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**NIGERIAN COUNCIL OF FOOD SCIENCE AND
TECHNOLOGY (ESTABLISHMENT) ACT, 2019**



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SCHEDULES

**NIGERIAN COUNCIL OF FOOD SCIENCE AND
TECHNOLOGY (ESTABLISHMENT) ACT, 2019**

ACT No. 11

AN ACT TO ESTABLISH THE NIGERIAN COUNCIL OF FOOD SCIENCE AND
TECHNOLOGY TO REGULATE THE PRACTICE AND PROFESSION OF FOOD SCIENCE
AND TECHNOLOGY IN NIGERIA ; AND FOR RELATED MATTERS.

[15th Day of October, 2019] Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

**PART I—ESTABLISHMENT OF NIGERIAN COUNCIL OF FOOD
SCIENCE AND TECHNOLOGY**

1.—(1) There is established the Nigerian Council of Food Science and
Technology (in this Act referred to as “the Council”).

Establishment
of Nigerian
Council of
Food Science
and
Technology.

(2) The Council—

(a) is a body corporate with perpetual succession and a common seal,
which shall be kept in such custody as the Council may authorise ;

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

(c) may acquire, hold and dispose of any property, subject to the Land
Use Act.

Cap. L5.
LFN. 2004

2.—(1) The Council shall consist of —

Membership
of the
Council.

(a) a chairman who shall be—

(i) appointed by the President, on the recommendation of the
Nigerian Institute of Food Science and Technology (NIFST) through
the Minister, and

(ii) a Fellow of Nigerian Institute of Food Science and Technology,
with at least 20 years post qualification working experience in food science
and technology ;

(b) a vice-chairman, who shall—

(i) be the incumbent President of NIFST, and

(ii) assist the Chairman in his absence ;

(c) a representative each of the Federal Ministry of —

(i) Science and Technology,

(ii) Health,

(iii) Agriculture and Rural Development,

(iv) Water Resources,

(v) Commerce and Industry.

(d) a representative of the—

(i) Director-General of the National Agency for Food and Drug Administration and Control, who shall be the highest-ranking registered food professional in the organisation.

(ii) Director-General of Standards Organisation of Nigeria, who shall be the highest-ranking registered food professional in the organisation,

(iii) Committee of Directors of food related research institutes in the Federal Ministry of Science and Technology.

(iv) Nigerian Universities Commission,

(v) National board for Technical Education.

(vi) Association of Food, Beverage and Tobacco Employers, and

(vii) Nigerian Association of Small and Medium Scale Enterprises ;

(e) the Registrar of the Council ;

(f) two representatives of Heads of Department of Food Science and Technology, one from a university and one from a Polytechnic accredited by the Council ; and

(g) two other persons as the Council may recommend who shall be citizens of Nigeria and registered Food Professionals.

(2) The Chairman—

(a) shall preside at all the meeting of the Council ;

(b) hold office for four years in the first instance ; and

(c) may be re-appointed for four years and no more.

(3) In the event of the death, incapacity or inability of the Chairman, the Vice-Chairman shall act as the Chairman of the Council with the approval of the Minister, pending the appointment of a new Chairman for the remaining portion of the term of office of the Chairman, and references in this Act to the Chairman shall be construed accordingly.

First
Schedule.

(4) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications, election and tenure of office of members of the Council and other matters mentioned.

Functions of
the Council.

3. The Council shall—

(a) determine the standards of knowledge, exposure to equipment, practice and skills to be attained by persons seeking to become members of the profession of Food Science and Technology (in this Act referred to as “the Food Profession”) and to be so registered, and review those standards as circumstances may require ;

(b) promote the highest standards of competence, practice and conduct among the members of the food profession ;

(c) secure, in accordance with the provisions of this Act, the establishment and maintenance of a register of persons entitled to practice the Food Profession, the registration of the premises used for that purpose and the publication, of the lists of the persons and premises so registered ;

(d) determine the minimum scale of professional fees for members of the Food Profession and review such scale, as circumstances may require ;

(e) coordinate, regulate, facilitate and promote the development of the discipline and practice of food profession in Nigeria ;

(f) collaborate with relevant national and international, governmental and non-governmental agencies ;

(g) be responsible for the discipline, promotion and the determination of the terms and conditions of service of the employees ; and

(h) perform other functions as are necessary for attaining the objectives of this Act.

