

Extraordinary



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FOR

Sponsored by Senator Bimma Enagi

[] Commencement

1	1.-(i) The Bill proposes the establishment of a body to be known as	Establishment of the National Rice Development Council
2	the National Rice Development Council of Nigeria (Referred to as "the	
3	Council") which shall have the functions;	
4	(ii) The Council shall be a body corporate with perpetual	
5	succession and a common seal and may sue and be sued in its corporate	
6	name.	
7	2.-(i) The Council shall consist of a Chairman to be appointed by	Membership of the Council
8	the President, on the recommendation of the Minister and the following	
9	other members to be appointed by the Minister on the recommendation of	
10	the bodies they represent, that is-	
11	(a) Representatives of the Rice Farmers Association of Nigeria	
12	(RIFAN), Rice Processors Association of Nigeria (RIPAN), Rice Millers	
13	Association of Nigeria (RIMAN), Association of Small and Medium Scale	
14	Modular Rice Millers of Nigeria (ASMERIMON), Rice Policy Advocacy	
15	Initiative of Nigeria (RIPAIN), etc.	
16	(b) Representative of the Paddy Rice Dealer Association of Nigeria	
17	(PRIDAN);	
18	(c) Representative of the Central Bank of Nigeria;	

Functions of
the Council

- 1 (d) Representative of the Civil Society Advocacy Organizations;
- 2 (e) Representative of the National Cereals Research Institute
- 3 (NCRI);
- 4 (f) Representative of the Federal Ministry of Industry, Trade and
- 5 Investment;
- 6 (g) Representative of the Federal Ministry of Agriculture and Rural
- 7 Development;
- 8 (h) Representative of the Federal Ministry of Water Resources;
- 9 (i) Representative of the Federal Ministry of Finance; and
- 10 (j) Executive Secretary of the Council.
- 11 (ii) The supplementary provisions contained in the Schedule to this
- 12 Act shall have effect on the proceedings of the Council and on other matters
- 13 contained therein;
- 14 (iii) Appointment of Chairman and Executive Secretary of the
- 15 Council:
- 16 (a) The appointment of the Chairman of the Council shall be based on
- 17 the relevant experience, expertise and integrity of the appointee.
- 18 (b) The appointment of the Executive Secretary of the Council shall
- 19 be based on relevant education, training, experience and integrity.
- 20 **3.** The functions of the Council shall be:
- 21 (a) Draw policy guidelines and action programmes for the entire rice
- 22 value chain;
- 23 (b) Provide guidelines on the development of rice estates and the
- 24 organization of the rice stakeholders to enhance the viability of rice varieties;
- 25 (c) Facilitate the availability of credit for rice farmers for land
- 26 preparation and farm inputs in liaison with Federal, State and local government
- 27 institutions and corporate bodies, whose objectives relate to the objectives of
- 28 the rice stakeholders;
- 29 (d) Establish, maintain and supervise the Rice Research and
- 30 Development Centre to develop new and improved rice production technology

1 and rice varieties;

2 (e) Design and implement the local adaptation of machinery and
3 facilitate technology transfer for rice processing;

4 (f) Set targets and measurements for the performance of local rice
5 producers;

6 (g) Set and regulate quality standards for local rice producers;

7 (h) Advise, based on improvements in local rice production, the
8 Government of the Federation on the rate of tariff to be charged on imported
9 rice; and

10 (i) Consider and advise on any other matter which is aimed at
11 enhancing the objectives of the Council.

12 4.-(i) The Chairman and members of the Council other than ex
13 officio members shall each hold office for a single term of five years, not
14 subject to renewal;

Tenure of Office
of the Chairman
and Members of
the Council

15 (ii) Without prejudice to subsection (1) of this section the Minister
16 may appoint from among the members any person to act as the Chairman
17 during the absence or temporary incapacitation illness or otherwise of the
18 Chairman and the person so appointed shall, while the appointment subsists,
19 have the same powers as exercised by the Chairman.

20 5.-(i) There shall be appointed by the Minister, an Executive
21 Secretary who shall be the chief Executive of the Council and shall be
22 responsible to the Council and the Chairman for the day-to-day
23 administration of the Council;

Secretariat and
other Officers
of the Council

24 (ii) There may be appointed from time to time by the Council, such
25 other staff as may be required for the purpose of the efficient performance of
26 the functions of the Council and the staff appointed under this section shall
27 be paid by the Council such remuneration and allowances as are payable to
28 persons of equivalent grades in the public service of the Federation;

29 (iii) The secretariat of the Council shall be located in the Federal
30 Capital Territory, Abuja;

	1	(iv) The Secretariat shall be responsible to the Council.
Funding of the Council	2	6. -(i) The Council shall establish and maintain a fund which shall be
	3	applied towards the promote the objectives of the Council;
	4	(ii) There shall be paid and credited to the fund the following:
	5	(a) Twenty five per cent surcharge on all rice imports;
	6	(b) 1% of profit after tax of corporate organizations involved in the
	7	rice value chain.
	8	(c) Fees charged for services rendered by the Council;
	9	(d) A token farmers levy of N50 per annum in consultation with the
	10	Associations represented on the Council; and
	11	(e) All sums accruing to the Council as gifts, testamentary disposition
	12	and endowments or contributions from philanthropic organizations or persons.
Power to accept gifts	13	7. -(i) The Council shall by, the approval of the Minister, accept gifts
	14	of land, money or other property upon such terms and conditions if any, as may
	15	be specified by the person or organization making the gift;
	16	(ii) The Council shall not accept any gift if the conditions attached by
	17	the person or organization making the gift to be inconsistent with the functions
	18	of the Council.
Power to borrow	19	8. -(i) The Council shall by the consent of the Chairman or in
	20	accordance with any general guidelines as may be approved by the Council,
	21	borrow by way of loan or overdraft from any source any money required by the
	22	Council for meeting its obligations and discharging its functions under this Act.
	23	So however that where the sum or the aggregate of the sum involved at any time
	24	shall not exceed one third of the Council's income urging the consent or
	25	authority of the council.;
	26	(ii) The Council shall, subject to the provisions of this Act and the
	27	conditions of any trust created in respect of any property, invest all or any of its
	28	funds with the consent of the Chairman or in accordance with any general
	29	guidelines approved by the Council;
	30	(iii) The Council shall invest any surplus in such securities as may be

1 approved by the Chairman in Council.

2 **9.-(i)** The Council shall cause to be prepared not later than 30th Annual Estimate
3 July in each year, an estimate of the expenditure and income of the Council and Accounts
4 for the next succeeding year which shall be submitted to the Minister;

5 (ii) The Council shall cause to be keep proper accounts and proper
6 records in relation thereto and when certified by the Council such accounts
7 shall be audited as provided in subsection (iii) of this section;

8 (iii) The accounts of the Council shall be audited not later than six
9 months after the end of the year to which the accounts relate by Auditors
10 appointed by the Council from the list and in supplied by the Auditor-
11 General for the Federation.

12 **10.** The Council shall, not later than 30 June in each year, submit Annual Report
13 to the Minister a report on the activities of the Council during the immediate
14 preceding year and shall include in such report a copy of the audited
15 accounts of the Council for that year and the Auditor's report thereon.

16 **11.-(1)** The Council shall, subject to the provisions of this Act, Staff Regulations
17 make staff regulations relating generally to the conditions of service of the
18 staff of the Council and without prejudice to the generality of the foregoing,
19 such regulations may provide for-

20 (a) The appointment, promotion, termination, dismissal and
21 disciplinary action of the staff of the Council; and

22 (b) Appeals by such Staff against dismissal or other disciplinary
23 measures, shall comply with the condition of service of the Federation.

24 (2) Action on Staff as provided under subsection (1) of this section
25 shall not have effect until approved by the Council, and when so approved
26 the same shall not be published in the Federal Gazette but the Council shall
27 cause them to be brought to the notice of affected persons

28 **12.** Any notice, referred to in section 12 of this Act and any Service of
29 summons, notice or other document required or authorized to be served documents
30 upon the Council under the provisions of this Act or any other law may be

	1	served by delivering the same to the office of the Executive Secretary of the
	2	Council by sending it by registered post addressed to the Executive Secretary
	3	of the Council.
Restriction on execution against the property of the Council	4	13. In any action or suit against the Council, no execution or
	5	attachment or process in the nature thereof shall be issued against the Council,
	6	but any sum of money which may, by the judgment of the court, be awarded
	7	against the Council shall, subject to any directions given by the Council, be
	8	paid from the general reserved fund of the Council.
Regulations	9	14. The Council shall make regulations to guide the conduct of all
	10	Stakeholders in the entire rice value chain.
Interpretation	11	15. In this Act, unless the context otherwise requires-
	12	"Council" means the National Rice Development Council to be established by
	13	section 1 of this Bill;
	14	"Chairman" means the Chairman of the Council;
	15	"Member" means a member of the Council and includes the Chairman;
	16	"Minister" means the Minister charged with responsibility for Agriculture and
	17	Rural Development.
Short title	18	16. This Bill may be cited as the Rice Council Bill, 2019.
	19	SCHEDULE
	20	PROCEEDINGS OF THE COUNCIL
	21	<i>Section 2 (2)</i>
	22	1.-(i) The Council shall meet for the conduct of its business at such
	23	time, place and on such day as the Chairman may appoint, but shall meet not
	24	less than twice in a year;
	25	(ii) At every meeting of the Council the Chairman shall preside but if
	26	absent, the members present at the meeting shall appoint one of the members to
	27	preside at that meeting.
	28	2. The Council shall have power to regulate its proceedings or those
	29	of any of its committees and may make standing orders for that purpose and
	30	subject to any such standing orders and to paragraph 3 of this Schedule, may

1 function notwithstanding-

2 (a) Any vacancy in its membership or the absence of any
3 members;

4 (b) Any defect in the appointment of a member; or

5 (c) That a person not entitled to do so took part in its proceedings.

6 3. The quorum at any meeting of the Council shall be one third of
7 the members present at the meeting.

8 4. Where standing orders made under paragraph 2 of this Schedule
9 provide for the Council to co-opt persons who are not members of the
10 Council, but with the requisite education and experience relevant to the
11 entire rice value chain, such persons may attend meetings of the Council and
12 advise it on any matter referred to them by the Council but shall not count as
13 part of the quorum and entitled to vote at any meetings of the Council.

14 *Committees*

15 5. The Council may appoint one or more committees to advise it
16 on the exercise and performance of its functions under this Act and shall
17 have power to regulate the proceeding of its committees.

18 6.-(i) Any contract or instrument which, if entered into or executed
19 by a person not being a body corporate would not be required to be under
20 seal, may be entered into or executed on behalf of the Council by any person
21 generally or specifically authorized in that behalf by the Council;

22 (ii) Any member of the Council or a committee thereof, who has a
23 personal interest in any contract or arrangement entered into or proposed to
24 be considered by the Council or the committee thereof, shall forthwith
25 disclose his interest to the Council or the Committee, as the case may be, and
26 shall not vote on any question relating to such contract or arrangement.

27 7.-(i) The common seal of the Council shall not be used or affixed
28 to any document except in pursuance of a resolution duly passed at a
29 properly constituted meeting of the Council and recorded in the minutes of
30 the meeting;

- 1 (ii) The fixing of the seal of the Council shall be authenticated by the
2 Executive Secretary of the Council;
3 (iii) Any document purporting to be a document duly executed under
4 the seal of the Council shall be received in evidence and shall, unless the
5 contrary is proved, be deemed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Rice Development Council of Nigeria to provide guidance on the rice research, comprehensive development of the rice Sector and the Organization of the rice Stakeholders to enhance the local production of rice in Nigeria.

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE MANAGEMENT OF MENTAL
HEALTH IN NIGERIA AND FOR RELATED MATTERS, 2019

Sponsored by Senator Kashim Shettima

Co-Sponsors:

Sen. Ndume, Mohammed Ali	Sen. Isah, Jibrin
Sen. Dahiru, Aishatu Ahmed	Sen. Umar, Sadiq Suleiman
Sen. Sekibo, George Thompson	Sen. Abdullahi, Aliyu Sabi
Sen. Mustapha, Olalekan Ramoni	Sen. Moro, Patrick Abba
Sen. Amosun, Ibikunle Oyelaja	Sen. Gaidam, Ibrahim Alhaji
Sen. Tinubu, Oluremi Shade	Sen. Apiafi, Betty Jocelyn
Sen. Adetunmbi, Olubunmi Ayodeji	Sen. Shekarau, Ibrahim
Sen. Adeyeye, Clement Adedayo	Sen. Gaya, Kabiru Ibrahim
Sen. Goje, Mohammed Danjuma	Sen. La'ah, Danjuma Tella
Sen. Suswam, Gabriel Torwua	Sen. Kyari, Abubakar Shaib

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows

1 PART I - GENERAL

2 1. The Bill may be cited as Mental Health Bill, 2019.

Citation

3 2. In the Act, unless the context otherwise requires:

Application

4 (a) "Mental Disorder" means any disability or disorder of mind or
5 brain, whether permanent or temporary, which results in an impairment or
6 disturbance of mental functioning. Social deviance or conflict alone without
7 disturbance of mental functioning is not mental disorder;

8 (b) "mental impairment" means a state of arrested or incomplete
9 development of mind which includes significant impairment of intelligence
10 and social functioning and is associated with abnormally aggressive or

Establishment
of Institutions

1 seriously irresponsible conduct on the part of the person concerned.

2 PART II - INSTITUTIONS FOR THE CARE OF PERSONS WITH

3 MENTAL DISORDERS

4 3.-(1) The Government of the Federation, or of a State, or of a Local
5 Government Area; or a private organization or an individual, may establish and
6 maintain hospitals and medical facilities even in penal institutions, for the
7 treatment and care of persons with mental and behavioural disorders and for
8 the training of medical and other health personnel for the treatment of such
9 persons.

10 (2) The Minister may by order published in the Gazette, appoint the
11 whole or part of any public building with any houses, grounds or premises
12 belonging thereto, which meets stipulated minimum standard, to be a mental
13 health facility. Accordingly, all such places which existed before the
14 commencement of this Act shall be deemed to have been appointed and under this
15 Act.

16 (3) The Minister may in like manner declare that any place shall cease
17 to be a mental health facility.

18 (4) For any facility to be designated as Psychiatric Hospital for the
19 purpose of this section, it shall comply with such conditions (as it relates to the
20 quality and number of personnel, the number of beds in the hospital, the
21 equipment and facilities provided in the hospital) as the Minister may from
22 time to time prescribe.

23 (5) There shall be appointed for each Psychiatric Hospital established
24 pursuant to this Act a Medical Director who shall be a Medical Practitioner
25 recognised by the Medical and Dental Council of Nigeria as having special
26 training and requisite experience in the diagnosis and treatment of persons with
27 mental and behavioral disorders.

28 (6) There shall also be appointed for each Psychiatric Hospital such
29 medical practitioners, practitioners in such fields allied to medicine and any
30 other staff as may be deemed necessary by the hospital management.

1 (7) There shall be established in each general hospital and other
2 similar medical institutions separate wards for admission and care of
3 patients with mental and behavioural disorder.

4 (8) There shall be established in all Primary Health care Centers a
5 component unit for referral services and follow up care for persons with
6 mental disorder.

7 PART III - ADMISSION AND DISCHARGE OF PATIENTS

8 4. Any person who requires treatment for mental disorder, may be Voluntary
9 admitted voluntarily into any hospital or other facility approved for that Admission
10 purpose by the government, pursuant to Section 3 of this Act.

11 5.-(1) A person may be admitted to a hospital and there detained for Compulsory
12 periods specified by sections of this Part of the Act on an application for Admission
13 admission for observation on grounds that:

14 (a) he is suffering from mental and behavioural disorder of a nature
15 or degree which warrants his compulsory admission in a hospital for
16 observation (with or without medical treatment) for a limited period; and

17 (b) he ought to be so detained in the interest of his own safety or
18 with a view to protecting the safety and interest of other persons.

19 (2) An application pursuant to Subsection (1) of this section shall
20 be made on the written recommendation of a medical practitioner in the
21 prescribed form stating that the conditions set out in paragraphs (a) and (b)
22 of Subsection (1) of the section are satisfied. .

23 (3) A patient admitted pursuant to this section may be detained for a
24 period not exceeding 28 days, beginning with the day on which he is
25 admitted. He may however be detained thereafter if he becomes liable for
26 compulsory admission again by virtue of a subsequent application, order, or
27 direction under any of the following provisions of this Act.

28 6.-(1) An emergency application may be made either by a health Emergency
29 care worker or by any relative of the patient in case of urgent necessity for Application
30 the patient to be admitted and detained under Section 5 of this Act, but

	1	compliance with the provisions of the Act relating to application for admission
	2	for observation would involve undesirable delay.
	3	(2) A patient admitted pursuant to this section may be detained for a
	4	period of 3 days beginning with the day on which the application was made.
Application for Admission for treatment	5	7.-(1) A person may be admitted to a hospital and there detained
	6	pursuant to an application for admission for treatment made in accordance with
	7	the following provisions of this section.
	8	(2) An application for admission for treatment may be made in respect
	9	of a patient on the grounds set out in paragraphs (a) and (b) of Subsection (1) of
	10	Section 5.
	11	(3) An application for treatment it shall be founded on the 'written
	12	recommendations of two medical practitioners, who shall each state that in his
	13	opinion:
	14	(a) the patient is suffering from one or more of the forms of mental
	15	disorder referred to in Section 2 of this Act;
	16	(b) That the conditions set out in Subsection 2 of this section are met.
Application for compulsory admission	17	8.-(1) Subject to the provisions of this Act, an application for the
	18	compulsory admission of a patient for observation or treatment following a
	19	period of compulsory admission for observation pursuant to Subsection 3 of
	20	Section 5 may be made either by the nearest relative of the patient or a health
	21	worker, and shall be addressed to the Medical Director of the hospital to which
	22	admission is sought.
	23	(2) The consent of the nearest relative of the patient is needed to make
	24	the application, unless it becomes clear that in the circumstances further
	25	consultations to achieve this would occasion unreasonable delay.
Medical recommendation for admission of a patient	26	9.-(1) the medical recommendation necessary to back up an
	27	application for admission of a patient pursuant to the provisions of a of Section
	28	8 shall be given by two medical practitioners who have personally examined
	29	the patient either together or at an interval of not more than 7 days, and shall be
	30	signed on or before the date of the application.

1 (2) One of the two medical practitioners required for the purposed
2 of Subsection (1) of this section shall be a medical practitioner who is a
3 specialist psychiatrist, or one with the experience in the diagnosis and
4 treatment of mental disorder.

5 **10.-(1)** An application for admission of a patient to a hospital under
6 the provisions of this part of this Act duly completed in accordance
7 therewith shall be' sufficient authority for the applicant, or any person
8 authorised by him to take and convey the patient to the hospital specified in
9 such application:

Effect of
application for
admission

10 (a) in case of an emergency application, within 3 days beginning
11 with the date on which the patient was examined by the medical practitioner
12 giving the recommendation referred to in Section 5 of this Act, at with the
13 date of the application whichever is earlier;

14 (b) in the case of an application other than an emergency
15 application, within 14 days beginning with the date on which the patient was
16 last examined by a. medical practitioner before giving the medical
17 recommendation.

18 (2) The application shall be sufficient for the Medical Director of
19 the hospital to which the patient is taken to detain him in the hospital in
20 accordance with the provisions of this Act.

21 (3) The application shall be sufficient to render any previous
22 application under this part of the Act by virtue of which he was liable to be
23 detained in a-hospital no longer effective.

24 (4) A patient admitted to a hospital pursuant to an application for
25 admission and treatment may apply to a Mental Health Review Tribunal
26 within' six months from the day on which he was so admitted.

27 **11.** An application for the admission of a patient to a hospital may
28 be made under this part of this Act as follows:

Application in
respect of patient
already in
Hospital

29 (a) in the case of an application for admission for treatment of a
30 patient who is already liable for detention for observation, where an

Rectification
of application
and
recommendation

1 application is so made, the patient shall be treated for the purposes of the Act as
2 if he had been admitted to the hospital at the time when the application was
3 received by the Medical Director of the hospital;

4 (b) in the case of a patient under no detention application or order, if it
5 appears to the medical practitioner in charge of the patient that an application
6 ought to be made under this part of this Act for admission he may furnish a
7 report in writing to that effect to the medical director of the hospital, and in such
8 cases, the patient may be detained in the hospital for a period of 3 days from the
9 day on which the report is furnished, pending when all other necessary
10 conditions pursuant to Sections 8 and 9 may be satisfied.

11 **12.-(1)** If an application for admission for observation or for
12 treatment or any medical recommendation given for the purposes of the
13 application is found to be defective or incorrect and this is within a period not
14 exceeding 14 days beginning with the day on which the patient is admitted to a
15 hospital pursuant to the application, the medical director of the hospital shall
16 give consent for the defect or error to be rectified by the person by whom the
17 application or recommendation was signed; and the said application or
18 recommendation shall have effect and shall be deemed to have had effect as if it
19 has been originally made as eventually amended.

20 (2) If either of the medical recommendations given in accordance
21 with the provisions of this part of this Act is found insufficient to warrant the
22 patient's detention pursuant to the application, the medical director of the
23 hospital may within the fourteen days mentioned in Subsection (1) of this
24 section give notice in writing to that effect. A fresh medical recommendation
25 complying with the relevant provisions of this part of this Act (other than the
26 provisions relating to the time, signature, and the interval between
27 examination) submitted to the medical director within that period shall suffice,
28 provided that the other medical recommendation on which the application is
29 founded too also complies with all the relevant provisions.

