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## Covid-19 Pandemic Era and Delegated Legislations in Nigeria

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### **Abstract:**

*A lot of laws and policies have been promulgated amidst of Covid-19 by administrative authorities in planning to eradicate or reduce the spread of corona virus in Nigeria and most often these regulations seem to have mixed results. Hence, the researcher therefore decides to study 'Covid-19 pandemic era and delegated legislation in Nigeria'. The researcher employed explanatory research method and he made use of secondary data sourced from internet, mostly from PTF and NCDC data base. The data used in analysis is in quantitative form and percentage technique was used in analyzing and evaluating the data. Hence, the result of the analysis indicates that in the month of September, the testing capacity increased to 62.6% and in reaction, at the same month, the confirmed cases instead of responding at the same rate with testing capacity, it increased by only 51%. The result indicates 23.2% (i.e. 25.2%-2%) variation between the increased testing capacity and increased confirmed cases between the month of August and September. Hence, the null hypothesis is rejected and therefore the researcher concludes that delegated legislation has positive and significant impact on the move to reduce the spread of Covid-19 pandemic in Nigeria. In sequence to the stated objective of this study, the result of the analysis and the research's conclusion, the researcher recommends that government and its agencies should come up with measures to ensure complete adherence to delegated legislations of various regulatory bodies in Nigeria in mitigating the spread of Covid-19, the government should also consider the adverse effects of those delegated legislation on the citizens and the economy at large and at the same time plan ahead on how to manage such ugly situation if occurred.*

**Keywords:** Covid-19, Pandemic, delegated legislations, Presidential Task Force (PTF), Nigerian Center for Disease Control (NCDC)

### **1. Background to the Study**

The government manages the affairs and objectives of every given unit of people or body, make policies, and take decisions for the community and society at large. This is to protect the interest of the people and their rights from being infringe, this arise the need for check and balance of powers of various branches of government. The most practical doctrine of check and balance in governance is the division of government powers into the three branches of legislative, executive judicial powers, which is the doctrine of separation of powers. There exists various schools of thought and opinion on this doctrine starting from Adam Smith's who argues that there should be division of power for skilled and efficient government. On a different view, there also exists 'a liberty school of thought' which maintains that liberty of the citizens is the primary and real reason for separation of power in government. The liberty school of thought is in accordance with the views of Baron De Montesquieu and it is the most favoured view in most common law countries and in other countries of the world, as the greatest reason for the doctrine of separation of powers (Ese, 2012). In USA V. Brown, Earl Warren C J in the US Supreme Court supported the liberty school of thought, and Justice Louis Dembitz Brandeis of the U.S Supreme court in Myers V. USA was also of the same view.

Actually, the idea of division of power in governance is that neither the legislature, Executive, nor Judiciary should encroach on, or exercise the power of another arm, nor, no branch is subject to control by the others within its sphere of power. In real life situation, this does not exclude influence, review, or requirement of approval of certain things by one branch of government over the acts of another as a check and balance. Hence, the power exercise by various arm of government overlaps and there exist co- operation and co-ordination among the branches of government so that the government activities will not come to a halt due to rigidity, claiming and defending of powers, rights and responsibilities. In reality, the three arms of government are interrelated and interdependent for speedy running of the affairs of the government. Justice Robert.H. Jackson of the U.S.A. in Youngstown sheet and Tube co. V.Sawyer explained the need for overlapping separation of power for workable government. This overlapping is most common in either executive or judiciary exercising the powers and duties of the legislative arm of the governmental.

It is the primary responsibility of the legislature to make law and laws made by parliament is known as the primary or parent law, while laws made by other arms of government under the power to make law delegated by parliament is known as subsidiary legislation or delegated legislation.

Whereas powers to make laws can be delegated to any other arm of government by the parliament, it has to be done carefully with reasons and judiciously. Among so many other reasons for delegated legislation is that it enables quick

response to a state of emergency. Hence, the emergence of Covid-19 pandemic era exposed the relevance and need of overlapping of separation of power and delegated legislation.

It was towards the tail end of 2019 that the World Health Organization (WHO) reported the outbreak of a strange virus identified as corona virus in Wuhan China. These are zoonotic, meaning that they are normally transmitted between animals and people. The multiplier effect of the virus is so speedy that as at early part 2020, the corona virus disease (Covid-19) had spread across the world and the WHO declared it a pandemic. According to Global Health Organization (GHO), in March 12<sup>th</sup>, 2020, the number of cases of covid-19 outside China has increased 13-fold, and the number of affected countries has tripled. These are now more than 118,000 cases in 114 countries and 4,291 have lost their lives in hospitals.