4. The Council shall have powers to—

(a) make rules with regard to any matter contained in this Act ;

(b) regulate the enrolment of persons seeking registration ;

(c) require any member to acquire such approved qualification as is acceptable and commensurate to his cadre in the Food Profession either in addition to, or in substitution for, any other qualification with which he is registered by the Council ;

(d) determine fees (including annual subscription) payable by registered food professionals on enrolment ;

(e) refuse to register any person as a member of the Food Profession, if it appears to it that such a person—

(i) does not possess the relevant qualification, or

(ii) has been indicted for an offence and sentenced to more than two years imprisonment ;

(f) strike off the names of members from the register for unprofessional conduct ; and

(g) order the re-listing of any member whose name was struck off the register on reasonable grounds.

Powers of
the Council.

Admission
to
membership.

5.—(1) Subject to the provisions of this section, a person is eligible for enrolment as a registered professional by the Council in the categories of —

(a) Fellow ; or

(b) Member.

(2) A person admitted into the membership of the profession by the Council, in any of the categories specified in subsection (1), shall be registered by the Registrar and be entitled to use the title after his name, if —

(a) In the case of a Fellow—

(i) is not less than 40 years of age,

(ii) has, at least, 15 years of relevant working experience in the food profession,

(iii) is registered as a Certified Food Scientist of Nigeria and has been qualified to be so registered for at least 10 years and he satisfies the Council that, for the preceding period of 15 years, he has been in practice as a food professional,

(iv) is fit and proper person to be enrolled, and

(v) his application is sponsored by two members of the Council, both of whom shall be fellows of NIFST ; and

(b) In the case of Certified Food Scientist of Nigeria and be entitled to the use of the title —

(i) he is not less than 20 years of age,

(ii) he holds the qualification approved for registration into the Food Profession,

(iii) he is a fit and proper person to be enrolled,

(iv) his application is sponsored by two members of the Council who have been registered as food professionals for five years,

(v) he is recommended by the Governing Council of NIFST, and

(vi) he satisfies other conditions prescribed by the Council, including examinations, tests and internship.

(3) Notwithstanding the provisions of subsection (1), the Council may accord other worthy persons such other status of the profession as the Council may determine.

(4) Notwithstanding the provisions of subsection (2), all members excluding licentiates, corporate and honorary members of NIFST whose names appear in the most recent edition of its directory of members and any person who has been a member of NIFST as at the date of commencement of this

Act or who but for this Act would have been qualified to be admitted as a member of NIFST within six months from the commencement of this Act is deemed enrolled into the register of Food Professionals of the food profession in their various membership categories and years of membership in NIFST on fulfilling other requirement prescribed by the Council.

PART II—APPOINTMENT OF REGISTRAR

6.—(1) The Council shall appoint—

(a) a fit and proper person, who is a food professional, a fellow of the Council and a fellow of NIFST, to be the Registrar and the Chief Executive Officer of the Council ; and

(b) such other persons as it may need to assist the Registrar in the performance of his functions under this Act.

(2) The Registrar—

(a) shall hold office—

(i) for four years in the first instance,

(ii) on such terms and conditions of service as specified in his letter of appointment ; and

(b) may be eligible for reappointment for another period of four years and no more.

(3) The Registrar shall be responsible for the supervision and general administration of the employees, under the direction of the Council.

7.—(1) Service in the Council shall be approved service for the purposes of the Pensions Reform Act, and employees of the Council, excluding temporary, *ad hoc* and contract staff shall be entitled to pension, the gratuity or other retirement benefits in respect of that office.

(2) Notwithstanding the provisions of subsection (1), nothing in this Act prevents the appointment of a person to any office on terms which preclude the granting of a pension, gratuity or other retirement benefits in respect of that office.

8.—(1) The Registrar shall prepare and maintain, in accordance with the rules made by the Council, a register of —

(a) names, addresses, and approval qualifications of all persons who are entitled, in accordance with the provisions of this Act, to be registered as members of the Food Profession and who, in the manner prescribed by such rules, apply to be so registered ;

Appointment
of Registrar
and
preparation
of the
Register.

