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NATIONAL BLOOD SERVICE COMMISSION ACT, 2021



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SCHEDULE

NATIONAL BLOOD SERVICE COMMISSION ACT, 2021

ACT No. 8

AN ACT TO ESTABLISH THE NATIONAL BLOOD SERVICE COMMISSION TO CO-ORDINATE, REGULATE AND ENSURE THE PROVISION OF QUALITY BLOOD, BLOOD PRODUCTS AND SERVICES IN LINE WITH NATIONAL HEALTH PLAN ; AND FOR RELATED MATTER.

[29th Day of July, 2021]

Commence-
ment.

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

PART I—ESTABLISHMENT OF THE NATIONAL BLOOD SERVICE COMMISSION

1.—(1) There is established a National Blood Service Commission (in this Act referred to as “the Commission”).

Establishment
of the
National
Blood
Service
Commission.

(2) The Commission shall—

- (a) be a body corporate with perpetual succession and a common seal ;
- (b) may sue and be sued in its corporate name ; and
- (c) may acquire, hold and dispose of any property for the purpose of carrying out its functions under this Act.

(3) The Commission shall have its National Headquarters located at the Federal Capital Territory, Abuja with Zonal offices in each of the six geopolitical zones, made up of—

- (a) South East Zone comprising of Abia, Anambra, Ebonyi, Enugu and Imo States, with headquarters at Owerri ;
- (b) South South Zone comprising of Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers States, with headquarters at Benin;
- (c) South West Zone comprising of Ekiti, Ogun, Ondo, Osun, Lagos and Oyo States, with headquarters at Ibadan ;
- (d) North East Zone comprising of Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States, with headquarters at Maiduguri ;
- (e) North West Zone comprising of Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara States, with headquarters at Kaduna ; and
- (f) North Central Zone comprising of Benue, Kogi, Kwara, Nasarawa, FCT, Niger and Plateau States, with headquarters at Jos.

(4) The zonal centers shall serve as linkage and reference centers for the States and other blood transfusion services within the zone.

2. The Commission shall—

- (a) co-ordinate and control blood transfusion services on a country wide basis within the national health plan ;

Objectives
of the
Commission.

(b) ensure the delivery of blood, blood components and blood derivatives which are safe for transfusion and other medical therapies ;

(c) be the sole regulatory authority for all blood related services nationwide ;

(d) accredit blood transfusion service facilities throughout the country ;

(e) establish a National Strategic Blood Reserve which can be called upon for national emergencies in any part of Nigeria when the need arises and the reserve shall be ware housed at the National Blood Service Commission in the six Zonal Centers, Headquarters and Lagos, Kano and Port Harcourt ;

(f) co-ordinate all public and private blood banks within the country, to deliver 5% of their safe blood collections, both whole blood and blood products, to the Commission's Zonal centres and replenish same ; and

(g) create public awareness for blood donation.

Establishment
and
Composition
of the
Governing
Board.

3.—(1) There is established for the Commission a Governing Board (in this Act referred to as “the Board”) which shall provide the general policy guidelines for the Commission.

(2) The Board shall consist of—

(a) a Chairman who shall be a qualified Health Professional of proven integrity with a minimum of 15 years post qualification experience ;

(b) a Representative of the Federal Ministry of Health ;

(c) a representative of the Nigerian Society of Haematology and Blood Transfusion ;

(d) a representative of the Association of Medical Laboratory Scientists of Nigeria ;

(e) a representative of the Medical Services of the Armed Forces of Nigeria ;

(f) a representative of the National Agency for Food, Drug Administration and Control (NAFDAC) ;

(g) a representative of the Nigerian Red Cross Society ;

(h) a representative of non-governmental organisations involved in blood safety ;

(i) a representative of the Nigerian Medical Association (NMA) ; and

(j) the Director-General of the Commission who shall serve as the Secretary to the Board.

(3) The Chairman and members of the Board, other than those whose membership is by virtue of their offices, shall be appointed by the President on the recommendation of the Minister.

(4) The members of the Board, other than the Director-General shall serve on part-time basis.

(5) The supplementary provisions set out in the Schedule to this Act, shall apply with regard to the proceedings of the Board and other matters therein.

Schedule.

4.—(1) The Board shall—

Functions of
the Board.

(a) formulate and provide policy guidelines for the discharge of the functions of the Commission ;

(b) monitor and ensure the implementation of the policies and programmes of the Commission ;

(c) be responsible for the appointment, promotion and discipline of senior staff of the Commission ; and

(d) carry out such other functions as are necessary and expedient to ensure the efficient performance of its functions under this Act.

