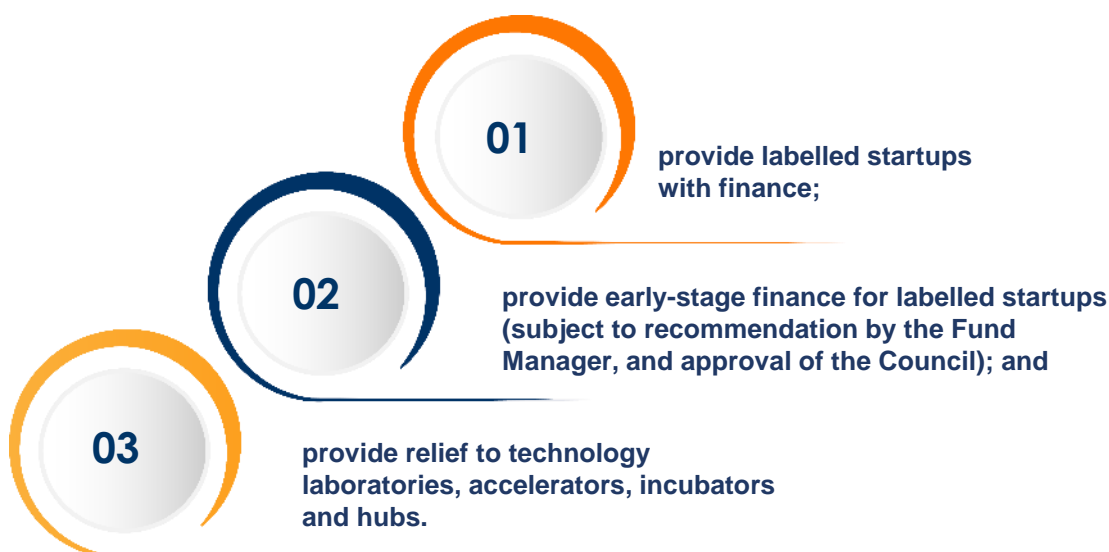
29. Section 62(2) of the Electoral Act.

A startup seeking a startup label under the Startup Act can submit an application on the Startup Support and Engagement Portal (the **Startup Portal**)³⁰ in the prescribed form and where the Coordinator³¹ is satisfied that the applicant has complied with the labelling requirements under the Act, the Coordinator shall: (x) with the Secretariat's approval, enter the startup's name and particulars in the relevant register; and (y) issue a startup label to the startup³² which shall be valid for ten years from the issuance date.³³

Obtaining a startup label, comes with several statutory benefits, including:



The Startup Act also provides for a Startup Investment Seed Fund (Startup Fund), which is a fund to be managed by the Nigeria Sovereign Investment Authority (NSIA). While there is no initial amount prescribed as a take-off fund for the Startup Fund, the Startup Act mandates an annual contribution to the Startup Fund, not less than Ten Billion Naira (per annum), which is to be applied to:



30. The Portal will serve as a platform for labelled startups to register with the Ministries, Departments and Agencies and will facilitate the acquisition of required permits and licenses by labelled startups. Through the Portal, labelled startups can also interface with the Federal Government, private equity funds, venture capital funds, angel investors, accelerators, incubators, and other relevant stakeholders.

Potential Impact

For a more detailed examination of the Startup Act, access our newsletter titled: “The Nigeria Startup Act 2022: Highlights of its Framework and Notes on its Prospects” Click [here](#)



Initial Public Reaction

On a general note, the Startup Act was positively received by stakeholders and the public, with many believing that its provisions would further unlock the economic potential of the Nigerian people, especially the youth.

The Lagos State Government, in a bid to commence implementation of the Startup Act, established the Knowledge, Innovation, Technology, and Entrepreneurship (KITE) Project; an initiative that will create ICT clusters across the state to drive tech-enabled solutions, starting from Yaba.³⁹

39. Accessible at <https://guardian.ng/news/nigeria/nigerian-start-up-act-2022-lagos-moves-to-domesticate-policy-through-kite-project/>

The Civil Aviation Act, 2022

Introduction

The ADC⁴⁰, Sosoliso⁴¹ and Bellview⁴² plane crashes that occurred in quick succession between 2005 and 2006⁴³ necessitated the creation of the Nigerian Civil Aviation Authority (the NCAA) by the provisions of the Civil Aviation Act 2006. Since then, many factors have birthed a need for a review of the law, including the need for technological advancements, and the issue of environmental concerns.

More recently, systematic restructuring of the Authority including the September 2020 merger of various directorates: the Consumer Protection Directorate with the Directorate of Air Transport Regulations; the Directorate of General Aviation with the Directorate; and the Directorate of Operations and Training with Licensing⁴⁴ have highlighted a need for consolidation of regulatory functions of the aviation sector in one Authority.

In light of these, the Civil Aviation Act 2022 (the CAA), was passed by the National Assembly,⁴⁵ and received assent from the President in August 2022.⁴⁶ The CAA repealed the Civil Aviation Act 2006⁴⁷.

In terms of its scope, the Act in the main provides for an effective legal and institutional framework for the regulation of civil aviation in Nigeria in conformity with international best practices. Interestingly, however, many of the provisions of the CAA are consistent with the repealed CAA, but for the key focus areas set out below.



40. "Report on the Accident to ADC Airlines, Boeing 737-2B7 Registration 5N-BFK at Tungar Madaki, Abuja on 29th October 2006". Accident Investigation Bureau. Archived from Original 30 August 2014
41. "Final Report on the Accident to Sosoliso Airlines DC 9-32 aircraft registered 5N-BFD at Port Harcourt International Airport on 10th December 2005". Nigerian Federal Ministry of Aviation. 20 July 2006. FMA/AIPB/424. Archived from the original 17 June 2012 <https://web.archive.org/web/20120617034119/http://www.aib.gov.ng/fmaaipb424.pdf> Accessed 13 December 2022
42. "Report on the Accident involving Bellview Airlines Ltd B737 200 Reg. 5N BFN at Lisa Village, Ogun State, Nigeria On 22 October 2005". Accident Investigation Bureau. February 2013. <https://aib.gov.ng/wp-content/uploads/2019/09/2-2009-blv-2005-10-22-f.pdf> Accessed 13 December 2022.
43. Wole Shadare, *Overhauling Nigeria's Airspace Architecture*. *The Guardian*. <<https://guardian.ng/opinion/overhauling-nigerias-airspace-architecture/>> Accessed 13th December 2022
44. Anthony Awunor, *Why NASS Passed Six Amendments Bills on Aviation Under Capt Nuhu, The Will*, 5th November 2022. <<https://thewillnigeria.com/news/why-nass-passed-six-amendments-bills-on-aviation-under-capt-nuhu/>> Accessed 12th December 2022
45. Dr Ezrel Tabiowo, *Press Statement: Senate Passes Civil Aviation Bill and Bill to Establish School of Mines and Geological Studies*. 1st February 2022. <nass.gov.ng/news/item/1605> Accessed 12th December 2022
46. Ifeoma Okeke-Korieocha, *Experts find loopholes in new Civil Aviation Act*. *Business day* 3rd September 2022. <<https://businessday.ng/aviation/article/experts-find-loopholes-in-new-civil-aviation-act/>> Accessed 12th December 2022
47. S114 Civil Aviation Act 2022

Key Focus Areas



The Act provides for video recording of any person, conveyance, or property detained under its provisions as may be required by the Authority

In a new twist, the CAA makes provision for the protection of informants and witnesses.⁴⁸ The Act provides that reasonable measures shall be taken to protect the identity of informants and witnesses, and any information provided by such persons be treated as confidential. This addition to the legislation on the regulation of the aviation sector promotes transparent investigations, and where necessary, effective prosecution of persons for offences as provided under the CAA.

The Act provides for video recording of any person, conveyance, or property detained under its provisions as may be required by the Authority.⁴⁹ The Act further states that such video recording and any other forms of electronic evidence shall be admissible in evidence before any court of competent jurisdiction in Nigeria subject to the provisions of the Evidence Act 2011.⁵⁰

Under the repealed law, a 5% air ticket contract, charter and cargo sales charge was to be collected by airlines and paid over to the NCAA and the charge was to be shared amongst the: (a) NCAA; (b) Nigerian Airspace Management Agency (**NAMA**); (c) Nigerian Meteorological Agency (**NMA**); (d) Nigerian College of Aviation Technology (**NCAT**); (d) Accident Investigation Bureau (**AIB**). The AIB had the lowest percentage pegged at 3%. However, under the CAA, there has been a reduction in the percentages apportioned to the NCAA (58% to 56%) and NAMA (23% to 22%) and the percentages scrapped off these two agencies have now been added to the percentage apportioned to AIB, such that it now has an increment from 3% to 6%. This could be a signal by the drafters that the AIB requires better funding to carry out its duty with respect management of aircraft accidents.

48. S90 Civil Aviation Act

49. S93(1) Civil Aviation Act

50. S93(3) Civil Aviation Act

Potential Impact

The CAA is an attempt by the Federal Government to strengthen the legal and institutional framework for the regulation of civil aviation in Nigeria.

Additionally, changes in the standards and recommended practices set by the International Civil Aviation Organisation to improve aviation security with 193 countries, including Nigeria, working towards achieving the undertaking of zero fatalities by 2030⁵¹ have necessitated new legislation to strengthen the regulatory capacity of the Authority in order to ensure effective oversight of the aviation sector and improve risk mitigation strategies. The Act is a commendable step in attaining these goals.