Pensionable
Service.
Act No. 4.
2014

Duty of the
Registrar to
prepare the
register.

(b) the institutions of higher learning accredited by the Council that are offering courses in food science and technology ; and

(c) other persons and establishments as the Council may direct to be registered.

(2) The register is divided into Parts A and B.

(3) Part A of the register is a register of persons and is divided into two sub-parts of which—

(a) the first shall be in respect of premises in which members are engaged in professional practice ; and

(b) the second shall be in respect of tertiary educational institutions accredited by the Council to offer courses in food science and technology.

(4) Subject to subsections (1) and (2), the Council shall make rules, with respect to the form and keeping of the register and making of entries therein and, in particular—

(a) regulate the making of application for registration and provide for the evidence to be produced in support of such applications ;

(b) provide for the notification of the Registrar by the person to whom registered particulars relate or any change in those particulars ;

(c) authorise a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or accepted qualification for the purposes of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered ;

(d) specify the fees, including any subscription, to be paid to the Council in respect of the entry of names on the register and authorise the Registrar to refuse to enter a name on the register until the fee for the entry has been paid ; and

(e) specify other conditions and matters required to be specified under this section.

(5) Rules made for the purpose of paragraph (d) of this section shall not come into effect until they are confirmed at the next meeting of the Council or at a special general meeting of NIFST.

Alteration of
the register.

9.—(1) The Registrar shall—

(a) correct, in accordance with the Council's directives, any entry in the register which, in the opinion of the Council, was incorrectly made ;

(b) make any necessary alteration to the registered particulars of registered persons or premises ;

(c) remove the name and particulars of any registered person or premises from the register, as the Council may direct ; and

(d) record the names of registered food professionals and of premises which are in default for more than two years in the payment of annual subscriptions, and take such actions (including removal of the names of defaulters from the register) as the Council may direct or require.

(2) If the Registrar—

(a) Sends, by post to any registered person, a registered letter addressed to that person at the person's address on the register, enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within three months from the date of posting it,

(b) Upon the expiration of the period stated in paragraph (a), sends to the person in question, a second similar letter and receives no reply to that letter within three months from the date of posting it, and

(c) Sends, by electronic means, an e-mail to that person without any reply,

the Registrar may remove the particulars relating to the person in question from the register, but the Council may direct the Registrar to restore to the appropriate part of the register, any particulars removed there from under this subsection.

10.—(1) The Registrar shall cause—

(a) the register to be printed, published and put on sale to members of the public not later than two years from the commencement of this Act and subsequently each year, cause to be printed, published and put on sale either a corrected edition of the register or a list of corrections made to the register, since it was last printed ;

(b) a copy of each edition of the register to be printed and list of corrections deposited at the principal offices of the Council and NIFST Chapter Offices; and

(c) to be kept the register and list of corrections deposited and make same available to members of the public, at all reasonable times for inspection.

(2) A document purporting to be a print of an edition of a register published under this section by the Registrar, and of the list of corrections to the edition so published shall (without prejudice to any other mode of proof) be admissible in any proceeding, as evidence that any person specified in the document as

Publication
of the
register and
list of
correction.

being registered was registered at the date of the date of the edition or of the list of corrections and that any person not specified was not registered.

(3) Where, in accordance with subsection (2), a person is, in any proceeding, shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be or not to have been registered.

PART III—REGISTRATION

Registration
of members
and
premises.

11.—(1) Subject to section 5 and the rules made under section 8(4)(a) and (b), a person is entitled to be a member of the Food Profession if he satisfies the Council that he—

(a) holds the qualification approved for membership of the Food Profession and has been admitted into the membership of NIFST as a professional member ;

(b) is by law entitled to practise for all purposes as a food professional in the country in which the qualification was granted ; and

(c) holds at least one of the qualifications prescribed for the purpose of registration and has complied with other requirements prescribed under this Act.

(2) Subject to subsection (1), a person is entitled to be registered under the provisions of this Act if he holds such certificate as may be recognised by the Council.