The spread in Nigeria is at similar rate with other African countries. Thus, the Federal Ministry of Health (FMH) confirming the first Covid-19 case in Lagos state on the 27<sup>th</sup> of February 2020. Thus, between the period of the first incident in Nigeria and 29<sup>th</sup> March, 2020, the virus skyrocketed to the extent that NCDC declared and confirmed 14 new cases. And as at September 22<sup>nd</sup>, 2020, the covid-19 case increased to 57,613 while 48,836 were discharged and 1,100 deaths were recorded.

The World Health Organization (WHO) declared covid-19 to be a pandemic when it becomes clear that the illness was severe and that it was spreading quickly over a wide area. Thus, there is no sure way to prevent the spread of disease during an outbreak, epidemic, or pandemic and it takes scientists a long time to make a vaccine. This situation exposed the whole countries of the world and Nigeria in particular to economic risks and unexpectations.

Though, there exists separation of power in Nigerian government, yet this period of Covid-19 with its surrounding factors exposing the world to risks and fears happens to be an exceptional period witnessing high rate of killed persons and deaths that needs immediate, quick and urgent attention. Immediate or summary and temporary actions are needed in such urgent emergency situations and such urgent decisions are better made by administrative persons or authorities. The executive or administrative can respond to such situation on a moment to moment basis as development unfolds than the formal legislative process. It is therefore in the interest of good government and public welfare to equip the executive or administrative authorities with the necessary delegated powers by requisite provisions in the constitution and an emergency power act, under which the administration may take measures and temporary steps as may be necessary at any particular time.

## **2. Exercised Delegated Powers and Laws Amidst of Covid-19 Pandemic**

In consideration to high rate of spread of corona virus and its dangers in the country, the Nigeria federal and state governments are taking proactive steps to curtail its speedy spread. The administrators of various sectors are promulgating different policies, rules and measures targeting mitigating of covid-19 and its impact on the citizens and the national economy at large.

The President of the Federal Government of Nigeria on 29<sup>th</sup> March, 2020 exercised applicable powers (under the Quarantine Act) (1) to order the restriction of movement in Lagos and Ogun state as well as Abuja, and in this regard, consequently, issued the Covid-19 regulation 2020 ('regulation'). Thus, the movement of person has been totally restricted, except for the certain exemptions listed, for fourteen (14) days. Various states government have equally closed their borders and placed their states on lockdown (Anaje, Olumide. Oke. Akinkugbe, 2020).

Certain businesses were exempted from the lockdown particularly those providing health related and essential services, including hospitals and related medical establishment organizations in healthcare related manufacturing and distribution, as well as commercial establishment involved in food processing, distribution, and retail companies, petroleum distribution and retail entities, power generation, transmission and distribution companies and private security companies. Workers in telecommunication companies, broadcasters, print and electronic media who are able to prove that they are unable to work are also exempted. Seaports at Lagos state are also exempted as well as vehicles and drivers conveying essential cargoes, from the seaport to other part of the country, which will be screened before departure by the Port Health Authority. President also noted the government's drive to provide relief materials to communities who will be affected by the restriction.

On Monday, 30<sup>th</sup> March 2020, the Federal Government's Covid-19 regulation of 2020, which declared Covid-19 is a dangerous infectious disease, was signed by the president and it was granted a legal basis to the directives stated in the president's address. The regulation further institutes a moratorium on loans implemented through Bank of Industry, Bank of Agriculture and the Nigeria Export Import Bank. Financial and Money Markets are not on full lockdown, they run skeletal services and allow Nigerians access to Online Banking Service. Critical staff of the CBN, Deposit Money Banks, the Nigeria Interbank Settlement System (NIBSS), Mobile Money Operations and Payment Solution Providers are also exempted from the total lockdown.

## **3. Responds to Covid-19 Pandemic by the States**

When the Corona virus continued to increase very fast in Nigeria and most state health officers started identifying cases in their various states, the state governors introduced a ban on interstate travel on April 23<sup>rd</sup> 2020 in order to curtail or curb the spread of the deadly disease. Many states have also restricted airports and open markets in many states are being closed or allowed to open at a specific hour and on stated days in order for the state agencies to disinfect those spaces to curtail the spread of covid-19. The Lagos state government also issued the Lagos state infectious diseases (Emergency prevention) regulations 2020 via his powers under the state's public health law and the federal quarantine Act, Q2LFN 2004. The Lagos infectious diseases (Emergency prevention) regulations 2020, the regulations designate Covid-19 as a

dangerous infection disease within the meaning of section 2 of the Quarantine Act noting that it constitutes a serious and imminent threat to the public health of the people of Lagos state. It grants the governor powers to direct a potentially infectious person within Lagos state to go to a place specified for Covid-19 screening or to go into isolation.

The regulation grants the governor the power to restrict movement within, into or out of the state, particularly the movement of persons, vehicles, aircraft and watercraft. The regulations also grant the governor the power to restrict or prohibit the gathering of persons without the government consent, restrict the condition of trade, business and commercial activities within the state, and to order the temporary closure of markets, except those selling or manufacturing essential goods and services. The government is also empowered to prohibit the hoarding or inflating the price of essential goods and services and direct such goods or services to be seized and utilized to address the supply needs of the state.