(2) The Board shall have power to—

(a) approve rules and regulations in accordance with the Public Service Rules (PSR) and Financial Regulations relating to appointment, promotion and discipline of staff of the Commission ;

(b) set up committees and bodies of experts to carry out specific functions or tasks on its behalf ; and

(c) regulate its proceedings and make standing orders with respect to the holding of its meetings, notice to be given, the keeping of minutes of its proceedings and such other matters as the Board may determine.

5.—(1) The Chairman and other members of the Board other than statutory members shall hold office for a term of four years renewable for another term of four years and no more.

Tenure of
office,
vacancy,
registration
and removal
of members.

(2) Subject to any other provision of this Act, a member of the Board shall hold office on such terms and conditions as may be specified in his letter of appointment.

(3) Notwithstanding sections 5 (1) and 8 (2) of this Act, a member of the Board shall cease to hold office as a member of the Board if—

(a) his term of office expires ;

(b) he dies ;

(c) he becomes bankrupt or makes a compromise with his creditors ;

(d) he is convicted of a felony or any offence involving fraud or dishonesty ;

(e) he is guilty of serious misconduct ;

(f) he becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body ;

(g) in the case of a statutory member, he ceases to hold office on the basis of which he became a member of the Board ; or

(h) the president is satisfied that it is not in the interest of the Commission or public for the person to continue in office and notifies the member in writing to that effect.

(4) Any member of the Board other than a statutory member may resign his office by giving one month notice in writing or such other period as may be specified in his letter of appointment to the Minister and the resignation shall have effect from the date of its acceptance.

(5) Where a vacancy occurs in the Board's composition, the Chairman of the Board shall formally notify the President through the Minister.

Allowances.

6. Members of the Board under this Act shall be paid such allowances as the Government may approve.

Functions of
the
Commission.

7. The Commission shall—

(a) establish, coordinate, regulate and control blood transfusion services on a country-wide basis within the national health plan ;

(b) produce and ensure proper compliance with the National Blood Transfusion Guidelines and Standards ;

(c) employ suitable persons to work with the National Blood Service Commission as staff or consultants ;

(d) appoint, promote and discipline staff of the Commission ;

(e) maintain a system of quality assurance at all levels of service ;

(f) encourage research in all aspects of blood transfusion ;

(g) promote the rational use of blood, blood products and alternatives to blood where appropriate ;

(h) collaborate with international organisations and other stakeholders in the field of blood transfusion and safety ;

(i) collaborate and partner with relevant Ministries, Departments, Agencies and Intergovernmental agencies in carrying out the activities of the Commission ;

(j) consider such matters as the Minister may refer to it and make recommendations ;

(k) produce blood products, plasma and other blood products in collaboration with relevant agencies for National use and export ;

Pensions.
Act
No. 4, 2004.

11.—(1) Service in the Commission shall be Pensionable under the Pension Reform Act 2014 and accordingly employees of the Commission shall, in respect of their services, be entitled to such pension and retirement benefits as are prescribed there under.

(2) Notwithstanding the provisions of subsection (1), nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office.

PART III—STRUCTURE OF THE COMMISSION

Structure
of the
Commission.

12. The Commission shall consist of—

- (a) Blood Services Department ;
- (b) Laboratory Services and Quality Department ;
- (c) Finance and Accounts Department ;
- (d) Administration Department ;
- (e) Planning, Research and Statistics Department ;
- (f) Regulatory Department ; and

(g) such other departments as may be required for the proper performance of the functions of the Commission.

Relationship
with health
establishments.

13.—(1) All health establishments involved in blood transfusion practice shall continue to carry out their activities provided that—

- (a) all the guidelines issued by the Commission are complied with ;
- (b) the facilities are inspected and certified by the Commission in conjunction with the State Blood Service where necessary, in order to operate ;
- (c) all relevant data of their activities are made available on demand to the zonal centre in the prescribed manner ; and
- (d) they co-ordinate their activities with those of the State Blood Centres particularly in the area of donor recruitment, blood collection and distribution.

(2) The Commission shall have a robust hospital linkage with health institutions, assist them to form their hospital transfusion committees and ensure they attain best practices.

The armed
forces and
paramilitary
blood
transfusion
centers.

14.—(1) The Armed Forces and Paramilitary blood transfusion centres shall operate their blood transfusion activities in accordance with operational guidelines and the provisions of this Act.

(2) The functions of the Armed Forces and Paramilitary Blood Transfusion centres shall be to—

(a) pool resources particularly in donor recruitment and blood collection in conjunction with the zonal and state blood transfusion services ;

(b) maintain blood services centres among the Armed forces and Paramilitary health facilities ;

(c) liaise with the Commission in order to utilise training opportunities available to its staff ; and

(d) provide blood safety data to the Commission on a regular basis.