Initial Public Reaction

There has been an outcry against the designation of workers in the aviation sector as “essential services”. Section 29 of the NCAA states that:

All services which facilitate and maintain the smooth, orderly and safe takeoff, flight and landing of aircraft, embarkation and the disembarkation and evacuation of passengers and cargo respectively in all aerodromes in Nigeria are hereby designated as essential services under the provisions of section 11(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (the **Constitution**)⁵²

The Minister may by regulations prohibit all or such class or classes of workers, officers and other employees or persons whether corporate or natural, engaged in the provision of the services specified in subsection (1) from taking part in a strike or other industrial action

51. <https://www.icao.int/safety/Pages/default.aspx> Accessed 12th December 2022

52. Civil Aviation Act 2022

53. Civil Aviation Act 2022

During the 3-day public hearing of the Bill before the Senate, the President of the Nigerian Labour Congress opposed the designation of aviation workers as essential services. He argued that this provision created a clash with labour laws as it legislates on the rights of workers.⁵⁴

Aviation workers via various unions protested this provision in the new Act effectively hindering operations at the airports in Abuja, Lagos and Kano⁵⁵. The unions included: the National Union of Air Transport Employees, the Air Transport Senior Staff Association of Nigeria, the Association of Nigerian Aviation Professionals, the National Association of Aircraft Pilots and Engineers, and the Amalgamated Union of Public Corporation Civil Service Technical and Recreational Services Employees

However, this is not a new provision but a re-enactment of section 67 of the now-repealed Civil Aviation Act 2006. The push back, perhaps, reflects the new understanding of essential services following the global effect of the Covid 19 pandemic on the aviation sector and consequentially, the economy, and the anxiety on the part of aviation professionals, not to unnecessarily be placed in harm's way.

On a different note, the Secretary-General of Aviation Round Table has criticised the continued inclusion of the Nigerian Meteorological Agency under the supervision of the aviation ministry, given that the Nigerian Meteorological Agency provides environmental services for other sectors including the maritime and petroleum sectors.⁵⁶

In the aviation sector, we expect additional public policy reforms, as following the passage of the Act, the Authority is now set to review the 2013 National Civil Aviation Policy – as the Minister of Aviation has stated that it is necessary to create a policy document for the sustainable growth and development of the aviation industry⁵⁷.



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...we expect additional public policy reforms, as following the passage of the Act, the Authority is now set to review the 2013 National Civil Aviation Policy

54. A Debate over Planned Review of Civil Aviation Act. This Day. 22nd November 2020 <<https://www.thisdaylive.com/index.php/2020/11/22/a-debate-over-planned-review-of-civil-aviation-act/>>
55. Aviation Workers shut Airports over New Law. Daily Trust. 13th September 2022. <<https://dailytrust.com/aviation-workers-shut-airports-over-new-law/>>
56. Ifeoma Okeke-Korieocha, Experts find loopholes in new Civil Aviation Act. Business Day 3rd September 2022. <<https://businessday.ng/aviation/article/experts-find-loopholes-in-new-civil-aviation-act/>>
57. Abdullateef Aliyu. NCAA moves to Review Civil Aviation Policy 9 Years After. Daily Trust. 4th November 2022. <<https://dailytrust.com/ncaa-moves-to-review-civil-aviation-policy-9-years-after/>>

Advertising Regulatory Council of Nigeria Act 2022

Introduction


The Advertising Regulatory Council of Nigeria Act, 2022 (the **ARCON Act**) was enacted on 20 August 2022. The Act repeals the Advertising Practitioners (Registration, etc.) Act, Cap. A7, Laws of the Federation of Nigeria, 2004 and replaces the Advertising Practitioners Council of Nigeria (**APCON**) with the Advertising Regulatory Council of Nigeria (**ARCON**).

Prior to the ARCON Act, the Advertising Practitioners Council of Nigeria (**APCON**), established under the APCON Act, was regarded as Nigeria's advertising regulator. The scope of APCON's regulatory powers, as well as the application of the APCON Act, were largely restricted to advertising practitioners and only members of the advertising profession. Where the advertisement related to foods, cosmetics, beverages, or drugs, the Minister of Health's approval was required. This meant that advertisers who were not members of the advertising profession were outside the regulatory purview of the APCON Act, and thus, did not need to follow APCON's requirements for their advertisements to be lawful.

However, the Nigerian Code of Advertising Practice (the **Code**) made pursuant to the APCON Act expanded the scope of the applicability of the APCON Act, as well as the Code, to persons who were not members of the advertising profession in Nigeria. APCON leveraged the Code to enforce the provisions of the APCON Act and the Code on non-members of the advertising profession and this led to controversies as to whether APCON's regulatory powers were specific to only advertising practitioners in Nigeria or general given the powers of APCON under the APCON Act and the long title of the APCON Act, which provides that the APCON Act was enacted in part to "make provisions for the control of the practice of the profession of advertising".



This led to cases that gave the courts an opportunity to pronounce on the issue. For instance, In **APCON v. The Registered Trustees of International Covenant Ministerial Council**⁵⁸, the Court of Appeal held that the Respondents are not advertising practitioners as defined by the APCON Act, and thus APCON cannot compel the Respondent to seek APCON's prior approval and vetting requirements before exposing advertisements to the public.



...the ARCON Act applies to all individuals, corporations, governments, sponsors, or persons who provide or receive advertising services, advertisements, or marketing communications.

Similarly, in **MIC Royal Limited v. APCON**⁵⁹, the Court of Appeal held that APCON's regulatory powers did not extend to persons other than advertising practitioners including the Appellant. The court considered the applicability of the APCON Act and Code to persons who are not advertising practitioners and held that the APCON Act only applied to advertising practitioners in Nigeria.

This was a significant regulatory challenge for APCON, but a positive development for advertisers who were not licensed as advertisement practitioners in Nigeria as they were previously required to submit proposed advertisements to ARCON for vetting and prior approval before exposure to the Nigerian market. Against this backdrop, the ARCON Act was enacted to repeal the APCON Act. The ARCON Act creates a regulatory framework for Nigeria's advertising, advertisement, and marketing communications industries.

Interestingly, the ARCON Act applies to all individuals, corporations, governments, sponsors, or persons who provide or receive advertising services, advertisements, or marketing communications. The expanded category of people to whom the ARCON Act applies is a marked distinction from the APCON Act which only applied to advertisement practitioners in Nigeria.

58. (2010) LCN/3910 (CA)
59. (2018) LCN/11854 (CA)

Key Focus Areas



The implication is that, unlike the APCON Act, which primarily applied to advertising practitioners, the ARCON Act would apply to all forms of advertising.

ARCON has been vested with extensive and general regulatory powers over advertising and communications in all respects directed or exposed to the Nigerian market under the ARCON Act. ARCON is tasked with ensuring that advertisements and market communications aimed at the Nigerian market are legal, decent, honest, and free of misinformation and disinformation. The implication is that, unlike the APCON Act, which primarily applied to advertising practitioners, the ARCON Act would apply to all forms of advertising.

The ARCON Act requires persons or organisations to register with ARCON if they intend to practise or continue to practise advertising and marketing communications in the Nigerian advertising market, or if they intend to start or operate an advertising or marketing communications business or profession.

In this regard, "practise" is defined as any act, conduct, ideation, design, or conceptualisation that results in the development, creation, co-creation, production, or delivery of an advertisement. Although this raises the issue of practicability, especially in light of the astronomical growth of advertisement channels and the digital economy.

Another introduction in the law is the function of ARCON to regulate, approve and register business combinations, mergers, acquisitions, subsidiary investments, affiliation and other investments by organisations licensed under the ARCON Act.⁶⁰ Given the provisions of the Federal Competition and Consumer Protection Act 2018 (**FCCPC Act**)⁶¹, mergers that meet the FCCPC notification threshold and also involve ARCON-licensed organisations would require notification of and approval from both the FCCPC and ARCON.

It is noteworthy that the Code requires all advertisements, except those for public service announcements, goodwill messages, obituaries, and vacancies, to be presented for vetting and approval by the Advertising Standards Panel (ASP) before being exposed to the Nigerian market. This is deduced from the provisions of section 54, which states that any person, including a sponsor or beneficiary of an advertisement, body corporate, organisation, or agency, who creates or places for publication or exposure of an advertisement in any medium directed at or targeting the Nigerian market without the prior approval of the ASP commits an offence and is subject to the prescribed fine. This effectively validates the provisions of the Code regarding ARCON's prior approval and vetting of ads before exposure, as well as overturning previous Court of Appeal decisions that limited APCON's regulatory authority to only advertisement practitioners in Nigeria.



In addition, the ARCON has the authority to monitor and impose sanctions on any individual or organisation that sponsors, exposes, or causes to be exposed in Nigeria any advertising, advertisement, or marketing communications materials without the prior approval of the ASP. As a result of the foregoing, the obligation to ensure adherence to the vetting requirement appears to be placed on anyone including a sponsor or beneficiary of an advertisement, body corporate, organisation, or agency who creates or places for publication or exposure of an advertisement in any medium directed at or targeting the Nigerian market.

60. Section 8(u) of the ARCON Act
61. Section 93(1) of the FCCPC Act

Potential Impact

The ARCON Act has provided more certainty to the powers of the ARCON – Nigeria’s apex advertisement regulator – as well as increased the scope of its power. However, we note the impracticability of some of the requirements under the ARCON Act, including prior vetting and approval of every advertisement before exposure as well as the requirements for registration by every person who wants to expose an advertisement.

