

**A BILL**

**FOR**

**FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE  
NUTRITIONISTS REGISTRATION COUNCIL OF NIGERIA FOR THE  
REGULATION, CONTROL, AND STANDARDIZATION OF THE  
STUDY, TRAINING, AND PRACTICE OF THE PROFESSION OF  
NUTRITION IN NIGERIA AND FOR RELATED MATTERS.**

Sponsor: Hon. Chike John Okafor

(Ehime Mbano/Ihitte Uboma/Obowo  
Federal Constituency)

[Commencement]

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

**PART 1 - ESTABLISHMENT OF THE NUTRITIONIST’S  
REGISTRATION COUNCIL OF NIGERIA**

**Objects and purpose of the act**

1. The purpose of this Act is to—
  - (b) establish the Nutritionist Registration Council of Nigeria as the regulatory authority for the practice of nutrition in Nigeria;
  - (c) provide for the registration, licensing, and regulation of practitioners;
  - (d) promote high standards of professional ethics, education, and research in nutrition; and
  - (e) safeguard public health through effective supervision of nutritional practice and services.

**Establishment of the council**

2. (1) There is hereby established a body to be known as the Nutritionists’ Registration Council of Nigeria (in this Act referred to as “the council”)

- (2) The Council shall:
- (a) be a body corporate with perpetual succession and a common seal;
  - (b) have power to sue and be sued in its corporate name; and
  - (c) have power to acquire, hold, and dispose of movable and immovable property for the purpose of its functions under this Act.

### **Functions of the council**

3. The functions of the Council shall be to—

- (a) determine the standards of knowledge, skill, and competence to be attained by persons seeking to be registered as members, associates, or fellows of the Council (in this Act referred to as “*nutrition practitioners*”), and to review such standards from time to time as circumstances may require;
- (b) approve institutions or training programmes for the purpose of the education and training of persons seeking registration under this Act;
- (c) enforce and maintain a programme of quality assurance for the nutrition profession in Nigeria;
- (d) regulate and control the practice of nutrition-by-nutrition practitioners in Nigeria;
- (e) promote sound nutritional practices, healthy lifestyles, and collaborate with government ministries, departments and agencies, international organisations, the private sector, and civil society organisations with similar mandates;
- (f) promote sustainable food systems through research and application of scientific and technological methods;
- (g) advance the education, science, technology, and art of nutrition, and collaborate with the National Universities Commission, the National Board for Technical Education, and other relevant authorities in this regard;

- (h) educate and inform the public on healthy dietary practices for the maintenance of good health and prevention of diseases;
- (i) promote co-operation and collaboration with any relevant board, council, or professional body on matters relating to nutrition, both nationally and internationally;
- (j) establish and maintain, in accordance with the provisions of this Act, a register of nutrition practitioners in Nigeria, which shall be divided into the following categories: -
  - (a) Registered Nutritionists; and
  - (b) Registered Nutrition Assistants.
- (k) publish, from time to time, a list of persons so registered; and
- (l) perform other functions as may be necessary for the achievement of the objectives of the council under this Act.

#### **Powers of the council**

4. The Council shall have power to:-

- (a) establish such State or Zonal offices as may be necessary for the proper administration and efficient discharge of its functions;
- (b) employ, on such terms and conditions as it may determine, such officers, agents, and other employees as it may require for the performance of its functions under this Act;
- (c) make administrative and operational arrangements for the effective conduct of its affairs;
- (d) make regulations relating to the conditions of service, remuneration, pension, and welfare of its staff; and
- (e) do such other acts or things as may be necessary or incidental to the performance of its functions under this Act.

### **Governing board of the council and its composition**

5.(1) There is hereby established for the Council a governing body to be known as the **Governing Board** (in this Act referred to as “*the Board*”), which shall be charged with the responsibility for the administration, policy formulation, and general management of the affairs of the Council.

(2) The Board shall consist of the following members—

- (a) a Chairman, who shall be a registered Nutritionist with not less than fifteen (15) years of post-registration professional experience, to be appointed by the Minister in consultation with the Professional Association of Nutritionists;
- (b) the President of the Professional Association of Nutritionists;
- (c) the Registrar of the Council;
- (d) the Director of Nutrition Department, Federal Ministry of Health or his representative;
- (e) six registered Nutritionists, each possessing not less than ten years of post-registration professional experience, to be appointed by the Minister in consultation with the Professional Association of Nutritionists, representing each of the six geo-political zones of the Federation;
- (f) Six Directors of Nutrition Department or State Nutrition Officers from the State Primary Health Care Development Agencies or State Ministry of Health, in each of the six geo-political zones of the Federation, who shall be registered Nutritionists to be appointed by the Minister; and
- (g) two Heads of Nutrition Departments to represent the universities, to be nominated at a meeting convened by the National Committee on Food and Nutrition.

### **Functions of the governing board**

6. The functions of the Board shall be to—

- (a) carry into effect the functions and powers of the Council as provided under this Act;
- (b) provide overall policy direction and governance for the Council;
- (c) ensure proper administration, management, and financial oversight of the Council; and

- (d) perform such other functions as may be necessary or expedient for the full discharge of the functions and powers of the Council.