PART IV—FINANCIAL PROVISIONS

15.—(1) There is established for the Commission a fund (in this Act referred to as “the Fund”), which shall consist of—

Fund of the
Commission.

(a) such sums as may be appropriated to the Commission by the Federal Government ;

(b) grants, gifts or donations from international organisations and donor agencies ;

(c) fees, fines and charges for services rendered by the Commission ;

(d) publications made by the Commission ;

(e) all other sums of money accruing to the Commission by way of gift or testamentary disposition and endowments ; and

(f) other funds which may accrue to the Commission.

(2) The Commission shall apply the Fund—

(a) to the cost of the administration of the Commission ;

(b) the maintenance of any property acquired or vested in the Commission ;

(c) for reimbursing members of the Board or any committee of the Board for such expenses authorised by the Board or the Commission and for allowances in accordance with the rates approved by the Government ;

(d) to the payment of salaries; fees, other remunerations or allowances payable to members of the Board and employees of the Commission ;

(e) for advocacy to stakeholders and assessment visits to health facilities and zonal offices ;

(f) for research and development into blood component production and other aspects of blood transfusion in medical practice ; or

(f) to any other payment incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under this Act.

Annual estimates.

16. The Commission shall, not later than the 30 September in each year, submit to the Minister, an estimate of its income and expenditure for the next succeeding year.

Audit of accounts.

17. The Commission shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by qualified auditors appointed from the list of auditors in accordance with the guidelines supplied by the Auditor-General for the Federation.

PART V—OFFENCES AND PENALTIES

Offences and penalties.

18.—(1) A person who—

(a) without the supervision of a registered and trained medical or health practitioner collects or arranges to bleed a blood donor for the purpose of transfusion, or

(b) administers blood components to a patient without an order from a registered medical practitioner,

commits an offence and is liable on conviction to a fine of at least N500,000.00 or imprisonment for a term of at least six months or both.

(2) A person or group of persons who operates a blood bank commits an offence, if such a person or group of persons—

(a) processes blood for the purpose of obtaining blood products without the approval of the commission,

(b) fails to comply with the guidelines and standards issued by the Commission, or

(c) aids another person to commit any of the offences mentioned in this section,

and is liable on conviction to a fine of at least N500,000.00 or imprisonment for a term of at least six months or both.

(3) A person who—

(a) transfuses blood not properly screened for Hepatitis B & C virus, HIV I and II, Syphilis and other transmissible agents as specified by the Commission,

(b) transfuses blood not typed for ABO and RH (D) factor,

(c) supplies for transfusion blood not screened except in life-threatening situation,

(d) labels blood or blood products in a manner as to mislead others about the status of the blood products,

(e) supplies expired blood for transfusion into a human being,

(f) bleeds a child, except for therapeutic purposes with parental consent, or

(g) engages in practices that can compromise blood safety,

commits an offence and is liable on conviction to a fine of at least ₦1,000,000.00 or imprisonment for a term of at least one year or both.

(4) A person who knowingly interferes with, tampers or obstructs in whatsoever manner, the proper donation, collection, screening, banking, processing, distribution, transfusion of blood and blood products, inspection of records and premises where blood is processed for transfusion commits an offence and is liable on conviction to a fine of at least ₦500,000.00 or imprisonment for a term of at least six months or both.

(5) A person who, for the purpose of procuring blood or blood products from the Blood Service Commission—

(a) makes a statement which he believes to be false in a material particular, or

(b) recklessly makes a statement, which is false in a material particular, commits an offence and is liable on conviction to a fine of at least ₦500,000.00 or imprisonment for a term of at least six months or both.

(6) A body corporate that commits an offence under this Act is liable on conviction to a fine of at least ₦1,000,000.00 and any person who, at the time of the commission of the offence, was a chief executive officer, director, secretary, manager or other similar officer of the body corporate or was purporting to act in any such capacity shall be liable on conviction to a fine not less than ₦500,000.00 or imprisonment for a term of at least 6 months or both.

(7) Nothing in this Part shall preclude the—

(a) proper expression of appreciation to the donor of blood by way of tokens or gestures other than financial reward ; or

(b) charging of appropriate fees as determined by the commission to cover the cost of preparation of blood components for transfusion or the proper performance of autologous blood transfusion.

PART VI—MISCELLANEOUS

19. Subject to this Act, the Minister may give to the Commission directives relating to a particular matter with regard to the performance of the functions of the Commission under this Act and it shall be the duty of the Commission to comply with such directives.

Directives of
the Minister.

Power to
obtain
information.