Thus, despite the ARCON Act’s stronger provisions, we note that enforcement may be difficult given the exponential growth of the digital economy, and we anticipate an increase in cases brought in the coming months to litigate the ARCON Act’s strict and far-reaching provisions

Initial Public Reaction

ARCON has recently made efforts to enforce the provisions of the ARCON Act as well as the Code. For instance, ARCON recently filed a suit against Meta at the Federal High Court, seeking a declaration that the continued publication and exposure of various advertisements directed at the Nigerian market by Meta Platforms Incorporated through Facebook and Instagram, without ensuring that such ads are vetted and approved before exposure, is illegal, unlawful, and a violation of the APCON Act as well as the Code. The industry keenly awaits the pronouncement of the Federal High Court, on this issue.

In addition, on 12 December 2022, ARCON issued a public notice requiring all brand owners, digital agencies, secondary digital media space owners (i.e., bloggers, vloggers, influencers, comedians, skit makers, and so on), and other advertising stakeholders in the digital/online media space to obtain pre-exposure approval for all advertisements, advertising, and marketing communications in accordance with the Code and the ARCON Act. ARCON stated that this is due to complaints that the majority of advertisements issued by this group are not only unethical and misinforming but also violate the Nigeria Code of Advertising Practice.

To the extent that many commercial entities, in one way or another, are engaged in advertisement, the provisions of this statute should now feature significantly in marketing and publicity planning.

National Institute of Credit Administration (Establishment) Act 2022

Introduction

The bill for the National Institute of Credit Administration (Establishment) Act 2022 (the NICA Act) received presidential assent on 16 August 2022 and its commencement has now effectively afforded the Institute of Credit Administration (ICA) – which was established as a non-profit in 1992 and later became a body limited by guarantee in 2002 – a statutory framework for it to implement its activities geared towards transforming Nigeria from a cash-based economy to a credit-based economy.



NICA is charged with the national task of controlling, supervising, and regulating the credit management and credit administration profession in Nigeria,

Key Focus Areas

By virtue of the NICA Act, the ICA has been renamed to become the National Institute of Credit Administrators (NICA). NICA is charged with the national task of controlling, supervising, and regulating the credit management and credit administration profession in Nigeria, ensuring, and maintaining integrity, honesty, and ethics in the credit management profession.

NICA is further charged with the responsibility of consulting with, and making recommendations to the government, regulatory bodies, trade associations, academic community and other professional bodies on all matters relating to credit management.¹¹²

NICA is empowered to make rules for the training of suitable persons who are to be registered members of the profession in credit management and administrative methods.

¹¹¹. Accessible at <https://www.icanigeria.net/about-us/>

¹¹². [Section 1 NICA Act 2022](#)

Potential Impact

The NICA Act will help improve the credit administration system in Nigeria as obtainable in another advanced economies like the United Kingdom where since 1939, the Chartered Institute of Credit Management has been the body responsible for raising the professional standards operating in credit management and promoting education about credit management in the United Kingdom.

The NICA Act empowers NICA to adopt the best credit management model. If an effective credit management model is adopted by NICA, such will help transform the Nigerian economy from a cash-based to a credit-based economy.



Initial Public Reaction

The President has received commendations from different quarters for signing the bill into law. The founder of ICA expressed thanks to the President for making the dreams of many years possible, after operating without national recognition for decades. He also expressed appreciation to all those who worked tirelessly and whose support made the vision a reality.¹¹³

The Governing Council of NICA in a similar way thanked everyone involved in the process of birthing this new law, the first of its kind in Nigeria. With this law, Nigeria is surely repositioned to embrace a more credit-based economy.

113. Accessible at <https://guardian.ng/news/onali>



WHITE COLLAR CRIME



Money Laundering (Prevention and Prohibition) Act, 2022

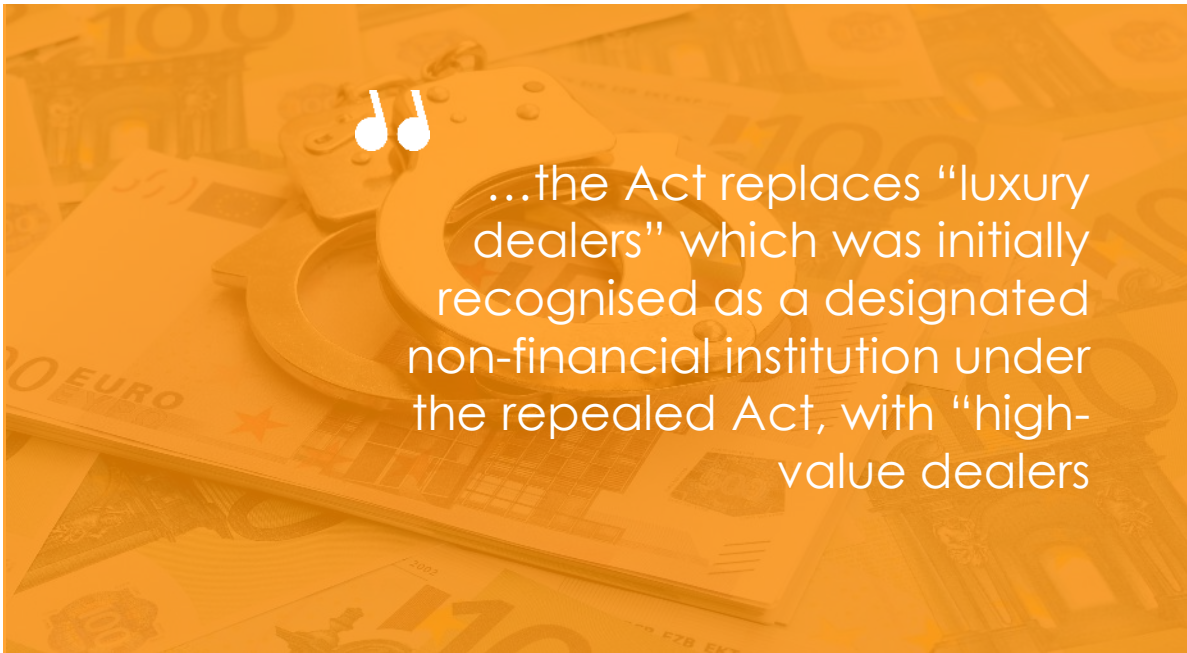
Introduction

In furtherance of the government's commitment towards the implementation of the Financial Action Task Force (**FATF**) recommendations on anti-money laundering and counter-terrorism funding, the President of Nigeria, on 17 May 2022, assented to the bill for the Money Laundering (Prevention and Prohibition) Act, 2022 (**MLA**). The MLA repeals the Money Laundering (Prohibition) Act, No. 11, 2011.

The primary purpose of the MLA is to provide an effective and comprehensive legal and institutional framework in Nigeria for the prevention, prohibition, detection, prosecution, and punishment of money laundering and other associated offences.



Key Focus Areas



The MLA finally provides statutory backing for the operations of the Special Control Unit Against Money Laundering, which is domiciled in the Economic and Financial Crimes Commission (EFCC) and was established by the federal government in 2005.

While maintaining the previous threshold value of ₦5,000,000 for individuals and ₦10,000,000 for corporate bodies, the MLA criminalises any attempt to split transactions to avoid the stated threshold value. In principle, this means that all transactions in excess of the above-mentioned threshold must be made through the banking payment system, and where multiple cash transactions are made by the same cash depositor, they can be added together to determine whether the threshold value stipulated under this act has been breached.

The interpretation section of the MLA makes a nomenclature change from “Designated Non-Financial Institution” to “Designated Non-Financial Business and Profession” (DNBP).⁶² The MLA also expands the categories of businesses that qualify as DNBP to include: businesses involved in the hospitality industry, mechanised farming equipment, farming equipment and machinery, precious metals and precious stones, real estate, estate developers, estate agents and brokers, notaries, mortgage brokers, practitioners of mechanised farming, trust and public service providers, and pools betting.

The material implication of the above is that businesses within the newly included categories that previously had no mandatory compliance obligations on anti-money laundering now bear compliance obligations under the Act, to among other things, verify the identity of customers (using reliable, independent source documents and data/information), undertake elaborate due diligence and risk mitigation measures in their dealings. Similarly, the Act replaces “luxury dealers” which was initially recognised as a designated non-financial institution under the repealed Act, with “high-value dealers”. However, one problem with the previous statute persists, as the term “high-value dealers” is not defined in the Act, and there is still uncertainty about the parameters within which a corporation may be regarded as a “high-value dealer”.

The MLA also requires that, within a day of the transaction, individuals and corporate entities (including money service businesses) must send a report in writing to the Nigerian Financial Intelligent Unit, the Central Bank of Nigeria (**CBN**), and the Securities and Exchange Commission (**SEC**) where any transfer of funds or securities to or from a foreign country exceeds \$10,000 USD or its equivalent. This report must indicate the nature and amount of the transfer, the names and addresses of the sender and the receiver of the funds or securities.⁶⁴



The MLA specifies how transaction records should be preserved by financial institutions or DNBP's within the retention period of five (5) years. The transaction records must be kept in such a way that individual transactions can be quickly and easily reconstructed by competent authorities, regulatory authorities, or judicial persons upon demand.⁶⁵

Financial institutions and DNBP's are mandated to report financial transactions exceeding the threshold of ₦ 5,000,000 for individuals and ₦10,000,000 for corporate bodies. For financial institutions, they are mandated to report such transactions to the Nigerian Financial Intelligent Unit, while DNBP's are obligated to report such obligations to the Special Control Unit Against Money Laundering. It is also worth mentioning that apart from financial institutions, individuals can volunteer to provide any information on any transaction that exceeds the threshold stipulated under the MLA.