**Appointment and tenure of office of the chairman and members of the board**

7. (1) The Chairman shall hold office for a term of three years and may be eligible for re-appointment for one further term of the same duration.
- (2) The Chairman shall preside over all meetings of the Board, and in the event of his death, incapacity, resignation, or inability to perform the functions of his office, the Minister shall appoint another qualified person to serve for the unexpired portion of the term.
- (3) Subject to subsection (1) of this section—
- (a) members of the Board shall hold office for a term of three years and may be eligible for re-appointment for one further term only;
  - (b) membership of the Board shall be on a part-time basis, except for the Registrar;
  - (c) the remuneration and conditions of service of the Registrar and other staff of the Council shall be determined by the Board in accordance with extant Federal Government guidelines for statutory corporations; and
  - (d) the sitting allowances and other entitlements of part-time members of the Board shall be determined by the Board and approved by the Minister.
- (4) The office of a member of the Board shall become vacant if the member—
- (a) resigns his appointment by notice in writing addressed to the Minister through the Board;
  - (b) is removed from office by the Minister on the recommendation of the Board for misconduct, or for physical or mental incapacity; or

- (c) without leave of the Board, absents himself from three (3) consecutive meetings of the Board.

### **Appointment and tenure of the registrar**

- 8.(1) The Board shall appoint a fit and proper person to be the Registrar and Chief Executive Officer of the Council and shall hold office for a single term of five years.
- (2) A person shall not be qualified for appointment as Registrar unless he:-
  - (a) is a registered and practising nutritionist;
  - (b) holds at least a Bachelor's degree in Human Nutrition or Nutrition and Dietetics from a recognized university; and
  - (c) has not less than fifteen years post-registration professional experience.
- (3) The Registrar shall be subject to the general direction and control of the Board.
- (4) The Registrar shall also be the Secretary to the Board and to the Disciplinary Committee established under this Act.
- (5) It shall be the duty of the Registrar to prepare and maintain, in accordance with the rules made by the Board, a register of all persons entitled to be registered under this Act, containing their names, addresses, qualifications, contact information, and such other particulars as may be prescribed.
- (6) The register shall consist of two parts—
  - (a) Part I: Registered Nutritionists; and
  - (b) Part II: Registered Nutrition Assistants.
- (7) The Registrar shall—
  - (a) correct, in accordance with the directions of the Board, any entry in the register that is incorrect;
  - (b) make necessary alterations to reflect changes in registered particulars;
  - (c) remove from the register the name of any person who has died or whose registration has expired or been cancelled; and
  - (d) record and, where directed, remove the names of persons in default of payment of prescribed fees or annual subscriptions for a period exceeding six (6) months.
- (8) Where the Registrar has made reasonable inquiries and sent two successive written or electronic notices to a registrant without response

within nine (9) months, the Registrar may, with the approval of the Board, remove such person's name from the register.

- (9) A person whose name is entered in the register shall be entitled to use the designation "Registered Nigerian Nutritionist (RNN)" after his or her name.

### **Other staff of the council**

9. (1) The Board may appoint, either directly or on secondment from any public service, such officers and employees as may be required for the efficient discharge of the functions of the Council.
- (2) The Board shall have power to appoint, promote, and discipline the staff of the Council in accordance with the provisions of this Act and extant public service rules.
- (3) The conditions of service, including remuneration, pension, and welfare, shall be determined by the Board, subject to existing government regulations.
- (4) The staff of the Council shall be deemed to be public officers within the meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- (5) Service in the Council shall be pensionable under the provisions of the *Pensions Reform Act*, except where an employee is engaged on non-pensionable terms.

### **Directions by the minister**

- 10 The Minister may, from time to time, give to the Board such general directions of a policy nature or relating to particular matters (but not to any individual person or case) with respect to the exercise of the functions of the Board under this Act, and it shall be the duty of the Board to comply with and give effect to such directions.

### **Publication of the register**

11. (1) The Registrar shall—
- (a) cause the register to be printed, published, and made available to the public not later than two years after the commencement of this Act;
- (b) thereafter, in each subsequent year, cause to be printed and published a revised edition or a list of corrections made to the register since the last publication;

(c) deposit a copy of each edition of the register and each list of corrections at the principal office of the Council; and

(d) keep the register and such lists open for public inspection at all reasonable times.

(2) A printed or electronic copy of the register or list of corrections published under the authority of the Registrar shall be admissible in evidence in any legal or administrative proceedings as prima facie proof of registration or non-registration of any person whose name appears or does not appear therein.

## **PART II – REGISTRATION**

### **Registration of nutritionists**

**12. (1)** A person registered as a nutritionist under this Act shall be entitled to practice as such throughout the Federal Republic of Nigeria.

**(2)** A person shall be entitled to be registered as a nutritionist under this Act if he:

(a) is a citizen of Nigeria;

(b) is of good character;

(c) holds a Bachelor of Science degree in Human Nutrition or Nutrition and Dietetics from a university accredited by the National Universities Commission, or holds a Higher National Diploma in Nutrition and Dietetics from a Polytechnic or any institution accredited by the National Board for Technical Education, together with a Postgraduate Diploma in Nutrition and Dietetics from an accredited institution;

(d) has completed an internship or mentorship programme approved by the Council; and

(e) has paid the prescribed registration fee.