#### 4. Presidential Task Force (PTF) on Covid-19 Pandemic

On March 9th, 2020, the president constituted the Presidential Task Force (PTF) on covid-19 chaired by the Secretary to Government of the Federation (SGF) in the person of Boss Mustapha, with membership from various MDAs. Since then, the PTF has been coordinating a multi-stakeholder response to the Covid-19 pandemic while providing technical and material support to both the federal and state government to manage the outbreak.

#### 5. Nigeria Centre for Disease Control (NCDC)

The Nigeria Centre for Disease Control is the country's national public health institute, with the mandate to lead the preparedness, detection and response to infectious disease outbreaks and public health emergencies. The first formal step to establish the NCDC took place in 2011. The Bill for an Act to establish NCDC was signed into law in November 2018, by President Muhammadu Buhari. The mission for the NCDC (2017-2021) is 'To protect the health of Nigerians through evidence-based prevention, integrated disease surveillance and response activities, using a one health approach, guided by research and led by a skilled workforce'.

On 21 February, 2020, Nigeria, through the Nigeria Centre for Disease Control (NCDC) in collaboration with the Africa Centre for Disease Control (Africa CDC) and with the support of the World Health Organization (WHO) and Infection Control Network Africa (ICAN) has convened a training meeting on Infection Prevention and Control (IPC) to strengthen preparedness for the novel corona virus disease (Covid-19) in Africa.

On 4th July 2020 Nigeria Centre for Disease Control (NCDC) launched an online course on Infection Prevention and Control (IPC), in the context of coronavirus disease (Covid-19). This online course is available to the general public but targeted at health care workers, to reduce the risk of transmission of Covid-19 and other infectious diseases while administering health care in Nigeria.

The Nigeria Centre for Disease Control (NCDC) through the National Emergency Operations Centre (EOC) has continued to lead the national public health response in Nigeria with oversight of the Presidential Task Force on Covid-19 (PTF-Covid-19). The NCDC is also working closely with all states of the Federation to support their response activities to the pandemic.

The NCDC continues to expand laboratories for the testing of COVID-19 and has commenced the use of GeneXpert across the country to scale-up testing.

S/N	Laboratory	State of Lab Location	Testing Platform	Type of Lab	Public Or Private
1	State Specialist Hospital, Amachara GX lab	Abia	Gxpert	State	Public
2	State Specialist Hospital, Amachara	Abia	Open PCR	state	Public
3	Federal Medical Centre Yola	Adamawa	Open PCR	Federal	Public
4	Akwa Ibom state molecular lab	Akwa Ibom	Open PCR	state	Public
5	COOUTH Awka Abbott lab	Anambra	Abbott	state	Public
6	General Hospital, Onitsha GXlab	Anambra	Gxpert	state	Public
7	Bauchi Molecular lab	Bauchi	Open PCR	state	Public
8	Abubakar Tafawa Balewa University laboratory, Bauchi	Bauchi	Open PCR	federal	Public
9	Bayelsa Molecular Laboratory	Bayelsa	Open PCR	state	Public
10	161 Nigeria Airforce Reference Hospital Laboratory Gxlab	Benue	Gxpert	military	Public
11	University of Maiduguri Teaching Hospital	Borno	Open PCR	federal	Public
12	University of Calabar Teaching Hospital, Calabar	Cross River	Gxpert	federal	Public
13	Lawrence Henshaw, Calabar	Cross River	Gxpert	state	Public
14	Delta Mobile Laboratory	Delta	Open PCR	state	Public
15	Alex Ekwueme Federal University Teaching Hospital	Ebonyi	Open PCR	federal	Public
16	Irua Specialist Teaching Hospital	Edo	Open PCR	federal	Public
17	University of Benin Teaching Hospital	Edo	Open PCR	federal	Public
18	Ekiti - 54gene	Ekiti	Open PCR	private	Public
19	University of Nigeria Teaching Hospital GX lab	Enugu	Gxpert	federal	Public

