

CONTROL OF INFECTIOUS DISEASES BILL 2020

A BILL FOR AN ACT TO REPEAL THE QUARANTINE ACT AND ENACT THE CONTROL OF INFECTIOUS DISEASES ACT, MAKE PROVISIONS RELATING TO QUARANTINE AND MAKE REGULATIONS FOR PREVENTING THE INTRODUCTION INTO AND SPREAD IN NIGERIA OF DANGEROUS INFECTIOUS DISEASES, AND FOR OTHER RELATED MATTERS.

Enacted by the National Assembly of the Federal Republic of Nigeria as follows:

PART 1 – ADMINISTRATION

1. Administration of this Act

Except as otherwise provided by this Act, the Director-General of Nigerian Centre for Disease Control shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act.

2. Health Officers

(1) The Director General may, subject to such conditions or restrictions as he thinks fit, appoint any public officer, officer of any statutory body; or employee of a prescribed institution, to be a Health Officer for the purposes of this Act or any particular provision of this Act.

(2) The Director-General may, subject to such conditions or restrictions as he thinks fit, delegate to any Health Officer all or any of the powers conferred on him by this Act.

PART II – CONTROL OF INFECTIOUS DISEASES WITHIN THE FEDERAL REPUBLIC OF NIGERIA

3. Declaration of Public Health Emergency and Public Health Emergency Zones

- (1)** If the President is satisfied that there is an outbreak or imminent outbreak of an infectious disease that poses a substantial risk of a significant number of human fatalities or incidents of serious disability in Nigeria, he may, by order, declare a public health emergency.
- (2)** The President may, if it appears necessary or expedient for the securing of public health or safety during a public health emergency, by order declare the whole of or such area in Nigeria to be a restricted zone and may in such order prohibit or restrict, subject to such conditions as he may think fit —

 - (a.)** the entry and stay of persons in any place, building or other premises (whether public or private) within the restricted zone; and
 - (b.)** the holding of, or the attendance of persons at, any public meeting, reception, procession or other gathering within the restricted zone.
- (3)** Subject to subsection (4), every order made under subsection (1) or (2) shall remain in force until it is revoked by the President or upon the expiration of 14 days from the date upon which it was made, whichever is the earlier.
- (4)** An order made under subsection (1) or (2) may be renewed by declaration of the President from time to time for such period, not exceeding 14 days at a time, as may be specified in the declaration.
- (5)** An order made under subsection (1) or (2) and a declaration of renewal made under subsection (4) shall be published in such manner as the President thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given, without publication in the Gazette.
- (6)** A copy of every order made under subsection (1) or (2) and of every declaration of renewal made under subsection (4) shall be published in the Gazette and shall be presented to both Houses of the National Assembly as soon as possible after it has been made.
- (7)** If a resolution is passed by both Houses of the National Assembly annulling the order or declaration, it shall cease to have effect, notwithstanding subsection (3) or (4) (whichever is applicable), but without prejudice to anything previously done by virtue thereof.
- (8)** Where an order referred to in subsection (2)(b) is in force, any public officer or officer of any statutory body who is authorised in writing by the Director General (hereinafter referred to as an authorised person) or any police officer may direct the persons at any public meeting, reception, procession or other gathering within the

restricted zone to disperse and it shall thereupon be the duty of the persons so directed to disperse accordingly.

(9) Any person who refuses or fails, without reasonable excuse, to comply with an order made under subsection (2) or with any direction given by an authorised person or a police officer under subsection (8) —

(a.) shall be guilty of an offence; and

(b.) may, without prejudice to any proceedings which may be taken against him, be arrested without warrant, and may be removed by an authorised person or a police officer from the place in respect of which the order or direction applies.

4. Notification of prescribed infectious diseases

(1) Every medical practitioner who has reason to believe or suspect that any person attended or treated by him is suffering from a prescribed infectious disease or is a carrier of that disease shall notify the Director-General within the prescribed time and in such form or manner as the Director-General may require.

(2) Every person in charge of a laboratory used for the diagnosis of disease who becomes aware of the existence of a prescribed infectious disease in the course of his work shall notify the Director General within the prescribed time and in such form or manner as the Director General may require.

(3) A person in a prescribed class, who is aware or suspects that —

(a.) another person is suffering from, or is a carrier of, a prescribed infectious disease; or

(b.) another person has died whilst suffering from, or being a carrier of, a prescribed infectious disease, must notify the Director General, within the prescribed time and in such form or manner as the Director may require, of the fact in paragraph (a) or (b), as the case may be.

(4) Any person who is required to notify the Director General under this section shall give any other particulars required by the Director General in so far as they can be reasonably ascertained by him or are within his knowledge.

(5) Any person who fails to comply with the requirements of this section or furnishes as true information which he knows or has reason to believe to be false shall be guilty of an offence.

(6) When any person who is charged with failing to comply with the requirements of subsection (1), (2) or (3) in relation to the notification of a prescribed infectious disease, he shall be presumed to have known of the existence of the disease unless

he proves to the satisfaction of the court that he had no such knowledge and could not with reasonable diligence have obtained such knowledge.

5. Public health surveillance programmes, etc.

(1) The Director General may, from time to time, institute public health surveillance programmes or undertake epidemiological investigations or surveys of people, animals or vectors in order to determine the existence, prevalence or incidence, or to determine the likelihood of a possible outbreak, of —

(a.) any infectious disease; or

(b.) any other disease which the Minister, by notification in the Gazette, declares to be a disease to which this section applies.

(2) For the purpose of any public health surveillance programme, epidemiological investigation or survey under subsection (1), the Director General may require any person —

(a.) to furnish the Director General, within or at the times and in the form or manner the Director General specifies, with any of the following:

(i) any information (known to the person at those times);

(ii) any sample of any substance or matter in the possession or control of that person at those times, whether obtained under this Act or otherwise; and

(b.) to submit to a medical examination at the times the Director General specifies.

(3) If a person who is required by the Director General under subsection (2) to furnish any information or sample, or to submit to any medical examination, fails, without reasonable excuse, to do so, he shall be guilty of an offence.

(4) The Director General may send any sample obtained under subsection (2)(a)(ii) for such test, examination or analysis as he may consider necessary or expedient.

6. Medical examination and treatment

(1) The Director General may require any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit to medical examination or medical treatment within or at such time, and at such place, as the Director General may determine.

(2) For the purpose of subsection (1), the medical examination may include X-rays and the taking of the person's blood and other body samples for testing and analysis.

(3) Where the person who is, or is suspected to be, a case or carrier or contact of an infectious disease is a minor, the Director General may require the parent or

guardian of the minor to have the minor medically examined or treated at such times and at such hospital or other place as the Director may determine.

(4) Any person who fails, without reasonable excuse, to comply with the requirement of the Director General under this section shall be guilty of an offence.

7. Post-mortem examination

(1) Where any person has died whilst being, or suspected of being, a case or carrier or contact of an infectious disease, the Director General may order a post-mortem examination of the body of that person for the purpose of —

(a.) determining the cause or circumstances of the death of that person; or

(b.) investigating into any outbreak or suspected outbreak of, or preventing the spread or possible outbreak of, that disease.

8. Director General may require information from healthcare professionals, etc.

(1) The Director General may, for the purpose of investigating into any outbreak or suspected outbreak of an infectious disease, preventing the spread or possible outbreak of an infectious disease, or treating any person who is, or is suspected to be, a case or carrier or contact of an infectious disease —

(a.) require any healthcare professional to obtain from his patient such information as the Director General may reasonably require for that purpose and transmit such information to the Director General; and

(b.) with the approval of the Minister, prescribe by order any general or specific measures or procedures for that purpose for compliance by any healthcare professional, hospital, medical clinic, clinical laboratory or healthcare establishment.

(2) Any person who fails to comply with a requirement or an order referred to in subsection (1) shall be guilty of an offence.

(3) A patient of a healthcare professional who fails to provide the healthcare professional or a person acting on his behalf with any information sought from the patient pursuant to a requirement under subsection (1)(a) that is within the patient's knowledge shall be guilty of an offence.

(4) A healthcare professional shall comply with a requirement under subsection (1)(a) to transmit information to the Director General notwithstanding any restriction on the disclosure of information imposed by any written law, rule of law, rule of professional conduct or contract; and he shall not by so doing be treated as being in

breach of any such restriction notwithstanding anything to the contrary in that law, rule or contract.

9. Offence for supplying false or misleading information

(1) Any person who donates any blood or blood product at any blood bank or hospital in Nigeria for any use or purpose; and directly in connection with such donation of blood or blood product, supplies any material information which he knows to be false or misleading, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦2,000,000 (Two Million Naira) or to imprisonment for a term not exceeding 2 years or to both.