(3) Any person who, immediately before the commencement of this Act, was registered as a full or Associate member of the recognised professional association of nutritionists shall be deemed to be registered under this Act.

### **Registration of nutrition assistants**

- 13.** A person shall be qualified to be registered as a **Nutrition Assistant** if he -
- (a) has successfully completed a course of training in nutrition leading to the award of a certificate approved by the Council; or
  - (b) holds a National Diploma in Nutrition and Dietetics from a Polytechnic accredited by the National Board for Technical Education; and
  - (c) has paid the prescribed registration fee.

### **Registration of foreign-trained nutritionists**

- 14.** (1) A citizen of Nigeria who has obtained qualifications from an approved institution outside Nigeria shall be entitled to full registration under this Act if he satisfies the Council that he -
- (a) holds a qualification obtained outside Nigeria which is, for the time being, recognized by the Council for the purpose of this subsection;
  - (b) was, at the time the qualification was granted, not under any legal disability to practice the profession in the country where the qualification was obtained;
  - (c) holds a certificate of registration as a nutrition practitioner recognized by the Council; and
  - (d) has paid the prescribed registration fee.
- (2) A person who is not a citizen of Nigeria may be registered as a nutritionist under this Act if:-
- (a) the country of which he is a citizen grants reciprocal registration privileges to citizens of Nigeria;
  - (b) he holds a qualification approved by the Council;
  - (c) he has passed the Council's examination on professional ethics governing the practice of nutrition in Nigeria;
  - (d) he has acquired the required professional experience prior to registration; and
  - (e) has paid the prescribed fee.
- (3) Every applicant for registration shall, in addition to providing evidence of qualification, satisfy the Council that he:
- (a) is of good character and conduct;

(b) has not been convicted in Nigeria or elsewhere of an offence involving fraud, dishonesty, or moral turpitude; and

(c) has paid the prescribed fee.

- (4) The Council may, in its discretion, provisionally accept a qualification in respect of an application under this section or direct that the application be reviewed within such period as may be specified in the directive.
- (5) Any entry made in the Register pursuant to subsection (4) of this section shall be marked as “provisional registration,” and no such registration shall be converted to full registration without the written approval of the Board.
- (6) The Council shall issue to every person registered under this Act a certificate of registration in the prescribed form.

### **Publication of qualifications for registration**

- 15. The Council shall, from time to time, publish in the Federal Government Gazette particulars of qualifications that are, for the time being, accepted for registration under this Act.

### **Practicing fees**

- 16.(1) No registered person shall engage in the practice of nutrition in any year unless he has paid to the Council, in respect of that year, the prescribed practising fee, which shall be due in January of every year or as otherwise prescribed by the Council.
- (2) A nutritionist who has attained the age of sixty-five years or who has at least forty years of post-registration experience shall be exempted from the payment of the annual practicing fee.
- (3) Every nutritionist who is fully registered and exempted under subsection (2) of this section shall be entitled to an annual practicing license authorizing him, subject to applicable regulations, to practice the profession of nutrition.
- (4) The Council may, with the approval of the Minister, vary the amounts of the practicing fees from time to time.

(5) Any registered nutritionist who fails to pay the prescribed practising fee by the 31st day of January of any year shall, in addition to the fee, be liable to pay a penalty equivalent to fifty percent (50%) of the applicable fee for that year.

### **PART III – TRAINING AND EDUCATION**

#### **Approval of institutions and courses of training**

17. (1) The Council shall have power to approve for the purposes of this Act—
- (a) any institution, whether in Nigeria or elsewhere, which the Council considers suitable for the training of persons seeking to become registered as Nutritionists or Nutrition Assistants; and
  - (b) any course of training leading to a qualification which, in the opinion of the Council, is sufficient to confer on the holder thereof the knowledge and skill requisite for practice under this Act.
- (2) The approval of any institution or course of training under this section may be withdrawn if the Council is satisfied that—
- (a) the standard of instruction or facilities has fallen below the standard prescribed by the Council; or
  - (b) the provisions of this Act or any regulations made thereunder are not being observed.

#### **Supervision of instruction and examinations**

18. (1) The Council shall keep itself informed of the nature of the instruction given and the examinations conducted by any approved institution for persons attending approved courses of training.
- (2) For the purposes of subsection (1) of this section, the Council may—
- (a) appoint inspectors or assessors to visit such institutions and attend examinations; and
  - (b) make such reports to the Council as may be prescribed.
- (3) The Council may, upon consideration of such reports, issue directives for the improvement of training and examinations, and failure to comply with such directives may lead to withdrawal of approval under this Act.

**Duration and content of courses of training**

19. (1) A course of training approved under this Act shall extend over such period and shall be conducted in such subjects, including theoretical instruction, practical application, and supervised clinical or field experience, as the Council may from time to time prescribe.
- (2) The Council shall prescribe separate curricula and standards for—
- (a) the professional training of Nutritionists; and
  - (b) the technical training of Nutrition Assistants.
- (3) No institution shall vary the duration, content, or standard of any approved course without the prior written consent of the Council.