S/N	Laboratory	State of Lab Location	Testing Platform	Type of Lab	Public Or Private
20	University of Nigeria Teaching Hospital Virology lab	Enugu	Open PCR	federal	Public
21	NCDC National Reference Laboratory	FCT	Corbas/Open PCR/Gxpert	federal	Public
22	Defense Reference Laboratory	FCT	Corbas	military	Public
23	FCT - 54gene	FCT	Open PCR	private	Public
24	State House Annex Clinic - NIA	FCT	Open PCR	federal	Public
25	UN IOM clinic	FCT	Gxpert	UN	Public
26	University of Abuja Teaching Hospital Gxlab	FCT	Gxpert	federal	Public
27	Federal Medical Centre Owerri GX lab	Imo	Gxpert	federal	Public
28	Jigawa molecular lab	Jigawa	Open PCR	state	Public
29	DNALabs Kaduna	Kaduna	Open PCR	state	Public
30	Ahmadu Bello University	Kaduna	Open PCR	federal	Public
31	Yusuf Dansoh Memorial Hospital GX lab	Kaduna	Gxpert	state	Public
32	Aminu Kano Teaching Hospital	Kano	Open PCR	federal	Public
33	54gene Kano	Kano	Open PCR	private	Public
34	Bayero University Kano	Kano	Open PCR	federal	Public
35	International Foundation Against Infectious Diseases in Nigeria (IFAIN)	Kano	Open PCR	NGO	Public
36	Sahel lab, Katsina	Katsina	Open PCR	state	Public
37	Federal Medical Centre Birnin Kebbi Gxlab	Kebbi	Gxpert	federal	Public
38	State Specialist Hospital Kogi GX lab	Kogi	Gxpert	state	Public
39	Sobi Specialist Hospital	Kwara	Open PCR	state	Public
40	Lagos University Teaching Hospital,	Lagos	Open PCR	state	Public
41	54gene Lagos	Lagos	Open PCR	private	Public
42	NCDC Central Public Health Laboratory	Lagos	Open PCR	federal	Public
43	UN IOM GXlab, Lagos	Lagos	Gxpert	UN	Public
44	Nigeria Navy Reference hospital Gxlab, Lagos	Lagos	Gxpert	military	Public
45	Nigeria Institute for Medical Research,	Lagos	Corbas/Open PCR	federal	Public
46	Lagos state biobank lab	Lagos	Open PCR	state	Public
47	Zankli hospital GX lab	Nasarawa	Gxpert	state	Public
48	Nasarawa state public health diagnostics laboratory	Nasarawa	Open PCR	state	Public
49	Federal Medical Centre, Keffi GX lab	Nasarawa	Gxpert	federal	Public
50	GX Mobile lab (WOW Truck)	National	Gxpert	federal	Public
51	54gene Ogun	Ogun	Open PCR	private	Public
52	OOUTH Afriglobal Medicare, Ogun	Ogun	Open PCR	state	Public
53	Federal Medical Centre, Owo	Ondo	Open PCR	federal	Public
54	African Centre of Excellence for Genomics of Infectious Diseases	Osun	Open PCR	federal	Public
55	Osun state university laboratory	Osun	Open PCR	state	Public
56	University College Hospital Virology department laboratory	Oyo	Open PCR	federal	Public
57	Biorepository and clinical virology lab, UCH	Oyo	Open PCR	federal	Public
58	National Veterinary Research Institute	Plateau	Open PCR	federal	Public
59	Plateau State Human Virology Research Center (PLASVIREC)	Plateau	Abbott	state	Public
60	Jos University Teaching Hospital GX lab	Plateau	Gxpert	state	Public
61	University of Port Harcourt Teaching Hospital	Rivers	Open PCR	federal	Public
62	Rivers State University Teaching Hospital	Rivers	Open PCR	state	Public
63	University of Port Harcourt Regional Centre for Biotechnology and Bioresources Research	Rivers	Open PCR	federal	Public
64	Centre for Advanced Medical Research and Teaching	Sokoto	Open PCR	state	Public
65	Taraba State Specialist Hospital, Jalingo GXlab	Taraba	Gxpert	state	Public
66	General Hospital, Takum GX lab	Taraba	Gxpert	state	Public
67	General Sani Abacha State Specialist Hospital, Yobe	Yobe	Abbott	state	Public
68	FMC Gusau Gxlab	Zamfara	Gxpert	federal	Public

Table 1: Vernment Laboratories

Source: NCDC website

## 6. Responses to Covid-19 by Various Regulatory Bodies

### 6.1. Securities and Exchange Commission (SEC)

In sequence to the speedy spread of the deadly corona virus SEC issued a circular dated 14<sup>th</sup> March 2020 and approves E-fillings of applications and returns and extended deadline for transaction. They also approved a sixty (60) day extension for public companies and Capital Market Operators to file their 2019 annual report and their 1<sup>st</sup> quarter 2020 reports. It also indefinitely postponed its first Capital Market Committee meeting for the year 2020, which was previously scheduled to hold on 23 April 2020, along with all its other meetings.

### 6.2. The Judiciary

In judiciary sector, the National Judicial Council (NJC), through the chairman, Justice Mohammed Tanko (Chief Justice of Nigeria) in reaction to the novel corona virus spread announced the suspension of court sitting across the country. Thus, the suspension was for initial period of two (2) weeks, from 24<sup>th</sup> March, 2020. However, matters/cases that are urgent, essential or time bound under Nigeria law are exempted from the suspension.