1 **13.**-(1) A patient admitted pursuant to an application for admission Duration of
2 for treatment may be detained in a hospital for a period of 365 days Authority for
3 beginning with the day on which the patient was so admitted, but shall not be detention and
4 detained for any longer period unless the authority for his subsequent renewal
5 detention is renewed under the provisions of this section.

6 (2) Authority for the detention of a patient who has not previously
7 been discharged may be renewed under this section for periods of 365 days
8 at a time if it appears to the medical officer to be expedient. Provided that the
9 medical director of the hospital shall cause the patient to be informed on
10 each occasion, and the patient informed of his right to apply to a Mental
11 Health Review Tribunal.

12 **14.**-(1) Where a Police Officer or a staff of Social Welfare Removal of
13 Department of Government funds in a place to which the public has access, a patient to a place
14 person who appears to him to be suffering from mental and behavioral of safety
15 disorder and to be in immediate need of care or control, the police officer or
16 social welfare worker, as the case may be, may if he thinks it necessary to do
17 in the interest of that person or for the protection of other persons, remove
18 that person to a place of safety with a view to making an application for his
19 treatment and care under this Act.

20 (2) A person removed to a place of safety under this section may be
21 detained there for period not exceeding 72 hours for the purpose of enabling
22 him to be examined by a medical practitioner and of making any necessary
23 arrangements for his treatment or care.

24 (3) A police officer or any other person required or authorized by
25 this Act to take any person into custody or to convey or to detain any person
26 shall for the purposes of taking him into custody or conveying or detaining
27 him, have all the powers, authority, protection and privilege of a police
28 officer in the ordinary course of his duties as such.

29 (4) If any person being in lawful custody by virtue of this section
30 escapes, he may be retaken and returned to the hospital or place of safety:

	1	(a) by the person who had his custody 'immediately before the escape;
	2	(b) by any officer or the staff of the hospital, his nearest relative or his
	3	guardian, or by a police officer if at the time of his escape. He was liable to be
	4	detained in a hospital.
Grant of leave absence from Hospital	5	15. -(1) The responsible medical officer may grant to any patient who
	6	is for the time being liable to be detained in a hospital under this Act, leave to be
	7	absent from the hospital subject to such conditions, as that officer considers
	8	necessary in the interest of the patient or for the protection of other persons.
	9	(2) Leave of absence may be granted under this Section .either
	10	indefinitely or for a specified period; and where leave is granted for a specified
	11	period, that period may be further extended as the responsible medical officer
	12	may deem fit.
	13	(3) The responsible medical officer may by notice in writing' to the
	14	patient or to the person for the meantime in charge of the patient, revoke the
	15	leave of absence for the recall of the patient to the hospital if it appears to him
	16	that it is necessary so to do in the interest of the patient's health and safety and
	17	for the protection of others.
	18	(4) A patient to whom a leave of absence is granted, under this section
	19	shall not be recalled under Subsection (3) of this Section after he has ceased to
	20	be liable to be detained under this Act.
	21	(5) In all cases of removal of patient to hospital for the first time or
	22	removal of a patient who breaches the condition of leave of absence, the police
	23	shall be available to render assistance.
Order of discharge of a Patient	24	16. An order for discharge in respect of a patient detained under any
	25	section of this part of this Act may be made:
	26	(a) by the responsible medical officer or 'by. the medical director of
	27	the hospital, where the patient is detained pursuant to an application for
	28	admission of observation; or .
	29	(b) by the responsible medical officer, the medical director, or by the
	30	nearest relation, where the patient is detained pursuant to an application for

21 PART IV - ADMISSION OF PATIENTS CONCERNED WITHIN CRIMINAL
22 PROCEEDINGS

(2) Where the court is satisfied, on written evidence made within seven days of admission of two medical practitioners, one of whom is recognised to have special experience in' the diagnosis and treatment of

Power of Court to order Hospital Admission

1 mental and behavioural disorders that

2 (a) the offender is suffering from mental disorder, severe mental
3 impairment or dis-social disorder;

4 (b) the mental disorder is of a severe nature or degree which warrants
5 the detention of the patient in a hospital for medical treatment; and.

6 (c) the offender is likely to benefit from such treatment with respect to
7 future criminal tendency and behaviour.

8 The court may decide that the most suitable method of disposing of the case is
9 by means of an order under this section.

10 (3) Where an order is made under this section, the Court shall cause
11 the further detention of the criminal in the hospital where the initial assessment
12 of his mental state was made for further treatment until the patient (criminal) is
13 assessed as having made sufficient improvement to be discharged therefrom,
14 and a report in that respect from the medical practitioners who made the initial
15 assessment is placed before the court.

16 (4) On receiving such a report, the Court shall order the discharge of
17 the patient from hospital within three days of receiving the report.

18 (5) The provisions of this section shall apply in the case of a substance
19 abuse in breach of the provisions of the National Drug Law Enforcement
20 Agency Act.

Compulsory
Order

21 **19.** Where the patient has not made satisfactory progress with
22 treatment pursuant to Subsection (3) of Section 18 within six months of the
23 initial order, and a report in that respect from the medical practitioners referred
24 to in Section 18 is placed before 'the court, the court shall, in the interest of
25 public safety issue a compulsory order for the detention and treatment of the
26 patient for another period of six months and for multiple periods of six months
27 thereafter, provided that, (a) the patient shall be advised on his right to appeal to
28 the Mental Health Review Tribunal; and

29 (b) a medical report on the desirability of subsequent detention and

1 treatment of the patient in the interest of public safety is made on each
2 occasion.

3 **20.**-(1) Where the Court receives a report from the medical
4 practitioners referred to in Section 18 to the effect that the mental disorder
5 from which the patient is suffering 'is of such severity as to warrant
6 maximum restriction of that patient, the Court shall issue a compulsory
7 order with restriction provided that the patient shall be advised on his right to
8 appeal to the Mental Health Review Tribunal of his case.

Compulsory
Order with
restriction

9 (2) A compulsory order with restriction shall not be issued by a
10 Court unless the Court in its wisdom and having regard to all the
11 circumstances including the nature, character and antecedents of the
12 offender and to the other available options (including terms of
13 imprisonment) of dealing with him that the most suitable method of
14 disposing of the case taking into cognisance the issue of public safety is by
15 means of an order under this section.

Commencement

16 **21.**-(1) If in the case of a child or young person brought before a
17 juvenile or other court:

The Child
offender

18 (a) the court is satisfied that the young person is in need of care or
19 protection that his parent or guardian is unable to control him, as the case
20 may; and

21 (b) the conditions which under Section 18 of this Act are required
22 to be satisfied for the making of a hospital order in respect of a person
23 convicted as herein mentioned are so far as applicable, satisfied in the case
24 of the child or young person; the court shall have the like power to make a
25 hospital order or guardian as if the child or young person had been' convicted
26 by the court of an offence punishable on summary conviction with
27 imprisonment and provisions of the said Section 18 shall with the necessary
28 modifications and substitutions apply accordingly.

29 **22.**-(1) If in the case of a person serving a sentence of
30 imprisonment, the Minister or the Governor, as the case may be is satisfied

Removal to
Hospital of persons
service sentence
of imprisonment

1 by the report, of a medical practitioner who has special experience in the
2 diagnosis and treatment of mental and behavioral disorders-

3 (a) that the said person is suffering from a mental and behavioral
4 disorder, severe mental impairment or dis-social disorder; and

5 (b) that the mental disorder is of a nature or degree which warrants the
6 detention of the patient in a hospital for medical treatment, the Minister or
7 Governor may, if he is of opinion having regard to the public interest and all the
8 circumstances that it is expedient to do so, direct by warrant, that the person be
9 so removed and detained in such hospital as- may be specified in the directive

10 (2) The transfer directive in the context of Subsection (1) of this
11 section shall have the like force as a hospital order made in accordance with the
12 provisions of Section 18 of this Act.

13 (3) The foregoing provisions of this section shall apply for the
14 purpose of the transfer of any person in custody pending trial as they apply for
15 the purpose of any person serving a sentence of imprisonment.

16 (4) For the purposes of this Section-

17 (a) the Minister shall exercise the power to give a transfer directive in
18 the case of a person convicted of an offence committed under any enactment
19 made by the Government of the Federation; and

20 (b) the Governor shall exercise the power to issue a directive in
21 respect of a person convicted for an offence committed under an enactment
22 made by the Government of a State.

Mental Health
Review Tribunal

23 **23.-(1)** The Minister may, for the purpose of dealing with applications
24 and reference by and in respect of patient under this Act constitute for each
25 State or group of States, such number of Mental Health Review Tribunals, as he
26 may with the approval of the President determine.

27 (2) Each Mental Health Review Tribunal shall consist of such
28 members as the Minister may by order published in the Gazette decide, which
29 order shall similarly specify the regulation of the proceedings of the Tribunal.

30 (3) The Mental Health Review Tribunal shall function in protecting

1 the interests of patients who are subject to the provisions of this Act. In doing
2 so, it shall review treatments that require a second opinion, visit detained
3 patients and investigate complaints, keep under review the exercise of
4 statutory powers relating to detained patients, and carry out any other
5 function as may be directed by the Minister.

6 PART V - PROPERTY AND AFFAIRS OF PATIENTS

7 **24.**-(1) The provisions of this part shall apply in respect of a person, Application of
this Part
8 who in the considered opinion of a High Court Judge based on competent
9 medical evidence is incapable by reason of mental disorder of managing and
10 administering his property and affairs; and a person whom the Judge is
11 satisfied to refer to as a patient for purpose of this Part of this Act.

12 **25.**-(1) The judge may, with respect to the property and affairs of a General function
of the Judge with
respect to property
13 patient, do or secure the doing of all such things as to him appear necessary
14 or expedient:

- 15 (a) for the maintenance or other benefit of the patient;
16 (b) for the maintenance or other benefit of members of the patient's
17 family;
18 (c) for making provision for other persons or purposes for whom or
19 which the patient might be expected to provide if he were not mentally
20 disordered; or
21 (d) otherwise for administering the patient's affairs.

22 (2) (a) In the exercise of the powers conferred by this section,
23 regard shall be had first of all to the requirements of the patient, and the rules
24 of law which restrict the enforcement by a creditor of rights against property
25 under the control of the Judge;

26 (b) Subject to the provisions of paragraph (a) in this subsection, the
27 Judge shall, in administering a patient's affairs, have regard to the interests
28 of creditors and also the desirability of making provisions for obligations of
29 the patient notwithstanding that they may not be legally enforceable.

30 (3) Without prejudice to the provisions of Subsection (2) of this

1 section; the Judge shall have power to make such orders and give such
2 directions and authorities as he thinks fit, for the purposes of that section and in
3 particular may make orders or give directives or authorities for:

4 (a) the control (with or without the transfer or vesting of property or
5 the payment into court of money or securities) and management of any
6 property of the patients;

7 (b) the settlement of any property of the patient or the gift of any
8 property of the patient to any person;

9 (c) the carrying on by any suitable person of any profession, trade or
10 business of the patient;

11 (d) the sale, exchange, charging or other disposition of any property
12 of the patient;

13 (e) the acquisition of any property in the name of the patient;

14 (f) the dissolution of any property of which the patient is a member;

15 (g) the carrying out of any property of which the patient is a member;

16 (h) the conduct of any legal proceedings in the name of the patient or
17 on his behalf;

18 (i) the reimbursement out of the property of the patient, with or
19 without interest, of money applied by any person for or for the benefit of the
20 patient; or

21 (j) the exercise of any power vested in the patient (including a power
22 of consent) whether beneficially or as a guardian, trustee or otherwise however.

Judge's power
in case of
emergency

23 **26.** Where it is represented to the Judge and he has reason to believe
24 that a person may be incapable by reason of mental disorder of managing or
25 administering his property and affairs, and the Judge is of opinion that it is
26 necessary to make immediately provision for any of the matters referred to in
27 Section 25 of the Act" the Judge may exercise any of the powers conferred on
28 him by the said Section 25, so far as is requisite for enabling that provision to be
29 made, pending the question whether the said person is incapable as aforesaid.

1 PART VI - TREATMENT

2 27.-(1) This part of this Applies to any patient referred to in any Consent to
3 section of this Act. treatment

4 (2) The following forms of medical treatment for mental' disorder
5 and behavioural disorders shall require consent:

6 (a) any surgical operation for destroying brain tissue or for
7 destroying the function of the brain tissue; and

8 (b) such other forms of treatment requiring explanation of known
9 risks to the patient to enable the patient to decide whether or not to accept
10 such form of treatment.

11 (3) A patient shall not be given any form of treatment unless:

12 (a) the responsible medical officer or a registered medical
13 practitioner has certified in writing that the patient is capable of
14 understanding the nature, purpose any likely effects of the treatment and has
15 consented to;

16 (b) the medical officer referred to in paragraph (a) of this
17 subsection certifies in writing that the patient has not consented to the
18 treatment for reason of incapacitation or other, but that having regard to the
19 likelihood of its alleviating or preventing a deterioration of his. condition,
20 the treatment should be given.

21 (4) A patient may, at any time before the completion of treatment
22 for which he had previously given consent, withdraw such consent in
23 writing if he so desires.

24 (5) Subsections (2) (a) and (b) of this section shall not apply to any
25 treatment:

26 (a) which is immediately to save 'the patient's life;

27 (b) which (not being irreversible) is immediately necessary .to
28 prevent a deterioration of his condition; or

29 (c) which (not being irreversible or hazardous) is immediately
30 necessary to alleviate serious suffering by , the patient; or

1 (d) which (not being irreversible or hazardous) is immediately
2 necessary and represents the minimum interference necessary to prevent the
3 patient from violence or being a danger to himself or to others.

4 (6) In all circumstances the responsible medical officer shall take into
5 account the condition of the patient, the need to obtain consent from the nearest
6 relative, periods of lucid intervals and his/her personal moral decision to obtain
7 consent.

8 PART VII - OFFENCES UNDER THIS ACT

Forgery or
False of
Statements

9 **28.**-(1) Any person who with intent to deceive, forges or willfully
10 makes false entry or statement in any of the following documents:

11 (a) an application for admission under this Act;

12 (b) any medical report or recommendation under this Act;

13 (c) any other document required or authorized to be made for any of
14 the purposes of this Act.

15 (2) Any person guilty of an offence under this section of this Act shall
16 be prosecuted and if found liable shall be convicted to prosecution for a term
17 not exceeding 2 years or to a fine of N100,000 or to both.

Sexual
Relationship
with Patient

18 **29.**-(1) It shall be an offence under this section for a man or a woman
19 who is an officer or staff or is otherwise employed in or is one of the managers
20 of a Psychiatric hospital to have sexual relationship (intercourse) with a
21 woman or a man as the case may be who is-

22 (a) for the time being receiving treatment for mental disorder in that
23 hospital;

24 (b) subject to his/her guardianship or otherwise in his/her custody or
25 care under this Act in Psychiatric Hospital or other similar approved institution
26 for the treatment of mentally, disorder persons;

27 (c) for the time being receiving treatment as an out-patient.

28 (2) Any person guilty of an offence under this section shall be liable to
29 prosecution, and on conviction, to imprisonment for a term not exceeding 1
30 year or to a fine of N100,000, or both of them. This shall not be prejudicial to

1 any other sanctions & such a person may be liable to from bodies to which he
2 may belong as a member

3 (3) No proceedings shall be instituted for an offence under this section,
4 except by or with the consent of the Attorney-General of the State
5 concerned.

6 **30.**-(1) Any person who induces or knowingly assists any other Assisting Patient
to unlawful leave
absence
7 person:

8 (a) being liable to be detained in a hospital to absent himself
9 without leave; or

10 (b) being in legal custody by virtue of this Act to escape from such
11 custody, shall be guilty of an offence.

12 (2) Any person who knowingly harbours a patient who is absent
13 without leave of absent or is otherwise at large and liable to be retaken into
14 custody; or gives him assistance with intent to prevent, hinder or interfere
15 with his being taken into custody or returned to the hospital or other place or
16 where he ought to be detained shall be guilty of an offence.

17 (3) Any person guilty of an offence under this section shall be liable
18 on conviction to 3 months imprisonment or to a fine of N100,000, or both of
19 them.

20 PART - VIII-IMMUNITY SAVINGS AND TRANSITIONAL PROVISIONS

21 **31.**-(1) No person shall be liable on any ground to civil or criminal Immunity from
Legal Proceedings
22 proceedings to which he would have' been liable apart from this section in
23 respect of any "act done pursuant to this Act or any regulations or rules made
24 under or in respect of anything done in discharge of any functions conferred
25 by this Act, unless such act was done in bad faith or without reasonable care.

26 (2) No civil or criminal proceedings shall be brought without leave
27 of the Attorney-General of the State concerned who shall not give such leave
28 unless he is satisfied that there is substantial ground for the contention that
29 the person to be prosecuted has acted in bad faith or without reasonable care.

Minister's
power to make
Regulations

1 **32.**-(1) The Minister may, with the approval of the President,
2 Commander-in-Chief of the Armed Forces, make regulations, for prescribing
3 anything which under this Act ought to be prescribed and such regulation or
4 regulations shall be published in the Federal Government Gazette.

5 (2) Without prejudice to the generality, of the provisions of
6 Subsection (1) of this section the regulations made under that subsection may:

7 (a) specify the hospitals and other institutions with facilities for the
8 time being for the reception, and treatment of patients requiring treatment and
9 care for mental disorder;

10 (b) specify access to the public into Psychiatric Hospitals and similar
11 other institutions, and their conduct while in such premises; and

12 (c) such other things as may appear to be lacking in this Act but
13 necessary to achieve the aims and goals of the Act.

Interpretation

14 **33.** In this Act, unless the context otherwise requires:

15 (a) "court order" means an order made out by court committing a
16 criminal offender before the court to compulsory admission with or without
17 restriction to a psychiatric facility for observation, assessment and advice on
18 his mental state;

19 (b) "hospital order" means an order signed by two doctors, one of
20 whom shall be a psychiatric doctor committing a patient for detention in a
21 psychiatric facility for observation and treatment;

22 (c) "leave of absence" means a period of trial away from hospital
23 granted by the responsible medical officer so as to enable the patient's family to
24 take him home to observe him and report on his progress with treatment;

25 (d) "medical director" means the chief executive medical practitioner
26 in charge of a psychiatric hospital to which this Act applies;

27 (e) "medical practitioner" means a medical graduate registered within
28 the meaning of Medical and Dental Practitioners Act, 1988;

29 (f) "responsible medical officer" means a medical practitioner in
30 charge of a patient's case;

1 (g) "mental health professional/welfare" includes a qualified
2 psychiatrist, a medical officer working in a psychiatric hospital or unit, a
3 clinical. Psychologist, a psychiatric social worker, a psychiatric nurse;

4 (h) "Minister" means the Minister charged with the responsibility
5 for matters relating to Mental Health;

6 (i) "nearest relative" in relation to a patient, includes a husband or
7 wife, son or daughter, father or mother, brother or sister, grandparent or
8 grandchild, uncle or aunt, nephew/nice or cousin;

9 (j) "patient" means a person suffering or appearing to be suffering
10 from mental disorder;

11 (k) "place of safety" in relation to the patient includes police station
12 or, post, a hospital, any place of reverence - Church, Mosque, Palace.

13 **34.** This Bill may be cited as the Mental Health Bill, 2019. Short title

14 SCHEDULE

15 FORM A

16 CERTIFICATE 'OF ADMISSION

17 *Section 5*

18 I certify that it is expedient for the welfare and safety ofthat
19 he should be forthwith placed under observation and treatment for a period
20 not exceeding days.

21 My reasons for this conclusion are as follows:

22
23
24
25
26
27

28 Signed: Medical Officer

1 FORM B

2 INFORMATION [Relative, good neighbor]

3 A. B of .informs the undersigned

4 Medical Officer that he has good cause to suspect and believe, and does suspect

5 and believe that CD of..is in need of mental

6 healthcare.

7

8 Social Welfare Officer/Nurse Signature of Informant

9 Taken and sworn at thisday of..... 20.

10 Before me:

11

12 Medical Officer

13 FORM C

14 MEDICAL CERTIFICATE

15 *Section 9*

16 I, Dr.....a duly qualified medical practitioner hereby certify that I, on

17 the.....day.....of at in LGA of State personally examined

18 Mr/Mrs/Miss and I hereby certify that the said.....is mentally ill and

19 a proper subject for admission, and I have formed 'this opinion upon the

20 following grounds, namely:

21 (1) Facts indicating mental disorder observed by myself as hereunder stated

22

23

24

25

26 (2) Other facts (if any) indicating mental disorder communicated by as

27 hereunder stated:

28

29

30

1 (3) I have made inquiries 'of all persons known to me who seem likely to be
2 able to give information as to any facts of the previous history of the said
3 likely to be of service with reference to his medical treatment.. The
4 following statement contains all such facts known to me:

5 'Name of Patient in full

6 Sex and Age

7 Marital Status

8 Condition of life and previous occupation if any Religion.

9 Previous Place of Abode

10 Whether first attack. Age on first attack (if known)

11 When and where previously under care and treatment

12 Duration of existing attack. Supposed cause

13 Whether subject to epilepsy

14 Whether suicidal

15 Whether dangerous to others

16 Name in full and place of abode of nearest known relative of patient and
17 degree of relationship. Any other facts.

18 Dated this.....day of..... 20

19 Signed: Medical Practitioner (Place of
20 adode)

21 FORM D

22 *Section 16*

23 CERTIFICATE OF RECOVERY AND DISCHARGE

24 (a) When granted by Medical Officer

25 I hereby certify that.....at present confined in this hospital has
26 been under my care and observation for.....months, and that I have
27 examined him and have inquired into all necessary facts relating to his case,
28 and I believe that he has made such' progress as to be a proper person to be
29 discharged there from.