**Qualification for admission into training programmes**

20. (1) A person shall not be admitted for a course of training approved under this Act unless he possesses such minimum educational qualifications as the Council may prescribe.
- (2) The Council shall, by regulation, specify the minimum entry requirements and conditions for admission to—
- (a) professional programmes in Nutrition; and
  - (b) technical or diploma programmes for Nutrition Assistants.

**Conduct of examinations and issue of certificates**

21. (1) Every examination for the qualification of Nutritionists or Nutrition Assistants shall be conducted in accordance with such rules and under such supervision as the Council may determine.
- (2) The Council may—
- (a) appoint moderators and examiners for such examinations;
  - (b) approve examination centres; and
  - (c) make regulations relating to the form, content, and grading of examinations.
- (3) Certificates of qualification issued by approved institutions shall not be recognized for the purpose of registration unless endorsed by the Council as conforming to the standards prescribed under this Act.

### **Accreditation visits and reports**

22. (1) The Council shall, at such intervals as it may determine, cause to be conducted accreditation visits to all approved institutions for the purpose of ascertaining their continued compliance with the standards prescribed.
- (2) The Council shall maintain and publish a list of accredited institutions and courses approved under this Act.
- (3) The report of every accreditation visit shall be submitted to the Minister, and may be published in the Federal Government Gazette or in such other manner as the Council may direct.

### **Offences relating to unapproved training**

23. (1) Any person, institution, or body that:
- (a) conducts a course of training for Nutritionists or Nutrition Assistants without the approval of the Council;
  - (b) issues or purports to issue a certificate of qualification for practice as a Nutritionist or Nutrition Assistant without lawful authority; or
  - (c) advertises or represents any such unapproved course as being approved under this Act, commits an offence and shall be liable on conviction to a fine not exceeding ₦5,000,000 or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.
- (2) The Council may, in addition to the penalty under subsection (1), apply to the Federal High Court for an order restraining any person or institution from continuing such unapproved training or advertisement.

## **PART IV – PROFESSIONAL DISCIPLINE**

### **Investigating panel**

- 24.** (1) There shall be established for the Council a body to be known as the *Nutritionists' Council of Nigeria Investigating Panel* (in this Act referred to as “the Panel”).
- (2) The Panel shall consist of—
- (a) three members of the Board and
  - (b) two other persons who shall be appointed by the Board.
- (3) The Panel shall be charged with the responsibility of—
- (a) conducting preliminary investigations into any case where it is alleged that a person registered under this Act has engaged in professional misconduct or has otherwise acted in a manner incompatible with the status of a registered nutritionist; and
  - (b) determining whether such case should be referred to the Disciplinary Committee for further action.

### **Disciplinary committee**

- 25.** (1) There shall be established for the Council a committee to be known as the *Nutritionists' Council of Nigeria Disciplinary Committee* (in this Act referred to as “the Committee”).
- (2) The Committee shall be charged with the duty of—
- (a) considering and determining any case referred to it by the Investigating Panel; and
  - (b) determining any other matter of professional misconduct or discipline brought before it under the provisions of this Act.
- (3) The Committee shall consist of—
- (a) a Chairman; and
  - (b) six other members,
- all of whom shall be appointed by the Board.
- (4) The provisions of the Second Schedule to this Act shall, with such modifications as may be necessary, apply to the proceedings of the Panel and the Committee respectively.

(5) The rules governing the conduct of proceedings before the Disciplinary Committee and the determination of cases of professional misconduct shall be as set out in the Second Schedule to this Act.

### **Infamous Conduct**

**26. (1)** Where a registered person:

- (a) is adjudged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or
- (b) is convicted by any court or tribunal in Nigeria or elsewhere of an offence which, in the opinion of the Disciplinary Committee, is incompatible with the status of a registered nutritionist; or
- (c) the Disciplinary Committee is satisfied that any person's name has been fraudulently entered in the Register, the Committee may, if it thinks fit, make any of the directions specified in subsection (2) of this section.

**(2)** The Disciplinary Committee may:

- (a) direct the Registrar to strike the person's name off the Register; or
- (b) admonish or reprimand the person concerned.

**(3)** The Committee may defer or further defer its decision under subsection (1) of this section to a subsequent meeting, provided that:

- (a) no decision shall be deferred for a period exceeding one year; and
- (b) no person shall participate in the deferred decision unless he was present as a member when the decision was first deferred.

**(4)** For the purpose of subsection (1)(b) of this section, a person shall not be deemed to have been convicted unless the conviction stands at a time when no appeal or further appeal is pending or may, without extension of time, be brought in respect of the conviction.

**(5)** Where the Disciplinary Committee makes a direction under subsection (1) of this section, the Committee shall cause a notice of the direction to be served on the person concerned.

**(6)** The person against whom such a direction is made may, within twenty-eight days after the date of service of the notice, appeal against the direction in accordance with the provisions of this Act.