### 6.3. Federal Inland Revenue Services (FIRS)

The chairman of FIRS quickly issued an announcement on 23<sup>th</sup> March, 2020; in the agency's response to the Covid-19 pandemic, the body encouraged E-filing of taxes and deadline extensions. Hence, the tax payers can transact through e-platforms to file tax returns, pay tax and apply for tax certificates. He also announced the extension of the timeline for filing value added tax and withholding tax to the last working day of the month, following the month of deduction; and an extension by one month of the due date for filing corporate income tax. Tax payers are also allowed to file their returns without audited accounts in so far as they submit those audited accounts within two months of the revised date of filing.

### 6.4. Nigeria Stock Exchange (NSE)

The NSE also issued a circular in expressing its responds to control Covid-19 pandemic and thus, from 24<sup>th</sup> March 2020, it activated a thirty (30) – day remote working plan for its employees, excluding essential staff. From 25<sup>th</sup> March, 2020, remote trading via the NSE electronic platforms will be in use as trading method as all trading floors will be temporarily closed.

### 6.5. Corporate Affairs Commission (CAC)

A notice was issued by the CAC on 26<sup>th</sup> March, 2020 in a response to the covid-19 pandemic. Hence, public companies were motivated to take advantage of the provisions of section 230 of the companies and allied matters Act, c20 LFN 2004 (CAMA) to hold their annual general meetings using proxies.

### 6.6. Central Bank of Nigeria (CBN)

Sequentially, the Nigerian Federal Government (NFG) through the Central Bank of Nigeria (CBN) has introduced ₦50 bn credit facility as a stimulus package to support household and Micro Small and Medium Enterprises (MSME) affected by the Covid-19 pandemic. The disbursement and management of fund is delegated to some agencies and institutions and more especially to NIRSAL MFB. The Nigeria Incentive- Based Risk Sharing System for Agricultural Lending (NIRSAL) was launched in 2011 and incorporated in 2013 by Central Bank of Nigeria (CBN) as a dynamic, holistic USD 500 million public-private initiative to catalyze its flow of finance and investment into agriculture.

### 6.7. Education Sector

The education sector seems to receive more attention due to its nature which is more attributed to its numeric strength. It is one of the sectors closed and the last to reopen. During the full lockdown, a webpage was developed by the task team responsible for coordinated education response to Covid-19 pandemic to provide information, guidance, and resources to the 36 states and FCT for the continuing education and individualized learning of children at home. This is powered by the Federal Ministry of Education (FME) and the universal Basic Education Commission (UBEC). It is intended that the webpage will provide real- guidance on learning resources and crises. The task team has worked out learn at Home Programme (LHP) for ensuring the continuity of learning for all students through this trying period. Twenty-four hours after the federal government ordered all educational institution in the country to shut down, the National Universities Commission followed up and ordered universities both government and private owned across the country to close for a month beginning from March 23<sup>th</sup>, 2020. This is contained in a circular signal by the commission's deputy executive secretary, Suleiman Rammon-Yusuf.

## 7. Statement of the Problem

The study, Covid-19 pandemic and delegated legislation in Nigeria is aimed at evaluating the needs and problems exposed to Nigerians by exercising of delegated powers by regulatory bodies and administrative authorities in Nigeria. The government policies in combating the Covid-19 virus seem to have dual impacts and mixed results on the citizens and the nation at large. Thus, the major government policy in fighting Covid-19 is the national lock-down. Before the pandemic and lock-down, the Nigerian government have been grappling with weak recovery from the 2014 oil price shock, GDP growth tapering around 2.3 percent in 2019.

According to (Chukwuka and Ekeruche, 2020) the country's debt profile has been a source of concern for policy makers and development practitioners as the most recent estimate puts the debt service to revenue ratio at 60%, which is likely to worsen and the amid decline in revenue associated with falling oil prices.

In Nigeria, efforts were already being made to bolster aggregated demand through increase government spending and tax cuts for business. The public budget increased from 8.83 trillion naira (USD 24.53 billion) in 2019 to 10.59 trillion naira (USD 29.42 billion) in 2020, representing 11 percent of the national GDP, while small business has been exempted from company income tax, and the tax rate for medium sized businesses has been raised downwards from 30 to 20 percent.

The Covid-19 pandemic and policies in mitigating the impact has caused declining household consumption, investment and net exports and led to increase in government expenditure. The total national lockdown also led to high rate of crime and insecurity. It impacted crime and illicit economies such as organized crime, terrorism, street crime, online crime, illegal markets and smuggling human and wildlife trafficking, slavery, robberies, rapping, burglaries and drug abuse.

There is also cost effect of keeping to Covid-19 guidelines and regulations, thus, buying of the nose/face mask, keeping and using of the steady running water and steady use of sanitizer. Difficulties in adapting to the use of Covid-19 preventive measures and the role of the security agencies in enforcing that attracts some extra cost on the citizens and even led to death of some people.