.....

30 Signature of Medical Officer

1 (b) When granted by two Medical Practitioners
2 We hereby certify that we have this day personally examined.....at
3 present confined at; hospital, and after due inquiring into all necessary facts
4 relating to his case, we believe that he has now made .such progress as to be a
5 proper person to be discharged there from.
6
7 Medical Officer I Medical Officer II

EXPLANATORY NOTE

This Bill seeks to makes elaborate provisions for the management of Mental Health in Nigeria. The Act makes sundry provisions for the formal admission for observation and/or treatment, it makes provisions for the protection of the interest of the mentally ill from the normal population, in various personal, civil and criminal matters as well as the protection of the general public interest from any antisocial behavior associated with the mental disorder, especially in matters relating to criminality and recidivism.

ALTERNATIVE DISPUTE RESOLUTION BILL, 2019

ARRANGEMENT OF CLAUSES

Clause

PART I - PRELIMINARY

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2. Interpretation.
3. Object of the Act.
4. Application of the Act.
5. Guiding principles of alternative dispute resolution.

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AND MEDIATORS

6. Requirement for registration.
7. Accreditation and registration as a conciliator or mediator.
8. Revocation of registration.
9. Right of review and appeal against the decision of the Committee.
10. Code of conduct.

PART III - CONCILIATION AND MEDIATION

11. Referral of cases to conciliation or mediation.
12. Submission to conciliation or mediation.
13. Commencement of conciliation or mediation.
14. Role of the parties.
15. Appointment of a conciliator or mediator.
16. Role of a conciliator or mediator.
17. Disclosure by a conciliator or mediator.
18. Revocation of appointment of a conciliator or mediator.
19. Attendance and representation conciliation or mediation.
20. Date, time and place of conciliation or mediation.
21. Identification of issues in dispute.
22. Confidentiality of conciliation or mediation.
23. Settlement agreement.
24. End of conciliation or mediation.
25. Role of a conciliator or mediator in other proceedings.

26. Exclusion of liability.

PART IV - TRADITIONAL DISPUTE RESOLUTION

27. Competence of a traditional dispute resolver.
28. Submission to traditional dispute resolution.
29. End of traditional dispute resolution.
30. Effect of a settlement agreement.

PART V - RECOURSE TO COURT, AND RECOGNITION AND ENFORCEMENT
OF A SETTLEMENT AGREEMENT

31. Duty of advocate to advise on alternative dispute resolution.
32. Confirmation that alternative dispute resolution has been considered.
33. Resort to judicial proceedings.
34. Stay of proceedings.
35. Recognition and enforcement of a settlement agreement.
36. Grounds for refusal of recognition or enforcement of a settlement agreement.

PART VI - MISCELLANEOUS PROVISIONS

37. Limitation period.
38. Alternative dispute resolution expenses.
39. Rules and regulations.

PART VII - TRANSITIONAL PROVISIONS

40. The Mediation Accreditation Committee.
41. Preservation of licences, certificates and registrations.

A BILL

FOR

AN ACT TO PROVIDE FOR THE SETTLEMENT OF CERTAIN CIVIL DISPUTES BY CONCILIATION, MEDIATION AND TRADITIONAL DISPUTE RESOLUTION MECHANISM; TO SET OUT THE GUIDING PRINCIPLES APPLICABLE; AND FOR CONNECTED PURPOSES, 2019

Sponsored by Senator Shettima, Kashim

Co-Sponsors:

Sen. Ndume, Mohammed Ali	Sen. Isah, Jibrin
Sen. Dahiru, Aishatu Ahmed	Sen. Umar, Sadiq Suleiman
Sen. Sekibo, George Thompson	Sen. Abdullahi, Aliyu Sabi
Sen. Mustapha, Olalekan Ramoni	Sen. Moro, Patrick Abba
Sen. Amosun, Ibikunle Oyelaja	Sen. Gaidam, Ibrahim Alhaji
Sen. Tinubu, Oluremi Shade	Sen. Apiafi, Betty Jocelyn
Sen. Adetunmbi, Olubunmi Ayodeji	Sen. Shekarau, Ibrahim
Sen. Adeyeye, Clement Adedayo	Sen. Gaya, Kabiru Ibrahim
Sen. Goje, Mohammed Danjuma)	Sen. La'ah, Danjuma Tella
Sen. Suswam, Gabriel Torwua	Sen. Kyari, Abubakar Shaib

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria, as follows-

1	PART I - PRELIMINARY	
2	1. This Bill may be cited as the Alternative Dispute Resolution	Short title
3	Bill, 2019.	
4	2.-(1) In this Act-	Interpretation
5	"alternative dispute resolution" means conciliation, mediation, traditional	
6	dispute resolution or any other mechanism of resolving disputes in which a	
7	person assist parties to resolve a dispute otherwise than through the normal	
8	judicial process or arbitration;	

1 "alternative dispute resolution clause" means a contract clause within a written
2 contract or a separate written agreement entered into by the parties agreeing to
3 submit to alternative dispute resolution a dispute which may arise between
4 them in respect of a defined legal relationship;

5 "alternative dispute resolution process" means all the steps taken in an attempt
6 to resolve a dispute by alternative dispute resolution from the time a dispute is
7 referred to alternative dispute resolution or steps are taken to resolve a
8 dispute by alternative dispute resolution up to the time the parties reach an
9 agreement or the alternative dispute resolution report is drawn up;

10 "Committee" means the Alternative Dispute Resolution Committee
11 established of under the Federal Judicial Committee.

12 "conciliator" means an impartial person accredited and registered to facilitate
13 conciliation and includes employees and persons employed by that person;

14 "mediation" means a facilitative and confidential structured process in which
15 parties attempt by themselves, on a voluntary basis, to reach a mutually
16 acceptable settlement agreement to resolve their dispute with the assistance of
17 an independent third party, called a mediator;

18 "mediator" means an impartial person accredited and registered to facilitate
19 mediation and includes employees and persons employed by that person;

20 "party" means a person who is party to a dispute, and includes a legal person, a
21 Federal government, a State government, or a state agency;

22 "Registrar" means the person assigned by the Federal Judicial Service
23 Commission Registrar responsible for administrative services to the
24 Committee;

25 "report" means the alternative dispute resolution report prepared by a
26 conciliator, mediator or a traditional dispute resolver at the end of alternative
27 dispute resolution process setting out the nature of the dispute, the stage the
28 matter had reached and the outcome, and any other relevant matter subject to
29 confidentiality as provided for under section 22 of this Act;

30 "settlement agreement" means a written agreement between the parties

1 entered into at the end of alternative dispute resolution process setting out
2 the terms of agreement;
3 "traditional dispute resolution" means a process in which parties attempt to
4 reach a mutually acceptable settlement agreement to resolve their dispute by
5 the application of customary law of the community concerned and with the
6 assistance of a third party called a traditional dispute resolver; and
7 "traditional dispute resolver" means a person or a group of persons who
8 facilitates alternative dispute resolution process by the application of
9 customary law, and may include an elder or a council of elders.

10 3. The object of this Act is to-

Object of the
Act

11 (a) provide an effective mechanism for amicable dispute
12 resolution;
13 (b) promote a conciliatory approach to dispute resolution;
14 (c) facilitate timely resolution of disputes at a relatively affordable
15 cost;
16 (d) facilitate access to justice;
17 (e) enhance community and individual involvement in dispute
18 resolution; and
19 (f) foster peace and cohesion.

20 Application of the Act.

Application of
the Act

21 4.-(1) This Act shall apply to certain civil disputes including a
22 dispute where the Federal government,
23 State government or their Ministries, Agencies and Departments.

24 (2) Despite subsection (1), this Act shall not apply to-

25 (a) disputes subject to arbitration under the Arbitration Act;
26 (b) disputes where a tribunal established under written law has
27 exclusive jurisdiction;
28 (c) election disputes;
29 (d) disputes involving the interpretation of the Constitution;
30 (e) a claim for a violation, infringement, denial of right or

Guiding
principle of
alternative
dispute resolution

1 fundamental freedom in the Bill of Rights; or
2 (f) disputes where public interest involving environmental or
3 occupational health and safety issues are involved.

4 **5.** The following principles shall apply to the resolution of disputes
5 under this Act-

6 (a) voluntary participation in the alternative dispute resolution
7 process and a party may withdraw from alternative dispute resolution process
8 at any time;

9 (b) the right to information including the right to be informed of the
10 existence of an alternative dispute resolution process prior to the
11 commencement of process of determining a dispute;

12 (c) confidentiality except in the case of traditional dispute resolution;

13 (d) determination of disputes in the shortest time practicable taking
14 into account the nature of the dispute;

15 (e) impartiality in the determination of a dispute under this Act by the
16 conciliator, mediator or traditional dispute resolver and disclosure of any
17 conflict of interest that may arise;

18 (f) a conciliator, mediator or traditional dispute resolver shall
19 facilitate disputes which he or is competent to facilitate; and

20 (g) the parties may use more than one alternative dispute resolution
21 mechanism in an attempt to resolve a dispute.

22 **PART II - ACCREDITATION AND REGISTRATION OF CONCILIATORS**

23 **AND MEDIATORS**

24 **6.-(1)** A person shall not practice as a conciliator or a mediator under
25 this Act unless that person has been accredited and registered as a conciliator or
26 mediator by the Committee.

27 (2) A person shall be qualified for registration and accreditation if the
28 person-

29 (a) meets the requirements of an Attorney; and

30 (b) such other educational and professional qualifications as the

1 Committee may determine.

2 Requirement for registration.

3 7.-(1) A person who intends to practice as a conciliator or a
4 mediator shall submit an application in the prescribed form together with the
5 application fees to the Committee for accreditation and registration.

Accreditation
and registration
of conciliators
and mediators

6 (2) The Committee shall consider the application within thirty days
7 from the date of receipt of the application, and-

8 (a) where the applicant meets the requirements for registration,
9 register the applicant as a conciliator or a mediator; or

10 (b) where the applicant does not meet the requirements for
11 registration, decline the application.

12 (3) The Committee shall, within seven days of determining an
13 application under subsection (2), inform the applicant of its decision and
14 where it declines an application, the reasons for the decline.

15 (4) The Committee shall keep a register of all applicants,
16 accredited conciliators and mediators.

17 8. The Committee may revoke the registration of, or suspend a
18 conciliator or a mediator if the conciliator or mediator-

Revocation of
registration

19 (a) fails to comply with the terms and conditions of the registration;

20 (b) has been adjudged bankrupt; or

21 (c) is in breach of a code of conduct and is found guilty of such
22 breach.

23 9.-(1) A person whose application for accreditation has been
24 declined or whose registration has been revoked or suspended may make
25 application to the Committee, within seven days of receipt of the reason for
26 refusal of application for accreditation and registration, or revocation or
27 suspension of registration, for review of the decision of the Committee.

Right of review
and appeal against
the decision of
the Committee

28 (2) A person who is dissatisfied with the decision of the Committee
29 under subsection (1) may appeal to the High Court within seven days of
30 receipt of the decision of the Committee.

Code of conduct	1	10. -(1) The Committee shall publish a code of conduct for
	2	conciliators and mediators.
	3	(2) Without prejudice to the generality of subsection (1), the code of
	4	conduct shall-
	5	(a) be consistent with this Act;
	6	(b) where necessary, be consistent with internationally acceptable
	7	standards;
	8	(c) provide for initial and further or continuous training of
	9	conciliators and mediators; and
	10	(d) provide for complaints, disciplinary and grievances procedure
	11	concerning conciliators, mediators and traditional dispute resolvers, and
	12	relevant enforcement procedures.
	13	PART III - CONCILIATION AND MEDIATION
Referral of cases to conciliation or mediation	14	11. -(1) A court before which a dispute is filed or pending may refer the
	15	dispute for determination through conciliation or mediation where-
	16	(a) the dispute is with respect to a matter that provides for resolution
	17	through alternative dispute resolution;
	18	(b) the law requires the dispute to be settled through alternative
	19	dispute resolution;
	20	(c) the court is of the view that alternative dispute resolution will
	21	facilitate the resolution of the dispute; or
	22	(d) a party to the dispute, with the consent of the other party, apply to
	23	the court to have the whole or part of the dispute referred for resolution through
	24	alternative dispute resolution.
	25	(2) A court shall not refer a dispute for resolution through conciliation
	26	or mediation if-
	27	(a) the court determines that there is no dispute between the parties
	28	requiring resolution through conciliation or mediation;
	29	(b) there is no dispute between the parties with regard to the matter
	30	agreed to be referred to alternative dispute resolution or covered under this Act;

1 (c) the clause making provision for alternative dispute resolution
2 of the agreement, contract or any arrangement entered into by the parties is
3 in operative, incapable of being performed or void;

4 (d) previous attempts at determining the dispute through
5 alternative dispute resolution have failed;

6 (e) substantial public interest involving constitutional,
7 environmental, or occupational health and safety issues are involved;

8 (f) the costs that are likely to be incurred would be
9 disproportionately high;

10 (g) there is a likelihood of delay;

11 (h) a binding judicial precedent is required; or

12 (i) a party is likely to be prejudiced as a result of power imbalances.

13 (3) A court shall specify the time within which a report on the
14 referral shall be filed with the court.

15 **12.-(1)** Parties may, on their own initiative, use conciliation or
16 mediation to resolve a dispute.

Submission to
conciliation or
mediation

17 (2) A party shall, where an agreement makes provision for
18 determination of a dispute through conciliation or mediation, refer the
19 dispute arising from such an agreement to conciliation or mediation.

20 (3) A party to an agreement which has not made provision for
21 submission of a dispute to alternative dispute resolution or a dispute covered
22 under this Act may, with the consent of the other party to the agreement,
23 submit a dispute arising out of that agreement for determination through
24 conciliation or mediation.

25 **13.-(1)** Resolution of a dispute through conciliation or mediation
26 commences-

Submission to
conciliation or
mediation

27 (a) when the court refers a dispute to a mediator for conciliation or
28 mediation; or

29 (b) a party submits to the other party to a dispute a request to refer
30 the dispute for determination through conciliation or mediation.

Role of the
parties

1 (2) The person to whom a request to submit a dispute for
2 determination through conciliation or mediation is sent respond to the
3 invitation within fourteen days of receipt of the request or the period specified
4 in the invitation.

5 (3) Where a person fails to respond to a request to refer the dispute for
6 determination through conciliation or mediation within the period specified
7 under subsection (2) or in the request, such person shall be deemed to have
8 rejected the request.

9 *Commencement of conciliation or mediation.*

10 **14.-(1)** A party to a dispute shall-

11 (a) take reasonable measures to resolve the dispute through
12 alternative dispute resolution before resorting to judicial process;

13 (b) co-operate with the other party and the conciliator or the mediator
14 in the resolution of the dispute;

15 (c) participate in good faith in alternative dispute resolution process;

16 (d) maintain confidentiality as provided for under section 30 of this
17 Act; and

18 (e) where an agreement is reached, ensure the agreement is written
19 and sign the agreement.

20 (2) A party is considered to have taken reasonable measures to resolve
21 a dispute through alternative dispute resolution under subsection (1)(a) by-

22 (a) notifying the other party of the issues that are in dispute and
23 offering to settle them through alternative dispute resolution;

24 (b) responding in the affirmative to a notification under paragraph (a);

25 (c) providing relevant information and documents to the other party to
26 enable that other party understand the issues and how they might be resolved;

27 (d) considering whether the dispute can be resolved through an
28 alternative dispute resolution process;

29 (e) where an alternative dispute resolution mechanism is agreed to-

30 (i) participating in the determination of the conciliator or mediator to

1 facilitate the process; and

2 (ii) attending the alternative dispute resolution process.

3 **15.-(1)** The parties to a dispute may appoint a conciliator or
4 mediator to facilitate alternative dispute resolution process.

Appointment
of a conciliator
or mediator

5 (2) Unless the parties otherwise agree, there shall be one
6 conciliator or mediator.

7 (3) Where the parties fail to agree on the appointment of a
8 conciliator or mediator, each party shall appoint their preferred conciliator
9 or mediator.

10 (4) Where the parties appoint more than one conciliator or
11 mediator, the conciliators or mediators shall act jointly.

12 **16.-(1)** A conciliator or mediator shall, in facilitating the
13 determination of a dispute, be independent and impartial.

Role of a
conciliator or
mediator

14 (2) In determining a dispute, a conciliator or mediator shall-

15 (a) conduct an assessment of the parties to the dispute and the
16 dispute before commencement of conciliation or mediation to determine
17 whether conciliation or mediation is appropriate;

18 (b) provide a written statement regarding the conciliation or
19 mediation process to the parties at least one day before commencement of
20 conciliation or mediation process setting out-

21 (i) what conciliation or mediation is about;

22 (ii) the rights and obligations of the parties;

23 (iii) the role of parties; and

24 (iv) the role of the conciliator or mediator;

25 (c) advise a party who does not have a legal representative or
26 professional advisor in the conciliation or mediation process of their right to
27 seek independent legal or professional advice;

28 (d) ensure, at all stages in conciliation or mediation, that a party has
29 the capacity to participate in the process;

30 (e) facilitate communication, understanding, and assist parties to

1 identify their needs and interests to enable the parties resolve the dispute;
2 (f) prepare a report within three days of the conclusion of the
3 conciliation or mediation processor such period as may be directed by the
4 court; and

5 (g) prepare and authenticate a settlement agreement.

6 (3) A conciliator or mediator shall conduct the conciliation or
7 mediation process in such manner as he or she considers appropriate for the
8 effective determination of the dispute and shall, for this purpose-

9 (a) take into account the wishes of the parties including any request by
10 a party that the conciliator or mediator hear oral statements; and

11 (b) take steps to ensure the speedy settlement of the dispute.

Disclosure by
a conciliator
or mediator

12 **17.-(1)** A conciliator or mediator shall, before accepting the
13 appointment to act as a conciliator or mediator in the resolution of a dispute,
14 disclose any circumstance which may-

15 (a) create a likelihood of bias; or

16 (b) affect the conduct of the conciliation or mediation process.

17 (2) A conciliator or mediator shall promptly disclose to the parties any
18 circumstance which arises during conciliation or mediation and which is likely
19 to affect-

20 (a) the impartiality of the conciliator or mediator; or

21 (b) the conduct of the conciliation or mediation.

22 (3) Parties to a conciliation or mediation process may substitute a
23 conciliator or mediator who makes a disclosure under subsection (2).

Revocation of
appointment of
a conciliator
or mediator

24 **18.-(1)** the parties may revoke the appointment of a conciliator or
25 mediator who, without reasonable cause, fails to-

26 (a) Commence the conciliation or mediation process within the period
27 agreed by the parties; or

28 (b) Conduct conciliation or mediation within the rules.

29 (2) A conciliator or mediator may resign at any time after
30 appointment.

1 (3) A conciliator or mediator who has resigned or whose
2 appointment has been revoked shall, within seven days of revocation of
3 appointment or resignation prepare a report and furnish a copy of the report
4 to the parties and, to the court where the dispute was referred for resolution
5 by that court.

6 (4) The parties shall, within fourteen days from the date of
7 revocation of the appointment or resignation of a conciliator or mediator,
8 appoint another conciliator or mediator.

9 **19.**-(1) A person who is not a party to conciliation or mediation
10 shall not attend the alternative dispute resolution process unless the parties
11 agree and the conciliator or mediator consents to the attendance.

Attendance
and representation
in conciliation
or mediation

12 (2) A party to conciliation or mediation may be represented by an
13 advocate, an expert or by such other person as the party shall consider
14 appropriate.

15 (3) A conciliator or mediator may, where necessary and where the
16 parties agree to pay the expenses, obtain expert advice on a technical aspect
17 of a dispute.

18 (4) A request for the services of an expert may be made by the
19 conciliator or mediator, or by a party with the consent of the other party.

20 (5) A party shall communicate, in writing to the conciliator or
21 mediator and the other party, the name, address and the extent of the
22 authority of any representative at least seven days before the representative's
23 participation in conciliation or mediation.

24 **20.**-(1) A conciliator or mediator shall, in consultation with the
25 parties, determine the date and time for the conduct of the conciliation or
26 mediation process.

Date, time and
place of
conciliation or
mediation

27 (2) The conciliator or mediator shall determine, in consultation
28 with the parties to the dispute, a convenient place and time for the conduct of
29 the conciliation or mediation process.

Identification
of issues in
dispute

1 **21.**-(1) A party shall submit to the conciliator or mediator and the
2 other party to the dispute a statement of issues at least seven days before the
3 first session of conciliation or mediation or within such period as the parties
4 may agree.

5 (2) A conciliator or mediator may request each party to submit-

6 (a) a written statement of that party's position;

7 (b) the facts and grounds in support of that position; and

8 (c) any documents and evidence that the party considers appropriate.

9 (3) A conciliator or mediator may request a party to submit additional
10 information at any stage of conciliation or mediation process.

Confidentiality
of conciliation
or mediation

11 **22.**-(1) A record, report, settlement agreement or any document
12 submitted or prepared in the course of the conciliation or mediation process
13 shall be confidential and not submitted to any person who is not a party to the
14 conciliation or mediation proceedings.