(3) A person applying for registration under this Act shall, in addition to evidence of qualification, satisfy the Council that he is a fit and proper person.

(4) The Council may, provisionally accept a qualification produced in respect of an application for registration under this section or direct that the application be renewed within such period as may be specified in the direction.

(5) Any entry directed to be made in the register under this subsection shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.

(6) The Council shall publish in the Federal Government *Gazette* particulars of qualifications accepted for registration under this Act.

Practising
fee.

12.—(1) A registered person shall not practise the Food Profession in any year unless he has paid to the Council, in respect of that year, the appropriate practising fee as determined by the Council, which is due on the 1st day of January of every year.

(2) Any registered person who practises without paying the practising fee commits an offence and is liable on conviction to a fine twice the prescribed fee for each of the years he is in default of payment of the practising fees.

13.—(1) The Council may, in conjunction with the appropriate bodies, approve any institution of learning for the purpose of this Act, and may approve—

Approval of
Institutions
and
qualifications.

(a) a course of training, at an approved institution, for a person seeking to become or who is already a member of the Food Profession and which, in the opinion of the Council, is designed to confer on the person upon completion sufficient knowledge and skill for the practice of the Food Profession ; and

(b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to a candidate on reaching a standard at the examination, indicating, in the opinion of the Council, that the candidate has sufficient knowledge and skill for the practice of the Food Profession.

(2) The Council may, if it deems fit, withdraw an approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval, the Council shall—

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or qualification granted or the Institution is controlled ;

(b) afford each person an opportunity of making representations to the Council regarding the proposal ; and

(c) take into consideration any representation made with respect to the proposal under paragraph (b).

(3) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under subsection (2).

(4) The withdrawal of an approval under subsection (2) shall not prejudice the registration or eligibility for registration of a person who, by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section, shall have effect from the date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in instrument and the Council shall—

(a) cause a copy of the instrument to be published immediately in the Federal Government *Gazette* and a National Newspaper ; and

(b) not later than seven days before its publication, send a copy of the instrument to the Minister.

Supervising
institutions
and
examinations
leading to
approve
qualifica-
tions.

14.—(1) The Council shall keep itself informed of the nature of the—

(a) instructions given at approved institutions to persons attending approved course of training ; and

(b) examinations, as a result of which approved qualifications are granted, and for the purpose of discharging its duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or observe such examinations.

(2) A person appointed under this section shall report to the Council on—

(a) the adequacy of the instruction given to persons attending approved courses of training at institutions visited by him ;

(b) the conduct and adequacy of the examinations observed by him ; and

(c) any other matter relating to the institutions or examinations on which the Council may, either and generally or in a particular case, request the person to report, such person shall not interfere with the giving of any instruction or the holding of examination.

(3) On receiving a report made under this section, the Council may, if it deems fit, and shall, if so required by the institution, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for examination to which institution's examination report relates, requesting that person to make observation on the report to the Council, within such period as may be specified in the request, not being less than one month beginning with the date of the request.

PART IV—FINANCIAL PROVISIONS

Fund of the
Council.

15.—(1) There is established a fund for the Council (in this Act referred to as "the Fund").

(2) There shall be paid into the Fund—

(a) grants, subsidies, foreign aid and donations from NIFST, Governments and non-government partners, gifts, charges, fees, subscription and interests ; and

(b) such other money accruing to, or vested in, the Council in respect of any matter incidental to its powers and functions under this Act.

(3) There shall be paid out of the Fund—

(a) the costs of administration of the Council ;

(b) the emoluments, allowance and benefits of members of the Council, reimbursement of members of the Council or any committee set up by the Council and for such other expenses as may be authorised by the Council ;

(c) the payment of salaries, fees or other benefits payable to the staff and other employees of the Council, but no payment of any kind under this paragraph (except such as may be authorised by the Council) shall be made to any person who is in receipt of emoluments from Government of the Federation or of a State ;

(d) expenditures in support of training ;

(e) cost of research ;

(f) cost of development and maintenance of any property vested in or owned by the Council ; and

(g) any other expenditure approved by the Council for the performance of its functions and obligations under this Act.