Most of these policies were copied from western part of the world and some need to be amended considering the variations in exposure and environmental factors surrounding different nations. For instance, in Nigeria, there is no social safety net to prevent the able people dying from hunger during the lockdown period. According to Ibrahim (2020), 'I feel obliged to write a few observations on this issue regarded Nigeria. I am not sure the current policy with its heavy opportunity cost is likely to lead us to the desired destination and whether we could at any rate get there even with these draconian measures'. Do to the nature of these policies people do not adhere strictly to the delegated laws and policies, though the reason may also be attributed to the fact that most people do not seem to believe on the reality of the existence of corona virus rather they see it as politically made virus used by the politicians to attract and squander foreign funds.

Another major problem is the adverse effect of these delegated legislations, for instance, they are contrary to the doctrine of separation of powers, emergency laws often infringe civil liberties, the administratively made laws makes the administrators to have too much powers and discretions, it reduces the supremacy of parliament, it is prone to abuse and it is not democratic, it is a violation of rule of law, there is inadequate control of delegated legislation by the parliament and judiciary, it encourages arbitrariness and dictatorship, there is always lack of or insufficient consultation, inadequate publicity of delegated law and inadequate consideration of the impact of delegated legislations.

Whereas, the government is fighting Covid-19, they are also struggling to control the effects of the problems caused by the policies used in reducing the spread of the virus and the most popular measure used in the race is lock-down policy.

It's good that the total lock-down exposed the needs for effective cash less system, use of online education system and in all sorts of business activities and at last the need for e-economy in Nigeria. And at the same time, it seems to multiply the problems of the people amidst of Covid-19 mostly in this part of the world. These policies and regulations made by the administrators seems to have mixed results on the people and economy at large, hence, the researcher decided to study Covid-19 pandemic era and delegated legislation in Nigeria.

## 8. Object of the Study

The objective is to establish the relevance and impact of delegated legislations on covid-19 pandemic era in Nigeria.

## 9. Conceptualization of Variables

### 9.1. Covid-19

Corona virus disease 2019 (Covid-19) is a most recently discovered virus. It was not known until its outbreak began in Wuhan, china, in December 2019. Covid-19 is an illness caused by a novel corona virus now called Severe Acute Respiration Syndrome corona virus 2(SARS-COV-2; formerly called 2019-nCoV).

Corona virus is a family of virus that carries illness such as respiration diseases or gastrointestinal diseases. The virus got its name from the way it looks under a microscope. The virus consists of a core of genetic material surrounded by an envelope with protein spikes that gives it the appearance of a crown. The word corona means 'crown' in Latin. Corona virus is zoometric, meaning that the virus is transmitted between animals and humans. It has been determined that MERS-cov was transmitted from dromedary camels to human and SARS-cov from civet cats to humans. The sources of the SARS - cov-2 (covid-19) is yet to be determined, but investigations are ongoing to identify the zoometric source.

### 9.2. Pandemic

A pandemic is a disease outbreak that spreads across countries or continents. It is an epidemic occurring worldwide, or over a very wide area. Considering this definition of pandemic, the 'Covid-19' as a virus falls into that family of pandemic. There have been a number of pandemics since the beginning of the 20th century: the HINI pandemic of 2009, the Spanish flu of 1918/19, as well as flu pandemic of 2019/2020. There was also Black Death pandemic, a plague which spread across Asia and Europe in the middle of the 14<sup>th</sup> centuries.

The covid-19 can equally be considered as an 'outbreak' and epidemic at the same time. The World Health Organization (WHO) declared covid-19 to be a pandemic when it became clear that the illness was severe and that it was spreading quickly over a wide area. There's no sure way to prevent the spread of disease during an outbreak, epidemic, or pandemic, it takes scientists a long time to make vaccine.

Pandemic exposes the world to economic and social problems because so many people will be ill and cannot work and currently in this covid-19 era, most of the country's economic and social activities were locked down as one of the major control measures to reduce the spread of the pandemic.

### 9.3. Delegated Legislation

The rules and regulations made by the administrative authorities under the powers to make laws delegated by parliament are known as subsidiary legislation or delegated legislation. Whereas it is the primary responsibility of the parliament to make laws as it is the duty of judiciary to interpret the laws, adjudicate matters and the executive to implement the laws respectively as stipulated in section 4 (1), (2) and (6) where the 1999 constitution delegates legislative powers to the legislature, section 5 (1), (9) and (2)(a) of the same constitution delegated executive powers to the executive. While, section 6(1) and (2) of the same 1999 constitution delegated judicial powers to the judiciary.

Thus, subsidiary or delegated legislations are laws made by the administrative or public authorities or agencies to which the constitution or an enabling statute has given power to make laws(Ese,2012). Thus, as a general rule in law, power may be delegated by one person to another person or body to take action, make delegated legislation or do all that the donor of the power is legally entitled to do.