(7) A direction of the Disciplinary Committee under this section shall take effect:

(a) where no appeal is brought within the prescribed time, upon the expiration of that time;

(b) where an appeal is brought and is withdrawn or struck out for want of prosecution, upon such withdrawal or striking out; or

(c) where an appeal is brought and is not withdrawn or struck out, upon the dismissal of the appeal.

(8) A person whose name has been removed from the Register pursuant to a direction of the Disciplinary Committee under this section shall not be entitled to be re-registered except in pursuance of a direction to that effect issued by the Committee upon the application of that person.

(9) A direction for removal under this section may prohibit an application for re-registration by that person until the expiration of such period from the date of the direction, or, where an application has already been made and refused, from the date of such refusal, as may be specified in the direction.

### **Offences by unqualified persons**

**27. (1)** Any person who, not being eligible to be registered or licensed under this Act—

(a) uses any title or designation implying that he is so registered or licensed; or

(b) holds himself out, directly or indirectly, as being so registered or licensed, commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand naira (₦100,000) or to imprisonment for a term not exceeding two (2) years, or to both.

(2) Any person who, not being eligible to be registered or licensed under this Act, practices or offers services for gain as a nutritionist commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand naira (₦100,000) or to imprisonment for a term not exceeding two (2) years, or to both.

### **Offences by qualified but unregistered persons**

**28.** Any person who, though eligible to be registered or licensed under this Act, practices as a nutritionist without being so registered or licensed,

commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand naira (₦100,000) or to imprisonment for a term not exceeding two (2) years, or to both.

### **Offences relating to unauthorized training or certification**

29. Any person who, being in charge of an institution not approved by the Council for the training of persons seeking registration under this Act—

- (a) admits any person for the purpose of training in nutrition;
- (b) purports to conduct courses or examinations under this Act or any regulations made thereunder;
- (c) issues any document, statement, certificate, or seal implying that the holder has undergone a course of instruction or passed an examination prescribed by the Council; or
- (d) issues any document, statement, or seal implying that the institution under his charge is approved by the Council, commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand naira (₦500,000) or to imprisonment for a term not exceeding three years, or to both.

### **Employment of unregistered persons**

30. Any person who employs or engages another person as a nutritionist while that person is not registered or licensed under this Act commits an offence and is liable on summary conviction to a fine not exceeding eight hundred thousand naira (₦800,000) or to imprisonment for a term not exceeding three (3) years, or to both.

### **Falsification of registers or records**

31. Any person who—

- (a) willfully makes, or causes to be made, any false entry in any register or record kept under this Act; or
- (b) presents or attempts to present himself, or any other person, to be registered or licensed under this Act by making, producing, or causing to be made or produced any false or fraudulent representation or declaration, whether orally or in writing, commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand naira (₦100,000) or to imprisonment for a term not exceeding two years, or to both.

## **PART V – FINANCE AND FUNDS**

### **Funds of the council**

**32.** (1) The Council shall establish and maintain a fund (in this Act referred to as “*the Fund*”) for the purposes of carrying out its functions under this Act.

(2) There shall be paid into the Fund—

(a) all fees and other monies payable to the Council under the provisions of this Act;

(b) such monies as may accrue to the Council in the discharge of its functions or otherwise;

(c) proceeds from investment activities, grants, endowments, and donations; and

(d) such other revenue as may accrue to the Council from sources approved by the Board.

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

(a) the remuneration, allowances, and other benefits of the Registrar and employees of the Council;

(b) such reasonable travel and subsistence allowances of members of the Board as the Board may, with the approval of the Minister, determine; and

(c) all other expenses properly incurred by the Council in the performance of its functions under this Act.

(4) All monies forming part of the Fund shall be paid into an account maintained in a reputable bank approved by the Board, and no withdrawal shall be made from such account except in accordance with rules approved by the Board and duly authenticated by the signatures of—

(a) the Chairman and the Registrar; or

(b) such other officers of the Council as may be authorized in writing by the Board.

### **Power to invest**

**33.** The Council may invest any portion of the Fund not immediately required for its operations in securities issued or guaranteed by the Federal Government of Nigeria or in such other securities or investments as may, from time to time, be approved by the Board.

**Power to borrow**

- 34.** The Council may, with the approval of the Board and in accordance with applicable laws, borrow such sums by way of loan, overdraft, or other financial arrangements as may be necessary for the proper discharge of its functions under this Act.

**Power to accept gifts**

- 35.** (1) The Council may accept gifts of money, land, or other property upon such terms and conditions as may be specified by the donor.
- (2) The Council shall not accept any gift where the conditions attached to it are inconsistent with or prejudicial to the functions and objectives of the Council under this Act.

**Annual estimates**

- 36** (1) The Council shall, not later than the 30th day of September in each year, prepare and submit to the Minister an estimate of its income and expenditure for the next succeeding financial year.
- (2) Notwithstanding subsection (1) of this section, the Council may, where necessary owing to unforeseen circumstances, prepare and submit supplementary or revised estimates of income and expenditure to the Minister for approval.