63. Section 3(1) of MLA.
64. Section 3 (2) of MLA
65. Section 8 of MLA

Potential Impact

The strict provisions introduced in the MLA may be a laudable step in the overall effort to systematically combat corruption. It is important to note that the expansion of the categories of businesses that have been imposed with mandatory compliance obligations under the MLA, suggests the need for active steps by such businesses to update their regulatory books to forestall any regulatory clampdown.

For a more expansive examination of the MLA, access our newsletter here: [Money Laundering Prevention and Prohibition Act 2022: Enhanced Anti Money Laundering Regime in Nigeria](#)



Initial Public Reaction

There have been concerns raised around the exclusion of non-profit institutions within the purview of designated non-financial institutions under the MLA. Mainly seeing as this could be used as a loophole that may continue to be exploited by compulsively corrupt persons to facilitate their crime. It remains to be seen, whether this concern will materialise.

Generally, the enactment has been positively received.

The Proceeds of Crime (Recovery and Management) Act, 2022

Introduction

On 12th May 2022, President Muhammadu Buhari assented to the bill for the Proceeds of Crime (Recovery and Management) Act, 2022 (the **Proceeds of Crime Act**), which serves to prevent convicted persons from benefitting from the proceeds of their criminal activity.

The Proceeds of Crime Act provides for an effective legal and institutional framework for the recovery and management of the proceeds of crime, the benefits derived, the instrumentality of unlawful activities, and unclaimed properties reasonably suspected to be proceeded of crime.⁶⁶



Key Focus Areas



The Proceeds of Crime Act establishes the Proceeds of Crime Management Directorate and empowers it with the authority to take control of and bear responsibility for the appropriate and efficient management of assets forfeited to the Federal Government.

The Proceeds of Crime Act establishes the Proceeds of Crime Management Directorate and empowers it with the authority to take control of and bear responsibility for the appropriate and efficient management of assets forfeited to the Federal Government. Under the Act, the Directorate must be informed of any property seized in the course of investigation within 14 days or soon thereafter for documentation.⁶⁷ Subject to specific court orders, all property confiscated during an investigation must be handed within 30 days to the Directorate for efficient administration.

The Proceeds of Crime Act also provide that abandoned or unclaimed properties can be recovered and forfeited without conviction where there is a reasonable suspicion that such property is the proceeds of illegal or unlawful activity.⁶⁸ The law however provides that such forfeiture must be commenced by instituting a civil proceeding, and the standard of proof required in such proceeding shall be on a balance of probabilities.⁶⁹

The Proceeds of Crime Act also designates a group of diverse law enforcement and security agencies collectively known as “relevant organisations”. The relevant organization include the Economic and Financial Crimes Commission; the Independent Corrupt Practices and other Related Offences Commission; the Nigerian Police Force; and such other organisations as the Attorney General of the Federation may designate from time to time.

67. Section 5 of the Proceeds of Crime.

68. Section 7 Of The Proceeds Of Crime.

69. Section 8(1) of the Proceeds of Crime Act.

The Proceeds of Crime Act provides that the court can grant a preservation order on an ex parte application brought by the relevant organisation, preserving the property reasonably suspected to have been derived from unlawful activities and representing instrumentality of unlawful activity or unclaimed property. The preservation order restrains a person from dealing in any manner with any property, subject to such conditions and exceptions as may be specified in the order.⁷¹

The Proceeds of Crime Act gives the court the power to grant an ex parte application for an order to sell the property at the prevailing market value where there are reasonable grounds to believe that a property, which is subject to a preservation order, may have its value diminished, or be disposed of, destroyed, or damaged, removed contrary to the order or may deteriorate in terms of quality or utility.⁷² The law also requires that the proceeds of such disposal must be invested in the Central Bank of Nigeria treasury bills, pending the determination of the proceedings. In the event that the preservation is set aside or the order for sale is revoked by the court, the act provides that the relevant organisation shall, after exercising its right of appeal, pay to the owner of the property the proceeds of sales together with accrued interest where applicable.⁷³

The court can also make a forfeiture order where it is proved on a balance of probabilities that the property concerned is reasonably suspected to be proceeds of unlawful activity.⁷⁴ In relation to a crime with which the property in question may be connected, the validity of such a forfeiture order cannot affect the outcomes of such criminal proceedings or of an investigation leading up to the initiation of those proceedings. Also, when the Court makes a forfeiture order, effective from the day the order was made, the property subject to the order is forfeited to the Federal Government of Nigeria.



The court can also make a forfeiture order where it is proved on a balance of probabilities that the property concerned is reasonably suspected to be proceeds of unlawful activity.

71. *Supra*

72. Section 13 of the Proceeds of Crime Act.

73. Section 13(3) of the Proceeds of Crime Act.

74. Section 19 of the Proceeds of Crime Act.

Potential Impact

The Proceeds of Crime Act represents the Federal Government's attempt to strengthen the legislative framework for combating financial and other crimes in the country. While the Proceeds of Crime Act has been generally well received, there have been concerns expressed about the potential for the Proceeds of Crime Act, to be abused, against, for example, political opponents.

For a more expansive examination of the Proceeds of Crime Act, access our newsletter here: [The Proceeds of Crime \(Recovery and Management\) Act, 2022: Revitalizing Nigeria's Anti-Graft War](#)





CRIME PREVENTION



Terrorism (Prevention and Prohibition) Act, 2022

Introduction

On May 12, 2022, the President signed into law the Terrorism (Prevention and Prohibition) Act 2022 (the **Terrorism Act**), which repealed the Terrorism (Prevention) Act, No. 10, 2011 (as amended, 2013).

The bill for the law was sponsored by the executive, and it aimed at incorporating and implementing international instruments on the prevention and combating of terrorism and suppression of the financing of terrorism as well as the proliferation of weapons of mass destruction in Nigeria.



Key Focus Areas

Primarily, the Terrorism Act serves to establish a comprehensive legal, regulatory and institutional framework for the detection, prevention and punishment of acts of terrorism, terrorism financing, proliferation and financing of the proliferation of weapons of mass destruction in Nigeria. It attempts a holistic approach towards effectively identifying acts of terrorism and combating same.

The Act establishes, in the office of the National Security Adviser, a National Counter-Terrorism Centre (**NCTC** or the **Centre**) to be the coordinating body for counterterrorism and terrorism financing in Nigeria.

Key Focus Areas



The NCTC is also required to establish a Joint Terrorism and Analysis Branch which will serve as a fusion centre responsible for terrorism research, analysis and intelligence support to law enforcement and security agencies.⁷⁵

The Act mandates the Attorney-General of the Federation to, with the approval of the President, constitute the Nigerian Sanctions Committee which shall among other functions be responsible for the formulation and provision of general policy guidelines on designations made under the Act and to advise on the effective implementation of the United Nations Security Council Resolutions (UNSCRs) related to terrorism financing and proliferation financing, as well as allied instruments of the African Union and the Economic Community of West African States.⁷⁶

^{75.} Section 6 of the Terrorism Act

^{76.} Sections 9 and 10 of the Terrorism Act

The Act, by a number of provisions, mandates the application in Nigeria, of the designation of persons, entities or groups by the United Nations Security Council (**UNSC**) or its committees in accordance with the relevant UNSCRs.⁷⁷ Such designation by the UNSC is required to be published on the Nigeria Sanctions Committee website and circulated to the relevant sector regulators, financial institutions, designated non-financial businesses and professions and other entities.

Upon publication of the UN Consolidated List of persons and entities designated under UNSCRs, all natural and legal persons in Nigeria, including financial institutions, designated non-financial businesses and professions, and other entities in Nigeria shall be required to, immediately, identify and freeze all funds, assets, and any other economic resources belonging to a designated person or entity in their possession and report same to the Nigeria Sanctions Committee.



The Terrorism Act sets out categories of offences for which individuals and body corporates may be liable, including offences relating to terrorism and terrorism financing⁷⁸, offences relating to civil aviation, safety of ships and fixed platforms⁷⁹, and those offences relating to the proliferation and financing of proliferation of weapons of mass destruction⁸⁰.

Financial institutions and Designated Non-financial institutions (i.e., businesses and professions) are required to: (x) develop and implement programmes and strategies for combating the financing of terrorism; and (y) keep a record of any complex, unusually large and unusual pattern of transactions, which has no apparent economic or visible lawful source or purpose.⁸¹ They are also obligated to report suspicious transactions.⁸²

77. Section 49, 52 and 60 of the Act
78. Part V of the Terrorism Act
79. Part VI of the Terrorism Act

80. Part VIII of the Terrorism Act
81. Section 83(1) of the Terrorism Act
82. Section 84 of the Terrorism Act

Potential Impact

The amendments introduced in the Terrorism Act would help strengthen the country's Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT/CPF) frameworks. It would also help prevent terrorist groups from laundering money through the banking system and other financial networks.

With the heightened level of compliance requirements under the act, individuals and companies must begin to position themselves to stay compliant with the new rules, by conducting due diligence, cooperating with relevant authorities and putting in place checks to combat the enablement of terrorism and terrorism financing from its operations, among other things.



Initial Public Reaction

While the bill was in the Senate, a provision was proposed to prohibit the payment of ransom to kidnapers, with a punishment of 15 years imprisonment for non-compliance⁸³. This proposal faced a lot of opposition, even from within the National Assembly and we see that this provision did not make it to the enacted law.

Security agencies and other relevant law enforcement bodies have charged individuals and companies to strive to be compliant with the new rules and co-operate with authorities where required.