(2) In this section, “material information” means any information directly relating to the likelihood of transmission of an infectious disease by the use of any blood or blood product.

10. Treatment of premises or vessel

(1) The Director General may, by written notice, require the owner or occupier of any premises or vessel to cleanse or disinfect it in the manner and within the time specified in the notice.

(2) Any owner or occupier who fails to comply with the requirements of the notice served under subsection (1) shall be guilty of an offence.

(3) Without prejudice to any proceedings under subsection (2), where a notice issued by the Director General under subsection (1) has not been complied with, a person authorised in that behalf by the Director General may, without warrant and with such force as may be necessary, enter the premises or vessel to which the notice relates and take or cause to be taken such measures as have been specified in the notice.

(4) The cost and expenses incurred by the Centre under subsection (3) shall be paid by the person in default and may be recovered as a debt due to the Government.

11. Destruction and disposal of infected animals, food and water

(1) The Director General may by written notice, order the destruction of any animal and the disposal of any food or water wherever found if he considers

such animal, food or water to be a source for the transmission of an infectious disease.

(2) Any person who fails to comply with an order made by the Director General under subsection (1) shall be guilty of an offence.

(3) Without prejudice to any proceedings under subsection (2), where an order made by the Director General under subsection (1) has not been complied with, the Director General, a Health Officer or a police officer may —

(a.) without warrant and with such force as may be necessary, enter the premises where the animal, food or water (as the case may be) is to be found; and

(b.) take or cause to be taken such measures as have been specified in the order for the destruction of the animal or the disposal of the food or water.

(1) The costs and expenses incurred by the Centre under subsection (3) shall be paid by the person in default and may be recovered as a debt due to the Government.

12. Wakes and disposal of corpses

(1) Where any person has died whilst being, or suspected of being, a case or carrier or contact of an infectious disease, the Director General may by written order —

(a.) prohibit the conduct of a wake over the body of that person or impose such conditions as he thinks fit on the conduct of such wake; or

(b.) impose such conditions as he thinks fit for the collection, removal and disposal of the body of that person.

(2) If any person contravenes any order under subsection (1) —

(a.) that person shall be guilty of an offence; and

(b.) any Health Officer may take such steps as may be necessary to ensure that the order is complied with, including entering any premises at any time without warrant and with such force as may be necessary to collect, remove and dispose of the body of the deceased person.

(3) Any costs and expenses incurred by a Health Officer under subsection (2)(b) shall be borne by the person in default and may be recovered as a debt due to the Government.

13. Isolation of certain persons

(1) The Director General may order any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to be detained and isolated in a hospital or other place for such period of time and subject to such conditions as the Director General may determine.

(2) The Director General may order any person who is, or is suspected or continues to be suspected to be, a case or carrier or contact of an infectious disease, or who has recently recovered from or been treated for such disease, to remain and to be isolated and (if necessary) be treated, in his own dwelling place — (a) for such period of time as may be necessary for the protection of the public; and (b) subject to such conditions as the Director General may consider necessary for this purpose.

(3) Where the person who is to be isolated under subsection (1) or (2) is a minor, the Director may order the parent or guardian of the minor —

(a.) to take the minor, within the time specified in the order, to the place in which he is to be isolated; or

(b.) to ensure that the minor remains in isolation in his own dwelling place, for such period of time and subject to such conditions as may be specified by the Director General.

(4) Any person against whom an order under subsection (1) or (2) is made shall be guilty of an offence if he —

(a.) fails, without reasonable excuse, to proceed to the place in which he is to be isolated within the time specified in the order;

(b.) (b) without the permission of the Director General, leaves or attempts to leave the place in which he is being isolated; or

(c.) (c) fails, without reasonable excuse, to comply with any condition to which he is subject.

(5) Any person, being the parent or guardian of a minor, who fails, without reasonable excuse, to comply with an order of the Director General under subsection (3) shall be guilty of an offence.

14. Surveillance

(1) The Director General may, in his discretion, order any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to undergo surveillance for such period of time and subject to such conditions as the Director thinks fit.

(2) Where the person who is to undergo surveillance under subsection (1) is a minor, the Director General may order the parent or guardian of the minor to have the minor undergo surveillance for such period of time and subject to such conditions as the Director thinks fit.

(3) Any person subjected to surveillance by the Director General under subsection (1) who fails, without reasonable excuse, to comply with any condition relating to his surveillance imposed by the Director shall be guilty of an offence.

(4) Any person, being the parent or guardian of a minor, who fails, without reasonable excuse, to comply with an order of the Director under subsection (2) shall be guilty of an offence.

15. Isolation area

(1) The Minister may, for the purpose of preventing the spread or possible outbreak of an infectious disease, by notification in the Gazette declare any premises to be an isolation area.

(2) A notification under subsection (1) shall be effective until the expiration of such period as may be specified in the notification or until it is revoked by the Minister, whichever occurs first.

(3) The Director General may, in relation to an isolation area, by written order —

(a.) prohibit any person or class of persons from entering or leaving the isolation area without the permission of the Director General;

(b.) prohibit or restrict the movement within the isolation area of any person or class of persons;

(c.) prohibit or restrict the movement of goods;

(d.) require any person or class of persons to report at specified times and places and submit to such medical examinations, answer such questions and submit to such medical treatment as the Director General thinks fit;

(e.) authorise the destruction, disposal or treatment of any goods, structure, water supply, drainage and sewerage system or other matter within the isolation area known or suspected to be a source of infection; and

(f.) prohibit, restrict, require or authorise the carrying out of such other act as may be prescribed.

(4) A Health Officer or a police officer may take any action that is necessary to give effect to an order under subsection (3).

- (5) Any person who, without reasonable excuse, contravenes an order under subsection (3) shall be guilty of an offence.
- (6) A person who leaves or attempts to leave or is suspected of having left an isolation area in contravention of an order under subsection (3) may be arrested without warrant by any Health Officer or by any police officer, authorised in writing in that behalf by the Director General.
- (7) Goods brought into or removed from an isolation area in contravention of an order under subsection (3) shall be forfeited to the Government and may be seized, dealt with and disposed of in accordance with section 55(2) and (3) as if those goods were any substance or matter referred to in section 55(1)(c).

16. Abatement of overcrowding

- (1) If, in the opinion of the Director General, a building is so overcrowded as to expose the occupants thereof to the risk of infection by an infectious disease, he may, by written notice, direct the owner or occupier of the building to abate the overcrowding or to close the building or part thereof within the time specified in the notice.
- (2) Any owner or occupier who fails to comply with a notice given to him by the Director under subsection (1) shall be guilty of an offence.
- (3) When a building or any part thereof has been directed to be closed under subsection (1), any person who enters the building or any part thereof without the permission of the Director shall be guilty of an offence.
- (4) Without prejudice to any proceedings under subsection (2), where a notice issued by the Director General under subsection (1) has not been complied with, the Director General, a Health Officer or a police officer may, without warrant and with such force as may be necessary, enter the building and take or cause to be taken such measures as are necessary to abate the overcrowding or to close the building or any part thereof, as specified in the notice.
- (5) The costs and expenses incurred by the Centre under subsection (4) shall be paid by the owner or occupier in default and may be recovered as a debt due to the Government.
- (6) Any person who is aggrieved by any direction of the Director General as contained in a notice given to him under subsection (1) may, within 7 days from the date of the notice, appeal to the Minister whose decision shall be final.

(7) Notwithstanding that any appeal under subsection (6) is pending, a notice issued by the Director General under subsection (1) shall take effect from the date specified by the Director General, unless the Minister otherwise directs.

17. Closure and disinfection of premises

(1) If the Director General has reason to believe that there exist on any premises conditions that are likely to lead to the outbreak or spread of any infectious disease, he may, by written notice —

(a.) order the closure of the premises for a period not exceeding 14 days; or

(b.) prohibit the sale or distribution of food or water in the premises for such period as may be specified in the notice, and may require the owner or occupier of the premises to —

(i) cleanse or disinfect the premises in the manner and within the time specified in the notice; or

(ii) carry out such additional measures as the Director may require in the manner and within the time specified in the notice.

(2) A notice under subsection (1)(a) directing the owner or the occupier of the premises to close the premises may be renewed by the Director General from time to time for such period, not exceeding 14 days, as the Director General may, by written notice, specify.

(3) Subject to subsection (7), any person who fails to comply with a notice given to him by the Director General under subsection (1) shall be guilty of an offence.

(4) When any premises have been ordered to be closed under subsection (1)(a), any person who enters those premises without the permission of the Director General shall be guilty of an offence.