**Accounts and audit**

- 37.** (1) The Council shall keep proper accounts and records of all monies received and expended by it and shall, not later than the 31st day of March in each year, cause its accounts for the preceding year to be audited by auditors appointed from the list of approved auditors maintained by the Council.
- (2) The Council shall ensure that all payments are properly authorized and that adequate internal control systems are maintained over its assets and records.
- (3) The audited accounts of the Council shall be submitted to the Board not later than the 30th day of September in each year.
- (4) As soon as the accounts and financial statements have been audited, the Board shall forward a copy of the audited financial statements,

together with the auditors' report and any observations thereon, to the Minister not later than the 30th day of October in each year.

(5) The remuneration and expenses of the auditors shall be paid out of the Fund of the Council.

## **PART VI – MISCELLANEOUS**

### **Regulations and Standing Orders**

**38.** (1) The Council may make such rules, regulations and guidelines as are necessary or expedient for giving full effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, such regulations may provide for:-

(a) the prescription of fees, dues, and subscriptions payable by members;

(b) the procedures, agenda, and conduct of meetings of the Council; and

(c) the designation and duties of officers of the Council.

(3) Subject to any standing orders of the Board, the Board shall meet at least four (4) times in each year and, in emergency situations, whenever convened by the Chairman.

(4) Where the Chairman fails to convene a meeting within fourteen (14) days after being requested in writing by not less than five (5) members, those members may themselves summon a meeting of the Board.

(5) The Board may make standing orders to regulate its proceedings and those of any of its committees.

### **Limitation of Actions Against the Council**

**39.** (1) Notwithstanding anything to the contrary contained in any other enactment, no suit shall lie or be instituted against the Council, any member, officer, employee, or agent of the Council in respect of any act done in pursuance or execution of this Act, any other enactment, or any public duty or authority, or in respect of any alleged neglect or default in the execution of such enactment, duty, or authority, unless it is commenced—

(a) within twelve (12) months after the act, neglect, or default complained of; or

(b) in the case of a continuing injury or damage, within twelve (12) months after the cessation thereof.

(2) No suit shall be commenced against the Council until the expiration of at least one (1) month after written notice of the intention to commence the suit has been served on the Council by the intending plaintiff or his authorized agent, and the notice shall clearly state—

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and address of the intending plaintiff; and
- (d) the relief sought.

(3) The notice referred to in subsection (2) of this section, and any summons, notice, or other documents required to be served on the Council under this Act or any other enactment, may be served by delivering same to the Chairman or Registrar of the Council or by sending it by registered post to the principal office of the Council.

#### **Pre-Action Notice**

40. (1) No action shall be instituted against the Council or any of its officers for any act done in pursuance of their official duties unless the intending plaintiff shall have, not less than thirty days prior to the commencement of such action, served upon the Council a written notice specifying:

- (a) the cause of action;
- (b) the particulars of the claim; and
- (c) the relief or remedy sought.

(2) The Council shall, within the notice period, have the right to investigate, respond, or settle the claim in accordance with its powers under this Act.

(3) Failure to serve such notice shall be a bar to the institution of any civil proceedings against the Council or any officer thereof.

(4) Nothing in this Section shall bar any action where urgent relief is sought, provided that the court is satisfied that the circumstances justified immediate proceedings.

#### **Indemnity of Officers of the Council**

41. (1) Subject to the provisions of this Act, every officer of the Council acting in good faith in the execution of their official duties shall be indemnified by the Council against:

(a) any liability incurred in defending any proceedings, whether civil or criminal, brought against the officer in respect of any act done in the discharge of official duties; and

b) any costs, damages, or expenses incurred in the execution of official functions.

(2) No officer shall be indemnified in respect of acts done in bad faith, with gross negligence, or in contravention of the provisions of this Act or other applicable laws.

(3) The indemnity shall include legal representation costs, settlements, and judgments awarded against the officer arising directly from the performance of official duties, subject to the prior approval of the Council.

(4). The Council may, where appropriate, purchase and maintain insurance policies to cover the liabilities of its officers in accordance with this Section.

### **Power to Make Rules, Regulations and Guidelines**

42. (1) The Council shall have the power to make rules, regulations, and guidelines for the effective discharge of its functions under this Act, including but not limited to:

(a) registration, licensing, and revalidation of practitioners;

(b) standards of professional practice and ethical conduct;

(c) continuing professional development and training;

(d) investigation and discipline of registered practitioners;

(e) fees, levies, and other charges payable to the Council; and

(f) any matter necessary for the promotion, regulation, or protection of public health and the profession of nutrition and dietetics.

(2) All rules, regulations, and guidelines made pursuant to this Section shall be consistent with the provisions of this Act and shall not derogate from any rights or obligations established herein.

## **Publication and Notification**

43. (1) All rules, regulations, and guidelines made under this Act shall be:
- (a) published in the Gazette or any other official medium approved by the Council; and
  - (b) communicated to all registered practitioners and other relevant stakeholders in a manner determined by the Council.
- (2) Rules, regulations, and guidelines shall come into effect on the date specified therein or, in the absence of such specification, thirty days after publication.