(4) The Council may invest any surplus fund in the securities created or issued by it or in other securities or ventures in Nigeria approved by the Council and the income generated from the investment shall be paid into the Fund.

(5) The Council may subject to the approval of the Minister, borrow money for the purpose of the Council and its functions under this Act and such money and interests payable on the money shall be paid out of the Fund.

16. The Council shall, not later than the 30th September in each year, submit to the Minister a work-plan and the annual estimates of its income and expenditure for the succeeding year.

Annual estimates.

17. The Council shall keep proper accounts of its finances and the records of those accounts and cause the account to be audited, immediately after the end of the financial year to which the accounts relate, by a firm of auditors approved by the Council from the list of auditors provided by the Auditor-General for the Federation.

Account and audit.

18.—(1) The Council shall prepare and submit to the Minister, not later than 30th June in each financial year, a report on the activities of the Council during the immediate preceding year and shall include in the report a copy of the audited accounts of the Council for that year and the auditor's report on the accounts.

Annual reports.

(2) The Minister shall submit the report and any recommendation made by him to the Federal Executive Council.

PART V—PROFESSIONAL DISCIPLINE

Establishment
of
Investigating
Panel and
Disciplinary
Tribunal.

19.—(1) There is established for the Council the Investigating Panel (in this Act referred to as “the Investigating Panel”) charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a person registered is guilty of misconduct in his capacity as a food professional or should, for any reason, be the subject of proceedings before the Disciplinary Tribunal; and

(b) deciding whether the case shall be referred to the Disciplinary Tribunal.

(2) The members of the Investigating Panel shall be appointed by the Council and shall consist of two members of the Council and one other registered food professional who is not a member of the Council.

(3) There is established for the Council the Disciplinary Tribunal (in this Act referred to as “the Disciplinary Tribunal”) charged with the duty of considering and determining any case referred to it by the Investigating Panel and any other case of which the Disciplinary tribunal has cognizance under this Act.

(4) The Disciplinary Tribunal shall consist of the Chairman of the Council and six other members of the Council appointed by the Council, provided that, no person who has interest in the matter before the Tribunal is appointed a member of the Disciplinary Tribunal.

Second
Schedule.

(5) The provisions of the Second Schedule to this Act shall, so far as they are applicable to the Investigating Panel and Disciplinary Tribunal respectively, have effect in respect of those bodies.

(6) The Council may make rules, not inconsistent with this Act, as to acts which constitute professional misconduct.

Penalty for
unprofessional
conduct.

20.—(1) Where—

(a) a person registered under this Act is adjudged by the Disciplinary Tribunal to be guilty of infamous misconduct in any professional matter,

(b) a person registered under this Act is convicted by a court or tribunal in Nigeria or elsewhere having power to impose imprisonment as penalty for any offence (whether or not punishable with imprisonment) which, in the opinion of the Disciplinary Tribunal, is incompatible with the status of a member of the Food Professional, or

(c) the Disciplinary Tribunal is satisfied that the name of any person has been fraudulently registered,

the Disciplinary Tribunal may, if it deems fit, give a directive reprimanding that person or ordering the Registrar to strike the person's name off the relevant part of the register.

(2) The Disciplinary Tribunal may, if it deems fit, defer or further defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Disciplinary Tribunal, but—

(a) decisions shall not be deferred under this subsection for periods exceeding one year in the aggregate ; and

(b) a person shall not be a member of the Disciplinary Tribunal, for the purpose of reaching a decision which has been deferred, unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.

(3) For the purpose of subsection (1)(b), a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Disciplinary Tribunal gives a direction under subsection (1), the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.

(5) A person to whom a direction relates may, at any time within 28 days from the date of service on him of notice of the directive, appeal against the directive to the Federal High Court and the Disciplinary Tribunal may appear as the respondent to the appeal, and for the purpose of enabling directives to be given as to the costs of the appeal and proceedings before the Federal High Court, the Disciplinary Tribunal is deemed to be a party, whether or not it appears on the hearing of the appeal.

(6) A directive of the Disciplinary Tribunal under subsection (1) takes effect where—

(a) no appeal is brought against the direction within the time limit provided for the appeal or on the expiration of that time ;

(b) an appeal is brought and is withdrawn or struck out for want of prosecution on the withdrawal or striking out of the appeal ; and

(c) an appeal is brought and is dismissed.