(5) Without prejudice to any proceedings under subsection (3), where a notice issued by the Director General under subsection (1) has not been complied with, a Health Officer or a police officer may, without warrant and with such force as may be necessary, enter the premises to which the notice relates and close the premises or take or cause to be taken such measures as have been specified in the notice.

(6) The costs and expenses incurred by the Centre under subsection (5) shall be paid by the person in default and may be recovered as a debt due to the Government.

(7) Any person who is aggrieved by any order or requirement of the Director General as contained in a notice given to him under subsection (1) may, within 7 days from the date of the notice, appeal to the Minister whose decision shall be final.

(8) Notwithstanding that any appeal under subsection (7) is pending, a notice issued by the Director General under subsection (1) shall take effect from the date specified by the Director, unless the Minister otherwise directs.

18. Surveillance and contact tracing measures at premises

(1) If the Director General is satisfied that any surveillance or contact tracing measure is necessary to prevent the spread or possible outbreak of any infectious disease at or in the vicinity of any premises, the Director General may, by written notice, direct any person in charge of the premises to —

(a.) conduct any surveillance or contact tracing measure at the premises as specified in the notice;

(b.) allow any Health Officer, or any person authorised by a Health Officer, to conduct any surveillance or contact tracing measure at the premises as specified in the notice; or

(c.) facilitate the conduct of the surveillance or contact tracing measure by any Health Officer or person authorised by a Health Officer mentioned in paragraph (b).

(2) Any person in charge of the premises who, without reasonable excuse, fails to comply with any direction to the person in a written notice under subsection (1) shall be guilty of an offence.

(3) Without limiting subsection (2), where any direction in a written notice under subsection (1) has not been complied with in relation to any premises, the Director General or a Health Officer may, after giving reasonable notice, and without warrant and using such force as may be necessary, do all or any of the following:

(a.) enter the premises;

(b.) take or cause to be taken such measures at the premises as specified in the written notice.

(4) The costs and expenses reasonably incurred by the Centre under subsection (3) may be recovered as a debt due to the Government from the person in default.

(5) In this section, “person in charge of the premises” includes —

(a.) any occupier, lessee or person who is responsible for the management of the premises; or

(b.) any manager, assistant manager or supervisor of the premises or any person holding an analogous appointment.

19. Prohibition or restriction of meetings, gatherings and public entertainments

(1) Where it appears to the Director General that the holding of any meeting, gathering or any public entertainment is likely to increase the spread of any infectious disease, the Director General may by order prohibit or restrict, subject to such conditions as he may think fit, for a period not exceeding 14 days, the meeting, gathering or public entertainment in any place.

(2) An order under subsection (1) may be renewed by the Director General from time to time for such period, not exceeding 14 days, as he may, by written notice, specify.

(3) Any person who holds, is present at or has taken part in any meeting, gathering or public entertainment in contravention of an order by the Director General under subsection (1) shall be guilty of an offence.

(4) A Health Officer or a police officer may take any action that is necessary to give effect to an order under subsection (1).

(5) Any person who is aggrieved by any order of the Director General under subsection (1) may, within 7 days from the date of the order, appeal to the Minister whose decision shall be final.

(6) Notwithstanding that any appeal under subsection (4) is pending, an order made by the Director General under subsection (1) shall take effect from the date specified by the Director, unless the Minister otherwise directs.

20. Control of occupation, trade or business

(1) The Director General may give a direction to —

(a.) any person who is a case or carrier of an infectious disease and is carrying on or may carry on any occupation, trade or business; or

(b.) any person carrying on any occupation, trade or business in a manner as is likely to cause the spread of any infectious disease, about the taking of preventative action that the Director General reasonably believes is necessary to prevent the possible outbreak or prevent or reduce the spread of the infectious disease.

(2) Without limiting subsection (1), “preventative action”, in the case of a direction given to a person carrying on or who may carry on any occupation, trade or business, includes requiring the person to do any one or more of the following:

- (a.) to stop carrying on, or not carry on, the occupation, trade or business during a period of time specified in the direction;
- (b.) take specified steps within a period of time specified in the direction, to ensure that the occupation, trade or business is conducted in compliance with conditions specified in the direction;
- (c.) until the action in paragraphs (a) and (b) are complied with, to ensure —
 - (i) the premises at which the occupation, trade or business is or may be conducted is, for the period of time that is specified in the direction, not used for any activity;
 - (ii) any vehicle, plant, article, machinery or equipment on those premises is, for the period of time that is specified in the direction, not used, moved, sold or otherwise handled; or
 - (iii) any vehicle, plant, article, machinery or equipment on those premises and specified in the direction is, for the period of time that is specified in the direction, not removed from those premises, for any purpose or in any circumstances specified in the direction.
- (3) If a person refuses or fails to comply with any requirement of a direction given to that person under subsection (1), the Director General may —
 - (a.) take any steps reasonably necessary to ensure control of the premises at which an occupation, trade or business is or may be conducted or any vehicle, plant, article, machinery or equipment on those premises, including entry to a place or vehicle without warrant and with the use of necessary force; and
 - (b.) carry out the requirement, and recover the costs and expenses reasonably incurred in carrying out the requirement as a debt due from that person.
- (4) A person who, without reasonable excuse, fails to comply with any requirement of a direction given to that person under subsection (1) shall be guilty of an offence.
- (5) A person given a direction under subsection (1) may, within 7 days after the direction is given, appeal against the direction to the Minister, whose decision is final.
- (6) A direction under subsection (1) takes effect despite any appeal under subsection (5) unless the Minister otherwise directs.

21. Certain persons not to act in manner likely to spread disease

- (1) A person who knows, or has reason to suspect, that he is a case or carrier or contact of an infectious disease shall not expose other persons to the risk of infection by his presence or conduct in any public place or any other place used in common by persons other than the members of his own family or household.
- (2) A person having the care of another person whom he knows, or has reason to suspect, is a case or carrier or contact of an infectious disease shall not cause or permit that person to expose other persons to the risk of infection by that person's presence or conduct in any such place.
- (3) A person shall not lend, sell, transmit or expose, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from an infectious disease, or any other article which he knows to have been so exposed and which is liable to carry such infection.
- (4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence.
- (5) In proceedings for an offence under subsection (4) for contravening subsection (1) or (2), it is a defence for the accused to prove, on a balance of probabilities, that the accused's presence or conduct in the place mentioned in subsection (1) or (2), as the case may be —
 - (a.) was necessary for the purpose of obtaining medical treatment; or
 - (b.) was authorised by the Director General.
- (6) Where the Director General has designated a hospital or other place for the treatment of an infectious disease, subsection (5)(a) shall only apply in relation to the obtaining of medical treatment at the designated hospital or place for that disease.
- (7) A person shall not incur any liability for contravening subsection (3) by transmitting with proper precautions any article for the purpose of having it disinfected.

22. Marking of premises where infectious disease has occurred

enforcement officer may cause to be placed any mark on or about a premises in which any case of infectious disease has occurred for the purpose of denoting the occurrence of such disease, and may keep such mark affixed for such time as necessary, and any person removing or obliterating any such mark without the authority of a enforcement officer commits an offence and is liable on conviction to a fine of ₦100,000.00 (One Hundred Thousand Naira) or to a non-custodial sentence.

23. Apprehension of persons on the streets suffering from infectious diseases

enforcement officer, police officer or any authorized officer may apprehend and take, any person suffering from any infectious disease whom the officer finds on any street, public, place, shop or public transportation to a hospital.

24. Power of enforcement officer to order destruction of house, building or anything

(1) An enforcement officer may obtain an order of court to destroy any building in which a case of infectious disease has occurred, or of any article or thing which may be considered necessary in the interest of the public health.

(2) Any such order will be carried out in such manner and by such person as the enforcement officer may direct.

25. Order to disseminate health advisory

(1) The Minister may, for the purpose of preventing the spread or possible outbreak of any infectious disease in Nigeria, or the spread of any infectious disease into Nigeria or from Nigeria to outside Nigeria, by written order, direct any relevant operator —

(a.) to disseminate any health advisory, in such form and manner as the Director General may require, to any relevant person specified in the order;

(b.) to provide any information, in the possession or control of the relevant operator, to the Director General to facilitate the Director General or any other person in the dissemination of a health advisory to a relevant person; or

(c.) to provide any information, in the possession or control of the relevant operator, to another relevant operator who is required to disseminate a health advisory under paragraph (a), to facilitate in the dissemination of the health advisory.

(2) The Director General may disclose any information obtained from a relevant operator under subsection (1)(b) to another relevant operator who is required to disseminate a health advisory under subsection (1)(a), to facilitate in the dissemination of the health advisory.

(3) The Director General may impose conditions as to the use of any information provided or disclosed to any relevant operator under subsection (1)(c) or (2).

