

**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL (AMENDMENT)
DECREE 1999**



Decree No. 19

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Agency for Food and Drug Administration and Control Decree 1993 (in this Decree referred to as "the principal Decree") is amended as set out in this Decree. Amendment of
1993 No. 15.

2. Section 5 of the principal Decree is amended by - Amendment of
section 5.

(a) deleting the word "and" at the end of paragraph (r) thereof;

(b) inserting immediately after paragraph (r), as amended, the following new paragraph (s) -

"(s) determine the suitability or otherwise of medicines, drugs, food products, cosmetics, medical devices or chemicals for human and animal use;"
and

(c) re-numbering the existing paragraph (s) as paragraph (t).

3. Section 25 of the principal Decree is amended by - Amendment of
section 25.

(a) re-numbering the existing section as section "25.-(1)";
and

(b) inserting immediately after subsection (1), as re-numbered, the following new subsections

"(2) Any person who contravenes the provisions of any regulations made under this Decree is guilty of an offence and liable on conviction to the penalties specified in the regulations.

(3) Where no penalty has been specified, the person shall be liable to a fine of ₦150,000 or imprisonment for a term of 3 years or to both such fine and imprisonment

(4) Where an offence under this Decree 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 or any person purporting to act in any of those capacities, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable on conviction to a fine of ₦100,000."

Insertion of
new section
25A

4. There shall be inserted immediately after section 25 of the principal Decree the following new section -

"Conduct of
proceedings.
Cap. 62 LFN.

25A.-(1) Subject to the provisions of section 160 of the Constitution of the Federal Republic of Nigeria 1978, as amended, (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in a court of law), any officer of the Agency may, with the consent of the Attorney-General of the Federation, conduct criminal proceedings in respect of offences under this Decree or regulations made under this Decree.

(2) In a judicial proceeding for an offence under this Decree or any regulations made under it, the provisions of the Criminal Procedure Act or depending on the venue, the Criminal Procedure Code shall, with such modifications as the circumstance may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally."

5.-(1) Section 30 of the principal Decree is amended by - Amendment of section 30.

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

"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;

"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 hydroxy compounds;"

(b) substituting for the definition of "regulated products", the following new definition -

"regulated products" means food, drugs, cosmetics, medical devices, detergents, bottled water and chemicals."