



The NAFDAC Act: Architecting Nigeria's Guardian of Public Health

An analysis of the foundational law establishing the National Agency for Food and Drug Administration and Control.

For Informational and Briefing Purposes Only.

To Regulate and Control for the Nation's Health

“An Act to establish the National Agency for Food and Drug Administration and Control ... to regulate and control the importation, exportation, manufacture, advertisement, distribution, sale and use of food, drugs, cosmetics, medical devices, bottled water and chemicals.”



Establishment

Enacted by Law No. 15 of 1993, with a commencement date of 1st October 1992.



Legal Status

A body corporate with perpetual succession and a common seal, empowered to sue and be sued in its corporate name (Section 1).



Core Scope

- Food
- Drugs
- Cosmetics
- Medical Devices
- Bottled Water
- Chemicals

The Guiding Hand: Composition of the Governing Council

Chairman (1)

Appointed by the President on the recommendation of the Minister

Ex-Officio Government Representatives (6)

Permanent Secretary,
Federal Ministry of Health

Director, National Institute for Pharmaceutical Research and Development

Director-General, Standards Organisation of Nigeria

Chairman, National Drug Law Enforcement Agency

Chairman, Pharmacists Board of Nigeria

Director-General of the Agency

Industry & Public Interest Representatives (5)

1 Person from Pharmaceutical Group, Manufacturers Association of Nigeria

1 Person from Food Beverages Group, Manufacturers Association of Nigeria

3 Persons representing the public interest (appointed by the Minister)

Key Responsibilities (Section 6)

- Advise Federal Government on national policies.
- Designate and approve quality specifications for regulated products.
- Establish guidelines for quality control.
- Appoint, promote, and discipline Agency employees.

Stability in Leadership, Clarity in Accountability



Tenure & Appointment (Section 3)

- **Term:** Members appointed (otherwise than by office) serve a 4-year term.
- **Reappointment:** Eligible for one further term of four years only.
- **Vacancy:** Office becomes vacant if the member resigns in writing to the Minister, or if the Minister notifies the member that their continuation in office is not in the Agency's interest.



Removal from Office (Section 4)

- **Council Recommendation:** The Council can recommend a member's removal to the President on grounds of misconduct or inability to perform their functions.
- **Presidential Power:** The President, after inquiry, may approve the recommendation.

“Notwithstanding the above, the President may remove any member of the Council if he is satisfied that it is in the public interest so to do.”

The Mandate in Action: NAFDAC's Core Regulatory and Quality Functions



Regulatory Control

- Regulate the full lifecycle: importation, exportation, manufacture, advertisement, distribution, sale, and use of products.
- Undertake the registration of all regulated products.
- Issue quality certification for products intended for export.



Quality Assurance

- Conduct tests to ensure compliance with standard specifications.
- Inspect production premises and raw materials.
- Establish quality assurance systems, including certification of production sites.



Standard Setting

- Compile standard specifications and guidelines for production, sale, and distribution.
- Pronounce on the quality and safety of products after appropriate analysis.
- Issue guidelines on, approve, and monitor advertisements.

Beyond the Rulebook: NAFDAC's Role in Research and Engagement



Controlled Substances

- Ensure the use of narcotic drugs and psychotropic substances is limited to medical and scientific purposes.
- Grant authorisation for the import and export of these substances.
- Collaborate with the National Drug Law Enforcement Agency (NDLEA) to eradicate drug abuse.