(7) A directive of the Disciplinary Tribunal does not take effect except in accordance with the provisions of this section.

(8) A person whose name is struck off the register under the directive of the Disciplinary Tribunal under this section and is not entitled to be registered again except under a directive in that behalf, a directive under this section to strike off a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the directive (and where he has duly made such an application, from the date of his last application) as may be specified in the directive.

PART V—MISCELLANEOUS

Application of the Act to unregistered person.

21. A person not being a registered food professional who would have qualified to apply for and obtain membership of the Food Profession may, within six months from the commencement of this Act, apply for registration to the Council, in such manner as may be prescribed by rules made by the Council and, if approved, he shall be registered according to his qualification.

When a person is deemed to practise as a food professional.

22.—(1) Subject to subsection (2), a person is deemed to practise as a food professional if, in consideration of the remuneration received and whether by himself or in partnership with any other person, he—

(a) engages himself in the practice of the Food Profession and holds himself out to the public as a food professional ;

(b) offers to perform or performs any service involving the knowledge of the Food Profession ;

(c) renders professional service or assistance in or about matters of principle or detail relating to the profession, or

(d) renders any other service which may, by regulation made by the Council with the approval of the minister, be designated as service constituting practice of the Food Profession.

(2) Nothing in this section shall be construed as applying to persons who, while in the employment of any Government, discharge the duties of a food professional.

Rules as to practice.

23.—(1) Notwithstanding section 14(1), the Council may make rules—

(a) for the training of suitable persons in the Food Profession ;

(b) for the supervision and regulation of the engagement, training on the job and transfer of suitable persons registered as food professionals ;

(c) prescribing the form of licence to practice which shall be issued annually or, if the Council deems fit, by endorsement in an existing licence ; and

(d) prescribing the period of practical training to be completed in the premises of a member of the profession in practice, before a person qualifies for a licence to practice as a food professional.

(2) Rules when made under this section shall, if the Chairman of the Council so directs, be published in the *Federal Government Gazette*.

24. The Council shall—

(a) provide and maintain a print and electronic library and research facilities as the Council may deem necessary to perform the functions of the Council under this Act :

Provision of library research facilities etc.

(b) promote training and research into food processing, preservation and quality control systems, systems management and allied matters ; and

(c) co-ordinate food information management system in the country to facilitate studies and research in food science and technology development in Nigeria.

25.—(1) A food professional who practise in premises that is not registered by the Council, commits an offence under this Act.

Offences.

(2) A person who, for the purpose of procuring the registration of any name, qualification or other material—

(a) makes a statement which he believes to be false ; or

(b) recklessly makes a statement which is false,

commits an offence under this Act.

(3) Where, on or after the relevant date, a person who is not a registered member of the Food Profession practises or holds himself out to practise for or in expectation of a reward or takes or uses any name, title, addition or description implying that he is a member of the Food Profession, commits an offence under this Act, but in the case of a person falling within section 5 (4) of this Act—

(a) this subsection does not apply in respect of anything done by him during the period of six months mentioned in that section ; and

(b) if, within that period, he duly applies for membership of the profession, and unless within that period he is notified that his application has not been approved, this subsection does not apply in respect of anything done by him between the end of that period and the date on which he is registered or is notified.

(4) Where the Registrar or any other person employed by or on behalf of the Council wilfully makes any falsification or colludes with another within or outside the Council in any matter relating to the register, the Registrar or such other person commits an offence.

(5) A person who commits an offence under this section is liable on conviction—

(a) for the first offender, to a fine of at least ₦100,000.00 ; and

(b) for the second or any subsequent offender, to imprisonment not exceeding two years or a fine of at least ₦200,000.00 or both.

(6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate he is deemed to have committed the offence, and is liable to be prosecuted and punished accordingly.

(7) In this section, "the relevant date" means the first anniversary of the coming into effect of this Act or such earlier date as may be prescribed for the purpose of this section by order of the Minister published in the Federal Government Gazette.