15 (2) For the purposes of subsection (1) a party shall not rely, as
16 evidence in judicial proceedings, on-

17 (a) the record of the conciliation or mediation;

18 (b) a statement made at the conciliation or mediation; or

19 (c) any information obtained during a conciliation or mediation
20 process.

21 (3) A conciliator or mediator shall not disclose information submitted
22 in the course of a conciliation or mediation process to any person who is not a
23 party to the process without the consent of the parties.

24 (4) The parties may expressly waive the confidentiality requirement
25 under subsection (1).

26 (5) The confidentiality requirement under this Act shall not apply
27 where disclosure is-

28 (a) required by law;

29 (b) necessary to protect a child or a vulnerable person;

30 (c) necessary to report or lessen a serious and imminent threat to the

1 life, health or property of a person;

2 (d) necessary to report the commission or prevent the likely
3 commission of an offence;

4 (e) necessary for the purpose of enforcement of the settlement
5 agreement; or

6 (f) necessary to prove or disprove a claim or complaint concerning
7 negligence or misconduct of a conciliator or mediator based on conduct
8 occurring during conciliation or mediation.

9 (6) Evidence submitted or used in a conciliation or mediation
10 process which is admissible or subject to discovery in proceedings shall not
11 be or be come in admissible or subject to confidentiality solely because it
12 was submitted or used in conciliation or mediation.

13 **23.-(1)** A conciliator or mediator may formulate terms of a possible
14 settlement if it appears that there exist issues to a dispute to which the parties
15 are agreeable and submit them to the parties for adoption and signature.

Settlement
agreement

16 (2) Where the parties reach an agreement, the conciliator or
17 mediator shall prepare a settlement agreement within three days of such
18 agreement.

19 (3) The conciliator or mediator shall explain the contents of the
20 settlement agreement to the parties and, where the parties agree to the
21 contents of the agreement, require the parties to execute the agreement in the
22 presence of the conciliator or mediator.

23 (4) A settlement agreement shall, upon execution by the parties, be
24 binding on the parties.

25 (5) A conciliator or mediator shall authenticate a settlement
26 agreement and furnish a copy of the agreement to each party and, the court,
27 where a dispute was referred to conciliation or mediation by a court.

28 **24.-(1)** A conciliation or mediation process ends when-

29 (a) the parties execute a settlement agreement;

30 (b) the conciliator or mediator, upon consultation with the parties,

End of
conciliation or
mediation

	1	determines that further conciliation or mediation is not feasible;
	2	(c) the parties jointly submit a notice in writing to the conciliator or
	3	mediator that they do not intend to proceed with the conciliation or mediation
	4	process; or
	5	(d) a party submits a notice, in writing, to them conciliator or mediator
	6	and the other party that he or she does not intend to proceed with the
	7	conciliation or mediation process.
	8	(2) Within seven days of the conclusion of a conciliation or mediation
	9	process the conciliator or mediator shall submit a copy of the report to the
	10	parties and to the court, where the dispute was referred to conciliation or
	11	mediation by a court.
	12	(3) Where the parties agree to settle the dispute, the conciliator or
	13	mediator shall submit, within seven days of the settlement, a copy of the report
	14	together with a copy of the settlement agreement the parties and to the court,
	15	where the dispute was referred to conciliation or mediation by a court.
Role of a conciliator or mediator in other proceedings	16	25. A conciliator or mediator shall not, unless with the consent of the
	17	parties or required by law-
	18	(a) act as an arbitrator or representative or an advocate of a party in
	19	any judicial proceeding in respect of a dispute he or she facilitated; and
	20	(b) be presented by the parties as a witness in any proceedings arising
	21	out of or in connection with conciliation or mediation he or she facilitated.
Exclusion of liability	22	26.-(1) A conciliator or mediator is not liable for any act or omission
	23	in the performance of his or her role under this Act unless the conciliator or
	24	mediator is proven to have acted fraudulently, negligently or in bad faith.
	25	PART IV - TRADITIONAL DISPUTE RESOLUTION
Competence of a traditional dispute resolver	26	27. -(1) A person shall not act as a traditional dispute resolver unless
	27	acquainted with the customary law to be applied in resolving the dispute.
	28	(2) A traditional dispute resolver shall be impartial and apply the rules
	29	of natural justice.
	30	(2) The Committee may, in as far as is reasonably practicable, prepare

1 and maintain a list of traditional dispute resolvers.

2 **28.**-(1) A party may submit a dispute for resolution through a Submission to
3 traditional dispute resolution process. traditional
dispute resolution

4 (2) A court before which a dispute is filed or pending may refer a
5 dispute for resolution through a traditional dispute resolution process at any
6 time where-

7 (a) the court determines that traditional dispute resolution will
8 facilitate the resolution of the dispute or a part of the dispute; or

9 (b) a party to the dispute, with the consent of the other party, apply
10 to the court to have the whole or part of the dispute referred to traditional
11 dispute resolution.

12 (3) A person shall not be forced or coerced to submit to traditional
13 dispute resolution process.

14 (4) Traditional dispute resolution process shall be void where the
15 process or settlement agreement contravenes the Constitution, a written law
16 or public policy.

17 **29.**-(1) A traditional dispute resolution process ends when- End of traditional
18 (a) the parties reach an agreement; or dispute resolution

19 (b) a traditional dispute resolver, upon consultation with the
20 parties, determines that further traditional dispute resolution is not feasible.

21 (2) At the end of a traditional dispute resolution process-

22 (a) where a settlement agreement is reached, the traditional dispute
23 resolver shall, within seven days of the settlement-

24 (i) prepare a settlement agreement for execution by the parties; and

25 (ii) submit a copy of the settlement agreement to the parties and to
26 the court, where the dispute was referred to traditional dispute resolution by
27 a court;

28 (b) where traditional dispute resolution process is terminated by
29 the traditional dispute resolver or a party to the dispute, the resolver shall,
30 within seven days of the settlement-

	1	(i) prepare a report; and
	2	(ii) furnish a copy of the report to the parties or the parties and the
	3	court where the dispute was referred to traditional dispute resolution by a court.
	4	(3) Except where a dispute was referred for resolution through
	5	traditional dispute resolution or at the request of the parties, a settlement
	6	agreement need not be in writing.
Effect of settlement agreement	7	30. -(1) A settlement agreement in traditional dispute resolution is
	8	binding between the parties.
	9	(2) A settlement agreement may for the purpose of record and
	10	enforcement be registered at the court with jurisdiction or a court that referred
	11	the dispute to traditional dispute resolution.
	12	PART V - RECOURSE TO COURT AND RECOGNITION AND ENFORCEMENT
	13	OF SETTLEMENT AGREEMENT
Duty of advocate to advise on alternative dispute resolution	14	31. An advocate shall, prior to initiating judicial proceedings, advice
	15	a party to consider resolving the dispute by way of alternative dispute
	16	resolution.
Confirmation that alternative dispute resolution has been considered	17	32. -(1) A party shall file with the court an alternative dispute
	18	resolution certificate in the prescribed form, at the time of commencing
	19	judicial proceedings, stating that alternative dispute resolution has been
	20	considered.
	21	(2) A party entering appearance shall file with the court an alternative
	22	dispute resolution certificate in the prescribed form, at the time that party enters
	23	appearance or acknowledges the claim, stating that alternative dispute
	24	resolution has been considered.
	25	(3) An advocate shall file with the court an alternative dispute
	26	resolution certificate in the prescribed form, at the time of instituting judicial
	27	proceedings or entering appearance, stating that the advocate has advised a
	28	party to consider alternative dispute resolution.
	29	(4) A court may take into account the fact that a party has considered
	30	or participated in alternative dispute resolution when making orders as to costs,

1 case management or such orders as the court determines.

2 **33.** A party may apply to the High Court or the court that referred Resort to judicial
3 the dispute for resolution through an alternative dispute resolution process- proceedings

4 (a) for an interim measure of protection;

5 (b) to challenge jurisdiction of the alternative dispute resolution;

6 (c) to challenge the appointment or impartiality of the conciliator,
7 mediator or traditional dispute resolver;

8 (d) to challenge referral of the dispute to alternative dispute
9 resolution; or

10 (e) to challenge the settlement agreement.

11 **34.-(1)** A referral of a dispute for determination through alternative Stay of proceedings
12 dispute resolution under section 11 of this Act shall serve as a stay of
13 proceedings.

14 (2) A court before which proceedings are brought in a dispute
15 which is the subject of alternative dispute resolution agreement or pending
16 before alternative dispute resolution process may, if a party so applies not
17 later than the time when that party enters appearance or acknowledges the
18 claim against which the stay of proceedings is sought, stay the proceedings
19 and refer the parties to alternative dispute resolution.

20 (3) Proceedings before the court shall not be continued after an
21 application under subsection (2) has been made and the matter remains
22 undetermined.

23 (4) Where the court declines to stay judicial proceedings, any
24 provision of the alternative dispute resolution agreement to the effect that a
25 settlement agreement is a condition precedent to the bringing of judicial
26 proceedings in respect of any dispute is of no effect in relation to those
27 proceedings.

28 **35.-(1)** Where a referral to alternative dispute resolution leads to Recognition and
29 the settlement of a dispute or part of the dispute the settlement shall be- enforcement of
a settlement
agreement

30 (a) prepared and filed in court;

1 (b) recorded by the court as a judgment of the court; and

2 (c) enforced by the court as its judgment.

3 (2) Where the referral does not lead to a settlement, the court shall
4 continue with the proceedings from the point at which the referral was made for
5 alternative dispute resolution.

6 (3) A settlement agreement shall be recognized as binding and upon
7 application in writing to the High Court or the court that referred the matter to
8 alternative dispute resolution, be enforced subject to this section and section

9 (4) Unless the High Court or the court referring the dispute for
10 alternative dispute resolution otherwise orders, a party relying on a settlement
11 agreement or applying for its enforcement shall furnish-

12 (a) the original settlement agreement or a duly certified copy of it; and

13 (b) the original report or a duly certified copy of it.

14 **36.** The recognition or enforcement of a settlement agreement may be
15 refused where-

16 (a) at the request of the party against whom it is invoked, that party
17 furnishes to the High Court or the court referring the dispute to alternative
18 dispute resolution proof that-

19 (i) a party to the alternative dispute resolution process was under
20 some incapacity;

21 (ii) the settlement agreement is not valid under the law to which the
22 parties have subjected it or, failing any indication of that law, under the law of
23 the country where the settlement agreement was made;

24 (iii) the party against whom the settlement agreement is invoked was
25 not given proper notice of the appointment of a conciliator, mediator or
26 traditional dispute resolver;

27 (iv) the party against whom the settlement agreement is invoked was
28 not given proper notice of the alternative dispute resolution process or was
29 otherwise unable to present its case;

30 (v) the settlement agreement deals with a dispute not contemplated by

1 or not falling within the terms of the referral to alternative dispute
2 resolution, or it contains decisions on issues beyond the scope of the referral
3 to alternative dispute resolution, provided that if the decisions on issues
4 referred to alternative dispute resolution can be separated from those not so
5 referred, that part of the settlement agreement which contains decisions on
6 issues referred to Grounds for alternative dispute resolution may be
7 recognized and enforced;

8 (vi) the appointment of the conciliator, mediator or traditional
9 dispute resolver was not in accordance with the alternative dispute
10 resolution clause, this Act or any other law or the law of the country where
11 the alternative dispute resolution took place;

12 (vii) the alternative dispute resolution process was not conducted
13 in accordance with the alternative dispute resolution clause, this Act or any
14 other law or the law of the country where the alternative dispute resolution
15 took place;

16 (viii) the settlement agreement has not yet become binding on the
17 parties or has been set aside or suspended by a court of the country in which,
18 or under the law of which that settlement agreement was made; or

19 (ix) the making of the settlement agreement was induced or
20 affected by fraud, bribery, corruption or undue influence;

21 (b) if the High Court or the court finds that-

22 (i) the subject-matter of the dispute is not capable of settlement by
23 alternative dispute resolution under any law in Nigeria; or

24 (ii) the recognition or enforcement of the settlement agreement
25 would be contrary to the public policy.

26 PART VI - MISCELLANEOUS PROVISIONS

27 **37.** Where the subject matter of alternative dispute resolution
28 involves a dispute to which any limitation period under the Limitations of
29 Actions Act applies, the parties to alternative dispute resolution process may
30 agree in writing to suspend the running of the limitation period from the date

Limitation
period

	1	of commencement of alternative dispute resolution process to the end of
	2	alternative dispute resolution process.
Alternative dispute resolution expenses	3	38. -(1) unless the parties agree otherwise, the parties shall equally pay
	4	alternative dispute resolution expenses including the fees and expenses of-
	5	(a) the conciliator or mediator;
	6	(b) any administrative assistance received;
	7	(c) experts called; and
	8	(d) any expenses incurred in connection with the alternative dispute
	9	resolution process and the settlement agreement.
	10	(2) The alternative dispute resolution expenses shall be on the basis of
	11	a written agreement entered into between the parties and the conciliator or
	12	mediator at the commencement of the alternative dispute resolution process.
	13	(3) The alternative dispute resolution expenses shall be reasonable
	14	and proportionate to the importance of the issue or issues at stake and to the
	15	amount of work carried out by the conciliator or mediator.
Rules and regulations	16	39. -(1) The Chief Justice may make rules of practice and procedure,
	17	and regulations generally for the better carrying into effect of any provisions of
	18	this Act.
	19	(2) Without prejudice to the generality of subsection (1), the Chief
	20	Justice may make rules and regulations to provide for-
	21	(a) submission and referral of a dispute to alternative dispute
	22	resolution;
	23	(b) appointment of a conciliator, mediator or traditional dispute
	24	resolver;
	25	(c) the specific roles applicable to a mediator, conciliator, a traditional
	26	alternative dispute resolver or any other person facilitating alternative dispute
	27	resolution process;
	28	(d) the conduct of alternative dispute resolution process;
	29	(e) the forms to be used for submission or referral of a dispute to

1 alternative dispute resolution, filing of a settlement agreement, or any
2 matter to be filed;

3 (f) the requirements and the process of application for
4 accreditation and registration of conciliators and mediators, and related
5 activities;

6 (g) grounds for and the procedure relating to cancellation or
7 suspension of registration;

8 (h) professional conduct and etiquette of conciliators, mediators
9 and traditional dispute resolvers;

10 (i) any fee which may be charged for anything done under this Act;
11 and

12 (j) any other matter as may be necessary for the promotion of the
13 objects and the regulation of the affairs of the Committee.

14 **41.** Any register kept, registration effected, certificate issued,
15 notice or information given, return made, form used or other thing done with
16 respect to the Mediation Accreditation Committee on the commencement of
17 this Act, was in force or effect shall continue in force and have effect as if
18 kept, effected, issued, given, made or done under the provision of this Act.

Preservation of
certificates,
registration and
other acts

19 SCHEDULE

20 CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

21 *Meetings*

22 1.-(1) The Committee shall meet at least once every month to
23 conduct its business.

24 (2) The first meeting of the Committee shall be convened by the
25 Chief Justice and the Committee shall meet subsequently at such a time as it
26 shall determine.

27 (3) Notwithstanding the provisions of sub-paragraph(1), the
28 chairperson shall, upon a written request signed by at least five members of
29 the Committee, convene a special meeting of the Committee at any time

1 where it is considered expedient for the transaction of the business of the
2 Committee.

3 (4) A meeting of the Committee shall be presided over by the
4 chairperson, in the absence of the chairperson by a member elected by the
5 members of the Committee present.

6 (5) The Committee may invite any person to attend any of its meetings
7 and to participate in its deliberations but such person shall not have a vote in
8 any decision of the Committee.

9 (6) The proceedings of the Committee shall not be invalidated by
10 reason of a vacancy within its membership.

11 *Quorum*

12 2.-(1) Subject to sub-paragraph (2), the quorum of a meeting of the
13 Committee shall not be less than half of the members.

14 (2) Wherever there is a vacancy in the Committee, the quorum of the
15 meeting shall not be less than three members.

16 *Decisions of the Committee.*

17 3. Unless a unanimous decision is reached, a decision on any matter
18 before the Committee shall be by a simple majority of the votes of the members
19 present and voting and in the case of an equality of votes, the chairperson or
20 person presiding over the meeting shall have a casting vote.

21 *Conflict of interest.*

22 4.-(1) A member of the Committee who has a direct or indirect
23 personal interest in any matter being considered or to be considered by the
24 Committee shall, upon the relevant facts concerning the matter having come to
25 his or knowledge, disclose the nature of his interest to the Committee.

26 (2) A disclosure of interest made by a member of the Committee under
27 sub-paragraph (1) shall be recorded in the minutes of the meeting of the
28 Committee and the member shall not, unless the Committee otherwise
29 determines-

1 (a) be present during the deliberation on the matter by the
2 Committee; or

3 (b) take part in the decision of the Committee on the matter.

4 (3) A member of the Committee who makes a disclosure under sub-
5 section (1) shall not-

6 (a) be present in the meeting of the Committee held to determine
7 whether or not the member should take part in the deliberations or decision
8 of the Committee in relation to the matter; or

9 (b) influence any other member of the Committee in arriving at a
10 particular decision in relation to the matter.

11 *Rules of Procedure and minutes.*

12 5.-(1) Subject to the provisions of this Schedule, the Committee
13 may determine its own procedure and the procedure for any committee of
14 the Committee.

15 (2) The Committee shall cause the minutes of all proceedings of its
16 meetings to be recorded and kept, and the minutes of each meeting shall be
17 confirmed by the Committee at the next meeting .

EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for a legal framework for the settlement of certain civil disputes by conciliation, mediation and traditional dispute resolution. Resolution of disputes forms part and parcel of everyday life in any given society. Hence effective dispute resolution mechanisms in a country will guarantee peace, is an enabler of trade and investment, and contribute to economic, social and political development of the country.

A BILL

FOR

AN ACT TO REGULATE THE ACQUISITION, DISSEMINATION, PUBLICATION
AND DISTRIBUTION OF GEOSPATIAL INFORMATION OF NIGERIA WHICH IS
LIKELY TO AFFECT THE SECURITY, SOVEREIGNTY AND INTEGRITY OF
NIGERIA AND FOR MATTERS CONNECTED THEREWITH, 2019

Sponsored by Sen. Shettima, Kashim

Co-Sponsors:

Sen. Ndume, Mohammed Ali	Sen. Isah, Jibrin
Sen. Dahiru, Aishatu Ahmed	Sen. Umar, Sadiq Suleiman
Sen. Sekibo, George Thompson	Sen. Abdullahi, Aliyu Sabi
Sen. Mustapha, Olalekan Ramoni	Sen. Moro, Patrick Abba
Sen. Amosun, Ibikunle Oyelaja	Sen. Gaidam, Ibrahim Alhaji
Sen. Tinubu, Oluremi Shade	Sen. Apiafi, Betty Jocelyn
Sen. Adetunmbi, Olubunmi Ayodeji	Sen. Shekarau, Ibrahim
Sen. Adeyeye, Clement Adedayo	Sen. Gaya, Kabiru Ibrahim
Sen. Goje, Mohammed Danjuma	Sen. La'ah, Danjuma Tella
Sen. Suswam, Gabriel Torwua	Sen. Kyari, Abubakar Shaib

[] Commencement

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

- 1 1.-(1)This Bill may be Cited as the Geospatial Information Short title
- 2 Regulation Bill, 2019.
- 3 (2) It shall extend to the whole of Nigeria and it applies also to-
- 4 (a) citizens of Nigeria outside Nigeria;
- 5 (b) persons in the service of the Government, wherever they may
- 6 be; and
- 7 (c) persons on ships and aircrafts, registered in Nigeria, wherever
- 8 they may be.

1 (3) Every person shall be liable to punishment under this Act for every
2 act or omission contrary to the provisions thereof, of which he is held guilty in
3 Nigeria.

4 (4) Any person, who commits an offence beyond Nigeria, which is
5 punishable under this Act, shall be dealt with according to the provisions of this
6 Act in the same manner as if such act had been committed in Nigeria.

7 (5) It shall come into force on such date as the Federal Government
8 may, by notification, appoint and different dates may be appointed for different
9 provisions of this Act and any reference in any such provision to the
10 commencement of this Act shall be construed as a reference to the
11 commencement of that provision.

Definitions

12 **2.-(1)**In this Act, unless the context otherwise requires-

13 (a) "Apex Committee" means a Committee constituted by the Federal
14 Government under sub-section (1) of section 7;

15 (b) "Appellate Authority" means an Authority constituted by the
16 Federal Government under sub-section (1) of section 23;

17 (d) "Enforcement Authority" means an Authority constituted by the
18 Federal Government under sub-section (1) of section 17;

19 (e) "Geospatial Information" means geospatial imagery or data
20 acquired through space or aerial platforms such as satellite, aircrafts, airships,
21 balloons, unmanned aerial vehicles including value addition; or graphical or
22 digital data depicting natural or man-made physical features, phenomenon or
23 boundaries of the earth or any information related thereto including surveys,
24 charts, maps, terrestrial photos referenced to a co-ordinate system and having
25 attributes;

26 (f) "Guidelines" means the guidelines framed under this Act and the
27 rules or regulations thereunder for licensing of geospatial information of
28 Nigeria;

29 (g) "Licence" means a licence granted to a person under the
30 provisions of this Act;

1 (h) "Licensee" means a person who obtains a licence under the
2 provisions of this Act;

3 (i) "National Policies" means the prevailing policies of the
4 Government such as Remote Sensing Data policy, Map Policy and such
5 other policies related to the objective of this Act;

6 (j) "Person" includes-

7 (i) an individual,

8 (ii) a company,

9 (iii) a firm,

10 (iv) a trust,

11 (v) an association of persons or a body of individuals, whether
12 incorporated or not,

13 (vi) every artificial juridical person, not falling within any of the
14 preceding sub-clauses, and

15 (vii) any agency, office or branch owned or controlled by any of
16 the above persons mentioned in the preceding sub-clauses;

17 (k) "Prescribed" means prescribed under the rules or regulations
18 framed under this Act;

19 (l) "Rules" means the rules framed under this Act;

20 (m) "Regulations" means the regulations framed under this Act and
21 the rules thereunder;

22 (n) "Security Vetting of Geospatial Information" means a process
23 followed by the Vetting Authority, which inter-alia includes:

24 (I) conducting sensitivity checks with respect to the technical & information
25 contents and the target area in consonance with the provisions of the
26 prevailing National Policies; and

27 (ii) screening of the credentials of the end-users and end-use applications,
28 with the sole objective of protecting national security, sovereignty, safety
29 and integrity;

30 (2) Any reference in this Act to any enactment or any provision

Acquisition of
Geospatial
Information of
Nigeria

1 thereof shall, in relation to an area in which such enactment or such provision is
2 not in force, be construed as a reference to the corresponding law or the
3 relevant provision of the corresponding law, if any, in force in that area.