- (4) Any relevant operator who, without reasonable excuse, refuses or fails to comply with — (a) an order under subsection (1); or (b) a condition under subsection (3), shall be guilty of an offence.
- (5) This section does not affect any other right of disclosure a relevant operator may have under any written law or rule of law.

PART III – PREVENTION OF INTERNATIONAL SPREAD OF INFECTIOUS DISEASES

26. Infected area

- (1) Where the President has reason to believe that a dangerous infectious disease may be introduced into Nigeria from or through any area in Nigeria or elsewhere, he may, by notification in the Gazette, declare that area to be an infected area.
- (2) The President may, in his discretion, issue an order prohibiting the entry into Nigeria of any person or class of persons from an infected area declared under subsection (1) except under such conditions as he may specify.

27. Vessels, persons and articles from infected area

- (1) For the purposes of this Part, all vessels, persons and articles coming from an infected area shall be deemed to be infected unless otherwise declared by the Director General.
- (2) A vessel and any person and article on board shall also be deemed to be infected if an infectious disease is found on board or if such infection was present amongst the crew, passengers, rodents or vectors on board the vessel.

28. Information required on arrival of vessels

- (1) The owner, master and the surgeon, if there is one on board, or the agent of any vessel arriving in Nigeria shall provide such particulars as may be required by the Director-General or Port Health Officer in such form or manner as the Director-General may require.
- (2) Any master, surgeon or agent who fails to comply with subsection (1) or who provides any information which is false or misleading shall be guilty of an offence and shall be liable on conviction to a fine not less than ₦1,000,000 (One Million Naira) or to imprisonment for a term not exceeding 6 months or to both.

29. Measures required of a vessel or vehicle on arrival

(1) The Director-General or a Port Health Officer may —

- (a.)** inspect any vessel or vehicle or any person or goods on board the vessel or in the vehicle when in Nigeria;
- (b.)** subject persons on board a vessel or in a vehicle, upon arrival, to medical examination;
- (c.)** direct health and sanitary measures to be taken in respect of a vessel or vehicle;
- (d.)** obtain from the master, or any other person on board the vessel, all necessary information that he requires to ascertain the health of persons on board, the sanitary condition of the vessel and cargo and of the port last visited by that vessel and any other information that he may require;
- (e.)** inspect the journal or log-book of the vessel or of the vessel's papers; and
- (f.)** direct the master, owner or agent of any vessel to forward a copy of the vessel's passenger and crew list and cargo manifest immediately after the vessel's arrival in Nigeria.

(2) Any person who fails to comply with any direction or requirement of the Director-General, or the Port Health Officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000 (One Million Naira).

30. Vaccination and other prophylaxis

(1) Every person on an international voyage whether leaving or arriving in Nigeria shall —

- (a.)** have undergone vaccination or other prophylaxis against all or any of the diseases as may be prescribed; and
- (b.)** produce valid international certificates of vaccination or other prophylaxis to a Port Health Officer.

(2) Notwithstanding subsection (1)(b), a Port Health Officer may require such person to undergo vaccination or other prophylaxis and may subject him to isolation or surveillance for such period as the Port Health Officer thinks fit.

(3) The Port Health Officer may, in his discretion, return any person, not being a citizen of Nigeria, who arrives in Nigeria in contravention of subsection (1), to his place of origin or embarkation at the expense of the owner or agent of the vessel by which he arrived in Nigeria.

(4) The owner, master or agent of any vessel shall ensure compliance with subsection (1) in respect of any person on board his vessel.

31. Disinfection and treatment of vessel and vehicle

(1) The Director General or an authorised Health Officer may, in his discretion, order the disinfection and treatment of the clothes and personal effects of any infected person arriving in Nigeria.

(2) Any vessel or vehicle which has conveyed an infected person shall be cleansed, disinfected or treated in such manner as may be directed by the Director General or an authorised Health Officer.

32. Arrival of infected ships

(1) An infected ship shall anchor at a quarantine anchorage unless otherwise directed by a Port Health Officer and shall remain there until it has been granted pratique by a Port Health Officer.

(2) An infected ship lying within the waters of Nigeria shall show the appropriate quarantine signal prescribed by regulations unless otherwise directed by a Port Health Officer.

(3) No person shall board or disembark from the ship while it lies at a quarantine anchorage, without obtaining the prior written permission of a Port Health Officer.

(4) No baggage, cargo or article may be discharged from a ship while it lies at a quarantine anchorage without the prior written permission of a Port Health Officer.

(5) Any master or any other person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000 (One Million Naira) or to imprisonment for a term not exceeding 12 months or to both.

33. Unauthorised boarding or disembarking from infected vessel

(1) The master of any infected vessel shall while it is subject to quarantine —

(a.) prevent and, if necessary, detain any person disembarking from the vessel without being authorised by a Port Health Officer;

(b.) detain any person who without the permission of a Port Health Officer boards the vessel;

(c.) deliver any person detained to a Port Health Officer;

(d.) prevent any baggage or cargo from being discharged from the vessel; and

- (e.) prevent any rodent from leaving or entering the vessel.
- (2) A master who fails to comply with any of the provisions of subsection (1) and any person aiding or abetting a master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000 (One Million Naira) or to imprisonment for a term not exceeding 12 months or to both.
- (3) For the purposes of section 33 and this section, “infected” means infected with a dangerous infectious disease

34. Pratique

- (1) A ship not granted pratique shall remain in the quarantine anchorage while in the waters of Nigeria or may continue its voyage to other ports.
- (2) The master or agent of any ship which has not been granted pratique who suffers or permits the ship to be anchored or berthed in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000 (One Million Naira) or to imprisonment for a term not exceeding 12 months or to both.

35. Discharge of waste or matter

discharge of human dejecta, solid or liquid waste or any matter, which the Director-General or a Port Health Officer considers to be contaminated, from any vessel shall be subject to such measures as the Director-General or the Port Health Officer may impose.

36. Vessels within waters of Nigeria

- (1) The master, owner or agent of any vessel whilst in Nigeria shall —
 - (a.) take such precautions as may be directed by a Port Health Officer to prevent rodents from leaving or entering the vessel, and take such measures for the destruction of rodents on board the vessel;
 - (b.) take all measures directed by a Port Health Officer to abate any nuisance that may be present on board the vessel within such time as may be specified by the Port Health Officer; and
 - (c.) take such measures to clean, disinfect, whitewash or any other measures which a Port Health Officer may direct to improve the condition of the water tanks, living spaces or any other part of the vessel.

(2) Any master, owner or agent who fails to comply with any directions of the Port Health Officer under subsection (1) within the specified time shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000 (One Million Naira) and to a further fine not exceeding ₦50,000 for every day during which the offence continues after conviction.

37. Persons supplying food and water

(1) The master, owner or agent of every vessel and any person supplying food and water to the vessel shall ensure that the food and water supplied to the vessel is fit for human consumption.

(2) The master, owner or any person in charge of any vessel or vehicle employed for carrying food or water intended for human consumption shall ensure that his vessel or vehicle and the food and water receptacles therein are in a clean and sanitary condition.

(3) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦5,000,000 (Five Million Naira).

38. Powers of Director General or Port Health Officer regarding food and water

(1) The Director-General or a Port Health Officer may —

(a.) take samples of any food and water intended for human consumption or for sale to a vessel;

(b.) order the owner or any person in charge of a vessel supplying food to carry out an analysis of the food and to supply the results of that analysis to the Director-General or the Port Health Officer;

(c.) if he has reason to believe that any food intended for human consumption is liable to be contaminated or is unfit for human consumption, order the food to be destroyed; and

(d.) order the owner, master or agent of any vessel to immediately cleanse the water tanks of the vessel to his satisfaction.

(2) Any person who fails to comply with an order of the Director General, Food Administration or a Port Health Officer under subsection (1) within the time specified therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦5,000,000 (Five Million Naira) or to imprisonment for a term not exceeding 12 months or to both.

39. Importation of vectors of diseases

(1) No person shall import or bring or cause to be imported or brought into Nigeria any vectors capable of transmitting a disease without first obtaining the written permission of the Director General.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦5,000,000 (Five Million Naira) or to imprisonment for a term not exceeding 12 months or to both.

40. Power to inspect merchandise, etc., on board vessel

(1) The Director General or a Port Health Officer may inspect and examine any articles, merchandise, baggage or cargo, on board any vessel, which are in his opinion contaminated or likely to be contaminated.

(2) The Director General or the Port Health Officer may order any contaminated articles, merchandise, baggage or cargo found on board the vessel to be —

(a.) seized and treated or disposed of in such manner as he thinks fit; and

(b.) prohibited from being unloaded or stored in Nigeria.

(3) Any person who fails to comply with an order of the Director General or the Port Health Officer under subsection (2) or hinders or obstructs the execution of that order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦2,000,000 (Two Million Naira).