Advisory & Research

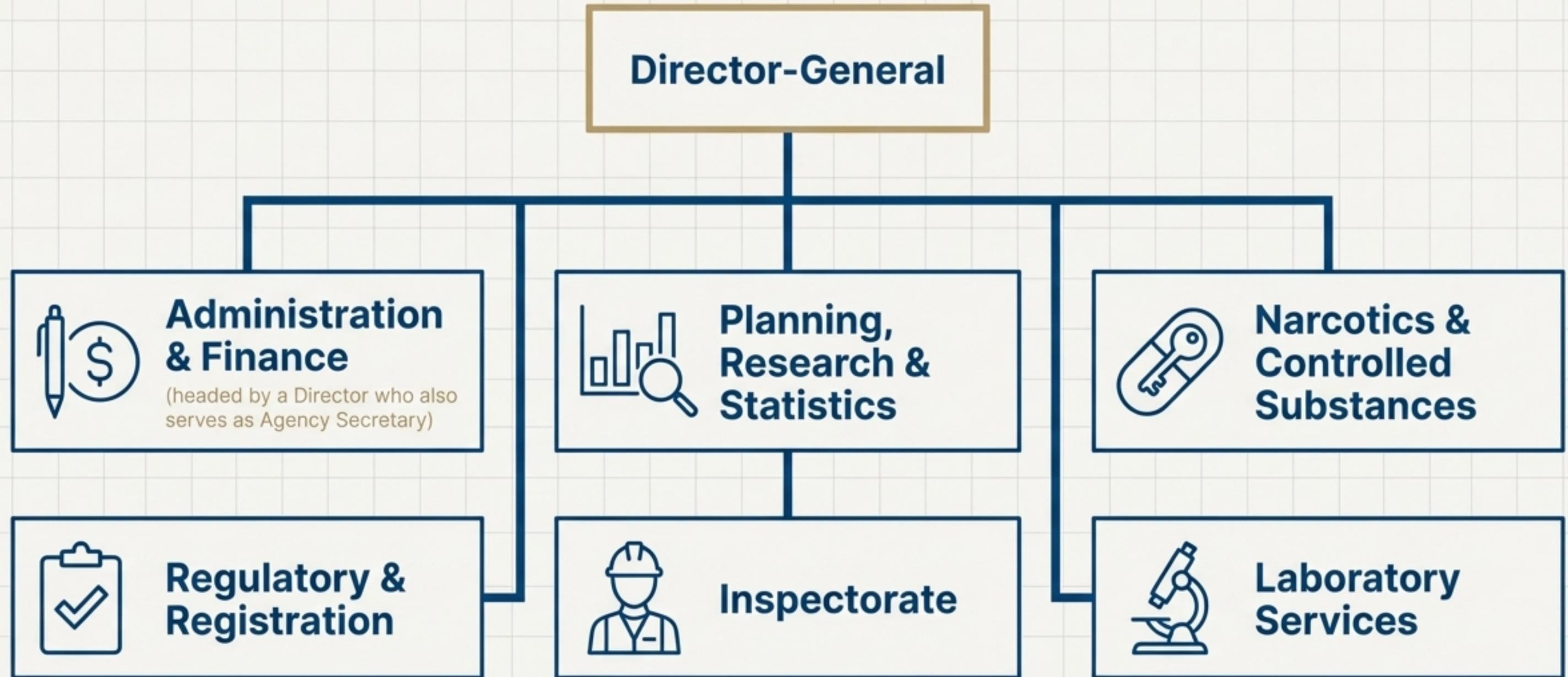
- Advise Federal, State, and Local governments and the private sector on quality and safety.
- Undertake and co-ordinate research programmes on storage, adulteration, and rational use of products.



National & International Liaison

- Sponsor relevant national and international conferences.
- Liaise with relevant establishments within and outside Nigeria to pursue its functions.
- Compile and publish relevant data.

The Operational Blueprint: Directorates of the Agency



...and such other Directorates as may be required for the proper performance of the functions of the Agency.

The Director-General: Chief Executive and Head of Administration



Appointment

Appointed by the President, on the recommendation of the Minister. Must be “a person with good knowledge of pharmacy, food and drugs.”

Role

The Chief Executive of the Agency, responsible for day-to-day administration.

Term

A 5-year term, eligible for reappointment for one further period of five years.

Accountability

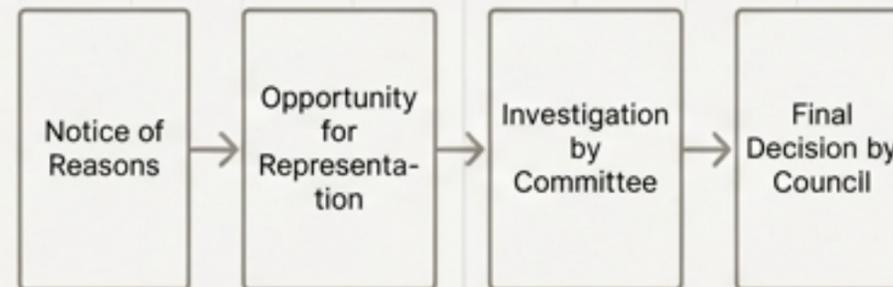
Subject to the supervision and control of the Chairman and the Council.