4 REGULATION OF GEOSPATIAL INFORMATION OF NIGERIA

5 3.-(1) Save as otherwise provided in this Act, rules or regulations
6 made thereunder, or with the general or special permission of the State Security
7 Services, no person shall acquire geospatial imagery or data including value
8 addition of any part of Nigeria either through any space or aerial platforms such
9 as satellite, aircrafts, airships, balloons, unmanned aerial vehicles or terrestrial
10 vehicles, or any other means whatsoever.

11 (2) Every person who has already acquired any geospatial imagery or
12 data of any part of Nigeria either through space or aerial platforms such as
13 satellite, aircrafts, airships, balloons, unmanned aerial vehicles or terrestrial
14 vehicles or any other manner including value addition prior to coming of this
15 Act into effect, shall within one year from the commencement of this Act, make
16 an application along with requisite fees to the State Security Services for
17 retaining such geospatial information and grant of licence thereof.

18 (3) The State Security Services shall, within three months from the
19 date of receipt of an application made under sub-section (2), either grant a
20 licence with such conditions as may be specified thereon or reject the
21 application as the case may be after examining the application in terms of the
22 guidelines:

23 Provided that no application shall be rejected under this section unless
24 the applicant has been given a reasonable opportunity of presenting his case.

25 (4) No person shall continue possession of geospatial information of
26 Nigeria, after rejection of the application by the State Security Services under
27 sub-section (3) above or after dismissal of appeal, if any, by the Appellate
28 Authority or the High Court or the Supreme Court, as the case may be,
29 whichever is later.

1	4. Save as otherwise provided in this Act, rules or regulations	Dissemination,
2	made thereunder, and with the general or special permission of the State	Publication or
3	Security Services, no person shall disseminate or allow visualization of any	Distribution of
4	geospatial information of Nigeria either through internet platforms or online	the Geospatial
5	services, or publish or distribute any geospatial information of Nigeria in	Information of
6	any electronic or physical form.	Nigeria
7	5. Save as otherwise provided in any international convention,	Use of Geospatial
8	treaty or agreement of which Nigeria is signatory or as provided in this Act,	Information of
9	rules or regulations made thereunder, or with the general or special	Nigeria outside
10	permission of the State Security Services, no person shall, in any manner,	Nigeria
11	make use of, disseminate, publish or distribute any geospatial information	
12	of Nigeria, outside Nigeria, without prior permission from the State Security	
13	Services.	
14	6. No person shall depict, disseminate, publish or distribute any	Wrong depiction
15	wrong or false topographic information of Nigeria including international	of map of Nigeria
16	boundaries through internet platforms or online services or in any electronic	etc.
17	or physical form.	
18	CHAPTER III - APEX COMMITTEE	
19	7.-(1) The Federal Government shall, by notification in Official	Apex Committee
20	Gazette, constitute an Apex Committee under the Ministry of Interior to	
21	oversee and administer the implementation of this Act in accordance with	
22	the prevailing National Policies.	
23	(2) The Apex Committee shall do all such acts and deeds that may	
24	be necessary or otherwise desirable to achieve the objectives of the Act,	
25	including the following functions:	
26	(a) To oversee and administer the implementation of this Act in	
27	accordance with the prevailing National Policies.	
28	(b) To make Regulations for implementation, surveillance and	
29	monitoring and enforcement of the provisions of this Act and Rules framed	
30	thereunder, as required from time to time.	

1 (c) To prescribe such fees, levies or charges and guidelines for
2 licensing of geospatial information of Nigeria.

3 (3) The Apex Committee may, by general or special order in writing,
4 delegate to any constituent member of the Apex Committee or any other
5 subordinate committee or officer subject to such conditions, as may be
6 specified in the order, such of its powers and functions under this Act as it may
7 deem necessary, except the power to make regulations.

8 (4) In the discharge of its functions, the Apex Committee shall be
9 guided by such directions in matters of policy involving national security as
10 well as public interest as the Federal Government may give to it in writing.

11 CHAPTER IV - LICENSING AND SECURITY VETTING

State Security
Services

12 **8.-(1)** The State Security Services shall carryout a security vetting of
13 the Geospatial Information of Nigeria in a time bound manner and as per the
14 regulations framed by the Apex Committee.

15 (2) In the discharge of its functions, the State Security Services shall
16 be guided by such directions in matters of policy involving national security as
17 well as public interest as the Federal Government or the Apex Committee may
18 give to it in writing.

Licence to acquire,
disseminate,
publish or
distribute any
Geospatial
Information of
Nigeria

19 **9.-(1)** Any person who wants to acquire, disseminate, publish or
20 distribute any geospatial information of Nigeria, may make an application
21 along with requisite fees to the State Security Services for security vetting of
22 such geospatial information and licence thereof to acquire, disseminate,
23 publish or distribute such Geospatial Information in any electronic or physical
24 form.

25 (2) The State Security Services, on receipt of an application made
26 under subsection (1) above and after examining the application in terms of the
27 guidelines, shall either grant the licence or reject the application as the case
28 may be:

29 Provided that no application shall be rejected under this section unless
30 the applicant has been given a reasonable opportunity of presenting his case.

1 (3) A licence granted under sub-section (2) shall be subject to such
2 terms and conditions as may be specified in the licence.

3 **10.-(1)** In case a licensee fails to comply with the terms and
4 conditions subject to which the licence was granted or contravenes any
5 provisions of this Act, rule, regulation or guidelines or order made
6 thereunder, the Enforcement Authority may, after making such inquiry as
7 may be thought fit, revoke the licence granted to such licensee:

Suspension or
revocation of
licence

8 Provided that no licence shall be revoked unless the licensee has
9 been given a reasonable opportunity of showing cause against the proposed
10 revocation.

11 (2) The Enforcement Authority, having reasonable cause to believe
12 that there are grounds for revoking a licence under sub-section (1), may by
13 order suspend such licence, pending the completion of any inquiry ordered
14 by him:

15 Provided that no licence shall be suspended for a period exceeding
16 ten days unless the licensee has been given a reasonable opportunity of
17 showing cause against the proposed suspension.

18 **11.-(1)** Licensee shall be supplied with the security vetted
19 Geospatial Information, by the State Security Services, within a period
20 mutually agreed upon, based on the quantum and nature of the subject
21 matter to be vetted, on best effort basis.

Obligation of
Licensee

22 (2) Licensee shall not acquire, publish, disseminate or distribute
23 any geospatial information of Nigeria through any media or by any means,
24 unless such geospatial information are security-vetted by the State Security
25 Services.

26 (3) Licensee shall display the insignia of the clearance of the
27 Security Vetting Authority on the security-vetted geospatial information by
28 appropriate means such as water-marking or licence as relevant, while
29 disseminating or distributing of such geospatial information.

30 (4) Licensee shall indemnify the State Security Services for any

	1	consequential loss or damages whatsoever that might be caused to any person
	2	or agency in Nigeria or abroad, due to the use or supply of security vetted
	3	geospatial information.
	4	CHAPTER V - OFFENCES AND PENALTIES
Penalty for illegal acquisition of geospatial information of Nigeria	5	12. Whoever acquires any geospatial information of Nigeria in
	6	contravention of section 3 shall be punished with a fine ranging from one
	7	hundred and Fifty Thousand Naira and/or imprisonment for a period up to
	8	seven years.
Penalty for illegal dissemination, publications or distribution of geospatial information of Nigeria	9	13. Whoever disseminates, publishes or distributes any geospatial
	10	information of Nigeria in contravention of section 4, shall be punished with a
	11	fine ranging from one hundred and Fifty Thousand Naira and/or imprisonment
	12	for a period up to seven years.
Penalty for use of geospatial information of Nigeria outside Nigeria	13	14. Whoever uses any geospatial information of Nigeria in
	14	contravention of section 5, shall be punished with a fine ranging from One
	15	Hundred and Fifty thousand Naira and/or imprisonment for a period up to
	16	seven years.
Penalty for wrong depiction of map of Nigeria etc.	17	15. Whoever depicts, disseminates, publishes or distributes any
	18	wrong or false topographic information of Nigeria including international
	19	boundaries in contravention of section 6, shall be punished with a fine ranging
	20	from one hundred and fifty thousand naira and/or imprisonment for a period up
	21	to seven years.
Penalty for violation of terms and conditions of a licence	22	16. If a licensee violates the terms and conditions mentioned thereof,
	23	he shall be punished with a fine ranging from one hundred and fifty thousand
	24	naira and/or suspension or revocation of the licence and imprisonment for a
	25	period up to seven years.
	26	CHAPTER VI - ENFORCEMENT MECHANISM
Enforcement Authority	27	17.-(1) The Federal Government shall, by notification in Official
	28	Gazette, constitute an Enforcement Authority for enforcement of the
	29	provisions of this Act.
	30	(2) The Enforcement Authority shall consist of an officer of the rank

1 of a Permanent Secretary to the Government of Nigeria or above as
2 Chairman and two members, one as technical expert and other as national
3 security expert.

4 (3) The Enforcement Authority shall do surveillance and
5 monitoring, as may be required to enforce the provisions of this Act and the
6 rules and regulations framed thereunder.

7 (4) The Enforcement Authority shall monitor compliance of the
8 terms and conditions of the licences granted under this Act.

9 (5) The Enforcement Authority may, by general or special order in
10 writing, delegate to any constituent member of the Enforcement Authority
11 or any other subordinate Committee or officer subject to such conditions, as
12 may be specified in the order, such of its powers and functions under this Act
13 as it may deem necessary, except the power to determine whether a case is to
14 be tried before a Court of Sessions or to determine the amount of financial
15 penalty to be imposed by it on the violators of the provisions of this Act.

16 (6) In the discharge of its functions, the Enforcement Authority
17 shall be guided by such directions in matters of policy involving national
18 security as well as public interest as the Federal Government or the Apex
19 Committee may give to it in writing.

20 **18.-(1)** The Enforcement Authority shall make inquiry about any
21 contravention of the provisions of this Act, rules or regulations made
22 thereunder or terms and conditions of a licence granted under this Act.

Power to inquire
contraventions

23 (2) The Enforcement Authority shall, if he has reasonable cause to
24 suspect that any contravention of the provisions of this Act, rules or
25 regulations made thereunder has been committed, shall have access to any
26 computer resource, any apparatus, data or any other material connected with
27 such system, for the purpose of searching or causing a search to be made for
28 obtaining any information or data contained in or available to such computer
29 system.

30 (3) For the purposes of sub-section (2), the Enforcement Authority,

Power to
adjudicate

1 by order, direct any person in charge of, or otherwise concerned with the
2 operation of, the computer system, data apparatus or material, to provide him
3 with such reasonable technical and other assistance as he may consider
4 necessary.

5 **19.-(1)** The Enforcement Authority shall prima-facie assess the
6 information gathered during surveillance and monitoring by it or received as a
7 complaint from anyone and determine whether, having regard to the gravity of
8 the offence and other relevant factors, it is a fit case which may attract the
9 imposition of penalty of imprisonment also as prescribed in the Act or rules or
10 regulations made thereunder. If so, the Enforcement Authority shall make a
11 complaint to Police to investigate and prosecute the person before a Court of
12 Sessions. If not, the Enforcement Authority shall adjudicate the case itself.

13 (2) In respect of cases to be adjudicated by the Enforcement
14 Authority, the Enforcement Authority after giving the defaulter a reasonable
15 opportunity for making representation in the matter and if, on such inquiry, is
16 satisfied that the person has committed the contravention, it may:

17 (a) confiscate all the computers resources and publications used for
18 violation of the provisions of this Act;

19 (b) impose such financial penalty as it thinks fit in accordance with
20 the provisions of this Act and rules and regulations framed thereunder; and

21 (c) suspend or revoke licence as the case may be.

22 (3) The Enforcement Authority shall have the powers of a civil court
23 for the purposes the Administration of Criminal Justice Act, 2015 and all
24 proceedings before it shall be deemed to be judicial proceedings within the
25 meaning of the Penal Code Act.

Power of
enforcement
authority to
give directions

26 **20.-(1)** The Enforcement Authority may, by order, direct a person to
27 take such measures or cease carrying on such activities as specified in the order
28 if those are necessary to ensure compliance with the provisions of this Act,
29 rules or any regulations made thereunder.

30 (2) Any person who fails to comply with any order under sub-section

1 (1) shall be guilty of an offence and shall be liable on conviction to
 2 imprisonment for a term not exceeding three years or to a fine not exceeding
 3 rupees one crore or to both.

4 **21.**-(1) Any contravention under this Act may, either before or after
 5 the institution of Inquiry proceedings, be compounded by the Enforcement
 6 Authority subject to such conditions as the Enforcement Authority may
 7 specify: Provided that such sum shall not, in any case, exceed the maximum
 8 amount of the penalty which may be imposed under this Act for the
 9 contravention so compounded.

Compounding
of contraventions

10 (2) Nothing in sub-section (1) shall apply to a person who commits
 11 the same or similar contravention within a period of one year from the date
 12 on which the first contravention, committed by him, was compounded.

13 (3) Where any contravention has been compounded under sub-
 14 section (1), no proceeding or further proceeding, as the case may be, shall be
 15 taken against the person guilty of such contravention in respect of the
 16 contravention so compounded.

17 **22.** A penalty imposed under this Act, if fail in lieu of penalty, shall
 18 be recovered as an arrear of land revenue and the licence shall be suspended
 19 till the penalty is paid.

Recovery of
penalty

20 CHAPTER VII - APPELLATE MECHANISM

21 **23.**-(1) The Federal Government shall, by notification in Official
 22 Gazette, constitute an Appellate Authority to adjudicating the appeals
 23 against the decisions of the State Security Services or the Enforcement
 24 Authority.

Appellate
Authority

25 (2) The authority shall consist of a retired Supreme Court/High
 26 Court Judge as Chairmen and two members, one as technical expert and
 27 other as national security expert. Or nominate any existing judicial
 28 authority.

29 **24.**-(1) Save as provided in sub-section (2), any person aggrieved
 30 by an order made by the State Security Services or by the Enforcement

Appeal to
Appellate
Authority

1 Authority under this Act may prefer an appeal before the Appellate Authority.

2 (2) Every appeal under sub-section (1) shall be filed within a period of
3 forty five days from the date on which a copy of the order made by the State
4 Security Services or by the Enforcement Authority is received by the aggrieved
5 person and it shall be in such form and be accompanied by such fee as may be
6 prescribed:

7 Provided that the Appellate Authority may entertain an appeal after
8 the expiry of the said period of forty-five days if it is satisfied that there was
9 sufficient cause for notifying it within that period.

10 (3) On receipt of an appeal under sub-section (1), the Appellate
11 Authority may, after giving the parties to the appeal, an opportunity of being
12 heard, pass such orders thereon as it thinks fit, confirming, modifying or setting
13 aside the order appealed against.

14 (4) The appeal filed before the Appellate Authority under sub-section
15 (1) shall be dealt with by it as expeditiously as possible and endeavour shall be
16 made by it to dispose of the appeal finally within six months from the date of
17 receipt of the appeal.

Procedure and
powers of the
Appellate
Authority

18 **25.-(1)** The Appellate Authority shall have the powers to regulate its
19 own procedure including the place at which it shall have its sittings.

20 (2) The Appellate Authority shall have, for the purposes of
21 discharging its functions under this Act, the same powers as are vested in a civil
22 court under the Code of Civil Procedure, 1908, while trying a suit, in respect of
23 the following matters, namely-

24 (a) Summoning and enforcing the attendance of any person and
25 examining him on oath;

26 (b) requiring the discovery and production of documents or other
27 electronic records;

28 (c) receiving evidence on affidavits;

29 (d) issuing commissions for the examination of witnesses or
30 documents;

1 (e) reviewing its decisions;

2 (f) dismissing an application for default or deciding it ex parte;

3 (g) any other matter which may be prescribed.

4 **26.** No court shall have jurisdiction to entertain any suit or Court not to have
jurisdiction
5 proceeding in respect of any matter which an Appellate Authority
6 constituted under this Act is empowered by or under this Act to determine
7 and no injunction shall be granted by any court or other authority in respect
8 of any action taken or to be taken in pursuance of any power conferred by or
9 under this Act.

10 **27.** Any person aggrieved by any decision or order of the Appellate Appeal to High
Court
11 Authority may file an appeal to the High Court within sixty days from the
12 date of communication of the decision or order of the Appellate Authority to
13 him on any question of fact or law arising out of such order:

14 Provided that the High Court may, if it is satisfied that the appellant
15 was prevented by sufficient cause from filing the appeal within the said
16 period, allow it to be filed within a further period not exceeding sixty days.

17 **28.** Appeal filed, if any, before any of the Appellate bodies namely Prompt disposal
of Appeals
18 the Appellate Authority, the High Court or the Supreme Court shall be dealt
19 with as expeditiously as possible and the endeavour shall be to dispose of the
20 appeal within six months from the date of receipt of the appeal at each stage,
21 viewing the security concerns of Nigeria.

22 CHAPTER VIII - MISCELLANEOUS

23 **29.** No court shall take cognizance of an offence under this Act Cognizance of
offences by Court
24 unless upon a complaint made by the order of the Enforcement Authority as
25 defined in the clause (d) of sub-section (1) of section 2.

26 **30.-(1)** Where a person committing a contravention of any of the Offences by
companies
27 provisions of this Act or of any rule, direction or order made thereunder is a
28 company, every person who, at the time the contravention was committed,
29 was in charge of, and was responsible to, the company for the conduct of
30 business of the company as well as the company, shall be guilty of the

1 contravention and shall be liable to be proceeded against and punished
2 accordingly:

3 Provided that nothing contained in this sub-section shall render any
4 such person liable to punishment if he proves that the contravention took place
5 without his knowledge or that he exercised all due diligence to prevent such
6 contravention.

7 (2) Notwithstanding anything contained in sub-section (1), where a
8 contravention of any of the provisions of this Act or of any rule, direction or
9 order made thereunder has been committed by a company and it is proved that
10 the contravention has taken place with the consent or connivance of, or is
11 attributable to any neglect on the part of, any director, manager, secretary or
12 other officer of the company, such director, manager, secretary or other officer
13 shall also be deemed to be guilty of the contravention and shall be liable to be
14 proceeded against and punished accordingly.

Power to make
rules

15 **31.**-(1) The Federal Government may, by notification, make rules to
16 carry out the provisions of the Act.

17 (2) In particular, but without prejudice to the generality of the
18 provision of subsection (1) above, such rules may provide for all or any of the
19 following matters, namely-

20 (a) the criteria and procedure for constitution of the Apex Committee,
21 State Security Services, Enforcement Authority and Appellate Authority;

22 (b) the manner and procedure in which the function is to be discharged
23 by the members, officers and other employees of the Apex Committee, State
24 Security Services, Enforcement Authority and Appellate Authority;

25 (d) the term of office, salary, allowances and other terms and
26 conditions of service of the Chairman and the Members of the Appellate
27 Authority.

Rules and
regulations to
be laid before
Parliament

28 **32.**-(1) Every rule made by the Federal Government and every
29 regulation made by the Apex Committee under this Act shall be laid, as soon as,
30 may be after it is made, before each house of the National Assembly, while it is

1 in session, for a total period of thirty days which may be comprised in one
2 session or in two or more successive sessions, and if, before the expiry of the
3 session immediately following the session or the successive sessions
4 aforesaid, both houses agree in making any modification in the rule or the
5 regulation or both houses agree that the rule should not be made, the rule
6 shall thereafter have effect only in such modified form or be of no effect, as
7 the case may be; so however, that any such modification or annulment shall
8 be without prejudice to the validity of anything previously done under that
9 rule/regulation.

10 (2) Nothing in this Act shall affect the activities of the Federal
11 Government in the discharge of its functions relating to the security or the
12 defence of Nigeria.

13 (3) No suit, prosecution or other legal proceeding shall lie against
14 the Federal Government or Apex Committee or State Security Services or
15 Enforcement Authority, on whom powers have been conferred pursuant to
16 this Act, for anything which is done or purported to be done in good faith in
17 pursuance of this Act or for any rule or regulation made under this Act.