20.—(1) For the purpose of performing the functions conferred on the Commission under this Act, the Director-General or any other officer of the Commission authorised in that behalf shall—

(a) have a right of access to all the records of any institution or authority to which this Act applies ; and

(b) by notice in writing serve on any person in charge of any institution or authority responsible for blood transfusion service, require that person to furnish or cause to be furnished, information on such matter as may be specified in the notice.

(2) A person required to furnish information under subsection (1) shall comply with the notice within a reasonable period of time or within the time stated in the notice.

Power
of the
Commission
to make
regulations.

21.—(1) The Commission may, with the approval of the Minister, make regulations generally for the purpose of carrying into effect the provisions of this Act.

(2) Regulations made shall be published in the Federal Government Gazette and in such manner as the Commission may prescribe.

Legal
proceedings.

22.—(1) No Civil action shall be commenced against the Commission or its authorised officers before the expiration of a period of 30 days after a written notice of intention to commence the suit shall have been served on the Commission by intending plaintiff or his agent, and the notice shall clearly and explicitly state the—

(a) cause of action ;

(b) particulars of the claim ;

(c) name and place of abode of the intending plaintiff ; and

(d) relief sought.

(2) The notice referred to in Subsection (1) and any summons, or other documents required or authorised to be served on the Commission under this Act or any other enactment or law, may be served by—

(a) delivering it to the Commission ;

(b) sending it by registered mail to the postal address of the Commission ; or

(c) any other mode of service as allowed by the Evidence Act.

23. A member of the Board, Director-General, officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceedings brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Commission where the act complained of is not ultra vires his power.

Indemnity
of officers
of the
Commission.

24. In this Act—

Interpretation.

“*Board*” means the Governing Board of the National Blood Service Commission ;

“*Chairman*” means the Chairman of the Board ;

“*Commission*” means National Blood Service Commission ;

“*Director-General*” means the Director-General of the Commission appointed under section 8 of this Act ;

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

“*Minister*” means the Minister charged with responsibility for matters relating to health.

25. This Act may be cited as the National Blood Service Commission Act, 2021.

Citation.

SCHEDULE

Section 3 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act Cap. I23 Laws of the Federation of Nigeria, 2004 which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting vote, the Board may make standing orders regulating its proceedings and Committee thereof.

2. The Board shall meet not less than four times in each year or whenever it is summoned by the Chairman, or the Chairman is required to do so by notice given to him by not less than seven other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice was given.

3. Every meeting of the Board shall be presided over by the Chairman or if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at the meeting.

4. The quorum at a meeting of the Board shall consist of the Chairman, or, in his absence, the person presiding at the meeting under paragraph 3 of this Schedule, and six other members.

5. The quorum of any committee of the Board shall be as determined by the Board.

6. Where upon any special occasion the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it deems fit:

Provided that a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committee

7.—(1) Subject to its standing orders, the Board may appoint such number of standing ad-hoc committees, as it deems fit to consider and report on any matter which the Board is concerned with.

(2) Every committee appointed under subparagraph (1), shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine.

(3) The decision of a Committee shall be of no effect, until it is confirmed by the Board.

Miscellaneous

8. The fixing of the seal of the Commission shall be authenticated by the signature of the Director-General and of any other member authorised by the Board to act for that purpose.

9. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Director-General or any person authorised by the Board to act for that purpose.

10. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

11. Members of the Board who are not public officers shall be paid, out of monies at the disposal of the Commission, such remuneration, fees or allowances in accordance with such scales as may be approved, by the Minister.

12. The validity of any proceedings of the Board or of its committee, shall not be adversely affected by—

(a) a vacancy in the membership of the Board ;

(b) any defect in the appointment of a member of the Board or Committee ; or

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

13. A member of the Board or its committee, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or the committee shall immediately disclose his interest to the Board or committee, and shall not vote on any question relating to the contract or arrangement.

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

Ojo O. A., fnia, fcia
Clerk to the National Assembly
30th Day of June, 2021

EXPLANATORY MEMORANDUM

This Act seeks to establish the National Blood Service Commission to co-ordinate, regulate and ensure the provision of quality blood and blood products and services in line with national health plan.

SCHEDULE TO THE NATIONAL BLOOD SERVICE COMMISSION BILL, 2021

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
National Blood Service Commission Bill, 2021.	An Act to establish the National Blood Service Commission to coordinate, regulate and ensure the provision of quality blood, blood products and services in line with national health plan ; and for related matters.	The Bill seeks to establish the National Blood Service Commission to coordinate, regulate and ensure the provision of quality blood, blood products and services in line with national health plan ; and for related matters.	18th May, 2021.	10th March, 2021.

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

I ASSENT



OJO O. A., fnia, fcia
Clerk to the National Assembly
 30th Day of June, 2021.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
 29th Day of July, 2021.