Building the Team: Staffing, Pensions, and Disciplinary Framework

Appointment & Status (Sec 9, 10)

- Staff are appointed by the Council on terms it determines after consultation with the Federal Civil Service Commission.
- Members of staff are public officers as defined in the Constitution.
- Service in the Agency is approved service for the purpose of the Pensions Act.

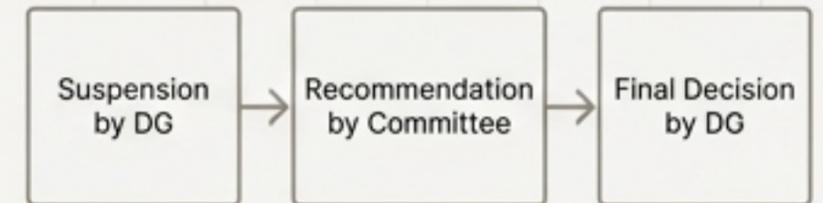
Senior Staff Discipline (Sec 11)



A structured process for removal on grounds of misconduct or inability.

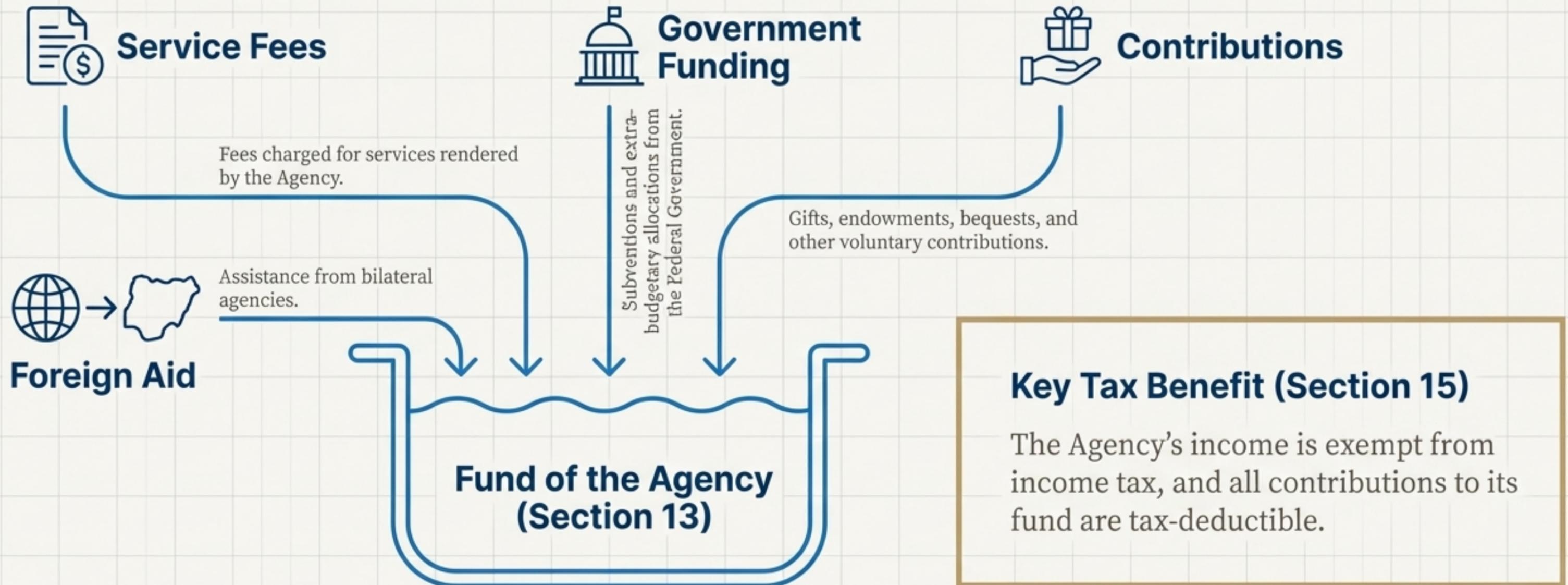
Junior Staff Discipline (Sec 12)

- A Director-General-led process for misconduct or inefficiency.