(4) Any articles, merchandise, baggage or cargo to which the order relates may be confiscated, treated or disposed of at the discretion of the Director-General or the Port Health Officer.

41. Corpses

(1) No corpse or human remains or bones other than cremated ashes, shall be brought into or transhipped or exported from Nigeria, unless accompanied by a medical certificate or other evidence showing the name of the deceased, the date and cause of death and the measures adopted to preserve the body.

(2) Such corpse or human remains, or bones shall not be landed or transhipped or exported without the written permission of a Port Health Officer.

(3) The owner, master or agent of any vessel shall ensure compliance with subsections (1) and (2).

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦5,000,000 (Five Million Naira).

42. Master, etc., of vessel to assist Director-General, Director, etc.

(1) The master, owner or agent of a vessel shall provide such facilities and assistance as the Director-General or a Port Health Officer or a Health Officer may require in exercising his powers for the purpose of carrying out the provisions of this Act.

(2) The master, owner or agent of a vessel shall take all reasonable measures and exercise due and proper care to ensure the safety of the Director-General, a Port Health Officer or a Health Officer and any person acting under his direction in the course of their work on board the vessel.

(3) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000 (One Million Naira) or to imprisonment for a term not exceeding 12 months or to both.

43. Liability of master, owner or agent for expenses

(1) The master, owner and agent of any vessel which has been ordered into quarantine or of any vessel from which any person is removed for quarantine shall be responsible for —

(a.) the removal, care and maintenance, conveyance and surveillance of all persons on board the vessel; and

(b.) the provision of such services as the Director General, a Port Health Officer or a Health Officer considers necessary to ensure the satisfactory performance of the quarantine of the vessel and the persons on board.

(2) The master, owner or agent of any vessel which has been ordered into quarantine or to be cleansed, fumigated, disinfected or otherwise treated, shall pay the costs and expenses of removal of any cargo and goods from the vessel incurred in the cleansing, fumigation, disinfection or treatment of the vessel.

(3) The master, owner or agent of the vessel may make arrangement with the Director General, a Port Health Officer or a Health Officer for the carrying out of any of the responsibilities under this section and for the payment of the costs and expenses thereof.

(4) The Director General, a Port Health Officer or a Health Officer may take any reasonable action he considers necessary to ensure that the vessel or any person or articles on board performs the quarantine satisfactorily and any expenses incurred thereby shall be recoverable from the owner or agent of the vessel as a debt due to the Agency or the Government, as the case may be.

(5) The Director General, a Port Health Officer or a Health Officer may require the master, owner or agent of the vessel to give such security as he thinks necessary to ensure that the master, owner or agent of the vessel will carry out his responsibilities under this section satisfactorily.

44. Medical examination of persons arriving in Nigeria

(1) The Director General may, for the purpose of preventing the spread or possible outbreak of any infectious disease in Nigeria, by written order, require all or any persons arriving in Nigeria to undergo any medical examination specified in the order.

(2) Any person given an order under subsection (1) who, without reasonable excuse, refuses or fails to comply with the order shall be guilty of an offence.

45. Medical examination of persons leaving Nigeria during public health emergency

(1) During a public health emergency relating to an outbreak of an infectious disease declared under section 3(1), the Minister may, for the purpose of preventing the spread of that infectious disease out of Nigeria, by written order, require all or any persons leaving Nigeria to undergo any medical examination specified in the order.

(2) Any person given an order under subsection (1) who, without reasonable excuse, refuses or fails to comply with the order shall be guilty of an offence.

(3) Notice of the Minister's written order must be published in the Gazette for general information.

PART IV – VACCINATION AND OTHER PROPHYLAXIS

46. Responsibility of parent or guardian

(1) The parent or guardian of every child in Nigeria shall ensure that the child is vaccinated against the diseases set out in the Fourth Schedule.

(2) The Registrar of Births and Deaths shall, immediately after the registration of the birth of a child, issue to the parent or guardian of the child a notice requiring the child to be vaccinated against the diseases to which this section applies.

47. Power to order certain persons to undergo vaccination or other prophylaxis

(1) In an outbreak or a suspected outbreak of any infectious disease in any area in Nigeria, the Director General may by order direct any person or class of persons not protected or vaccinated against the disease to undergo vaccination or other prophylaxis within such period as may be specified in the order.

(2) In addition to the power conferred by subsection (1), where it appears to the Director that —

(a.) an outbreak of an infectious disease in any area in Nigeria is imminent; and

(b.) it is necessary or expedient to do so for the securing of public safety, the Director may by order direct any person or class of persons not protected or vaccinated against that infectious disease to undergo vaccination or other prophylaxis within such period as may be specified in the order.

(3) Any order made under subsection (1) or (2) may specify the person by whom and the way the vaccination or other prophylaxis is to be carried out.

(4) Where any order is made under subsection (1) or (2), the Director General shall cause notice of the effect of the order to be given in such a manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof.

48. Vaccination

(1) No vaccination shall be carried out except by a medical practitioner, or by a nurse or any other suitably trained person employed by or working under the supervision of a medical practitioner.

(2) Every medical practitioner shall —

(a.) keep in the prescribed manner a record of all vaccination carried out by him or under his supervision; and

(b.) within the prescribed period after carrying out any vaccination, notify in the prescribed manner —

(i) the Director General or any officer of the Centre who is designated by the Director for the purpose; and

- (ii) the person on whom the vaccination was carried out or, if such person is a child, to the parent or guardian of such child.

49. Exemption from vaccination

Where there is a valid medical reason, the Director General or any officer of the Centre who is designated by the Director General for the purpose may grant the postponement of or exemption from any vaccination required under this Part as he thinks fit.

50. Certificate of unfitness

(1) If any medical practitioner is of the opinion that any person is not fit to be vaccinated, he shall immediately deliver to that person or in the case of a child to the parent or guardian of the child an exemption certificate in such form as the Director General may require.

(2) Such exemption certificate shall remain in force for such period as may be specified therein.

(3) Before the expiry of the exemption certificate the person shall go, or the parent or guardian of the child shall take or cause the child to be taken, to a medical practitioner who shall then examine and vaccinate the person or child or give a further exemption certificate in respect of that person or child in such form as the Director General may require.

(4) Any medical practitioner who issues an exemption certificate under this section shall, within the prescribed time and in such form or manner as the Director General may require, notify the Director General or an officer of the Centre who is designated by the Director General for the purpose.

51. Offence

Any person who contravenes any provision of this Part, or fails to comply with any notice given under section 47 or order made under section 48, shall be guilty of an offence.

52. Suspension of this Part

(1) The Minister may, by notification in the Gazette, suspend all or any of the provisions of this Part during an epidemic of any infectious disease.

(2) The Minister shall, on the termination of such epidemic, by notification in the Gazette restore such provisions of this Part that he has suspended and order all persons affected by the suspension to perform within such time as he may specify all acts that remained to be performed by reason of the suspension.

53. Fees for vaccinations and other prophylaxis

Minister may from time to time, by notification in the Gazette, prescribe the fees that may be charged by medical practitioners who carry out any vaccination or other prophylaxis under the provisions of this Act.

PART 5 – ENFORCEMENT

54. Powers of the Centre in dealing with outbreaks and suspected outbreaks of infectious diseases

(1) For the purpose of investigating into any outbreak or suspected outbreak of an infectious disease or for the purpose of preventing the spread or possible outbreak of an infectious disease, the Director General or any authorised Health Officer may —

(a.) at any time without warrant and with such force as may be necessary —

(i) enter, inspect and search any premises; or

(ii) stop, board, inspect and search any conveyance, in which the outbreak or suspected outbreak has taken place;

(b.) take samples of any substance or matter, wherever found, if the Director General or Health Officer has reason to believe that that substance or matter is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak, and send such samples for such test, examination or analysis as the Director General or Health Officer may consider necessary or expedient;

(c.) seize any substance or matter, wherever found, if the Director General or Health Officer has reason to believe that that substance or matter is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak;

(d.) require any person to destroy any food in his possession which the Director General or Health Officer has reason to believe is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak;