83. Accessible at <https://www.vanguardngr.com/2021/05/senate-proposes-15-years-imprisonment-for-anyone-who-pays-ransom-to-kidnappers/>

Nigeria Police Academy (Establishment, Etc) Act , 2022

Introduction

In 1988, the Nigeria Police Academy (the Police Academy) was founded with two campuses: the Police Training School in Challawa, Kano, and the Police College in Kaduna. In 1996, these campuses merged, and the Police Academy relocated to its permanent location in Wudil, Kano. In 2012, the President designated the Wudil-Kano Police Academy as a degree-awarding institution, and the National Universities Commission (NUC) designated it as a Federal University in Nigeria.

The Police Academy has since trained several cadet officers. However, the Police Academy lacked an establishing law, putting its degrees and certificates at risk of being challenged. In light of this, the Nigeria Police Academy Bill was sponsored at the National Assembly to provide legislative support for the police academy Wudi Kano as a degree-awarding institution. Thus, in 2022, the Nigeria Police Academy (Establishment, Etc) Bill was passed and signed by the President.



Key Focus Areas



...providing members of the Nigeria Police Force with the opportunity to obtain a higher and liberal education regardless of race, creed, gender, or political conviction.

The Nigeria Police Academy Act (the **Police Academy Act**) established the Police Academy as a professional institution with the power to award degrees, diplomas, and certificates in accordance with standards prescribed by the National Universities Commission.

Furthermore, the Police Academy's objectives include advancing learning and providing members of the Nigeria Police Force with the opportunity to obtain a higher and liberal education regardless of race, creed, gender, or political conviction. Furthermore, the Police Academy Act seeks to produce globally competitive police officers with the necessary knowledge, skills, and attitudes for leadership, scholarship, policing, and community service.

To lead the academy, the Police Academy Act established the Nigeria Police Academy Council with the power to inter alia supervise the policy, finances, public relations, and Academy property, among other responsibilities.

Potential Impact

We note that the Police Academy Act's passage is timely, coming at a time when police brutality cases have escalated, and public distrust of the police has grown. It is hoped that the Academy, which has now received legislative backing, will train police officers to be globally competitive and provide them with the skills needed to effectively police the country following the proper procedures and the rule of law.



Initial Public Reaction

The introduction of the Police Academy Act seems to have been received well by extant and prospective members of the Police Force, as well as some quarters of the public.



LEGISLATIVE REFORM



Nigerian Law Reform Commission Act 2022

Introduction

For a country with a library of many obsolete laws, an act that creates a commission with the core function of the law reform commission is of utmost importance. The Nigerian Law Reform Commission Act 2022 (the **Law Reform Act**), which was enacted on 6 April 2022, repealed the Nigerian Law Reform Commission Act, CAP N118, Laws of the Federation of Nigeria, 2004 to facilitate the effective performance of the commission's law reform proposals.⁸⁴



Key Focus Areas

The Law Reform Act has expanded the Nigerian Law Reform Commission's duty to include conducting training on law reform and other related subjects for a fee.⁸⁵ Furthermore, the Nigerian Law Reform Commission could run public education campaigns about legal reform initiatives. Additionally, the Nigerian Law Reform Commission may work with federal ministries, departments, and agencies on initiatives to amend the legislation.

Another change in the new legislation is the necessity that the Federal Executive Council be presented with the Commission's report on any programme that the Attorney General of the Federation has referred to or authorised⁸⁶. The report must be forwarded to the National Assembly three months from the day the Commission submitted it to the AGF.

84. Preamble, Law Reform Commission Act, 2022, CAP N118, Laws of Federation of Nigeria 2004.

85. Section 5(2) Law Reform Commission Act.

86. Section 5(2) Law Reform Commission Act.

Potential Impact

The Law Reform Act is a positive move in the right direction toward modernising antiquated and obsolete laws to reflect the needs of the contemporary Nigerian reality. It is anticipated that with proper synergy with academics, professionals, regulators, ministries and all relevant stakeholders, reformative actions will yield formidable laws with great utility that can stand the test of time.

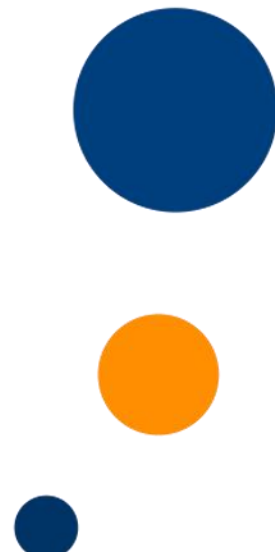


Initial Public Reaction

Although the Law Reform Act has been generally commended, some quarters have however expressed worries concerning the independence and poor funding of the commission. They believe that more should have been done in that aspect.



HEALTHCARE



National Health Insurance Authority Act, 2022

Introduction

The National Health Insurance Authority Act (the NHIA Act) became inevitable as a result of the several fundamental and structural inadequacies of the repealed National Health Insurance Scheme Act Cap N42, LFN, 2004 (NHIS Act). Just like the NHIA Act, the NHIS Act was enacted to provide universal health coverage for all Nigerians. Unfortunately, this goal was far from achieved under the regime of the NHIS Act. The NHIA Act was enacted on 19 May 2022.



The NHIA Act mandates every citizen to participate in the state health insurance scheme

Key Focus Areas

Unlike the NHIS Act which established a scheme to provide health insurance only to entitled insured persons and dependents, the NHIA Act, expands the responsibility of the National Health Insurance Authority (NHIA) to cater for a Universal Health Coverage to all Nigerians.⁸⁷ The NHIA Act mandates health Insurance for all Nigerians and legal residents.⁸⁸ The Act defines residents as “all employers and employees in the public and private sectors with five staff and above, informal sector employees, and all other residents in Nigeria to mandatorily get health insurance”.⁸⁹

87. Section 2 of the NHIA Act
88. Section 14 of the NHIA Act
89. Section 14 of the NHIA Act

In addition, the NHIA Act mandates every citizen to participate in the state health insurance scheme, but it does not prevent such a person from subscribing to a complimentary private health insurance scheme. It however deters such a person from eligibility for the Vulnerable Group Fund⁹⁰.

The NHIA Act also mandates the NHIA to hedge private health insurance companies from running into financial turmoil through a security deposit that HMOs are required to pay at the point of registration.⁹¹ Similarly, in efforts to achieve sustainability of health insurance funds, the NHIA Act gives the NHIA the authority to invest funds not in use in approved federal government securities at the governing council's discretion.⁹²

For more functionality, accountability, and to avoid poor implementation of the objectives of the NHIA, the NHIA Act establishes a Governing Council to guide its operations. The membership of the council consists of persons from various government parastatals⁹³ however, the NHIA Act excludes representation of HMOs – as opposed to the old law which allowed representation of HMOs on the Governing Council⁹⁴. Presumably, the wisdom behind this is to eliminate any form of conflict of interest and encourage transparency as much as possible.⁹⁵



90. The object of the Vulnerable Group Fund is to provide finance to subsidize the cost of provision of healthcare services to vulnerable persons in Nigeria (Section 26(1) of the NHIA Act). Vulnerable group is defined in the law to "include children under five, pregnant women, the aged, physically and mentally challenged and the indigent as may be defined from time to time."

91. Section 15 of the NHIA Act

92. Section 29 of the NHIA Act

93. These parastatals include the Federal ministry of health, not below the rank of a director, the federal ministry of finance, not below the rank of a director, the Nigerian employers consultative association,

94. Section 5 of the NHIA Act

95. Section 8 of the NHIA Act

Notably, the NHIA act empowers the NHIA to be a regulator, insurer, investor and implementer. In terms of their regulatory responsibility, the NHIA is charged with approving, accrediting, registering, licensing, regulating and supervising Health Maintenance Organisations (HMOs), Mutual Health Associations (MHAs), Third Party Administrators (TPAs) and other institutions.⁹⁶

Under the NHIS Act, TPAs were not defined, and HMOs were the only acknowledged administrators of health insurance apart from the national scheme. The NHIA Act defined TPAs to be *“any organisation with expertise and capability to administer all or a portion of the insurance claims process, including administration of claims, collection of premiums, enrolment and other administrative activities, which is registered by the Authority.”*⁹⁷ Similarly, the NHIA Act transfers money management from HMOs to State Health Insurance Schemes (SHIS), essentially removing it from HMOs. In essence, HMOs may now only collect premium payments on behalf of SHIS if they are contracted to do so, but they must transfer these pooled funds to SHIS for management and/or investment through the NHIA. This change is a positive development since it deals with the conflict-of-interest problem that hampered the appropriate oversight and regulation of HMOs.

Another laudable improvement by the NHIA Act is the establishment of the Vulnerable Group Fund (VGF) which is to provide finance to subsidise the cost of provision of health care services to vulnerable persons in Nigeria. According to the NHIA Act, vulnerable persons will be determined by the Governing Council. Furthermore, the NHIA is saddled with the responsibility of implementing the Basic Health Care Provision Fund as set out in the National Health Act by working in conjunction with the states to provide the basic minimum package of care to all residents via State Health Schemes.



96. Section 5 of the NHIA Act

97. Interpretation section of the NHIA Act

The NHIA Act provides that contributions under the health insurance schemes shall be paid by the employers in the formal sector, while those for the informal sector shall be paid by individuals, groups, and families. The applicable rates for both the formal and informal sectors are however determined by the councils of the various state health insurance scheme. The contribution for vulnerable persons is to be made by a combination of one of the three levels of government, development partners, and non-governmental organizations. Contributions from Federal Government for vulnerable persons shall be made from the basic health care provision fund

Potential Impact

The NHIA Act is an optimistic effort towards providing health insurance and quality healthcare for Nigerians. However, some of its provisions have been considered too optimistic – considering the practicality of certain provisions vis-à-vis the economic and social current realities. Thus, the government must be committed to ensuring the gradual implementation of the NHIA Act.