## **Compliance and Enforcement**

44. (1) Every registered practitioner and officer of the Council shall comply with the rules, regulations, and guidelines made under this Act.
- (2) Failure to comply with any rule, regulation, or guideline without lawful justification shall constitute a breach of professional conduct and may attract disciplinary action, including suspension, revocation of registration, or other sanctions as determined by the Council.

## **Review and Amendment**

45. (1) The Council shall periodically review its rules, regulations, and guidelines to ensure alignment with current scientific knowledge, best practices, and public health requirements.
- (2) Any amendment or modification of rules, regulations, or guidelines shall follow the same procedure of publication and notification as prescribed under Section 43.

## **Supremacy of the Act**

46. (1) In the event of any inconsistency between the provisions of this Act and any rule, regulation, or guideline made under this Act, the provisions of this Act shall prevail.

- (2) Nothing in this Part shall prevent the Council from issuing clarifications, circulars, or interpretative notes to guide the application of its rules, regulations, and guidelines.

## Interpretation

47. In this Act, unless the context otherwise requires—

**“board”** means the Governing Board established for the Council under this Act;

**“chairman”** means the Chairman of the Board appointed under Act;

**“complainant”** means any person who makes an allegation of professional misconduct against a registered Nutritionist;

**“council”** means the *Nutritionist Registration Council of Nigeria* established under this Act;

**“disciplinary committee”** means the Committee established under this Act to inquire into allegations of professional misconduct against registered persons;

**“gazette”** means the *Federal Government Official Gazette*.

**“good health”** means a state of physical and mental well-being free from disease;

**“member”** means a member of the Council and includes the Chairman;

**“minister”** means the *Minister charged with responsibility for matters relating to Nutrition*;

**“ministerial directive”** means any lawful instruction or policy direction issued by the Minister pursuant to this Act; and

**“nutrition assistant”** means a person trained in nutrition at a sub-professional level who assists Nutritionists in technical matters and is registered as such under this Act;

**“nutritionist”** means a person duly registered under this Act to engage in the professional practice of nutrition in Nigeria;

**“prescribed”** means prescribed by rules, regulations, or guidelines made under this Act;

**“profession”** Means nutrition profession.

**“professional association of nutritionists”** means the Nutrition Society of Nigeria (NSN);

**“professional misconduct”** means any act or omission that constitutes a breach of professional ethics or standards of practice as may be determined by the Council;

**“public”** means not private, but open to or concerning the people as a whole;

**“register”** means the official Register of Nutritionists maintained under this Act;

**“registered”** means enrolled in the appropriate register maintained under this Act; and

**“secretary”** means the Registrar of the Council.

### **Short title**

48. This Act may be cited as the **Nutritionists Registration Council of Nigeria Act 2025**

## **FIRST SCHEDULE**

### **Supplementary provisions relating to the governing board**

#### **Tenure of office**

1. Subject to the provisions of this Act, a member of the Board, shall hold office for a term of three years in the first instance and may be eligible for re-appointment for a further term of three years and no more.
2. The office of a member shall become vacant if—
  - (a) he resigns his appointment by notice in writing addressed to the Minister;
  - (b) he becomes of unsound mind or is otherwise incapable of performing the functions of his office;
  - (c) he is convicted of an offence involving fraud, dishonesty, or moral turpitude;
  - (d) he is absent from three consecutive meetings of the Board without reasonable cause; or
  - (e) the Minister, acting on the recommendation of the Board, removes him for misconduct or any other sufficient cause.

#### **Power to Fill Vacancies**

3. Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a person representing the same interest or body as the former member, and such a person shall hold office for the remainder of the unexpired term of the member in whose place he is appointed.

#### **Proceedings of the Board**

4. The Board shall meet for the conduct of its business at such times, places, and on such days as the Chairman may appoint, but not less than four times in each calendar year.
5. The Chairman shall preside at all meetings of the Board, and in his absence, members present shall elect one of their number to preside.
6. Decisions of the Board shall be by a majority of votes of members present and voting, and in the event of an equality of votes, the Chairman or other person presiding shall have a casting vote.

## **Quorum**

7. The quorum for any meeting of the Board shall be one-third of the total membership or such higher number as the Board may determine from time to time.
8. No decision of the Board shall be invalidated by reason only of a vacancy in its membership, provided the quorum is met at the time of decision.

## **Committees of the board**

9. The Board may appoint one or more committees to carry out on behalf of the Board such functions as the Board may determine.
10. A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board, and a person other than a member of the Board shall hold office in the committee in accordance with the terms of his appointment.
11. The decisions of any committee shall be subject to confirmation by the Board.

## **Common seal of the council**

12. The common seal of the Council shall be kept in such custody as the Board may direct and shall not be used except in accordance with a resolution of the Board.
13. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or the Registrar of the Council.
14. Any document purported to be sealed with the common seal of the Council and authenticated shall be admissible in evidence and shall, unless the contrary is proved, be deemed to be properly executed.

## **Validity of proceedings**

15. The validity of any proceedings of the Board shall not be affected by:
  - (a) any vacancy in its membership;
  - (b) any defect in the appointment of a member; or
  - (c) any irregularity in procedure not affecting the substance of the matter.