(e.) require any person —

- (i) to furnish any information within his knowledge; or
- (ii) to produce any book, document or other record which may be in his custody or possession for inspection by the Director General or Health Officer and the making of copies thereof, or to provide the Director or Health Officer with copies of such book, document or other record, within such time and in such form or manner as the Director General or Health Officer may specify and may, if necessary, further require such person to attend at a specified time and place for the purposes of complying with sub-paragraph (i) or (ii);
- (f.) require, by written notice, any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit to medical examination and have his blood or other body sample taken for examination within or at such time, and at such place, as may be specified in such notice, and to undergo such treatment as may be necessary;
- (g.) subject to subsection (5), order the closure or cordoning off of any public place in which the outbreak or suspected outbreak, or the transmission or suspected transmission, of an infectious disease has taken place;
- (h.) subject to subsections (6) and (7), requisition, for such period as the Director General or Health Officer thinks necessary —
 - (i) any premises which, in his opinion, is suitable for the isolation and treatment of persons who are or are reasonably suspected to be cases or carriers or contacts of the infectious disease; and
 - (ii) any conveyance which, in his opinion, is suitable and necessary for use in connection with the prevention of the spread or possible outbreak of the infectious disease; and (i) by order prohibit or restrict the movement of persons, animals and conveyances into, within or out of any public place referred to in paragraph (g) or any premises referred to in paragraph (h)(i).
- (2) Where the Director General or Health Officer seizes any substance or matter under subsection (1)(c) —
 - (a.) the Director General or Health Officer shall immediately give written notice of the seizure to the owner of, or to the person from whom, the substance or matter was seized and may —
 - (i) direct that the substance or matter under seizure be kept or stored in the premises or conveyance where it was seized or be removed to any other place to be kept or stored thereat; or

(ii) dispose of the substance or matter immediately if the Director General or Health Officer is of the view that the substance or matter is decayed, putrefied or deleterious to health; and

(b.) any person aggrieved by the seizure may, within three (3) working days after the seizure, complain thereof to a Magistrate's Court and the Magistrate's Court may

—

(i) confirm the seizure wholly or in part;

(ii) disallow the seizure wholly or in part;

(iii) order that any substance or matter that has been seized be returned to its owner, subject to any condition which the Court may think fit to impose to ensure that the substance or matter is preserved for any purpose for which it may subsequently be required; or

(iv) order payment to be made to the owner of or person entitled to the substance or matter seized of such amount as the Court considers reasonable compensation to him for any loss or depreciation resulting from the seizure.

(3) Where —

(a.) no complaint is received by the Magistrate's Court within 48 hours of the seizure under subsection (2)(b); or

(b.) the Magistrate's Court confirms the seizure under subsection (2)(b)(i), the substance or matter seized in its entirety or to the extent to which its seizure was confirmed by the Magistrate's Court, as the case may be, shall become the property of the Government and shall be disposed of in such manner as the Director General thinks fit.

(4) A person shall comply with a requirement under subsection (1)(e) to disclose information or produce documents to the Director General notwithstanding any restriction on the disclosure of the information or documents imposed by any written law, rule of law, rule of professional conduct or contract; and the person shall not by so doing be treated as being in breach of any such restriction notwithstanding anything to the contrary in that law, rule or contract.

(5) Any premises that are unoccupied may be requisitioned under subsection (1)(h) without notice being given to the owner thereof, but no premises that are occupied shall be so requisitioned unless a written notice has been served on the owner or occupier or posted in a conspicuous position at those premises.

(6) Where any premises or conveyance is requisitioned under subsection (1)(h), the owner or occupier of the premises or the owner or person having control and possession of the conveyance shall be entitled to compensation at fair market value

for the occupation of the premises during the period of requisition, or for the use and detention of the conveyance, as the case may be.

(7) Any person who fails to comply with any requirement or order made by the Director General or a Health Officer under subsection (1)(d), (e), (f), (g) or (i) shall be guilty of an offence.

(8) For the purposes of subsection (1)(e), where any document or record required by the Director General is kept in electronic form, then — (a) the power of the Director General to require such document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form; and (b) the power of the Director General to inspect such document or record includes the power to require any person on the premises in question to give the Director or Health Officer such assistance as the Director General may reasonably require to enable him to inspect and make copies of the document or record in legible form or to make records of the information contained therein.

55. Powers of investigation

(1) For the purposes of an investigation into an offence punishable under this Act, any police officer, or any Health Officer who is authorised in writing in that behalf by the Director General may —

(a.) require any person —

(i) to furnish any information within his knowledge; or

(ii) to produce any book, document or other record which may be in his custody or possession for inspection by the police officer or Health Officer and the making of copies thereof, or to provide the police officer or Health Officer with copies of such book, document or other record, and may, if necessary, further require such person to attend at a specified time and place for the purposes of complying with sub-paragraph (i) or (ii);

(b.) at any time without warrant and with such force as may be necessary, stop, board, enter, inspect and search any premises or conveyance;

(c.) take samples of or seize any substance or matter found in any premises or conveyance mentioned in paragraph (b); and

(d.) seize any book, document or record produced under paragraph (a) or found in any premises or conveyance mentioned in paragraph (b).

- (2) A statement made by any person giving evidence under subsection (1)(a) — (a) shall be reduced to writing and read over to him; and (b) shall, after correction (if any), be signed by him.
- (3) Any person who, without reasonable excuse — (a) refuses or fails to comply with any requirement of a police officer or Health Officer under subsection (1); or (b) refuses to answer or gives a false answer to any question put to him by a police officer or Health Officer, shall be guilty of an offence.
- (4) For the purposes of subsection (3), it is a reasonable excuse for a person to refuse or fail to furnish any information, produce any book, document or other record or answer any question if doing so might tend to incriminate him.
- (5) For the purposes of subsection (1)(a)(i), where any document or record required by a police officer or Health Officer is kept in electronic form, then —
- (a.) the power of the police officer or Health Officer to require such document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form; and
- (b.) the power of the police officer or Health Officer to inspect such document or record includes the power to require any person on the premises in question to give the police officer or Health Officer such assistance as the police officer or Health Officer may reasonably require to enable him to inspect and make copies of the document or record in legible form or to make records of the information contained therein.

56. Disposal of document, substance or matter

- (1) Any book, document, record, sample, substance or matter (called in this section the document, substance or matter) produced, taken or seized under this Act must —
- (a) where the document, substance or matter is produced in any criminal trial, be dealt with in accordance with provisions of the Administration of Criminal Justice Act.
- (b) where the owner of the document, substance or matter consents to its disposal, be deemed to be forfeited; or
- (c) in any other case, be returned to the owner or reported to a Magistrate’s Court.
- (2) Where a document, substance or matter is reported to a Magistrate’s Court under subsection (1)(c), the Magistrate’s Court may order the document, substance

or matter — (a) to be forfeited; or (b) to be disposed of in such manner as the Magistrate’s Court thinks fit.

(3) Subject to any order to the contrary by the Magistrate’s Court, if the document, substance or matter is forfeited or deemed to be forfeited under this section, the document, substance or matter must be delivered to the Director General and must be disposed of in such manner as the Director General thinks fit.

(4) This section does not affect any right to retain or dispose of property which may exist in law apart from this section.

57. Powers of arrest

(1) Any police officer, or any Health Officer authorised in writing in that behalf by the Director General, may arrest without warrant any person committing or who he has reason to believe has committed any offence under section 11(1), 20(2), 22(4), or 55(8).

(2) Subject to subsection (1), any police officer, or any Health Officer authorised in writing in that behalf by the Director-General, may arrest without warrant any person committing or who he has reason to believe has committed any offence under this Act if —

- (a.) the name and address of the person are unknown to him;
- (b.) the person declines to give his name and address;
- (c.) the person gives an address outside Nigeria; or
- (d.) there is reason to doubt the accuracy of the name and address if given.

(3) Subject to subsection (7), any police officer, or any Health Officer authorised in writing in that behalf by the Director General, may arrest without warrant any person who

(a.) being required to be isolated in any place under the provisions of this Act, has failed to proceed to that place or has left or attempted to leave that place;

(b.) being required to undergo or submit to any surveillance, medical examination or medical treatment under the provisions of this Act, has failed to undergo or submit to such surveillance, examination or treatment or comply with any condition relating to his surveillance; or

(c.) being required to comply with any requirement mentioned in paragraph (a) or (b), attempts to leave Nigeria without the approval of the Director.

(4) Any person who, being required to comply with any requirement mentioned in subsection (3)(a) or (b), attempts to leave Nigeria without the approval of the Director General shall be guilty of an offence.

(5) Any person arrested under subsection (2) shall, within 24 hours from the arrest or immediately in the case of a person who gives his address as a place outside Nigeria, be taken before a Magistrate's Court, unless before that time his true name and residence are ascertained, in which case he shall be immediately released on his executing a bond with or without sureties before a police officer not below the rank of inspector for his appearance before a Magistrate's Court, if so required.

(6) The Director General may issue any order under this Act for the isolation, surveillance, medical examination or medical treatment of a person arrested under subsection (3).