18 **33.** The provisions of this Act shall have effect notwithstanding
19 anything inconsistent therewith contained in any other law for the time
20 being in force. Act to have overriding effect

21 **34.** No suit, prosecution or other legal proceeding shall lie against
22 the Federal Government, the Apex Committee, the State Security Services,
23 the Enforcement Authority or the Appellate Authority or any person acting
24 on behalf of them, for anything which is in good faith done or intended to be
25 done in pursuance of this Act or any rule, regulation or order made
26 thereunder. Protection of action taken in good faith

27 **35.-(1)** If any difficulty arises in giving effect to the provisions of
28 this Act, the Federal Government may, by order published in the Official
29 Gazette, make such provisions not inconsistent with the provisions of this
30 Act as appear to it to be necessary or expedient for removing the difficulty: Removal of difficulties

1 Provided that no order shall be made under this section after the expiry of a
2 period of two years from the commencement of this Act.

3 (2) Every order made under this section shall be laid, as soon as may
4 be after it is made, before each House of the National Assembly.

Act not to apply
to Nigerian
Governmental
Bodies

5 **36.** The Federal Government may, by notification in Official Gazette,
6 exempt the Ministries, Departments, Public Sector Enterprises or any other
7 attached or subordinate offices of the Federal Government or State
8 Governments from the provisions of this Act to the extent it deems fit.

EXPLANATORY MEMORANDUM

This Bill seeks to regulate the acquisition, dissemination, publication and distribution of geospatial information of Nigeria which is likely to affect the security, sovereignty and integrity of Nigeria.

PROTECTION FROM INTERNET FALSEHOODS AND MANIPULATION AND
OTHER RELATED MATTERS BILL, 2019

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10. Service of Part 3 Regulation
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A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE PROTECTION FROM INTERNET
FALSEHOODS AND MANIPULATIONS AND FOR RELATED MATTERS

Sponsored by Senator Muhammad Sani Musa

[] Commencement

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

PART 1 - AIMS, OBJECTIVES AND APPLICATION

1 **1.** The Aims and objectives of this Act: Aims and
Objectives

2 (a) to prevent the transmission of false statements/declaration of
3 facts in Nigeria and to enable measures to be taken to counter the effects of
4 such transmission;

5 (b) to suppress the financing, promotion and other support of
6 online locations that repeatedly transmit false statements/declaration of
7 facts in Nigeria;

8 (c) to enable measures to be taken to detect, control and safeguard
9 against coordinated inauthentic behaviour and other misuses of online
10 accounts and bots;

11 (d) to enable measures to be taken to enhance disclosure of
12 information concerning paid content directed towards a political end; and

13 (e) to sanction offenders.

14 **2.** The provisions of this Act shall apply throughout the Federal Application
15 Republic of Nigeria

PART 2 - PROHIBITION OF TRANSMISSION OF FALSE

STATEMENTS OF FACT

18 **3.-(1)** A person must not do any act in or outside Nigeria in order to Transmission of
false statements
of fact
19 transmit in Nigeria a statements knowing or having reason to believe that-

20 (a) it is a false statements of fact; and

- 1 (b) the transmission of the statements in Nigeria is likely to-
- 2 (i) be prejudicial to the security of Nigeria or any part of Nigeria;
- 3 (ii) be prejudicial to public health, public safety, public tranquility or
- 4 public finances;
- 5 (iii) be prejudicial to the friendly relations of Nigeria with other
- 6 countries;
- 7 (iv) influence the outcome of an election to any office in a general
- 8 election or a referendum;
- 9 (v) incite feelings of enmity, hatred directed to a person or ill will
- 10 between different groups of persons; or
- 11 (vi) diminish public confidence in the performance of any duty or
- 12 function of, or in the exercise of any power by the Government.
- 13 (2) Subject to sub Clause (3), a person who contravenes sub Clause
- 14 (1) shall be guilty of an offence and shall be liable on conviction-
- 15 (a) in the case of an individual, to a fine not exceeding N300,000 or to
- 16 imprisonment for a term not exceeding 3 years or to both; or
- 17 (b) in any other case, to a fine not exceeding N10 Million.
- 18 (3) Where an inauthentic online account or a bot is used-
- 19 (a) to transmit in Nigeria the statements mentioned in sub Clause (1);
- 20 and
- 21 (b) for the purpose of accelerating such transmission, the who person
- 22 is guilty of an offence under that sub Clause shall be liable on conviction-
- 23 (c) in the case of an individual, to a fine not exceeding N300,000 or to
- 24 imprisonment for a term not exceeding 3 years or to both; or
- 25 (d) in any other case, to a fine not exceeding N10 Million.
- 26 (4) Sub Clause (1) does not apply to the doing of any act for the
- 27 purpose of, or that is incidental to, the provision of-
- 28 (a) an internet intermediary service;
- 29 (b) a teletransmission service;
- 30 (c) a service of giving the public access to the internet; or

1 (d) a computing resource service.

2 **4.-(1)** A person must not, whether in or outside Nigeria, make or Making or
 3 alter a bot with the intention of- altering
 4 (a) transmitting, by means of the bot, a false statements of fact in bots for
 5 Nigeria; or transmission of
 6 false statements
 7 fact

6 (b) enabling any other person to transmit, by means of the bot, a
 7 false statements of fact in Nigeria.

8 (2) A person who contravenes sub Clause (1) shall be guilty of an
 9 offence and shall be liable on conviction-

10 (a) in the case of an individual, to a fine not exceeding N200,000 or
 11 to imprisonment for a term not exceeding 3 years or to both; or

12 (b) in any other case, to a fine not exceeding N5 Million.

13 (3) However, if the transmission of the false statements of fact
 14 under sub Clause (1) is likely to-

15 (a) be prejudicial to the security of Nigeria or any part of Nigeria;

16 (b) be prejudicial to public health, public safety, public tranquility
 17 or public finances;

18 (c) be prejudicial to the friendly relations of Nigeria with other
 19 countries;

20 (d) influence the outcome of an election to the office of President, a
 21 general election of Members of Parliament, a by election of a Member of
 22 Parliament, or a referendum;

23 (e) incite feelings of enmity, hatred towards a person or ill will
 24 between different groups of persons; or

25 (f) diminish public confidence in the performance of any duty or
 26 function of, or in the exercise of any power by the Government, an Organ of
 27 State, a statutory board, or a part of the Government, an Organ of State or a
 28 statutory board, the person who is guilty of an offence under that sub Clause
 29 shall be liable on conviction-

30 (g) in the case of an individual, to a fine not exceeding N300,000 or

1 to imprisonment for a term not exceeding 3 years or to both; or

Providing services
for transmission
of false statements
of facts in
Nigeria

2 **5.-(1)** A person who, whether in or outside Nigeria, solicits, receives
3 or agrees to receive any financial or other material benefit as an inducement or
4 reward for providing any service, knowing that the service is or will be used in
5 the transmission of one or more false statements of fact in Nigeria, shall be
6 guilty of an offence if the service is in fact used in such transmission.

7 (2) A person who is guilty of an offence under sub Clause (1) shall be
8 liable on conviction-

9 (a) in the case of any individual, to a fine not exceeding N150,000 or
10 to imprisonment for a term not exceeding 2 years or to both; or
11 (b) in any other case, to a fine not exceeding N500,000.

12 (3) However, if the transmission of the false statements of fact
13 under sub Clause (1) is likely to-

14 (a) be prejudicial to the security of Nigeria or any part of Nigeria;
15 (b) be prejudicial to public health, public safety, public tranquility or
16 public finances;
17 (c) be prejudicial to the friendly relations of Nigeria with other
18 countries;
19 (d) influence the outcome of any election to any office in a general
20 election in Nigeria;
21 (e) incite feelings of enmity, hatred towards a person or ill will
22 between different groups of persons; or
23 (f) diminish public confidence in the performance of any duty or
24 function of, or in the exercise of any power by the Government, an Organ of
25 State, a statutory board, or a part of the Government, an Organ of State or a
26 statutory board, the person who is guilty of an offence under that sub Clause
27 shall be liable on conviction;

28 (g) in the case of an individual, to a fine not exceeding N300,000 or to
29 imprisonment for a term not exceeding 3 years or to both; or
30 (h) in any other case, to a fine not exceeding N10 Million.

1 (4) Sub Clause (1) does not apply to any act carried out for the
2 purpose of, or that is incidental to, the provision of-

- 3 (a) an internet intermediary service;
- 4 (b) a teletransmission service;
- 5 (c) a service of giving the public access to the internet; or
- 6 (d) a computing resource service.

7 (5) Where the Court convicts a person of an offence under sub
8 Clause (1) the Court must in addition to imposing the punishment in Sub
9 Clause or (3) order the person to pay as penalty, a sum equal to the amount of
10 any financial or material benefit received or in the opinion of the Court the
11 value of such financial or material benefit.

12 (6) Sub Clause does not apply if the court determines that the value
13 of the financial or other material benefit cannot be assessed.

14 (7) Where-

15 (a) a person charged with 2 or more offences under sub Clause (1)
16 is convicted of one or more of those offences; and

17 (b) the other outstanding offences are taken into consideration by
18 the Court, the Court may increase the penalty mentioned in sub Clause (5) by
19 an amount not exceeding the total amount or value of the financial or other
20 material benefit received for the offences so taken into consideration.

21 PART 3 - REGULATIONS DEALING WITH TRANSMISSION IN NIGERIA OF
22 FALSE DECLARATIONS OF FACT

23 6.-(1) The Law Enforcement Department may issue a Part 3
24 Regulation in the event of the following-

Conditions for
issuance of Part
3 Regulations

25 (a) that a false DECLARATION of fact (called in this Part the
26 subject (DECLARATION) has been or is being transmitted in Nigeria;

27 (b) the Law Enforcement Department is of the opinion that it is in
28 the public interest to issue the Regulation.

29 (3) The Law Enforcement Department shall issue a Part 3
30 Regulation in relation to the subject DECLARATION even if it has been

	1	amended or has ceased to be transmitted in Nigeria.
Correction Regulation	2	7.-(1) A Correction Regulation is one issued to a person who
	3	transmitted the subject DECLARATION in Nigeria, requiring the person to
	4	transmit in Nigeria in the specified form and manner, to a specified person or
	5	description of persons (if any), and by the specified time, a notice (called in this
	6	Part a correction notice) that contains one or both of the following:
	7	(a) a DECLARATION, in such terms as may be specified, that the
	8	subject DECLARATION is false, or that the specified material contains a false
	9	DECLARATION of fact;
	10	(b) a specified DECLARATION of fact, or a reference to a specified
	11	location where the specified DECLARATION of fact may be found, or both.
	12	(2) A Correction Regulation may require the person to whom it is
	13	issued to transmit in Nigeria a correction notice in a specified online location.
	14	(3) A Correction Regulation may also require the person to whom it is
	15	issued to do one or both of the following:
	16	(a) to transmit in Nigeria the correction notice by placing it in the
	17	specified proximity to every copy of the following that is transmitted by the
	18	person in Nigeria:
	19	(i) the false DECLARATION of fact;
	20	(ii) a substantially similar DECLARATION;
	21	(b) to publish the correction notice in the specified manner in a
	22	specified newspaper or other printed publication of Nigeria.
	23	(4) A person who transmitted a false DECLARATION of fact in
	24	Nigeria may be issued a Correction Regulation even if the person does not
	25	know or has no reason to believe that the DECLARATION is false.
	26	(5) In this Clause-
	27	(a) "specified" means specified in the Correction Regulation; and
	28	(b) a person does not transmit a DECLARATION in Nigeria merely
	29	by doing any act for the purpose of, or that is incidental to, the provision of-
	30	(i) an internet intermediary service;

1 (ii) a teletransmission service;

2 (iii) a service of giving the public access to the internet; or

3 (iv) a computing resource service.

4 **8.-(1)** A Stop Transmission Regulation is one issued to a person Stop Transmission
Regulation
5 who transmitted the subject DECLARATION in Nigeria, requiring the
6 person to stop transmitting in Nigeria the subject DECLARATION by the
7 specified time.

8 (2) A Stop Transmission Regulation may also require the person to
9 whom it is.

10 (3) issued to stop transmitting any DECLARATION that is
11 substantially similar to the subject DECLARATION.

12 (4) A Stop Transmission Regulation may also require the person to
13 whom it is issued to do one or both of the following:

14 (a) to transmit in Nigeria a correction notice in the specified form
15 and manner, to a specified person or description of persons (if any), and
16 by the specified time;

17 (b) to publish a correction notice in the specified manner in a
18 specified newspaper or other printed publication of Nigeria.

19 (5) A person who transmitted a false DECLARATION of fact in
20 Nigeria may be issued a Stop Transmission Regulation even if the person
21 does not know or has no reason to believe that the DECLARATION is false.

22 (5) In this Clause-

23 (a) "specified" means specified in the Stop Transmission
24 Regulation;

25 (b) "stop transmitting", in relation to a DECLARATION, means
26 taking the necessary steps to ensure that the DECLARATION is no longer
27 available on or through the internet to end users in Nigeria, including (if
28 necessary) the removal of the DECLARATION from an online location; and

29 (c) a person does not transmit a DECLARATION in Nigeria
30 merely by doing any act for the purpose of, or that is incidental to, the

	1	provision of-
	2	(i) an internet intermediary service;
	3	(ii) a teletransmission service;
	4	(iii) a service of giving the public access to the internet; or
	5	(iv) a computing resource service.
Provisions applicable to all Part 3 Regulation	6	9.-(1) A Part 3 Regulation may be issued to a person whether the
	7	person is in or outside Nigeria.
	8	(2) A Part 3 Regulation may require the person to whom it is issued to
	9	do an Act in or outside Nigeria.
	10	(3) A Part 3 Regulation must identify the subject DECLARATION in
	11	sufficient detail.
	12	(4) A Part 3 Regulation must comply with such form, manner and
	13	other as may be prescribed (if any), and for this purpose different requirements
	14	may be prescribed for-
	15	(a) different Regulation;
	16	(b) different parts of a Regulation;
	17	(c) different persons or descriptions of persons to whom a Regulation
	18	is to be issued; and
	19	(d) different circumstances under which a Regulation is to be issued.
	20	(5) A Part 3 Regulation remains in effect until the date it expires (if
	21	any), or it is set aside under Clause 15 or cancelled under Clause 17.
	22	(6) A person issued a Part 3 Regulation is responsible for the costs of
	23	complying with the Regulation.
Service of Part 3 Regulation	24	10. A Part 3 Regulation may be served by such means (including
	25	electronic means) as may be prescribed-
	26	(a) on the person to whom it is issued; or
	27	(b) on a person in Nigeria that the person to whom the Part 3
	28	Regulation is issued has appointed to accept service on the person's behalf.
Non-compliance with Part 3 Regulation an offence	29	11.-(1) A person to whom a Part 3 Regulation is issued and served and
	30	who, without reasonable excuse, fails to comply with the Regulation whether

1 in or outside Nigeria, shall be guilty of an offence and shall be liable on
2 conviction-

3 (a) in the case of an individual, to a fine not exceeding N200,000 or
4 to imprisonment for a term not exceeding 12 months or to both; or

5 (b) in any other case, to a fine not exceeding N5Million.

6 (2) It is not a defence to a charge under sub Clause (1) that:

7 (a) the person is subject to a duty under any written law, any rule of
8 law, any contract or any rule of professional conduct, that prevents the
9 person from complying with any part of a Part 3 Regulation or restricts the
10 person in such compliance; or

11 (b) The person has applied under Clause 19 to vary or cancel the
12 Part 3 Regulation or has appealed to the High Court against the Regulation.

13 (2) No civil or criminal liability is incurred by the person or an
14 officer, employee or agent of the person, for doing or omitting to do any act,
15 if the act is done or omitted to be done with reasonable care and in good faith
16 and for the purpose of complying with or giving effect to the Part 3
17 Regulation.

18 **12.-(1)** This Clause applies where-

Access Blocking
Order

19 (a) a person fails to comply with a Part 3 Regulation;

20 (b) the subject DECLARATION is being transmitted in Nigeria by
21 the person \on an online location; and

22 (c) the Law Enforcement Department is satisfied that one or more
23 end users in Nigeria have used or are using the services of an internet access
24 service provider to access that online location.

25 (3) The Law Enforcement Department may direct the NCC to order
26 the internet access service provider to take reasonable steps to disable access
27 by end users in Nigeria to the online location (called in this Clause an access
28 blocking order), and the NCC must give the internet access service provider
29 an access blocking order.

30 (4) An internet access service provider that does not comply with

1 any access blocking order shall be guilty of an offence and shall be liable on
2 conviction to a fine not exceeding N10Million for each day during any part of
3 which that order is not fully complied with, up to a total of N5 Million .

4 (5) No civil or criminal liability is incurred by an internet access
5 service Provider or an officer, employee or agent of such provider, for anything
6 done or omitted to be done with reasonable care and in good faith in complying
7 with any access blocking order.

Appeals to the
High Court

8 **13.**-(1) A person to whom a Part 3 Regulation is issued may appeal to
9 the High Court against the Regulation.

10 (2) No appeal may be made to the High Court by any person unless
11 the person has first applied to the Law Enforcement Department to vary or
12 cancel the Part 3 Regulation and the Law Enforcement Department refused the
13 application whether in whole or in part.

14 (3) An appeal may only be made to the High Court within such period
15 as may be prescribed by Rules of Court.

16 (4) The High Court must hear and determine any such appeal and may
17 either confirm the Part 3 Regulation or set it aside.

18 (5) The High Court may only set aside a Part 3 Regulation on any of
19 the following grounds on an appeal:

20 (a) the person did not transmit in Nigeria the subject
21 DECLARATION;

22 (b) the subject DECLARATION is not a DECLARATION of fact, or
23 is a true DECLARATION of fact;

24 (c) it is not technically possible to comply with the Regulation.

25 (6) A Part 3 Regulation that is the subject of an appeal under sub
26 Clause (1) remains in effect despite the appeal, and only ceases to have effect if
27 it is set aside by the High Court or the Court of Appeal on appeal from the High
28 Court, or if it expires or is cancelled by the Law Enforcement Department.

29 (7) In spite of sub Clause (6), if the appellant establishes a prima facie
30 case that it is technically impossible to comply with the Part 3 Regulation, the

1 High Court may direct that the Regulation be stayed pending determination
2 of the appeal.

3 (8) Rules of Court may provide for the manner in which and the
4 time within which an appeal under sub Clause (1) may be made and the
5 procedure for an application to stay a Part 3 Regulation appealed against.

6 **14.** The issue of a Part 3 Regulation in relation to the subject
7 DECLARATION does not affect any power or right of any person
8 (including a Law Enforcement Department or any party interested) to take
9 any action under this Act or any other law in relation to that
10 DECLARATION, or the power of the Public Prosecutor to initiate
11 proceedings for an offence under this Act or any other law in relation to that
12 DECLARATION.

Other causes of
action not affected

13 **15.-(1)** The Law Enforcement Department may vary or cancel the
14 Part 3 Regulation, by serving a written notice on the person to whom the
15 Regulation is issued.

Variation or
cancellation of
Part 3 Regulation

16 (2) The Law Enforcement Department may vary or cancel the Part
17 3 Regulation under sub Clause (1)-

18 (a) on the Law Enforcement Department's own initiative provided
19 there is overwhelming sufficing evidence necessitating this variation or
20 cancellation;

21 (b) on an application by the person to whom the Regulation is
22 issued.

23 (3) A Part 3 Regulation remains in effect despite any application
24 made to the Law Enforcement Department for its variation or cancellation.

25 (4) Clauses 14 to 17 apply in relation to a Part 3 Regulation that is
26 varied under this Clause as they apply in relation to the original Part 3
27 Regulation.

28 (5) Clause 14 applies in relation to a notice cancelling a Part 3
29 Regulation under this Clause as it applies in relation to the original Part 3
30 Regulation.

	1	PART 4 - REGULATION FOR INTERNET INTERMEDIARIES AND PROVIDERS
	2	OF MASS MEDIA SERVICES
Conditions for issue of Part 4 Regulation	3	16.-(1) Any Law Enforcement Department may issue a Part 4
	4	Regulation if all of the following conditions are satisfied:
	5	(a) material (called in this Part the subject material) that contains or
	6	consists of a false DECLARATION of fact (called in this Part the subject
	7	DECLARATION) has been or is being transmitted in Nigeria;
	8	(b) the Law Enforcement Department is of the opinion that it is in
	9	public interest to issue the Regulation.
	10	(6) Any Law Enforcement Department may instruct the Competent
	11	Authority to issue a Part 4 Regulation in relation to the subject material even if
	12	it has been amended or has ceased to be transmitted in Nigeria.
Targeted Correction Regulation	13	17.-(1) A Targeted Correction Regulation is one issued to the internet
	14	intermediary that provided the internet intermediary service by means of which
	15	the subject material has been or is being transmitted in Nigeria, requiring it to
	16	transmit by means of that service to all end users in Nigeria who access the
	17	subject material by means of that service at any time after a specified time, a
	18	notice (called in this Part a correction notice) that contains one or both of the
	19	following:
	20	(a) a DECLARATION, in such terms as may be specified, that the
	21	subject DECLARATION is false, or that the subject material contains or
	22	consists of a false DECLARATION of fact;
	23	(b) a specified DECLARATION of fact, or a reference to a specified
	24	location where the specified DECLARATION of fact may be found, or both.
	25	(2) Where the internet intermediary mentioned in sub Clause (1) is a
	26	prescribed internet intermediary, the Targeted Correction Regulation may also
	27	require the internet intermediary to do one or more of the following:
	28	(a) transmit the correction notice by means of the internet
	29	intermediary service to all end users in Nigeria who access identical copies of

1 the subject material by means of that service at any time after the specified
2 time;

3 (b) transmit the correction notice by any means and by a specified
4 time, to all end users in Nigeria that it knows had accessed the subject
5 material or identical copies of the subject material (or both) by means of that
6 service at any time before the specified time mentioned in sub Clause (1);

7 (c) if the internet intermediary disables access by end users in
8 Nigeria to the subject material at any time after the Regulation is issued and
9 before it expires or is set aside or cancelled,
10 transmit the correction notice by means of the internet intermediary service
11 to a specified description of end users in Nigeria.