 **Right of Appeal:** Aggrieved staff may petition the Council within 21 days; the Council's decision is final.

Fuelling the Mission: Sources of Revenue and Financial Autonomy



Deploying Capital: Authorised Expenditure and Use of Surplus

Areas of Expenditure (Section 14)



Operational Costs (establishing and maintaining offices)



Staff Emoluments (salaries, allowances, benefits)



Council Costs (allowances for members)



Capacity Building (training, (training, scholarships)



Promotional Activities (publicity, conferences)

Surplus Funds & Investments (Sec 16 & 17)



Power to Invest

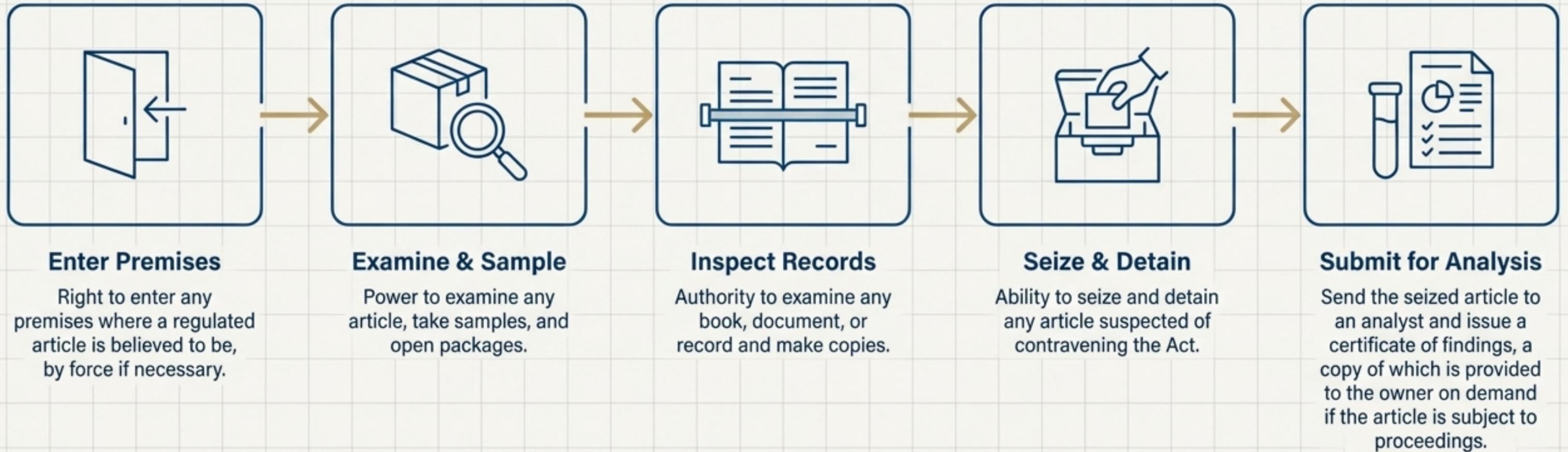
“The Agency may invest in the profitable production of capital goods” (Sec 16) and “may invest any surplus funds in profit yielding ventures” (Sec 17).



Ministerial Oversight

The Minister may issue directives to the Agency regarding the disposal of any surplus funds.

Upholding the Law: Powers of Entry, Seizure, and Analysis



Defining the Boundaries: Offences and Penalties under the Act

Obstruction of an Officer

Fine of N5,000 or imprisonment for a term not exceeding 2 years, or both.

Contravention of Regulations

Where no penalty is specified, a fine of N50,000 or imprisonment for a term of 1 year, or both.

Corporate Liability

Where a body corporate commits an offence, directors and managers can be held personally liable and are subject to a fine of N100,000.