Initial Public Reaction

The role of the NHIA as an implementer has been seen as somewhat controversial, considering that the NHIA also plays the role of regulatory oversight. The Act provides that the NHIA must run a health insurance scheme for all employees in Federal service ministries and civil service.⁹⁸

Since the NHIA Act already empower states to provide health insurance for their residents, and civil servants are likely resident in a state in Nigeria, what then is the need for the NHIA to provide a special health insurance scheme? Some are of the view that it would have been more purposive if the NHIA Act had provided that federal government employees' premiums sourced and deducted, should be remitted to the state insurance schemes to provide health insurance for these federal government employees.

96. Section 5 of the NHIA Act

97. Interpretation section of the NHIA Act

98. Section 13 of the NHIA Act

Counselling Practitioners Council of Nigeria (Establishment) Act 2022

Introduction

This is a new law enacted to provide a legal framework for the regulation of professional counselling services in Nigeria. The bill for the law was first read on the floor of the Senate on 1 March 2018. After four years of the bill going through various legislative processes, it was finally signed into law by President Muhammadu Buhari on 29 July 2022.



Key Focus Areas

Prior to the commencement of this law, the Counselling Association of Nigeria (CASSON) was the body registered in 1975 for the regulation of professional counsellors in Nigeria. However, one of the challenges faced by CASSON was that it had no legal framework for the implementation of its activities. Thus, the Counselling Practitioners Council of Nigeria Act 2022 (the Counselling Practitioners Act) was enacted to give a statutory basis to the activities of CASSON.

The Counselling Practitioners Act establishes the Counselling Practitioners Council of Nigeria (the Counselling Practitioners Council) and charged it with the general duty of conducting qualifying examinations, regulating the counselling profession, and determining the standard of knowledge and skill required of persons seeking to become professional counsellors in Nigeria.¹⁰¹



The Counselling Practitioners Act further introduced a registration regime for professional counsellors in Nigeria¹⁰², thereby empowering the Counselling Practitioners Council to appoint a fit and proper person as a Registrar who shall maintain a register of professional counsellors in Nigeria.¹⁰³

101. Section 2 counselling practitioners Act.

102. Section 7 of the Counselling Practitioners Act

103. Section 5 of the Counselling Practitioners Act

Potential Impact

The Counselling Practitioners Act being the first of its kind in Nigeria, provides a legal framework for the regulation of professional counselling services in Nigeria. If effectively implemented, it would professionalise counselling services in Nigeria as operated in other jurisdictions like the United Kingdom with the operation of the British Association for Counselling and Psychotherapists. The Counselling Practitioners Act would promote expertise and enhance the confidence of members in the profession thereby maximising its national professional impact.



Initial Public Reaction

The initial public reaction to the Counselling Practitioners Act was quite positive. The presidential assent to the bill for the law was lauded by the CASSON, which has been responsible for the regulation of professional counsellors in Nigeria till the enactment of the Act, which now vests such responsibilities on the Council. CASSON is of the view that the Council is now in a better position to offer much more service to the country's educational sector, and for better utilization of counselling services.¹⁰⁴

104. Accessible at <https://orientdailynews.com/news/casson-reaffirms-dedication-to-professionalism-as-president-buhari-assents-counselling-act/>

Pharmacy Council of Nigeria (Establishment) Act 2022

Introduction

The President, on 29 August 2022, signed into law the bill for the Pharmacy Council of Nigeria (Establishment) Act, 2022 (the PCN Act), which repealed the Pharmacists Council of Nigeria Act Cap. P17 Laws of the Federation of Nigeria, 2004. The PCN Act establishes the Pharmacy Council of Nigeria (PCN) and charged it with the responsibility, amongst others, of regulating and controlling the education, training and practice of pharmacy and related matters in Nigeria.



The offences and penalties introduced in the PCN Act are more stringent, ranging from fines of ₦250,000 – ₦5,000,000

Key Focus Areas

The PCN Act seeks to regulate all aspects of pharmaceutical practice in Nigeria, and not just pharmacists as was obtainable in the repealed Act.

The offences and penalties introduced in the PCN Act are more stringent, ranging from fines of ₦250,000 – ₦5,000,000 – capturing current realities and serving to discourage violators of the ethical standards in the pharmaceutical business in Nigeria.

The PCN Act has charged PCN with the functions of regulating the standard of pharmacy practice and business in Nigeria, maintaining a register of premises used for the manufacture, storage, importation, exportation, distribution, sale and dispensing of drugs, poisons, medicines, and medical devices and accessories¹⁰⁹.

Furthermore, the powers conferred on the Council, include, amongst others, the approval of any institution that awards any degree in pharmacy, supervising and assessment of their curriculum.

It is illegal for any person to own or operate a retail or community pharmacy practice without registration.¹¹⁰



Potential Impact

Effective implementation of the PCN Act would help curb the unwholesome practices pervading the Nigerian pharmaceutical landscape. It is no doubt that the activities of persons engaged in the pharmaceutical business in Nigeria need to be highly regulated, as lack thereof would likely endanger public health.

Moreso, limitations of the repealed Act which were exploited by interlopers in the profession and trade of pharmacy will now efficiently be blotted out through strict sanitisation, particularly in the wholesale and retailing of drugs.

Further, the health sector in Nigeria will be positively impacted if PCN would thoroughly regulate the training of pharmacists in Nigerian universities to ensure that highly trained pharmacists are churned out of our universities. The wide regulatory powers granted to PCN will help it to efficiently curb the unsafe practices in the pharmacy business in Nigeria to bring it in line with global best practices.

An effective implementation and enforcement of the PCN Act 2022 would put an end to the open drug market system currently in place in Nigeria. Therefore, business owners or investors in drug trading will have to be under the supervision of a professional pharmacy that qualifies to oversee safety practices in the handling of the business.



The PCN Act has also received some criticism from different quarters, particularly drug traders and investors in Nigeria, who argued that the discretionary powers granted to the Council will likely lead to abuse of powers by the Council.

Initial Public Reaction

The PCN Act 2022 received positive remarks from the stakeholders in the Nigerian health sector as having the required provisions to effectively tackle the problems facing the pharmacy business in Nigeria.

However, the PCN Act has also received some criticism from different quarters, particularly drug traders and investors in Nigeria, who argued that the discretionary powers granted to the Council will likely lead to abuse of powers by the Council. They expressed reservations about the idea of ending the open drug market system, arguing that such a move will make pharmaceutical products very expensive for an ordinary Nigerian.

Federal Medical Centre Hong (Establishment) Act, 2022

Introduction

Since the upgrading of the Federal Medical Centre (FMC) in Yola to a teaching hospital, Adamawa State is only left with one FMC situated in Mubi. The people of Northern Adamawa state clamoured for a medical centre to ease the difficulties faced by patients residing in the northern parts of the state and southern parts of Borno state, including those from neighbouring countries like Cameroon and Chad.

Due to the difficulties faced by patients in those areas, the bill for the Federal Medical Centre Hong (Establishment) Act 2022 (the FMC Hong Act) was signed into law, in April 2022, to ease the challenges of access to health care faced by the residents of Adamawa state and its neighbouring environs.



The impact of the FMC Hong Act is already being felt by the people of Adamawa state and beyond.

Key Focus Areas

The main objective of the FMC Hong Act is to establish an FMC in the Hong Local Government of Adamawa state, to render medical services to the people residing in the northern parts of Adamawa state, the neighbouring Borno state, and parts of neighbouring countries of Cameroon and Chad.

FMC Hong was birthed as a result of the federal government's policy to make medical health care affordable to the populace.

Potential Impact

The impact of the FMC Hong Act is already being felt by the people of Adamawa state and beyond. It commenced operations in December 2022, offering clinical services to patients, thereby improving the access to health care – which is one of the sustainable development goals (SDGs) of the United Nations.

The FMC Hong Act has turned the Northern part of Adamawa state, which has been ravaged by insurgency, into a medical tourist centre for patients seeking quality and affordable health care.

FMC Hong would also provide employment opportunities for qualified persons from within and outside its area of operation.



Initial Public Reaction

The establishment of the FMC in Hong has been met with excitement from the residents of Hong and beyond. The people of the community were ecstatic about the timely intervention of the government to solve their problems of lack of access to quality health care.

The Chief Medical Director of FMC Hong expressed confidence that the FMC would ease the difficulties faced by patients. He stated that the FMC is well-equipped with state-of-the-art facilities to provide effective and efficient services to the patients in the area.¹¹⁵

The Hong community also thanked the President for the establishment of the FMC which they believe would create more employment for residents.

115. Accessible at <https://www.tvcnews.tv/2022/12/fmc-hong-officially-commences-operations-in-adamawa/>



MISCELLANEOUS



Harmonised Retirement Age for Teachers in Nigeria Act, 2022

Introduction

The Public Service Rules in Nigeria provide that the compulsory age for all grades of service in Nigeria is 60 years or 35 years of pensionable service, whichever comes first. This entailed that teachers in public primary and secondary schools were bound by this requirement. However, teaching has become less appealing to young people over time, and as a result, fewer young people are becoming teachers. Even those who teach only do so for a short time before changing careers or migrating to other countries and taking on new jobs.

This leaves a majority of teachers of primary and secondary school as older or senior citizens. However, with the compulsory retirement age set at 60, the few remaining teachers are forced to retire early, resulting in a shortage of available teachers in primary and secondary schools across the country. Furthermore, teachers in the country are underpaid, and forcing them to retire early leaves them impoverished and without a source of income.



With the compulsory retirement age set at 60, the few remaining teachers are forced to retire early, resulting in a shortage of available teachers in primary and secondary schools across the country.