### **Disclosure of interest**

16. A member of the Board who has any personal interest in any matter before the Board shall disclose such interest and shall not take part in any deliberation or decision of the Board with respect to that matter.
17. Any member who fails to comply with the provisions of this paragraph shall be deemed to have committed misconduct and may be removed from office accordingly.

### **Remuneration and allowances**

18. Members of the Board and of any committee thereof shall be paid such remuneration, fees, or allowances in accordance with scales approved by the Minister.

### **Standing orders**

19. Subject to the provisions of this Act, the Board may make standing orders regulating its own proceedings or those of its committees.

## **SECOND SCHEDULE**

### **Supplementary provisions relating to the disciplinary committee and the investigating committee**

#### **Tenure of Members**

1. A member of the Disciplinary Committee or Investigating Panel shall hold office for such term, not exceeding three years, as may be specified in the instrument of appointment, and may be eligible for re-appointment for one further term only.
2. The office of a member shall become vacant if:
  - (a) he resigns his appointment by notice in writing addressed to the Chairman of the Board;
  - (b) he ceases to be a member of the Board; or
  - (c) the Board, acting with the approval of the Minister, removes him for misconduct, incapacity, or other sufficient cause.

### **Proceedings of the disciplinary committee**

3. The Disciplinary Committee shall meet at such times and places as may be appointed by the Chairman of the Committee.
4. At any meeting of the Committee—
  - (a) the Chairman shall preside, and in his absence, members present shall elect one of their number to preside; and
  - (b) the quorum shall be three members, at least one of whom shall be a member of the Board who is a registered nutritionist.
5. A decision of the Committee shall be by a simple majority of members present and voting, and in the event of an equality of votes, the person presiding shall have a casting vote.
6. The Committee may, for the purpose of discharging its functions, summon any person in Nigeria to appear before it to give evidence or to produce any document or other materials relevant to the proceedings.
7. Any person who, having been duly summoned, fails to attend or produce any document without reasonable excuse commits an offence and shall be liable on conviction to a fine not exceeding ₦100,000 or to imprisonment for a term not exceeding six months, or both.

### **Proceedings of the Investigating Panel**

8. The Investigating Panel shall meet as often as may be necessary for the prompt discharge of its functions and shall regulate its own procedure subject to the general direction of the Board.
9. The Panel shall consider and investigate any case of professional misconduct referred to it by the Board or brought to its notice and may, if satisfied that a prima facie case has been made, refer the matter to the Disciplinary Committee for hearing.
10. The quorum of the Panel shall be three members.
11. The Panel may invite any person to assist it in its deliberations, provided that such person shall not have the right to vote.

### **Record of Proceedings**

12. The Disciplinary Committee and the Investigating Panel shall cause proper records of their proceedings to be kept and signed by the Chairman and Secretary of each sitting.

13. A certified true copy of any record of proceedings signed in accordance with paragraph 12 shall be admissible in evidence in any court or tribunal without further proof.

### **Representation and Fair Hearing**

14. Any person appearing before the Disciplinary Committee shall be entitled to be represented by a legal practitioner of his choice.
15. The Committee shall ensure that every person against whom an allegation is made is given a fair hearing in accordance with the principles of natural justice and section 36 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

### **Powers of the Disciplinary Committee**

16. The Disciplinary Committee shall have power to:
- (a) issue summonses to compel the attendance of witnesses and the production of documents;
  - (b) administer oaths and affirmations; and
  - (c) receive evidence, whether oral or documentary, as it may deem necessary for the determination of any matter before it.
17. The Committee shall conduct its proceedings in such manner as to ensure the expeditious and just determination of all matters referred to it.

### **Privileges and Immunities**

18. Members of the Disciplinary Committee and the Investigating Panel shall enjoy the same immunities and privileges as are conferred by law upon members of a court of record in Nigeria in respect of any act done or omitted to be done in good faith in the discharge of their functions under this Act.
19. Witnesses summoned before either body shall be entitled to the same privileges as witnesses before a High Court.

### **Validity of Proceedings**

20. No act or proceeding of the Disciplinary Committee or the Investigating Panel shall be invalidated by reason only of:

- (a) any vacancy in its membership;
- (b) any defect in the appointment of a member; or
- (c) any irregularity in procedure not affecting the merits of the case.

### **Implementation of Decisions**

- 21. Where the Disciplinary Committee makes any order or decision pursuant to its powers under this Act, the Registrar of the Council shall cause notice of the order or decision to be published in the Gazette and in at least one national newspaper.
- 22. The decision of the Disciplinary Committee shall take effect from the date of publication or such later date as may be specified in the order.

### **Reference to the Board**

- 23. The Disciplinary Committee and the Investigating Panel shall, after the conclusion of any matter, submit a written report of their findings and recommendations to the Board for record and necessary action.

### **EXPLANATORY MEMORANDUM**

This Bill seeks to establish the *Nutritionists Registration Council of Nigeria*, charged with the responsibility for the regulation, control, and practice of the profession of nutrition in Nigeria; the accreditation of training institutions; and for related matters aimed at promoting professional standards and enhancing the nutrition and wellbeing of Nigerians.