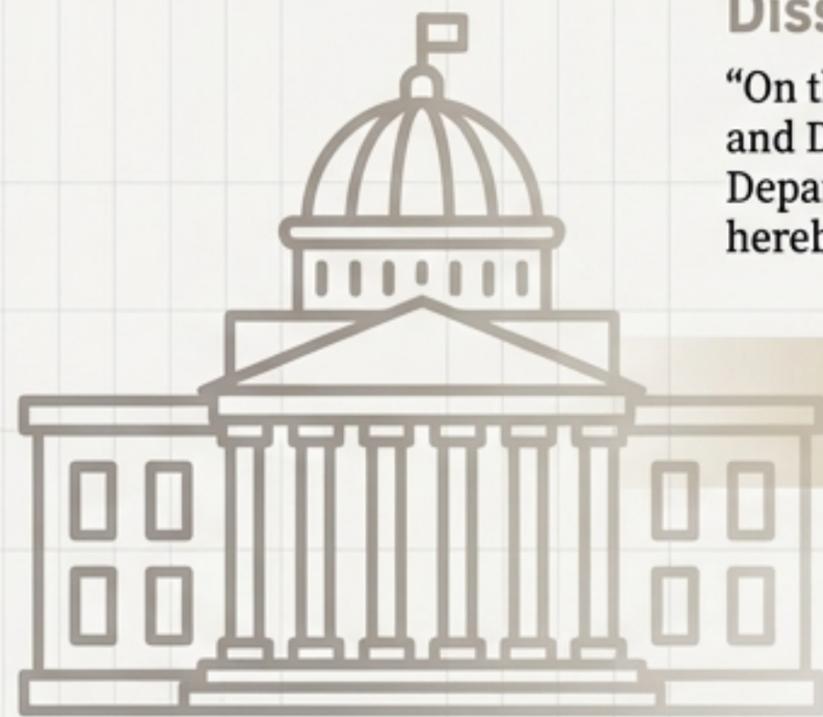


Exclusive Jurisdiction

The Federal High Court shall have exclusive jurisdiction to try offences under this Act.

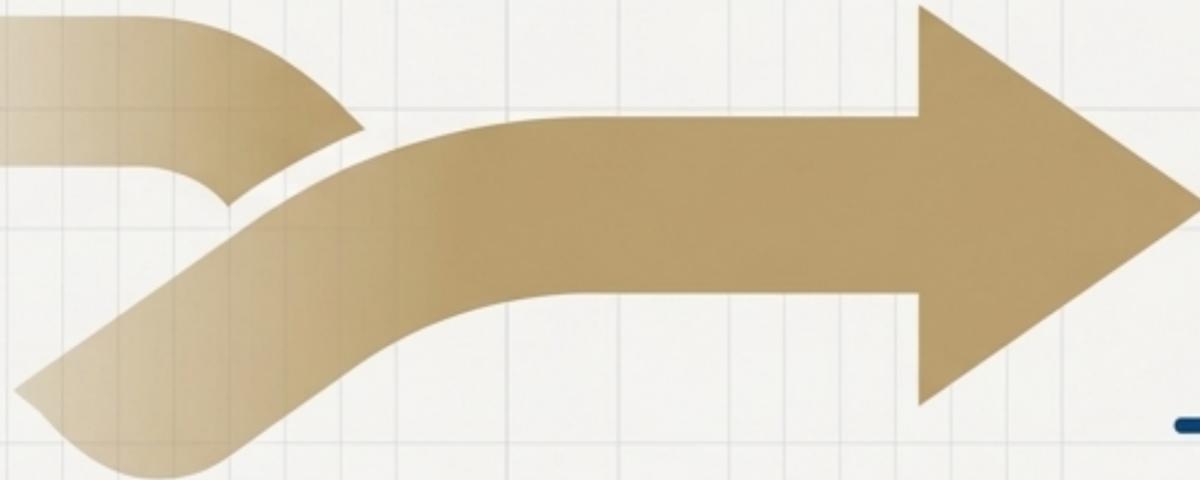
Section 25(5)

A New Beginning: The Establishment of a Modern Agency



Dissolution

“On the commencement of this Act, the Food and Drug Administration and Control Department of the Federal Ministry of Health...is hereby dissolved.”



Seamless Transfer of Assets

All assets, funds, resources, liabilities, and obligations of the former Department were vested in the new Agency.

Continuity for Staff

Staff holding office in the Department were deemed to have been transferred to the Agency “on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act.”

Legal Continuity

Any pending legal proceedings by or against the Department were continued by or against the Agency.

The NAFDAC Act: A Comprehensive and Enduring Framework

Robust Governance

A multi-stakeholder Governing Council ensures balanced oversight and strategic direction.

Clear Structure

A well-defined operational design of Directorates is built for effective execution of the mandate.



Broad Mandate

Comprehensive functions cover the full lifecycle of regulated products, from manufacture to advertisement and use.

Strong Powers

Full legal authority is granted for inspection, seizure, and prosecution to ensure compliance.

Financial Foundation

A dedicated fund, supplemented by tax advantages and investment powers, supports operational independence.

The Act provides a durable and powerful legal foundation for NAFDAC to perform its critical mission of safeguarding the health of the nation.