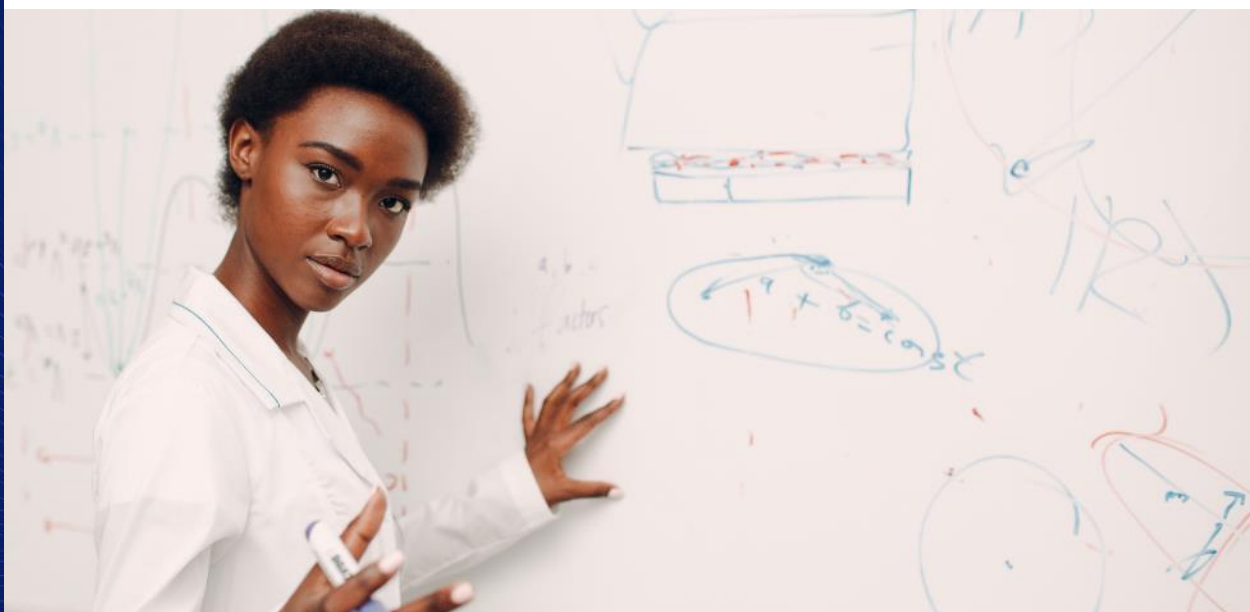
Also, primary and secondary school teachers have long advocated for their retirement age to be raised to match that of their counterparts in tertiary institutions. On this background, on January 20, 2021, the Federal Executive Council approved a bill titled the Harmonised Retirement Age for Teachers in Nigeria Act, 2022 (the Retirement Age Act), which was then signed by the President in April 2022.

Key Focus Areas

The Retirement Age Act essentially reviews the retirement age for teachers in Nigeria to 65 years or 40 years of pensionable service, whichever is earlier. Further, the Retirement Age Act provides that the Public Service Rule or any legislation that requires a person to retire from the Public Service at 60 years of age or after 35 years of Service shall not apply to teachers in Nigeria.⁹⁹

Potential Impact

This is a positive development because it ensures that long-serving senior citizens who are teachers are retained in the educational system and that the number of available teachers in primary and secondary schools is not depleted. However, we believe that simply reviewing the age of teachers is insufficient; the government must invest more in the educational sector and incentivize teaching to attract more young people to the profession.



Initial Public Reaction

Following the commencement of the Act, the Federal Ministry of Education directed all schools to implement the new thresholds, while urging teachers who are not interested in the elongation to apply for retirement from service in line with the existing rules.¹⁰⁰

99. Section 3 of the Retirement Age Act

100. Accessible at <https://www.premiumtimesng.com/news/top-news/539168-new-teachers-retirement-age-nigerian-govt-directs-schools-on-implementation.html>

Nigerian Meteorological Agency (Establishment) Act 2022

Introduction

The Nigerian Meteorological Agency (Establishment) Act 2022 (the NMA Act) repealed the Nigerian Meteorological Agency (Establishment) Act of 2003. The bill for the law received presidential assent on 31 August 2022.

Due to the dire need for a more robust and comprehensive legal framework to regulate meteorology¹⁰⁵ in Nigeria to meet up with the Standard and Recommended Best Practices (SARP), the Senate went through the painstaking process of repealing and re-enacting the NIMET Act



The objective of the NMA Act is to give the Nigeria Meteorological Agency (NMA) the sole authority to regulate, license, approve and authorize the standard of meteorological activities and operations in Nigeria

105. Meteorology is the science dealing with the atmosphere and its phenomena, including both weather and climate.
<https://www.nationalgeographic.org/encyclopedia/meteorology/>

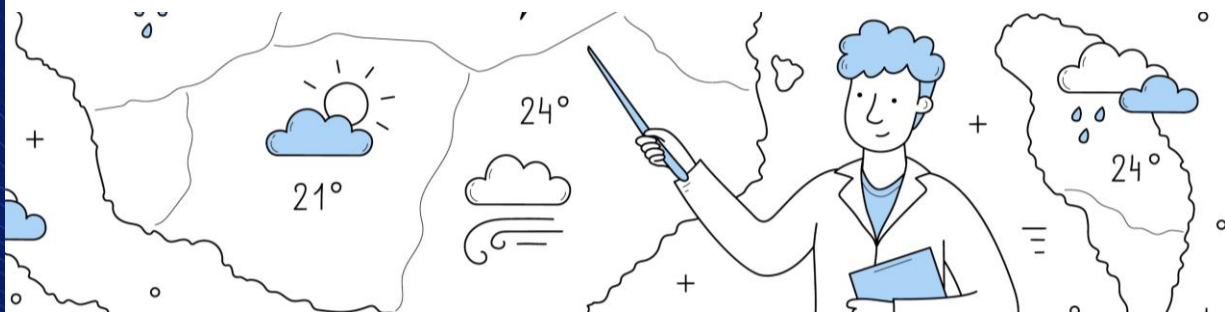
Key Focus Areas

The objective of the NMA Act is to give the Nigeria Meteorological Agency (NMA) the sole authority to regulate, license, approve and authorize the standard of meteorological activities and operations in Nigeria.¹⁰⁶ NMA is charged with the functions of advising the federal government on all aspects of meteorology, issuing weather forecasts for the safe operation of aircraft, ocean-going vessels, and oil rigs in accordance with the International Civil Aviation Organization (ICAO), World Meteorological Organisation (WMO), and SARP's¹⁰⁷

In addition, NMA has the sole authority to prescribe and issue the meteorological information and data required for all sectoral activities in Nigeria.

Potential Impact

The NMA Act, where effectively implemented, would wholly turn around the NMA for optimal efficiency to help combat and ameliorate the impacts of extreme weather and climate events which have been increasing in intensity and frequency. Also, the activities of NMA could be brought in line with global best practices, particularly the vision of WMO 2030.



Initial Public Reaction

The signing of the bill for the NMA Act was met with excitement from NMA and key stakeholders within the aviation and maritime industries, this is because an effective meteorological agency will help to ensure the safe operation of aircraft and ships.

The Director-General of NMA was quoted during a two-day training programme for NMA senior staff that “the new NMA Act will reposition the agency to be more effective and efficient”¹⁰⁸.

¹⁰⁶. Section 8 *ibid*

¹⁰⁷. Section 7 of the new Act

¹⁰⁸. New NiMET Act to reposition agency, improve efficiency - DG - Nairametrics <https://nairametrics.com/2022/09/26/new-nimet-act-to-reposition-agency-improves-efficiency-dg/>

Nigerian Council for Management Development (Establishment) Act 2022

Introduction

In August 2022, the bill for the Nigerian Council for Management Development (Establishment) Act (the NCMD Act) received presidential assent and repealed the NCMD Act of 2004. The NCMD Act serves to enable the Nigerian Council for Management Development (the NCMD) to harmonise its activities to meet up with internationally recognised standards and to effectively utilise the managerial manpower of Nigeria in all sectors of the economy.



The NCMD Act 2022 now penalizes any person who operates as a management consultant or trainer without accreditation from NCMD.

Key Focus Areas

The objective of the NCMD Act, amongst other things, is to confer the NCMD with more powers to adequately regulate, develop and promote a high national standard of management education, entrepreneurial development, and supervisory training programmes in line with international standards. The NCMD is also charged with the function of accrediting every management training firm or institution upon the fulfilment of all its criteria.

The Centre for Management Development (the CMD) was established as the operational arm of the NCMD. One of the functions of the CMD is to provide the NCMD with information and other technical data necessary for NCMD's policymaking and coordinating functions.

¹¹¹. Accessible at <https://www.icanigeria.net/about-us/>

¹¹². [Section 1 NICA Act 2022](#)

The CMD is also empowered to conduct examinations and grant certificates in areas of management to persons who have pursued a course of study approved by NCMD and have satisfied other requirements prescribed by the NCMD.

The NCMD Act 2022 now penalizes any person who operates as a management consultant or trainer without accreditation from NCMD.

Potential Impact

The NCMD Act will also strengthen CMD towards ensuring that only skilled facilitators are involved in management training for ministries, departments and agencies (MDAs), and private organisations.



Initial Public Reaction

This NCMD Act was well received by the CMD in view of the fact that their role has now been amplified to provide technical support to the NCMD. The signing of this bill for the law has received numerous plaudits from key stakeholders, the MDAs, and some private organizations.