12 (3) In this Clause-

13 (a) "specified" means specified in the Targeted Correction
14 Regulation; and

15 (b) an end user who accesses a part of any material is taken to
16 access the material.

17 **18.-(1)** A Disabling Regulation is one issued to the internet
18 intermediary that provided the internet intermediary service by means of
19 which the subject material has been or is being transmitted in Nigeria,
20 requiring it to disable access by end users in Nigeria to the subject material
21 provided on or through the service that consists of or contains the subject
22 DECLARATION, by the specified time.

Disabling
Regulation

23 (2) Where the internet intermediary mentioned in sub Clause (1) is
24 a Prescribed internet intermediary, the Disabling Regulation may also
25 require the internet intermediary to do one or both of the following:

26 (a) to disable access by end users of the service in Nigeria to
27 identical copies of the subject material provided on or through the internet
28 intermediary service;

29 (b) to transmit a correction notice by any means to a specified
30 description of end users in Nigeria.

1 (3) Once a Disabling Regulation has been issued, the Law
2 Enforcement Department must publish a notice of that fact in the Gazette as
3 soon as possible.

4 (4) However, a failure to publish the notice of the issue of the
5 Disabling (6) Regulation in the Gazette does not invalidate the
6 Regulation.

7 (5) In this Clause-

8 (a) "specified" means specified in the Disabling Regulation; and

9 (b) an end user who accesses a part of any material is taken to access
10 the material.

General
Correction
Regulation

11 **19.**-(1) A General Correction Regulation is one issued to one of the
12 following persons to carry out an act mentioned in sub Clause (2):

13 (a) a prescribed internet intermediary;

14 (b) such other person as may be prescribed.

15 (2) The act mentioned in sub Clause (1) is-

16 (a) if the Regulation is issued to a person mentioned in sub Clause
17 (1)(a), to transmit a correction notice in Nigeria by means of the internet
18 intermediary service provided by it, to all end users who use that service at any
19 time after the specified time, or a specified description of such end users;

20 (b) if the Regulation is issued to a person mentioned in sub Clause
21 (1)(b), to give a correction notice to a specified person or description of
22 persons, by the specified means and by the specified time.

23 (2) In this Clause, "specified" means specified in the General
24 Regulation.

Provision
applicable to all
Part 4 Regulations
and Remedial
Orders

25 **20.**-(1) A Part 4 Regulation or Remedial Order may be issued to a
26 person whether the person is in or outside Nigeria.

27 (2) A Part 4 Regulation or Remedial Order may require a person to
28 whom it is issued to do an act in or outside Nigeria.

29 (3) A Part 4 Regulation must identify in sufficient detail the subject
30 material and the subject DECLARATION.

1 (4) A Part 4 Regulation or Remedial Order remains in effect until
2 the date it expires (if any), it is set aside or it is cancelled.

3 (5) A person who is issued a Part 4 Regulation or Remedial Order is
4 responsible for the costs of complying with the Regulation.

5 (6) A person (A) to whom a General Correction Regulation is
6 issued may bring civil proceedings in the High Court against a person (B)
7 who is the author of the subject DECLARATION and who transmitted in
8 Nigeria the subject material, to recover the costs reasonably incurred by A to
9 comply with the Regulation.

10 (7) In such proceedings, the Court, if it is satisfied on a balance of
11 probabilities that B has contravened this law when transmitting the subject
12 material in Nigeria, may award to A such damages for those costs as the
13 court, having regard to all the circumstances of the case, deem just and
14 equitable.

15 **21.** A Part 4 Regulation or Remedial Order may be served by such
16 means (including electronic means) as may be prescribed-

Service of Part
4 Regulation and
Remedial Orders

17 (a) on the person to whom it is issued; or

18 (b) on a person in Nigeria that the person to whom the Part 4
19 Regulation or Remedial Order is issued has appointed to accept service on
20 the person's behalf.

21 **22.-(1)** A person to whom a Part 4 Regulation or Remedial Order is
22 issued and served and who, without reasonable excuse, fails to comply with
23 the Regulation or Order whether in or outside Nigeria, shall be guilty of an
24 offence and shall be liable on conviction-

Non--compliance
with Part 4
Regulation or
Remedial Order
an offence

25 (a) in the case of an individual, to a fine not exceeding N300,000 or
26 to imprisonment for a term not exceeding 12 months or to both; or

27 (b) in any other case, to a fine not exceeding N5Million, and, in the
28 case of a continuing offence, to a further fine not exceeding N10 Million for
29 every day or part of a day during which the offence continues after

30 (2) It is not a defence to a charge under sub Clause (1) that-

1 (a) the person is subject to a duty under any written law, any rule of
2 law, any contract or any rule of professional conduct, that prevents the person
3 from complying with any part of a Part 4 Regulation or Remedial Order or
4 restricts the person in such compliance; or

5 (b) the person has applied to vary or cancel the Regulation or Order or
6 has appealed to the High Court against the Regulation.

7 (3) No civil or criminal liability is incurred by a person or an officer,
8 employee or agent of the person, for doing or omitting to do any act, if the act is
9 done or omitted to be done with reasonable care and in good faith and for the
10 purpose of complying with or giving effect to the Part 4 Regulation or
11 Remedial Order.

12 (4) In determining whether a person charged with an offence under
13 sub Clause (1) has a reasonable excuse for failing to comply with a Part
14 4Regulation or Remedial Order, the court must consider-

15 (a) the state of the art available to give effect to the Regulation or
16 Order;

17 (b) the cost of complying with the Regulation or Order relative to the
18 means available to the person; and

19 © any other relevant factor.

Access locking
Order

20 **23.-(1)** this clause applies where-

21 (a) a person that is an internet intermediary fails to comply with a Part
22 4 Regulation or Remedial Order;

23 (b) the subject material is being transmitted in Nigeria on an online
24 location; and

25 (c) the Law Enforcement Department is satisfied that one or more end
26 users in Nigeria have used or are using the services of an internet access service
27 provider to access that online location.

28 (2) Law Enforcement Department may direct the NCC to order the
29 internet access service provider to take reasonable steps to disable access by
30 end users in Nigeria to the online location called in this Clause an access

1 blocking order), and the NCC must give the internet access service provider
2 an access blocking order.

(3).An internet access service provider that does not comply with an access blocking order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N1 Million for each day during any part of which that order is not fully complied with, up to a total of N10 Million.

(4) No civil or criminal liability is incurred by an internet access service provider or an officer, employee or agent of such provider, for anything done or omitted to be done with reasonable care and in good faith in complying with any access blocking order.

11 **24.**-(1) The following persons may appeal to the High Court Appeals to High
12 against any Part 4 Regulation: Court

13 (a) the person to whom the Regulation is issued;

14 (b) a person who transmitted in Nigeria the subject material.

(2) No appeal may be made to the High Court by any person unless the person has first applied to the Law Enforcement Department to vary or cancel the Part 4 Regulations either in whole or in part.

(3) An appeal may only be made to the High Court within such period as may be prescribed by Rules of Court.

(4) The High Court must hear and determine any such appeal and may either confirm the Part 4 Regulation or set it aside.

(5) The High Court may only set aside a Part 4 Regulation on any of the following grounds on an appeal by the person to whom the Regulation is issued:

(a) in the case of a Targeted Correction Regulation or a Disabling Regulation, the subject material was not transmitted in Nigeria, or was not transmitted in Nigeria by means of any internet intermediary service provided by the person;

29 (b) the subject DECLARATION is not a DECLARATION of fact,
30 or is a true DECLARATION of fact:

1 (c) it is not technically possible to comply with the Regulation.

2 (6) The High Court may only set aside a Part 4 Regulation on an
3 appeal by a person who transmitted in Nigeria the subject material, on the
4 ground that the subject DECLARATION is not a DECLARATION of fact, or is
5 a true of fact.

6 (7)A Part 4 Regulation that is the subject of an appeal under sub
7 Clause (1) remains in effect despite the appeal, and only ceases to have effect if
8 it is set Side by the High Court or the Court of Appeal on appeal from the High
9 Court, or if it expires or is cancelled.

10 (8)If the appellant (being the person to whom the Part 4 Regulation is
11 issued) establishes a prima facie case that it is technically impossible to comply
12 with the Part 4 Regulation, the High Court may direct that the Regulation be
13 stayed pending determination of the appeal.

14 (9)There is such further right of appeal from a decision of the High
15 Court under this Clause as exists in the case of a decision made by that Court in
16 the exercise of its original civil jurisdiction.

17 (10) Rules of Court may provide for the manner in which and the time
18 within which an appeal under sub Clause (1) may be made and the procedure
19 for an application to stay a Part 4 Regulation appealed against.

Other causes of
action not affected

20 **25.** The issue of a Part 4 Regulation or Remedial Order in relation to
21 any material does not affect any power or right of any person (including a Law
22 Enforcement Department or any Party Interested) to take any action under this
23 Act or any other law in relation to the subject DECLARATION, or the power of
24 the Public Prosecutor to initiate Proceedings for an offence under this Act or
25 any other law In relation to that DECLARATION.

Variation or
cancellation of
Part 4 Regulation
or Remedial
Order

26 **26.-(1)** The Law Enforcement Department may at any time vary or
27 cancel the Part 4 Regulation or Remedial Order, by serving a written notice on
28 the Person to whom the Regulation or Order is issued.

29 (2) The Law Enforcement Department may vary or cancel the
30 Regulation or Order under sub Clause (1)-

1 (a) on the Law Enforcement Department's own initiative provided
 2 there is a prima facie reason necessitating this variation or cancellation ; or
 3 (b) on an application by-
 4 (i) the person to whom the Regulation or Order is issued; or
 5 (ii) a person who transmitted in Nigeria the subject material.
 6 (3) A Part 4 Regulation or Remedial Order remains in effect despite
 7 any application made to the Law Enforcement Department for its variation
 8 or cancellation.

9 **PART 5 - DECLARATION OF ONLINE LOCATIONS**

10 **27.-(1)** The Law Enforcement Department may declare an online Declared Online
 11 location as DECLARED online location if all of the following conditions Locations
 12 are satisfied:

13 (a) 3 or more different DECLARATIONs that are the subject of one
 14 or more active Part 3 regulation or Part 4 regulation, or both, have been or are
 15 being transmitted in Nigeria on the online location;

16 (b) at least 3 of those DECLARATIONs had first been transmitted
 17 in Nigeria on the online location within 6 months before the date the
 18 DECLARATION is made.

19 (2) For the purpose of sub Clause (1)(a), a DECLARATION is
 20 different from another if it is different in a material particular from that other
 21 DECLARATION.

22 (3) A DECLARATION-

23 (a) must contain the Universal Resource Locator (URL), domain
 24 name, or any other unique identifier of the online location;

25 (b) must reproduce the relevant regulation;

26 (c) must state the date the DECLARATION comes into effect;

27 (d) must state the date of the DECLARATION's expiry or a
 28 formula by which that date may be worked out, which must not be later than
 29 2 years after the date in paragraph (c);

30 (e) may state the time on that date the DECLARATION is to expire

1 or a formula by which that time may be worked out;

2 (f) may require the owner or operator of the online location
3 DECLARATION (whether or not he or she is in or outside Nigeria) to transmit
4 in the specified manner in Nigeria to end user who accesses the online location,
5 a notice in the specified terms that the online location is the subject of a
6 DECLARATION; and

7 (g) must contain such other particulars as may be prescribed.

8 (4) A DECLARATION expires-

9 (a) on the date and at the time (if any) DECLARED in, or worked out
10 in accordance with, the; or

11 (b) on the date it is cancelled or set aside, whichever is earlier.

12 (4) As soon as possible after a DECLARATION is made and before
13 the date it comes into effect, the Law Enforcement Department must-

14 (a) publish, in such form and manner as may be prescribed, a notice in
15 the Gazette-

16 (i) stating that a DECLARATION has been issued under this Clause;

17 and

18 (ii) setting out the URL, domain name, or any other unique identifier
19 of the online location, to which the DECLARATION relates; and

20 (b) make reasonable efforts to give a copy of the DECLARATION to
21 the owner or operator of the DECLARED online location.

22 (6) The owner or operator of a DECLARED online location who fails
23 to comply with any requirement mentioned in sub Clause (3)(f) whether in or
24 outside Nigeria, shall be guilty of an offence and shall be liable on conviction-

25 (a) in the case of an individual, to a fine not exceeding N500,000 or to
26 imprisonment for a term not exceeding 3 years or to both; or

27 (b) in any other case, to a fine not exceeding N5 Million.

28 (7) It is a defence to a charge under sub Clause (6) for the accused to
29 prove that the accused did not know and had no reason to believe that a
30 DECLARATION was made in relation to the online location.

1 (8) The Law Enforcement Department may at any time suspend a
2 DECLARATION for such period as the Law Enforcement Department may
3 determine, or vary or cancel a DECLARATION.

4 (9) The Law Enforcement Department may suspend, vary or
5 cancel a DECLARATION-

6 (a) on the Law Enforcement Department's own initiative; or

7 (b) on an application by-

8 (i) the owner or operator of the DECLARED online location; or

9 (ii) any person with editorial control over the online location.

10 (10) As soon as possible after a DECLARATION is suspended,
11 varied or cancelled, the Competent Authority must-

12 (a) publish, in such form and manner as may be prescribed, a notice
13 of the suspension, variation or cancellation in the Gazette; and

14 (b) make reasonable efforts to give a copy of such notice to the
15 owner or operator of the DECLARED online location.

16 (11) For the purposes of sub Clause (1)-

17 (a) "active", in relation to a Part 3 Regulation or Part 4 Regulation,
18 means that the Part 3 Regulation or Part 4 Regulation (as the case may be)
19 has not been set aside at the time the DECLARATION mentioned in sub
20 Clause (1) is made;

21 (b) where a DECLARATION of fact is transmitted in Nigeria on-

22 (i) an online location bearing a sub domain name that is part of a
23 domain name; or

24 (ii) a sub directory of a website,
25 the Law Enforcement Department may treat the DECLARATION as
26 transmitted on the online location that bears that domain name, or on that
27 website, as the case may be; and

28 (c) where the DECLARATIONs mentioned in sub Clause (1) are
29 duplicated on another online location (called in this paragraph the mirrored
30 location), each mirrored location is to be regarded as part of the original

1 online location.

Access Blocking 2 **28.-(1)** This Clause applies where-
Order

3 (a) paid content included on a DECLARED online location is
4 transmit in Nigeria after a prescribed period starting on the date the
5 DECLARATION concerned came into effect; and

6 (b) the Law Enforcement Department is satisfied that after the date
7 the DECLARATION came into effect, one or more end users in Nigeria have
8 used or are using the services of an internet access service provider to access
9 the DECLARED online location.

10 (2) This Clause also applies where-

11 (a) the owner or operator of a DECLARED online location did not
12 comply with a requirement mentioned in Clause 27(3)(f) that is specified in the
13 DECLARATION concerned; and

14 (b) the Law Enforcement Department is satisfied that after the date
15 the DECLARATION came into effect, one or more end users in Nigeria have
16 used or are using the services of an internet access service provider to access
17 the DECLARED online location.

18 (3) The Law Enforcement Department may direct the NCC to order
19 the internet access service provider to take reasonable steps to disable access
20 by end users in Nigeria to the DECLARED online location (called in this
21 Clause an access blocking order), and the NCC must give the internet access
22 service provider an access blocking order.

23 (4) An internet access service provider that fails to comply with an
24 access blocking order shall be guilty of an offence and shall be liable on
25 conviction to a fine not exceeding Million for each day during any part of
26 which that order is not fully complied with, up to a total of N10 Million .

27 (4) No civil or criminal liability is incurred by an internet access
28 service provider or an officer, employee or agent of such provider, for
29 anything done or omitted to be done with reasonable care and in good faith in
30 complying with an access blocking order.

- 1 **29.-(1)** This Clause applies where-
 - 2 (a) paid content included on a DECLARED online location is
3 transmitted in Nigeria after a prescribed period starting on the date the
4 DECLARATION concerned came into effect;
5 (b) the Law Enforcement Department is satisfied that after the date
6 the DECLARATION came into effect, one or more end users in Nigeria
7 have used or are using the services of an internet intermediary to access the
8 DECLARED online location; and
9 (c) the internet intermediary has control over access by end users in
10 any place to the DECLARED online location.
 - 11 **(2)** This Clause also applies where:
 - 12 (a) the owner or operator of a DECLARED online location did not
13 comply with a requirement that is specified in the DECLARATION
14 concerned;
15 (b) the Law Enforcement Department is satisfied that after the date
16 the DECLARATION came into effect, one or more end users in Nigeria
17 have used or are using the services of an internet intermediary to access the
18 DECLARED online location; and
19 (c) the internet intermediary has control over access by end users
20 in any place to the DECLARED online location.
 - 21 **(4)** The Law Enforcement Department may direct the Competent
22 Authority to order the internet intermediary to disable access by end users in
23 Nigeria to the DECLARED online location, and the Competent Authority
24 must give the internet intermediary such order.
 - 25 **(5)** An order of the Competent Authority under sub Clause (3) may
26 be issued to a person whether the person is in or outside Nigeria, and may
27 require the person to do an act in or outside Nigeria.
 - 28 **(6)** An internet intermediary that fails to comply with an order of
29 the Competent Authority under sub Clause (3) whether in or outside Nigeria,
30 shall be guilty of an offence and shall be liable on conviction to a fine not

Order to internet
intermediary to
disable access
to declared online
location

Appeals to
High Court

1 exceeding N1 Million for each day during any part of which that order is not
2 fully complied with, up to a total of N10 Million.

3 (7) No civil or criminal liability is incurred by an internet
4 intermediary or an officer, employee or agent of such intermediary, for
5 anything done or omitted to be done with reasonable care and in good faith in
6 complying with an order under sub Clause (3).

7 **30.-(1)** The following persons may appeal to the high court against a
8 DECLARATION:

9 (a) the owner or operator of the DECLARED online location; (b) any
10 person with editorial control over the online location.

11 (2) No appeal may be made to the High Court by any person unless
12 the person has first applied to the Law Enforcement Department to vary or
13 cancel the DECLARATION and the Law Enforcement Department refused the
14 application whether in whole or in part.

15 (3) An appeal may only be made to the High Court within such
16 period as may be prescribed by Rules of Court.

17 (5) the high court must hear and determine any such appeal and may
18 either confirm the DECLARATION or set it aside.

19 (6) the high court may only set aside a DECLARATION on the
20 ground that, at the time of making the DECLARATION, the condition
21 specified was not satisfied.

22 (7) A DECLARATION that is the subject of an appeal remains in
23 effect despite the appeal, and only ceases to have effect if it is set aside by the
24 High Court or the Court of Appeal on appeal from the High Court, or if it
25 expires or is cancelled.

26 (8) There is such further right of appeal from a decision of the High
27 Court under this Clause as exists in the case of a decision made by that Court in
28 the exercise of its original civil jurisdiction.

29 (9) Rules of Court may provide for the manner in which and the time
30 within which an appeal under sub Clause (1) may be made.

- 1 **31.**-(1) A person who, whether in or outside Nigeria, solicits, Deriving benefit
from operating
Declared Online
Location
2 receives or agrees to receive any financial or other material benefit as an
3 inducement or reward for operating a DECLARED online location shall be
4 guilty of an offence and shall be liable on conviction:
5 (a) in the case of an individual, to a fine not exceeding N300,000 or
6 to imprisonment for a term not exceeding 3 years or to both; or
7 (b) In any other case, to a fine not exceeding N5 Million.
8 (2) Without limiting the generality of the expression, a person
9 receives financial or other material benefit as an inducement or reward for
10 the operation of an online location if the person receives from another:
11 (a) any consideration for the sale of advertising space on the online
12 location; or
13 (b) any consideration for access to any part of the online location.
14 (3) Where a court convicts any person of an offence under sub
15 Clause (1), the court must, in addition to imposing on that person the
16 punishment in that sub Clause, order the person to pay as a penalty, within
17 the time specified by the court, a sum equal to the amount of any financial or
18 other material benefit received or the amount that in the court's opinion is the
19 value of that financial or other material benefit, and any such penalty is
20 recoverable as a fine.
21 (4) Sub Clause (3) does not apply if the court determines that the
22 value of the financial or other material benefit cannot be assessed.
23 (5) In this Clause, a person is not taken to operate an online location
24 if the person does so merely as part of providing an internet intermediary
25 service or incidentally to such provision.
26 **32.**-(1) A service provider must take reasonable steps (both in and Certain persons
must not transmit
in Nigeria paid
content on Declared
Online Locations,
etc.
27 Outside Nigeria) to ensure that after a prescribed period starting on the date
28 the DECLARATION comes into effect, any paid content that it include or
29 causes to be included on a DECLARED online location is not transmitted in
30 Nigeria on the DECLARED online location.

1 (2) A digital advertising intermediary must take reasonable steps
2 (both in and outside Nigeria) to ensure that, after a prescribed period starting on
3 the date the DECLARATION comes into effect, any paid content that it
4 includes or causes to be included on a DECLARED online location is not
5 transmitted in Nigeria on the DECLARED online location.