(8) Any member of the Council who, in respect of any year and without paying the prescribed practising fee, practises as such, commits an offence and is liable on conviction, in the case of a—

(a) first offender, to a fine, twice the prescribed practicing fee ; and

(b) second or subsequent offence, to a fine of at least, three the prescribed practising fee.

Regulations. 26. Regulations made under this Act, if unopposed within 21 days, become effective.

Interpretation. 27. In this Act—

"*Chairman*" means the Chairman of the Nigerian Council of Food Science and Technology appointed under section 2 (1) (a) of this Act ;

"*Council*" means the Nigerian Council of Food Science and Technology established under section 1(1) of this Act ;

"*Disciplinary Tribunal*" means the Nigerian Council of Food Science and Technology Disciplinary Tribunal established under section 19 (3) of the Act ;

"*Food Profession*" means the profession of food science and technology ;

“*Food Professional*” means a person who is qualified for the membership of NIFST, admitted and registered by the Nigerian Council of Food Science and Technology for the purpose of this Act ;

“*Investigating Panel*” means the Nigerian Council of Food Science and Technology Investigating Panel established under section 19(1) of this Act ;

“*Minister*” means the Minister charged with responsibility for matters relating to science and technology ;

“*NIFST*” means the Nigerian Institute of Food Science and Technology ;

“*relevant authority*” means a body charged with the registration of food premises by either the Federal, State or Local Government ; and

“*Registrar*” means the Registrar appointed by the Council under section 6(1)(a) of this Act.

28. This Act may be cited as the Nigerian Council of Food Science and Technology (Establishment) Act, 2019. Citation.

SCHEDULES

FIRST SCHEDULE

Sections 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

*Qualifications, Election and Tenure of Office of Members
of the Council*

1. Subject to the provisions of this Schedule, a member of NIFST, excluding its out-going President, may be elected as Vice-Chairman or the Chairman of the Council during its Annual General Meeting proceeding the date of their appointment as members of the Council.
2. An elected or nominated member of the Council, upon its recommendation shall be appointed by the Minister, to hold office for three years beginning from the date of such appointment into the Council.
3. A member of the Council who ceases to be a member of NIFST shall, if he is also an elected member of the Council, cease to be a member of the Council.
4. An elected member of the Council may, by notice in writing under his hand addressed to the Chairman, resign from the Council and any nominated member may, through the organisation he represents in the same manner, resign from the Council.
5. At any meeting of the Council, the Chairman shall preside, and in his absence the Vice-Chairman shall preside, and in the absence of the Vice-Chairman, the members present at the meeting shall appoint one of them to preside.
6. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council deems fit, but a person who is a member by virtue of this provision is not entitled to vote at such a meeting and does not count towards a quorum.
7. Notwithstanding anything in this Schedule, the first meeting of the Council shall be convened after consultation with the Minister.
- 8.—(1) A Special meeting of the Council shall be convened at any time if at least 10 members of the Food Profession required it by notice in writing addressed to the Registrar, setting out the objects of the proposed meeting and, the Chairman shall cause the meeting to be convened.
(2) The quorum for any meeting of the Council or any of its Committees is one-third of its members, while that of the Food Profession is one-tenth of its registered members.

Committees

9.—(1) The Council may set up one or more committees to perform a function as the Council may determine.

(2) A committee set up under this paragraph shall consist of the number of persons determined by the Council of whom, at least one-third may be food professionals who are not members of the Council.

(3) A person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.

(4) Decision of a committee of the Council is of no effect until it is confirmed by the Council.

Miscellaneous

10.—(1) The affixing of the seal of the Council shall be authenticated by the signature of the Chairman or of some other member of the Council authorised generally or specially by the Council to act for that purpose.

(2) A contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Council, as the case may be, by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and is, unless the contrary is proved, deemed to be executed.

11. The validity of any proceeding of the meeting of the Council or of a Committee of the Council is not adversely affected by—

(a) any vacancy in its membership ;

(b) any defect in the appointment of a member of the Council or of a person serving on the Committee ; or

(c) reason that a person not entitled to do so took part in the proceedings.

12. A member of the Council and any person holding office on a committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or on behalf of the Council shall immediately disclose his interest to the Council, and shall not vote on any question relating to the contract or arrangement.

