

**DRUGS AND RELATED PRODUCTS (REGISTRATION,
ETC.) (AMENDMENT) DECREE 1999**



Decree No. 20

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Drugs and Related Products (Registration, Etc.) Amendment of
Decree 1993 (in this Decree referred to as "the principal Decree") 1993 No. 19.
is amended as set out in this Decree.

2. The principal Decree is amended by substituting for the words "Drugs and Related Products" wherever they occur in the Decree, the words "Food, Drugs and Related Products". Change of
title, etc.

3. Section 1 of the principal Decree is amended by substituting for subsection (1), the following new subsection - Amendment of
section 1.

"(1) No processed food, drug, drug product, cosmetic, medical device or water shall be manufactured, imported, exported, advertised, sold or distributed in Nigeria unless it has been registered in accordance with the provisions of this Decree or regulations made under it."

4. Sections 2 and 4 of the principal Decree are amended by inserting immediately before the word "drug" wherever it occurs in those sections, the words "processed food,". Amendment of
sections 2 and 4.

5. There shall be inserted immediately after section 7 of the principal Decree, the following new sections - Insertion of
new sections
7A, 7B and 7C.

"Forfeiture
after
conviction.

7A.-(1) A person convicted of an offence under this Decree or regulations made under it shall forfeit to the Federal Government -

(a) any asset or property constituting, or derived from any proceeds the person obtained, directly or indirectly, as a result of the offence;

(b) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.

(2) In this section, "proceeds" means any property derived or obtained, directly or indirectly, through the commission of the offence.

Jurisdiction.

1984 No. 20.

7B.-(1) The Tribunal established under the Special Tribunal (Miscellaneous Offences) Decree 1984, as amended, (in this Decree referred to as "the Tribunal") shall have jurisdiction to try offenders under this Decree.

(2) The Tribunal shall have power, notwithstanding anything to the contrary in any other enactment, to impose the penalties provided for in this Decree.

(3) Any part-heard proceeding, relating to a matter for which the Tribunal has jurisdiction, which is pending before any court on the date of the making of this Decree shall be continued and completed as if this Decree had not been made.

(4) All new proceedings shall be brought before the Tribunal in accordance with the provisions of the Special Tribunal (Miscellaneous Offences) Decree 1984.

(5) A person who has been tried and convicted or acquitted for an offence charged under any other enactment shall not be tried a second time for the same offence,

notwithstanding that he could be proceeded against in accordance with the provisions of this Decree.

Forfeited
drugs, etc.

7C. Any processed food, drug, drug product, cosmetic, medical device or water seized by the Agency shall be forfeited to the Federal Government and shall be dealt with in such manner as the Minister may, from time to time, determine."

6. Section 8 of the principal Decree is amended -

Amendment of
section 8.

(a) in the side-note and in subsection (1), by inserting immediately before the word "Drug", the words "Food and"

(b) in subsection (2)(a), by inserting immediately before the word "drugs", the words "food, food products,"; and

(c) by deleting subsection (4).

7. There shall be inserted immediately after section 8 of the principal Decree, the following new section -

Insertion of
new section 8A.

"Regula-
tions.

8A. The Governing Council of the Agency may, with the approval of the Minister, make regulations for the purpose of giving effect to the provisions of this Decree."

8. Section 9 of the principal Decree is amended by -

Amendment of
section 9.

(a) substituting for the definition of the word "cosmetic", the following new definition, that is -

" "cosmetic" includes any substance or mixture of substance intended to be rubbed, poured, sprinkled or sprayed, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the complexion, skin, hair or teeth and includes deodorants and detergent powder;"

(b) inserting in the proper alphabetical sequence, the following new definitions -

"detergent powder" means a cleansing agent in powder or granulated form used primarily for laundry purposes which -

(a) contains suitable ionic and non-ionic surface-active agent; and

(b) is produced from either sulphornation of suitable hydrocarbon or the sulphornation of various hydroxyl compounds;

"food" includes any article manufactured, processed, packaged, sold or advertised for use as food or drink for human consumption, chewing gum and any ingredient which may be mixed with food for any purpose whatever and excludes -

(a) live animals, birds and fish;

(b) articles or substances used as drugs;"

Citation.

9. This Decree may be cited as the Drugs and Related Products (Registration, Etc.) (Amendment) Decree 1999.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but
is intended to explain its purport)*

The Decree amends the Drugs and Related Products (Registration, Etc.) Decree 1993, among other things, to change the title of the Decree and to provide for the forfeiture of any asset or property obtained by any person who commits an offence under the Decree.