## 10. Methodology of the Study

### 10.1. Research Design, Nature and Sources of Data

This study is a long essay and the researcher employed explanatory research design and in the causes of analysis, the researcher made use of secondary data in form of quantitative data sourced from internet, PTF and NCDC data base, law text books and journal set c.,

### 10.2. Data Presentation

Covid-19 cases in Nigeria (V.T.E) for 27 days starting from 27<sup>th</sup> August, 2020 to 22<sup>th</sup>, September, 2020.

Date	Confirmed Case	New Case	Total Death	New Death	Total Recovery	Active Case	Critical Cases
22/9/2020	57,613(0.31%)	176	1,100(-)	-	48,836	7,677	7
21/9/2020	57,437(0.34%)	195	1,100(0.18%)	2	48,674	7,663	7
20/9/2020	57,242(0.17%)	97	1,098(0.27%)	3,	48,569	7,575	7
19/9/2020	57,145(0.35%)	187	1,095(0.09%)	1	48,431	7,619	7
18/9/2020	56,956(0.39%)	221	1,094(0.09%)	1	48,305	7,557	7
17/9/2020	56,735(0.23%)	131	1,093(0.18)	2	48,092	7,550	7
16/9/2020	56,604(0.22%)	126	1,091(0.28%)	3	47,872	7,644	7
15/9/2020	56,478(0.16%)	90	1,088(0.46%)	5	44,430	10,960	7
14/9/2020	56,388(0.23%)	132	1,083(0.09%)	1	43,337	44,337	7
13/9/2020	56,256(0.14%)	79	1,082(0.37%)	4	44,152	11,022	7
12/9/2020	56,177(0.29%)	160	1,078(0.19%)	2	44,088	11,011	7
11/9/2020	56,017(0.34%)	188	1,076(0.09%)	1	43,998	10,943	7
10/9/2020	55,829(0.35%)	197	1075(0.47%)	5	43,810	10,944	7
9/9/2020	55,632(0.32%)	176	1,070(0.28%)	3	43,610	10,952	7
8/9/2020	55,456(0.54%)	296	1,067(0.57%)	6	43,334	11,055	7
7/9/2020	55,160	155	1,061	4	43,231	10,868	7
6/9/2020	55,005	100	1,057	3	43,013	10,935	7
5/9/2020	54,905	162	1,054	3	42,922	10,929	7
4/9/2020	54,743	156	1,051	3	42,816	10,876	7
3/9/2020	54,587	125	1,048	21	42,622	10,917	7
2/9/2020	54,463	216	1,027	4	42,439	10,997	7
1/9/2020	54,247	239	1,023	10	42,010	11,214	7
31/8/2020	54,008	143	1,013	0	41,638	11,357	7
30/8/2020	53,865	138	1,013	2	41,513	11,339	7
29/8/2020	53,727	250	1,011	0	41,314	11,339	7
28/8/2020	53,477	160	1,011	0	41,017	11,407	7
27/8/2020	53,317	296	1,011	1	40,726	11,58	7

Table 2: Data Presentation

Sources: Various News Sources and State Health Department. Website: See Timeline Table and Timeline

### 10.3. Interpretation of Data

The nature of Covid-19 virus calls for serious and close monitoring, hence policies for curtailing and mitigating its impact were promulgated daily by the government and various regulatory bodies. One of the major policies is the improvement on testing capacity. When Nigeria reported its first case of Covid -19 on 27<sup>th</sup> of February 2020, it had only five laboratories in four states able to test for Covid-19. As the infection spread to more states, the Nigerian Center for Disease Control (NCDC) began ramping up testing capacity. As at 30<sup>th</sup> April, 2020, there were 17 laboratories in its network that offered free test. According to Yomi (2020), the factor that contributed to the insignificant number of people at 50 cases as at March 24<sup>th</sup> 2020 is low testing capacity and lack of manpower. According to NCDC, Nigeria has tested only 152 people as at March 2020. Three months after, Punch Healthwise and the data available on NCDC website showed that a total of 289,133 test have been carried out as of August 3<sup>rd</sup>, 2020 and on September 22<sup>nd</sup> 2020, sample tested rose to 484,051 while confirmed cases increased to 57,613, active cases increased to 7,677, discharged cases was 48,836 and number of death rose to 1,100.