(7) A police officer or Health Officer may, instead of arresting a person mentioned in subsection (3), take such measures as he thinks fit —

(a.) in a case where that person is to be isolated —

(i) to cause that person to be taken to the place where he is to be isolated; or

(ii) to ensure that the person remains in isolation in his own dwelling place, for such period of time and subject to such conditions as the Director General thinks necessary for the protection of the public;

(b.) in a case where that person is to undergo surveillance, to cause that person to undergo surveillance for such period of time and subject to such conditions as the Director thinks necessary for the protection of the public; or

(c.) in a case where that person is to undergo medical examination or medical treatment, to cause that person to be medically examined or treated.

(8) The measures referred to in subsection (7) may extend to —

(a.) the entry into any premises without a warrant; and

(b.) the use of such force as may be necessary.

58. Police officer or Health Officer may demand names and addresses in certain cases

(1) Any person who is required by any police officer or by any Health Officer authorised in that behalf by the Director-General shall on demand give his name and address and other proof of identity to the police officer or Health Officer, as the case may be.

(2) The occupier of any premises shall, if required by any police officer or by a Health Officer authorised in that behalf by the Director-General, give his name and address and other proof of identity and the name and address of the owner of the premises, if known.

(3) Any person who fails to comply with any requirement properly made to him by a police officer or Health Officer under subsection (1) or (2), or wilfully misstates his name and address or the name and address of the owner of any premises, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦50,000 (Fifty Thousand Naira).

59. Disclosure of information by Director to prevent spread or possible outbreak of infectious disease, etc.

(1) Subject to subsection (2), the Director General may disclose any information obtained by him under this Act which identifies any person who is, or is suspected to be, a case or carrier or contact of an infectious disease —

(a.) to any person if the disclosure is necessary for the person to take measures to prevent the spread or possible outbreak of the infectious disease; or

(b.) to the World Health Organisation or a State Party to the World Health Organisation if such disclosure is necessary to comply with an international obligation of Nigeria.

(2) The Director General may, in disclosing any information to any person under subsection (1)(a), impose such conditions as he thinks fit and the person to whom the information is disclosed shall comply with such conditions.

(3) A person to whom the Director General has disclosed any information under subsection (1)(a) may only disclose or use such information to the extent necessary for implementing any measure permitted by the Director General for the purpose of preventing the spread or possible outbreak of that infectious disease, but not otherwise.

(4) Any person who —

(a.) fails to comply with any condition imposed under subsection (2); or

(b.) contravenes subsection (4), shall be guilty of an offence.

(5) This section shall apply without prejudice to any other right of disclosure under this Act or any other written law or rule of law

60. Disclosure of information to prevent spread or possible outbreak of infectious disease, etc., as authorised by Director General

(1) The Director General may, by written notice, authorise a healthcare provider to disclose to a specified recipient information, which identifies any person as —

(a) a case or carrier or contact of an infectious disease (called in this section the affected person); or

(b) being suspected to be an affected person, to enable the specified recipient to take the necessary measures to prevent the spread or possible outbreak of the infectious disease.

(2) Director General may, in authorising the disclosure of any information under subsection (1) by a healthcare provider, impose such conditions on the healthcare provider or the specified recipient of that information, and the healthcare provider or specified recipient (as the case may be) must comply with such conditions.

(3) A specified recipient of information provided under subsection (1) may disclose that information to another person providing a prescribed healthcare service to an affected person on behalf of the specified recipient, or use that information, only to the extent necessary to take the necessary measures to prevent the spread or possible outbreak of that infectious disease, but not otherwise.

(4) Any person who, without reasonable excuse —

(a.) fails to comply with any condition imposed under subsection (2); or

(b.) contravenes subsection (3), shall be guilty of an offence.

(5) This section does not affect any other right of disclosure under any written law or rule of law.

(6) In this section —

“healthcare provider” means any person that provides a prescribed healthcare service;

“prescribed healthcare service” means any healthcare service prescribed for the purposes of this section;

“specified recipient” means any person that provides a prescribed healthcare service to an affected person.

61. Extraordinary powers in relation to emergency measures

(1) The Director may, with the approval of the Minister, formulate and implement emergency measures for the control of an infectious disease in any area and such measures shall be published in the Gazette before implementation.

(2) Any person who wilfully neglects or refuses to carry out or obstructs the execution of any emergency measure formulated and implemented under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦1,000,000 (One Million Naira) or to imprisonment for a term not exceeding 6 months or to both.

62. Police assistance

Inspector General of Police shall provide such police assistance as may be necessary to carry out any of the provisions of this Act.

PART VI – MISCELLANEOUS PROVISIONS

63. Service of notices, orders or other documents

(1) Any notice, order or other document required or authorised by this Act to be served on any person may be served —

(a.) by delivering it to the person or to some adult member or employee of his family or household at his usual or last known place of residence;

(b.) by leaving it at his usual or last known place of residence or business in an envelope addressed to the person;

(c.) by sending it by post to him at his usual or last known place of residence or place of business in Nigeria;

(d.) in the case of a body corporate, by delivering it to the secretary of the body corporate at its registered or principal office or sending it by post to the secretary of that body corporate at that office;

(e.) if the document is to be served on the master of a vessel or on a person on board a vessel, by delivering it to any person being or appearing to be in command or charge of the vessel; or

(f.) if the document is to be served on the master of a vessel and there is no master, by serving it on the owner of the vessel or on the agent of the owner or, where no such agent is known or can be found, by affixing it on some conspicuous part of the vessel.

(2) Any notice, order or other document required by this Act to be served on the owner or occupier of any premises or vessel or on the master of any vessel shall be deemed to be properly addressed if addressed by the description of the “owner” or

“occupier” or “master” of such premises or vessel, as the case may be, without specifying any further name or description.

(3) A notice, order or other document required by this Act to be served on the owner or occupier of any premises may be served by delivering it to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

64. Default in compliance with notice

Every notice served in accordance with section 64 requires any act to be done or work to be executed by the owner or the occupier or the person in charge of any premises or vessel and there is default in complying with the requirement of the notice, the owner, occupier or the person in default shall, where no fine is specially provided for the default, be guilty of an offence and shall be liable on conviction to fine not exceeding ₦100,000 (One Hundred Thousand Naira).

65. Inaccuracies in documents

(1) No misnomer or inaccurate description of any person, thing or place named or described in any document prepared, issued or served under or for the purposes of this Act shall in any way affect the operation of this Act as respects that person, thing or place if that person, thing or place is so designated in the document as to be identifiable.

(2) No proceedings taken under this Act shall be invalid for want of form.

66. Evidence

(1) All records, registers and other documents kept by the Director-General shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, subscribed by such officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

(2) In any proceedings for the recovery of costs and expenses incurred by the Centre, a certificate purporting to be under the hand of the Director General and specifying —

- (a.) the costs and expenses claimed as due and payable; and
- (b.) the person named in the certificate as liable for the payment thereof, shall be prima facie evidence of the facts certified therein and of the signature of the Director-General.

67. Obstruction of persons executing power, etc.

erson who —

- (a.) in any way hinders or obstructs or assists in hindering or obstructing any person in the exercise of any power conferred by this Act; or
- (b.) being required to provide any information or documents under this Act (including as a condition of any order, notice or requirement made or given), provides any information or document which he knows to be false or misleading, shall be guilty of an offence.

68. General penalties

erson guilty of an offence under this Act for which no penalty is expressly provided shall —

- (a.) in the case of a first offence, be liable on conviction to a fine not exceeding ₦100,000 (One Hundred Thousand Naira) or to imprisonment for a term not exceeding 6 months or to both; and
- (b.) in the case of a second or subsequent offence, be liable on conviction to a fine not exceeding ₦200,000 (Two Hundred Thousand) or to imprisonment for a term not exceeding 12 months or to both.

69. Offences triable by Magistrate's Court

offence under this Act may be tried by a Magistrate's Court, and that Court may, notwithstanding anything in the Criminal Procedure Code, award the full punishment with which the offence is punishable.

70. Protection from personal liability

ability shall lie personally against the Director-General, any Health Officer, any Port Health Officer, any police officer or any authorised person who, acting in good faith

and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

71. Immunity from liability for disclosure

A person commits an offence under any written law or any breach of confidence, incurs any civil liability or is liable to any disciplinary action by a professional body, by virtue merely of disclosing any information or providing anything, in good faith and with reasonable care —

- (a.) in accordance with any requirement under this Act; or
- (b.) as authorised by the Director under section 61.

72. Offences by corporations

(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a.) an officer, employee or agent of the corporation engaged in that conduct within the scope of his actual or apparent authority; and
- (b.) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

- (a.) who is —
 - (i) an officer of the corporation, or a member of a corporation (in the case where the affairs of the corporation are managed by its members); or
 - (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and
- (b.) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence;
 - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
 - (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, shall be guilty

of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

73. Offences by unincorporated associations or partnerships

(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a.) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his actual or apparent authority; and

(b.) the employee or agent had that state of mind, is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a.) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

(iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b.) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence, shall be guilty of the same offence as is that

unincorporated association or partnership, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act and applies whether or not the unincorporated association or partnership is convicted of the offence.