The Director General of the CMD, during the opening ceremony of a workshop organised by the CMD in Abuja, stated that the NCMD Act has empowered the CMD to sanction any quacks in the business of management training. He reiterated the commitment of the CMD to regulate management training institutions towards ensuring standards in line with international best practices.¹¹⁴

114. Accessible at <https://radionigeriaabuja.gov.ng/2022/09/12/cmd-to-strengthen-regulation-of-management-training-institutions/>

Chartered Institute of Social Work Practitioners (Establishment) Act, 2022

Introduction

The President, in August 2022, assented to the bill for the Chartered Institute of Social Work Practitioners (Establishment) Act, 2022 (the Social Work Act). The principal objective that drove the passage of the Social Work Act is the urgent need for rapid and enhanced social development in Nigeria. The adoption of the Social Work Act presents social, political and economic opportunities.



The body is also in charge of determining and raising the standards of knowledge and skill required of those who want to be certified social workers.

Key Focus Areas

The Act establishes the Institute of Social Work Practitioners, a body charged with the responsibility to train and register persons aspiring to become social work practitioners in Nigeria as well as raising awareness about the profession. The body is also in charge of determining and raising the standards of knowledge and skill required of those who want to be certified social workers.

Social work is an applied or behavioural profession that promotes humanitarian actions, social justice, peace and conflict resolutions, engendering social change, problem-solving and sustainable development in human relationships with a focus on empowering and liberating people and enhancing the well-being of individuals, families, groups, and communities.

With the enactment of this Act providing for the training and certification of Social Workers, their typical role will include identifying individuals and communities in need of assistance, evaluating clients' needs, circumstances, strengths, and support systems to determine their goals, assisting clients in adjusting to changes and challenges in their lives, such as illness, divorce, or unemployment, and advocating for community resources, such as food stamps, childcare, and healthcare, in order to help and improve a client's well-being.

Additionally, they respond to crisis situations like child abuse and mental health emergencies and follow up with clients to see if their situations have improved. They may also offer psychotherapy services if needed. With the above in place, Nigeria has a more realistic possibility to experience a better state of social welfare and a more conscious concern for human dignity.



With the enactment of this Act providing for the training and certification of Social Workers, their typical role will include identifying individuals and communities in need of assistance, evaluating clients' needs, circumstances, strengths.

Potential Impact

The Social Work Act is beneficial for Nigeria and members of the profession at large. This is because having a chartered institute for social workers standardizes practices in the profession, advances the field, galvanises professionals and provides a means for the profession to self-regulate. The act will also improve Nigeria's international reputation and credibility with regard to social welfare. Although, compared to the barrage of social problems currently bedeviling Nigeria, the social work profession is still in its embryonic phase in Nigeria to attend to all of Nigeria's social problems.

However, with the certification and training of more social work professionals, they can synergise with the Ministry of Humanitarian Affairs, Disaster Management and Social Development to contain the very many problems. For any progress to be made in this regard, the government and Nigerian people must be willing to offer support that can help the country attain better social welfare for Nigerians.



It is also worthy to note that the National Assembly is well within its powers to legislate on this subject matter as items 27 and 28 of the second schedule of the Constitution (Concurrent Legislative list), which vests the National Assembly with the power to establish institutes for the purpose of professional education. Hence, any attempt to challenge the Social Work Act in future might be an effort in futility.



Initial Public Reaction

Despite the promising nature of the Social Work Act, its introduction was greeted with mixed reactions from different quarters. On one hand, the Nigerian Association of Social Workers initially expressed their doubts and reluctance about the new law, considering that the Social Work Act substituted the proposed “Nigeria Council for Social Work (Establishment) Bill 2019”, which sought to establish a council to regulate the practice of professional Social Work in Nigeria. According to the Nigerian Association of Social Workers, the idea of a chartered institute of social work practitioners defies global standards and is alien to the Social Work profession because, in their opinion, social workers do not require chartered certificates to care for the weak and the voiceless.

On the other hand, the Chartered Institute of Social Work Practitioners of Nigeria has given accolades to the government for finally taking strides towards standardising the social work profession in Nigeria. They have expressed optimism about the impact and opportunities that the enactment of the Act will usher in for Nigerians.¹¹⁶

116. Accessible at <https://tribuneonline.ng/experts-task-governors-state-assemblies-on-domestication-of-social-works-establishment-act/>

National Biotechnology Development Agency Act, 2022

Introduction

In November 2001, the Federal Executive Council established the National Biotechnology Development Agency (NABDA) under the aegis of the Federal Ministry of Science and Technology. However, NABDA has now been afforded legislative backing, with the signing of the bill for the National Biotechnology Development Agency Act, 2022 (the NABDA Act). The Act principally expands the scope of activities of the National Biotechnology Development Agency (NABDA).



The NABDA Act further contains other boilerplate provisions, including setting out the structure of NABDA, the staff of NABDA and peculiar financial provisions

Key Focus Areas

According to the NABDA Act, NABDA is tasked with conducting biotechnology research and development in priority areas of food, agriculture, health, industry, environment, and other strategic sectors for national development, as well as developing programs and policies for biotechnology utilisation in Nigeria.¹¹⁷ NABDA is also tasked with encouraging the development and application of acceptable and profitable technologies through strategic investments in biotechnology research and development, to support innovation and economic development, and to ensure that Nigeria becomes self-sufficient in the development and application of biotechnology-based products and services.

¹¹⁷. Section 7 of the NABDA Act

The NABDA Act further contains other boilerplate provisions, including setting out the structure of NABDA¹¹⁸, the staff of NABDA¹¹⁹ and peculiar financial provisions¹²⁰. The Board of NABDA is empowered to make regulations to give effect to the NABDA Act, with the approval of the Minister charged with the responsibility for science and technology.

Potential Impact

Modern biotechnology offers a method for genetic enhancement that can be more effective and accurate. It aims to develop seeds that are more efficient and disease/pest resistant. It entails using technology to improve process accuracy, reduce the time required for crossbreeding, and eliminate risks of passing unintended genes from one seed to another. The enactment of the NABDA act revolutionises the landscape through which Nigeria embraces biotechnology. It envisages a wide range of duties and adequate funding to create an enabling environment for the improvement of quality standards as well as the provision of healthy foods. By virtue of the provisions of this NABDA Act, Nigeria is projected to inadvertently produce more food crops for consumption, commercialisation and exporting.

Widespread adoption of biotechnology, particularly in the agriculture sector can help Nigeria combat such challenges as climate change, persistent pest infestations, declining soil nutritional quality, gradual reduction in arable land due to the pressures of urbanisation and Nigeria's growing population. It is hoped that the government would support the agency fully and work with it. Additionally, the agency must make a concerted effort to make sure that research and collaborations are focused on attaining environmental sustainability, industrial growth, food security, and improved nutrition.

118. Part III of the NABDA Act

119. Part IV of the NABDA Act

120. Part V of the NABDA Act

Initial Public Reaction

The Act has been received warmly particularly amongst biotechnology enthusiasts as a welcome development that will usher in new opportunities for Nigerians, particularly in the Agricultural sector. This Act is seen as a step in the right direction as it builds a commendable structure in which the former omitted assigning specific duties to various departments and created more offices for the smooth running of the institute.



Animal Diseases (Control) Act, 2022

Introduction

In April 2022, the President signed the bill for the Animal Diseases (Control) Act, 2022 (the Animal Diseases Act) which repealed the Animal Diseases Control Act CAP. A17 LFN 2004, and serves to prevent, detect, control, and eradicate infectious and contagious transboundary and zoonotic diseases.

The repealed law commenced in February 1988; thus, an upgrade was indeed long overdue.



It also aims to regulate medicated animal feeds, pet food sales and distribution, veterinary medical devices, other veterinary products, and the improvement of animal welfare and food safety.

Key Focus Areas

The Animal Diseases Act is positioned to control and regulate the use and administration of veterinary biologics, veterinary pharmaceutical products, and chemicals in animals, as well as animal products.

It also aims to regulate medicated animal feeds, pet food sales and distribution, veterinary medical devices, other veterinary products, and the improvement of animal welfare and food safety.

Potential Impact

An effective nationwide implementation of the Animal Diseases Act would help alleviate the menace of animal diseases, which would invariably enhance sustainable development, as well as guarantee food security in the country.



Initial Public Reaction

It was reported that just around the commencement of the Animal Diseases Act, the government, vide the Federal Ministry of Agriculture and Rural Development was collaborating with stakeholders in the agricultural sector to develop a five-year National Control Strategic Plan to prevent transboundary diseases in livestock population in Nigeria.¹²¹

The Minister of Agriculture and Rural Development noted that in the government's efforts to curtail the spread of transboundary animal diseases, it had procured millions of doses of contagious bovine pleuropneumonia vaccines, peste des petits ruminants vaccines, foot and mouth diseases vaccines and Newcastle Disease vaccines, to be allocated to all states and the FCT, based on request.¹²²

121. Accessible at <https://fmard.gov.ng/fg-stakeholders-develops-5-years-ncsp-to-curtail-the-spread-of-transboundary-diseases-in-the-livestock-sub-sector-abubakar/>

CONCLUSION

The efforts of the National Assembly in 2022 to amend and introduce new laws to improve the legal framework in Nigeria have led to the passage and assent of several key pieces of legislation. This report has provided an overview of these laws, their key focus areas, potential impact areas, and initial public reaction.

As we move into 2023, it will be important to monitor the implementation and impact of these laws to assess their effectiveness in achieving their goals. The National Assembly has laid the foundation for progress, and it is now up to the relevant government agencies and the public to work together to ensure that these laws are implemented and enforced in a way that benefits all Nigerians.



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