### 10.4. Data Analysis

The Mean of the confirmed Covid-19 data for the month of August is: -

$$\bar{x} = \sum_{i=1}^n \frac{x_i}{n}$$

$$= 53,679$$

The Mean of the confirmed Covid-19 data for the month of September is: -

$$\bar{x} = \sum_{i=1}^n \frac{x_i}{n}$$

$$= 55,958$$

Finding the % change ( $\Delta$ ) in both the number of people tested and confirmed cases

Title	August,2020	September,2020	Total	August %	September %	$\Delta\%$
No tested	289,133	484,051	773,184	37.4%	62.6%	25.2%
Confirmed cases ( $\bar{x}$ )	53,679	55,958	109,639	49%	51%	2%

Table 3

## 11. Discussion of Findings

The results of the analysis in the table above shows that between the period of August and September, 2020, 37.4% and 62.6% of the people in Nigeria were tested respectively. While the confirmed cases between the month of August and September was 25.2% (increased in rate), while the number of confirmed cases in August was 53,679 (the mean of the confirmed cases). and 55,958 (the mean of the confirmed cases) was for the month of September. Hence, the percentages for August and September are 49% and 51% respectively. The Covid-19 confirmed cases percentage change from the month of August to September was 2% while the percentage change in testing capacity from month of August to September was 25.2%. The result is in accordance with the apriori expectation which states that as Covid-19 control measures increases, the spread of the corona virus reduces and also it is in agreement with the position of government as stated by Dr. Chikwe Ihekweazu, during a press briefing by the Presidential Task Force (PTF) on Covid-19 Pandemic in Abuja.

Hence, in the month of September, the testing capacity increased to 62.6% and in reaction, at the same month, the confirmed cases instead of responding at the same rate with testing capacity, it increased to only 51%. The result indicates 23.2% (i.e. 25.2%-2%) variation between the increased testing capacity and increased confirmed cases between the month of August and September. This positive result shows that the spread of Covid-19 is reduced to the extent of 23.2% (i.e. 25.2%-2%) and it is attributed to the positive measures put in place by the government and its regulatory bodies.

There are very high increases in laws and policies made by government and its administrators during this period of Covid-19 pandemic; hence, this is to react quickly to rapidly growing cases of Covid-19 in the country. Most of the policies seem to impact negatively on the personal incomes of the people and national economy at large, though, the major target of the policies is to reduce the spread of covid-19 whereby increasing the health status of the citizens and reducing spread of Covid-19 and its related death rate.

Sequence to these laws and policy made by the Nigerian government through its agencies, Nigeria has witnessed a decline in the number of coroner virus cases in the month of August from that recorded in July. The Federal Government has announced 36% decline in confirmed Covid-19 cases in the month of August, as against what was recorded in July across the country as stated by Dr. Chikwe Ihekweazu, during a press briefing by the presidential task force (PTF) on Covid-19 in Abuja.

According to Boss Mustapher (PTF, Charman), on his Covid-19 address on the third phase of the lockdown, he said that our nation response to Covid-19 has shown that Nigeria is following the science through effective case management but need to improve more on testing. Therefore, the positive result of this study is not to encourage Nigerian government and the regulatory bodies to relax or relent on war against the deadly virus rather it is to inform them that more efforts and inputs are needed



## 12. Conclusion

Whereas the result of the analysis shows 2% increase in confirmed cases as on September, 2020 as a response to 25.2% increase in Covid-19 test capacity as on September, 2020 in Nigeria, the researcher therefore posits that delegated legislation in Nigeria has showed relevance and impacted positively in the process of eradicating Covid-19 virus in the country. Hence, the null hypothesis is rejected and therefore the delegated legislation has positive and significant impact on the move to reduce the spread of Covid-19 pandemic in Nigeria.

## 13. Recommendations

In sequence to the stated objective of this study, the result of the analysis and the research's conclusion, the researcher hence recommends as follows: -

The government and its agencies should come up with measures to ensure complete adherence to delegated legislations of various regulatory bodies in Nigeria in mitigating the spread of Covid-19.

The government at the same time has to consider the adverse effects of those delegated legislation on the citizens and the economy at large and at the same time plan ahead on how to manage such ugly situation if occurred. The various sector of the government should endeavor to embark on making policies that will enhance household consumption, increase investment and net exports and also ensure optimal government spending.

Whereas almost all about Covid-19 are viewed from negative perspectives, there are still some few hidden good things exposed during this pandemic period, mostly to the developing nations. It is expected that the government and the citizens explore those positive impact of covid-19 pandemic in Nigeria. Thus, the pandemic era and its subsequent lock-down made it possible for people to improve their technical knowhow. Hence, education and learning were done online, also 70% of the businesses were done online and cashless policy of the government was successfully managed during this period of Covid-19 pandemic and lock-down. Therefore, I encourage the government to explore, harness and improve on these positive sides of the lock-down by improving on the level and standard of ICT (Information Technology), power supply and other facilities that have to do with E-economy.

The researcher also recommends that the promulgation of delegated laws by the administrators should be done with caution. Not minding the urgency of the need for such regulation, it has to observe the necessities in order to reduce culprits, and not to contradict the primary or parent laws. Hence, in the process, the delegated legislation must be one that is delegable, there must be a delegation of the power, there must be a proper delegation and the delegation must be to an appropriate officer, or authority.

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