13. A person shall not, by reason of his professional membership of the Council, be treated as holding an office in the Public Service of the Federation.

SECOND SCHEDULE

Sections 19(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND THE INVESTIGATING PANEL*The Disciplinary Tribunal*

1.—(1) The quorum of the Disciplinary Tribunal is four, at least two of whom shall be registered food professionals.

(2) The Attorney-General of the Federation may make rules as to—

(a) the selection of members of the Disciplinary Tribunal for the purpose of any proceeding ; and

(b) the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.

(3) The rules shall, in particular, provide for—

(a) securing that notice of the proceedings shall be given at such time and manner, as may be specified by the rule, to the person who is the subject of the proceedings ;

(b) who, in addition to the person mentioned in paragraph (a) shall be a party to the proceedings ;

(c) securing that any party to the proceedings is, if he so requests, entitled to be heard by the Disciplinary Tribunal ;

(d) securing that any party to the proceedings may be represented by a legal practitioner ;

(e) subject to the provisions of section 20(5) of this Act, as to the costs of proceedings before the Disciplinary Tribunal ;

(f) requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any respect, where the Disciplinary Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates ; and

(g) publishing in the Federal Government *Gazette*, notice of any directive of the Disciplinary Tribunal which has taken effect, providing that a person's name shall be struck off a register.

2. For the purpose of any proceeding before the Disciplinary Tribunal, any member of the Disciplinary Tribunal may administer oaths and any party to the proceedings may issue, out of the Registry of the High Court, writs of subpoena and *testificandum duces tecum* but no person appearing before the Disciplinary Tribunal shall be compelled to—

(a) make any statement before the Disciplinary Tribunal tending to incriminate himself ; or

(b) produce any document under such writ which he could not be compelled to produce at the trial of an action.

3.—(1) For the purpose of advising the Disciplinary Tribunal on questions of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Disciplinary Tribunal, who shall be appointed by the Council, on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of at least seven years standing.

(2) The Attorney-General of the Federation shall make rules as to the functions of assessor appointed under this paragraph and, in particular, such rules shall contain provisions for securing—

(a) that where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who poses a threat ;

(b) if the advice is tendered while the Disciplinary Tribunal is deliberating in private, that every such party or person shall be informed of what advice the assessor has rendered ; and

(c) that every such party or person shall be informed of it in any case the Disciplinary Tribunal does not accept the advice of the assessor on such a question.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceeding and shall hold and vacate office in accordance with the terms of the letter by which he is appointed.

The Investigating Panel

4. The quorum of the Investigating Panel is three.

5.—(1) The Investigating Panel may, at any of its meetings attended by all its members, make standing orders with respect to the Investigating Panel.

(2) Subject to the provisions of the standing orders, the Investigating Panel may regulate its own procedure.

6.—(1) A person who ceases to be a member of the Disciplinary Tribunal or Investigating Panel is eligible for re-appointment as a member of the Disciplinary Tribunal or Investigation Panel, as the case may be.

(2) A person may, if eligible, be a member of both Disciplinary Tribunal and Investigating Panel but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.

7. The Disciplinary Tribunal or Investigating Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this Schedule, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

8. All expenses of the Disciplinary Tribunal or Investigating Panel shall be defrayed by the Council.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
19th Day of September, 2019.

EXPLANATORY MEMORANDUM

This Act establishes the Nigerian Council of Food Science and Technology to regulate the practice and profession of food science and technology in Nigeria.

**SCHEDULE TO THE NIGERIAN COUNCIL OF FOOD SCIENCE AND TECHNOLOGY
(ESTABLISHMENT) BILL, 2019**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Nigerian Council of Food Science and Technology (Establishment) Bill, 2019	An Act to establish the Nigerian Council of Food Science and Technology to regulate the practice and profession of food science and technology in Nigeria; and for related matters.	This Bill establishes the the Nigerian Council of Food Science and Technology to regulate the practice and profession of food science and technology in Nigeria.	9th May, 2019.	28th May, 2019.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
19th Day of September, 2019.

MUHAMMADU BULLARI, GCFR,
President of the Federal Republic of Nigeria
15th Day of October, 2019.