(5) In this section —

(a.) “officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(i) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(ii) any person purporting to act in any such capacity; “partner” includes a person purporting to act as a partner;

(b.) “state of mind” of a person includes —

(i) the knowledge, intention, opinion, belief or purpose of the person; and

(ii) the person’s reasons for the intention, opinion, belief or purpose.

74. Fees, etc., collected by Director and Director General

(1) All fees, charges and moneys collected by the Director General in connection with the administration of this Act shall be paid into the Consolidated Fund.

(2) All fees, charges and moneys collected by the Director-General in connection with the administration of this Act shall be paid to the Agency

75. Amendment of Schedules

The Minister may from time to time, by notification in the Gazette, amend any of the Schedules to this Act.

76. Exemptions

The Minister may, subject to such conditions and for such period or periods as he thinks fit, exempt any person, premises, vessel, vehicle or article or any class of persons, premises, vessels, vehicles or articles from any of the provisions of this Act.

77. Repeal

- (1) This Act repeals and replaces the Quarantine Act, 1926.
- (2) Except so far as may be expressly provided in this Act, nothing in this Act shall be construed so as to limit or affect in any way the provisions of any other written law.

78. Exercise of power

- (1) The powers of the President under this Act shall be exercisable by him or any Minister designated by him in that behalf and references in this Act to Governor shall be construed accordingly.
- (2) The powers conferred upon the Director General under this Act may be exercised by him in person or through officers of the Centre.

79. Regulations

- (1) The Minister may make regulations for carrying out the purposes and provisions of this Act for which he is responsible.
- (2) Without prejudice to the generality of subsection (1), the Minister may make regulations with respect to all or any of the following matters:
 - (a.) the establishment and maintenance of quarantine stations for persons and animals, and for regulating the management thereof;
 - (b.) the cleansing, disinfecting, fumigating and treatment of vessels and premises;
 - (c.) the prohibition on importation, exportation or transshipment of infected merchandise, articles or clothing;
 - (d.) the prescribing of measures to be taken for the prevention of the spread or transmission of infection by means of any vessel or vehicle departing from any infected area of Nigeria;
 - (e.) the prohibition and regulation of the removal of fodder, litter, dung, human dejecta, waste water and other things;
 - (f.) the prescribing of notification and supply of information by medical practitioners of cases of infectious diseases treated by them;

- (g.) the prohibition and regulation of vaccinations and other prophylaxis and the issuance of certificates relating thereto;
 - (h.) the prescribing of any measure, the prohibition of any act, or the imposing of a duty to do any act, necessary to prevent or control the spread or possible outbreak of an infectious disease; and
 - (i.) the prescribing of fees and charges and of any matter which by this Act is required to be prescribed.
- (3) The Minister may, in making any regulations, provide that any contravention of or failure to comply with any regulation shall be an offence punishable with a fine not less than ₦500,000 (Five Hundred Thousand Naira) or to imprisonment for a term not exceeding 6 months or to both.
- (4) The Minister may, in making regulations, specify —
- (a.) different prescribed times and prescribed infectious diseases in relation to different classes of persons who are required to notify the Director General under section 4; and
 - (b.) for the purposes of section 25 —
 - (i) the relevant operators;
 - (ii) the classes of relevant persons to whom a relevant operator may be required to disseminate any health advisory; and
 - (iii) the types of information that may be obtained from different classes of relevant operators.

80. Interpretation In this Act, unless the context otherwise requires —

- “baggage” means the personal effects of a traveller or of a crew member of a vessel;
- “building” means any house, hut, shed or roofed enclosure, whether intended for the purpose of human habitation or otherwise, and any wall, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge;
- “carrier”, in relation to any infectious disease, means any person who is harbouring or is likely to or is suspected to harbour the agents of that disease;
- “Centre” means the Nigerian Centre for Disease Control and Prevention established under the Nigerian Centre for Disease Control and Prevention (Establishment) Act No. 18 of 2018;

- “contact”, in relation to any infectious disease, means any person who has been exposed to the risk of infection from that disease;
- “contact tracing measure” means any measure to facilitate the tracing of contacts of an infectious disease;
- “crew” includes any person who is on board a vessel not for the sole purpose of travelling from one place to another but who is employed in the vessel’s service or in connection with its cargo;
- “dangerous infectious disease” means any of the diseases set out in the Second Schedule;
- “Director-General” means the Director-General of the Nigerian Centre for Disease Control and Prevention appointed under the Nigerian Centre for Disease Control and Prevention (Establishment) Act No. 18 of 2018, and includes an officer of the Centre acting on his behalf;
- “Health Officer” means a Health Officer appointed by the Director-General, under section 2;
- “individually-identifiable”, when used to describe information or samples pertaining to a person, means that the identity of that person can be readily discovered or ascertained from that information or sample;
- “infected” means infected with the micro-organism or agent of an infectious disease;
- “infectious disease” means — any of the diseases specified in the First Schedule; and includes any other disease —
 - (i) (that is caused or is suspected to be caused by a micro-organism or any agent of disease;
 - (ii) that is capable or is suspected to be capable of transmission by any means to human beings; and
 - (iii) that, the Director General has reason to believe, if left uninvestigated or unchecked, is likely to result in an epidemic of the disease;
- “isolation”, in relation to a person or group of persons, means the separation of that person or group of persons from any other persons, other than (a) the health staff in charge of the care and isolation of that person or group of persons; and (b) such other persons as the Director or the Director General (as the case may be) may allow;
- “master”, in relation to a vessel, means the person for the time being in charge or command of the vessel;

- “medical examination” includes the carrying out by a person (called the examiner) of any of the measures mentioned in paragraphs (a.) to (f.), with a view to ascertaining a person’s state of health, whether or not the examiner is present with the person being examined:
 - (a.) physical examination of the person;
 - (b.) the person’s bodily samples;
 - (c.) obtaining images of, or measuring, the person’s physiology;
 - (d.) measuring or monitoring the person’s physiological signs;
 - (e.) obtaining the clinical history of the person;
 - (f.) a measure to facilitate the carrying out of anything in paragraphs (a) to (e);
- “medical practitioner” means a medical practitioner registered or exempted from registration under the Medical and Dental Practitioners Act;
- “Minister” means the Minister charged with the responsibility for health
- “minor” means a person who is below the age of 21 years;
- “nurse” means a registered nurse or enrolled nurse within the meaning of the Nursing and Midwifery (Registration, etc.) Act;
- “occupier”, in relation to any premises or vessel, means the person in occupation of the premises or vessel or having the charge or control thereof either on his own account or as an agent of another person;
- “owner”, in relation to any premises or vessel, means the person for the time being receiving the rent of the premises or vessel whether on his own account or as agent, trustee or receiver or who would receive the same if the premises or the vessel were let or chartered;
- “port” means any place in Nigeria and any navigable river or channel leading into such place declared to be a port under the Nigeria Ports Authority Act and includes an airport;
- “Port Health Officer” means any Health Officer in charge of a port and includes his deputies and assistants;
- “pratique”, in relation to a vessel, means the written permission granted by a Port Health Officer to the vessel to disembark and commence operation;
- “premises” means buildings, lands, easements and hereditaments of any tenure whether open or enclosed, whether public or private and whether maintained or not under statutory authority, and includes any place or structure or any part thereof used or intended to be used for human habitation or for employment or any other purpose;

- “public place” means any place or premises to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and includes any place or premises used by the public or a section of the public for educational or recreational purposes or for assemblage;
- “quarantine” means the compulsory detention in isolation for the purpose and under the provisions of this Act of any ships, persons, goods, things, animals or plants;
- “quarantine anchorage” means any area of the port which has been appointed for the time being for the quarantine of vessels and declared to be a quarantine anchorage by the Nigerian Ports Authority;
- “quarantine station” means any island, building or place where quarantine is carried out;
- “surveillance” means subjecting a person or persons to medical examinations or observations carried out over a period of time (whether or not continuously) and includes carrying out any measures to facilitate those medical examinations or observations;
- “vessel” means any ship, boat, aircraft or a vessel of any description used in navigation by sea or air.

81. Short Title

This Act may be cited as the Control of Infectious Diseases Act, 2020

EXPLANATORY NOTE

A Bill for an Act to repeal the Quarantine Act and enact the Control of Infectious Diseases Act, make provisions relating to quarantine and make regulations for preventing the introduction into and spread in Nigeria of dangerous infectious diseases, and for other related matters