6 (3) A prescribed digital advertising intermediary or prescribed
7 internet intermediary must take reasonable steps (both in and outside Nigeria)
8 to ensure that, after a prescribed period starting on the date the
9 DECLARATION comes into effect, it does not, when acting as a digital
10 advertising intermediary or an internet intermediary, facilitate the transmission
11 in Nigeria of any paid content that gives publicity to, or otherwise promotes, a
12 DECLARED online location.

13 (4) A person who contravenes sub Clause (1), (2) or (3) shall be guilty
14 of an offence and shall be liable on conviction:

15 (a) in the case of an individual, to a fine not exceeding N200,000 or to
16 imprisonment for a term not exceeding 12 months or to both; or

17 (b) in any other case, to a fine not exceeding N5 Million

18 (5) In any proceeding for an offence under sub Clause (1), (2) or (3), it
19 is a defence for the accused to prove that the accused did not know and had no
20 reason to believe that the online location was a DECLARED online location.

21 (6) In any proceeding for an offence under sub Clause (1), (2) or (3), it
22 is; not a defense for the accused to show that:

23 (a) the accused did the act in question at the Regulation of another
24 person; or

25 (b) the paid content was transmitted in Nigeria by its inclusion on any
26 online location through an automatic process without the accused choosing
27 where the paid content is transmitted, except as an automatic response to the
28 request of a person.

Prohibition on
providing financial
support to Declared
Online Locations

29 **33.-(1)** A person must not, whether in or outside Nigeria, expend or
30 apply any property knowing or having reason to believe that the expenditure or

1 application supports, helps or promotes the transmission of false declaration
2 of fact in Nigeria on a Declared Online Location.

3 (2) Sub Clause (1) does not apply to a service provider or a digital
4 advertising intermediary which gives any consideration for the purpose of
5 transmitting any paid content in Nigeria on the declared online location.

6 (3) A person who contravenes sub Clause (1) shall be guilty of an
7 offence and shall be liable on conviction:

8 (a) in the case of an individual, to a fine not exceeding N300,000 or
9 to imprisonment for a term not exceeding 3 years or to both; or

10 (b) in any other case, to a fine not exceeding N10 Million

11 (4) In this Clause, "property" means money and all other property,
12 movable or immovable, including things in action and other intangible or
13 incorporeal property.

14 **34.** The Law Enforcement Department may make Regulation Regulation
15 necessary or convenient to be prescribed for carrying out or giving effect to
16 this Act.

17 **35.** In this Act, unless the context otherwise requires- Interpretation

18 "Law Enforcement Department" means a The Nigeria Police Force;

19 "bot" means a computer program made or altered for the purpose of running
20 automated tasks;

21 "computing resource service" means a service that provides the use of any
22 computer hardware or software to enhance the processing capability or
23 storage capacity of a computer;

24 "coordinated inauthentic behaviour" means any coordinated activity carried
25 out using 2 or more online accounts, in order to mislead end users in Nigeria
26 of any internet intermediary service as to any matter, but excludes any
27 activity carried out using online accounts-

28 (a) that are controlled by the same person; and

29 (b) none of which is an inauthentic online account or is controlled
30 by a bot;

1 Correction Regulation" means a Regulation issued under Clause 7;
2 "DECLARATION" means a DECLARATION made under Clause 27;
3 "DECLARED online location" means an online location that is the subject of a
4 DECLARATION that is in effect;
5 "digital advertising intermediary" means any person who, in the ordinary
6 course of business, facilitates the transmission of paid content in any place by
7 acting as the link or part of the link between-
8 (a) the owners or operators of online locations; and
9 (b) advertisers and service providers, by means of an internet based
10 service;

11 *Examples*

12 Examples of digital advertising intermediaries are persons who provide any of
13 the following by means of an internet based service:

14 (a) advertising exchange;

15 (b) demand side platform;

16 (c) supply side platform.

17 "Disabling Regulation" means a Regulation issued under Clause 18;

18 "General Correction Regulation" means a Regulation issued under Clause 19;

19 "NCC" means the Nigerian Communications Commission established by the
20 Nigerian Communications Commission Act 2003;

"inauthentic online account" means an online account that is controlled by a person other than the person represented (whether by its user profile, unique identifier or other information) as its holder, and the representation is made for the purpose of misleading end users in Nigeria of any internet intermediary service as to the holder's identity;

26 "internet intermediary" means a person who provides any internet
27 intermediary service;

28 "internet intermediary service" means-

29 (a) a service that allows end users to access materials originating from
30 third parties on or through the internet;

30 third parties on or through the internet;

1 (b) a service of transmitting such materials to end users on or
2 through the internet; or

3 (c) a service of displaying, to an end user who uses the service to
4 make an online search, an index of search results, each of which links that
5 end user to content hosted or stored at a location which is separate from the
6 location of the index of search results, but excludes any act done for the
7 purpose of, or that is incidental to, the provision of;

8 (d) a service of giving the public access to the internet; or

9 (e) a computing resource service;

10 *Examples*

11 Examples of internet intermediary services are-

12 (a) social networking services;

13 (b) search engine services;

14 (c) content aggregation services;

15 (d) internet based messaging services; and

16 (e) video sharing services.

17 "material" means anything that consists of or contains a DECLARATION;

18 *Examples*

19 Examples of a material are a message, a post, an article, a speech, a picture, a
20 video recording and a sound recording.

21 "MMS" means a system that enables the transmission, through a mobile
22 network, of multimedia messages;

23 "online account" means an account created with an internet intermediary for
24 the use of an internet intermediary service;

25 "online location" means any website, web page, chat room or forum, or any
26 other thing that is hosted on a computer;

27 "paid content" means any DECLARATION that is transmit in any place for
28 consideration;

29 "Part 3 Regulation" means a Correction Regulation or a Stop Transmission
30 Regulation;

1 "Part 4 Regulation" means a Targeted Correction Regulation, a Disabling
2 Regulation or a General Correction Regulation;
3 "prescribed digital advertising intermediary" means a digital advertising
4 intermediary, or a class of digital advertising intermediaries, prescribed by
5 Regulation made under Clause 62;
6 "prescribed internet intermediary" means an internet intermediary, or a class of
7 internet intermediaries;
8 "Remedial Order" means an order made under Clause 21;
9 "service provider" means any person (other than a digital advertising
10 intermediary) who, in the ordinary course of business, provides advisory or
11 other services relating to the transmission of paid content in any place;
12 "SMS" means a system that enables the transmission, through a mobile
13 network, of text messages;
14 "DECLARATION" means any word (including abbreviation and initial),
15 number, image (moving or otherwise), sound, symbol or other representation,
16 or a combination of any of these;
17 "Stop Transmission Regulation" means a Regulation issued under Clause 8;
18 "Targeted Correction Regulation" means a Regulation issued under Clause 17
19 "teletransmission service" means any transmission emission or reception of
20 signs, signal, writing, images, sounds or intelligence of any nature wire radio
21 visual or other electro- magnetic systems

22 (2) In this Act-

23 (a) a DECLARATION of fact is a DECLARATION which a
24 reasonable person seeing, hearing or otherwise perceiving it would consider to
25 be a representation of fact; and

26 (b) a DECLARATION is false if it is false or misleading, whether
27 wholly or in part, and whether on its own or in the context in which it appears.

28 (3) In this Act, a person has editorial control over an online location if
29 the person is able to decide one or both of the following:

30 (a) whether any DECLARATION may be included or excluded on the

1 online location;

2 (b) where to place any DECLARATION on the online location.

3 *Meaning of "transmit"*

4 3.-(1) In this Act other than in Part 2, a DECLARATION or
5 material is transmitted in Nigeria if it is made available to one or more end
6 users in Nigeria on or through the internet.

7 (2) In Part 2, a DECLARATION is transmitted in Nigeria if it is
8 made available to one or more end users in Nigeria on or through-

9 (a) the internet; or

10 (b) MMS or SMS.

11 (3) A reference in this Act to transmitting a DECLARATION or
12 material in Nigeria includes causing its transmission (within the meaning of
13 sub Clause (1) or (2), as the case may be) in Nigeria.

14 *Meaning of "Public Interest"*

15 4. For the purposes of this Act and without limiting the generality
16 of the expression, it is in the public interest to do anything if the doing of that
17 thing is necessary or expedient-

18 (a) in the interest of the security of Nigeria or any part of Nigeria;

19 (b) to protect public health or public finances, or to secure public
20 safety or public tranquility;

21 (c) in the interest of friendly relations of Nigeria with other
22 countries;

23 (d) to prevent any influence of the outcome of a general election to
24 any Office;

25 (e) to prevent incitement of feelings of enmity, hatred or ill will
26 between different groups of persons; or

27 (f) to prevent a diminution of public confidence in the performance
28 of any duty or function of, or in the exercise of any power by the
29 Government.

Short title 1 **36.** This Bill may be cited as the Protection from Internet Falsehoods,
 2 Manipulations and Other Related Matters Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to prevent Falsehoods and Manipulations in Internet transmission and correspondences in Nigeria. To suppress falsehoods and manipulations and counter the effects of such communications and transmissions and to sanction offenders with a view to encouraging and enhancing transparency by Social Media Platforms using the internet correspondences.

NATIONAL LAND DRAINAGE AND FLOOD CONTROL BILL, 2019

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A BILL

FOR

AN ACT TO ADDRESS ISSUES RELATING TO FLOOD AND LAND DRAINAGE
AND FOR RELATED MATTERS

Sponsored by Senator Muhammad Sani Musa

[] Commencement

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

PART 1 - AIMS, OBJECTIVES AND APPLICATION

- | | | |
|----|---|------------------------|
| 1 | 1.-(i) The development and implementation of a land drainage | Aims and
Objectives |
| 2 | master plan to address all issues relating to drainage with a view to resolving | |
| 3 | the menace of flood; | |
| 4 | (ii) Carry out an inventory and mapping of all the existing natural | |
| 5 | and manmade drainage infrastructure; | |
| 6 | (iii) coordinating the construction of drainage infrastructure by the | |
| 7 | local authorities, Federal Ministries of Environment, Water Resources, | |
| 8 | Humanitarian Affairs, Disaster Management and Social Development, | |
| 9 | Budget and National Planning, Works, Transportation, FERMA, NEMA, | |
| 10 | NESREA, Nigerian Hydrological Service Agency, NIWA and Departments | |
| 11 | and Agencies of Federal and State Governments of Nigeria overseeing | |
| 12 | Developmental Control and any other relevant stakeholder; | |
| 13 | (iv) Ensuring that there is a routine and periodic upgrading and | |
| 14 | maintenance of the drainage infrastructure; | |
| 15 | (v) Undertake a study based on a hydro-meteorological and | |
| 16 | hydrographic survey and produce and keep under review a flood risk map | |
| 17 | and a Nigerian Land Drainage Plan; | |
| 18 | (vi) Conduct and coordinate research and development on land | |
| 19 | drainage and watershed management and share all available information | |
| 20 | with all relevant stakeholders; | |

- 1 (vii) Identify, in collaboration with the local authorities, the Federal
2 Ministries of Environment, Water Resources, Humanitarian Affairs, Disaster
3 Management and Social Development, Budget and National Planning, Works,
4 Transportation, FERMA, NEMA, NESREA, Nigerian Hydrological Service
5 Agency, NIWA, Departments and Agencies of Federal and State Governments
6 of Nigeria overseeing Developmental Control and any other relevant
7 stakeholder, flood risk areas;
- 8 (viii) cause any works related to land drainage to be carried out by the
9 local authorities, the Federal Ministries of Federal Ministries of Environment,
10 Water Resources, Humanitarian Affairs, Disaster Management and Social
11 Development, Budget and National Planning, Works, Transportation,
12 FERMA, NEMA, NESREA, Nigeria Hydrological Service Agency, NIWA
13 and Departments and Agencies of Federal and State Governments of Nigeria
14 overseeing Developmental Control and any other relevant stakeholder;
- 15 (ix) cause to be carried out the upgrading and maintenance of the
16 drainage infrastructure by the local authorities, the FERMA, NEMA
17 NESREA, Nigeria Hydrological Service Agency, NIWA and any other
18 relevant stakeholder;
- 19 (x) prepare and implement land drainage schemes;
- 20 (xi) advise the Minister of Water Resources on the formulation and
21 management of land drainage policies and strategies;
- 22 (xii) advise and update the Ministers on any matter relating to land
23 drainage;
- 24 (xiii) such powers as may be necessary to implement and enforce the
25 aims and objectives most effectively and shall;
- 26 (xiv) with a view to preventing unauthorized activities; and
27 developments on drains, canals and other watercourses, or the illegal dumping
28 and discharge of effluents in drains, canals and other watercourses, issue
29 guidelines to relevant stakeholders;
- 30 (xv) where drainage infrastructure is not upgraded or maintained,

1 direct the relevant stakeholder to upgrade or maintain that infrastructure;
2 and

3 (xvi) take any other action deemed necessary in line with the
4 provisions of this Act.

5 2. The provisions of this Act shall apply throughout the Federal Application
6 Republic of Nigeria.

7 PART 2 - IMPLEMENTATION AND ENFORCEMENT OF THE ACT

8 3. The implementation and enforcement of the Aims and Implementation
9 Objectives of this Act shall be carried out by the Implementation and Enforcement
10 Committee. of the Act

11 PART 3 - IMPLEMENTATION AND ENFORCEMENT COMMITTEE

12 4. The Implementation and Enforcement Committee shall be the Implementation
13 coordinating body to administer implementation and enforcement of the and Enforcement
14 Aims and Objectives of this Act. Committee

15 PART 4 - COMPOSITION OF IMPLEMENTATION AND ENFORCEMENT
16 COMMITTEE

17 1.-(i) The Implementation and Enforcement Committee shall Composition ,
18 comprise of Chairperson not below the rank of Director in the Ministry of implementation
19 Environment to be appointed by the Minister of Environment; and enforcement
20 Committee

21 (ii) a representative of the Ministry responsible for the subject of
22 Water Resources;

23 (iii) a representative of the Ministry responsible for the subject of
24 Humanitarian Affairs, Disaster Management and Social Development;

25 (iv) a representative of the Federal Ministry responsible for the
26 subject of Budget and National Planning;

27 (v) a representative of the Ministry responsible for the subject of
28 Works;

29 (vi) a representative of the Ministry responsible for the subject of
30 Transportation;

(vii) a representative of the Ministry responsible for the subject of

- 1 housing and lands;
- 2 (viii) a representative of the Ministry responsible for the subject of
- 3 Local Government;
- 4 (ix) a representative of the Ministry responsible for the subject of
- 5 Public Utilities;
- 6 (x) a representative of the FERMA;
- 7 (xi) a representative of the Commissioner of Police, not below the
- 8 rank of Superintendent;
- 9 (xii) a representative of the NEMA;
- 10 (xiii) a representative of the NESREA;
- 11 (xiv) a representative of the Nigerian Hydrological Service Agency;
- 12 (xv) a representative of NIWA; and
- 13 (xvi) 3 persons, other than public officers or employees of a Statutory
- 14 Corporation, having wide experience in the field of Land Drainage or
- 15 administrative matters, to be appointed by the Minister of Environment;
- 16 (2) No person who has any interest in any civil engineering
- 17 undertaking or consultancy shall be appointed as member.
- 18 (3) Any member who acquires an interest in any civil engineering
- 19 undertaking or consultancy shall resign from the Committee.
- 20 (4) The Committee may, with the approval of the Minister, co-opt any
- 21 person who may be of assistance in relation to any matter before the
- 22 Committee.
- 23 (5) A co-opted member shall not have the right to vote at any meeting
- 24 of the Committee.
- 25 (6) Every member shall be paid such allowance as the Minister may,
- 26 with the approval of the Minister to whom responsibility for the subject of
- 27 finance is assigned, determine.

Powers and duties
of the
Implementation
and Enforcement
Committee

28 PART 5 - POWERS AND DUTIES OF THE IMPLEMENTATION AND

29 ENFORCEMENT COMMITTEE

- 30 (i) The development and implementation of a land drainage master

1 plan to address all issues relating to drainage with a view to resolving the
2 menace of flood;

3 (ii) Carry out an inventory and mapping of all the existing natural
4 and manmade drainage infrastructure;

5 (iii) coordinating the construction of drainage infrastructure by the
6 local authorities, Federal Ministries of Water Resources, Environment,
7 Budget and National Planning, Works, Transportation, FERMA, NEMA,
8 NESREA, Nigerian Hydrological Service Agency, NIWA, Departments and
9 Agencies of Federal and State Governments of Nigeria overseeing
10 Developmental Control and any other relevant stakeholder;

11 (iv) Ensuring that there is a routine and periodic upgrading and
12 maintenance of the drainage infrastructure;

13 (v) Undertake a study based on a hydro-meteorological and
14 hydrographic survey and produce and keep under review a flood risk map
15 and a Nigerian Land Drainage Plan;

16 (vi) Conduct and coordinate research and development on land
17 drainage and watershed management and share all available information
18 with all relevant stakeholders;

19 (vii) Identify, in collaboration with the local authorities, the
20 Federal Ministries of Environment, Water Resources, Ministry of
21 Humanitarian Affairs, Disaster Management and Social Development,
22 Budget and National Planning, Works, Transportation, FERMA, NEMA,
23 NESREA, Nigerian Hydrological Service Agency, NIWA, Departments and
24 Agencies of Federal and State Governments of Nigeria overseeing
25 Developmental Control and any other relevant stakeholder, flood risk areas;

26 (viii) cause any works related to land drainage to be carried out by
27 the local authorities, the Federal Ministries of Federal Ministries of
28 Environment, Water Resources, Humanitarian Affairs, Disaster
29 Management and Social Development Budget and National Planning,
30 Works, Transportation, FERMA, NEMA, NESREA, Nigerian Hydrological

1 Service Agency, NIWA, Departments and Agencies of Federal and State
2 Governments of Nigeria overseeing Developmental Control and any other
3 relevant stakeholder;

4 (ix) cause to be carried out the upgrading and maintenance of the
5 drainage infrastructure by the local authorities, the FERMA, NEMA,
6 NESREA, Nigerian Hydrological Service Agency, NIWA, and any other
7 relevant stakeholder;

8 (x) prepare and implement land drainage schemes;

9 (xi) advise the Minister of Water Resources on the formulation and
10 management of land drainage policies and strategies;

11 (xii) advise and update the Ministers on any matter relating to
12 land drainage;

13 (xiii) such powers as may be necessary to implement and enforce the
14 aims and objectives most effectively and shall;

15 (xiv) with a view to preventing unauthorized activities and
16 developments on drains, canals and other watercourses, or the illegal dumping
17 and discharge of effluents in drains, canals and other watercourses, issue
18 guidelines to relevant stakeholders;

19 (xv) where drainage infrastructure is not upgraded or maintained,
20 direct the relevant stakeholder to upgrade or maintain that infrastructure and

21 (xvi) take any other action deemed necessary in line with the
22 provisions of this Act.

23 PART 6 - MEETINGS OF THE COMMITTEE

Rules Guiding
Meetings

24 1.-(I) The Committee shall meet as often as is necessary but at least
25 once every month at such time and such place as the Chairperson may
26 determine;

27 (ii) At any meeting of the Committee, 9 members shall constitute a
28 quorum;

29 (iii) In the absence of the Chairperson at a meeting of the Committee,

1 the members present shall elect another member to act as Chairperson of the
2 meeting;

3 (iv) Where a member has an interest, direct or indirect, in a matter
4 before the Committee, he shall, as soon as reasonably practicable, disclose
5 to the Committee the nature of his interest, and shall not take part in the
6 deliberations of the Committee relating to that matter.

7 PART 7 - ASSISTANCE FOR ENFORCEMENT

8 1. Notwithstanding any other enactment, every Police Officer and
9 every other officer under the National Building Code, the National
10 Environment Standards and Regulations Enforcement Act, the roles of
11 Local Government as contained in the 1999 Constitution of the Federal
12 Republic of Nigeria, the National Inland Water Ways Act, the Federal
13 Emergency Roads Maintenance Act, Nigerian Hydrological Service
14 Agency Act, Departments and Agencies of Federal and State Governments
15 of Nigeria overseeing Developmental Control and any other relevant
16 stakeholders shall have the power and the duty to assist in enforcing the
17 provisions of this Act in accordance with the provisions of their enabling Act
18 and also sanction and impose penalties for breaches.

Assistance for
Enforcement

19 PART 8 - PROTECTION FROM LIABILITY

20 1.-(i) No liability, civil or criminal, shall be incurred by the
21 Committee or a member in respect of any act done or omitted in good faith in
22 the performance of its or his functions or exercise of its or his powers under
23 this Act;

Protection from
liability

24 (ii) This section shall be in addition to, and not in derogation from,
25 the Nigerian Public Officers' Protection Act, and for the purposes of that Act,
26 every member shall be deemed to be a public officer or a person lawfully
27 engaged, authorised or employed in the performance of a public duty.

28 PART 9 - FINANCIAL PROVISIONS

29 1.-(i.) The Minister shall appoint his representative, who is his
30 appointee in the Committee as Chairperson of the Committee;

Powers of
Minister

	1	(ii) The Minister may, in relation to the exercise of the powers of the
	2	Committee, give such written directions of a general nature to the committee,
	3	not inconsistent with this Act, as he considers necessary in the public interest,
	4	and the Committee shall comply with such directions.
	5	(iii) The Minister may require the Committee to furnish such
	6	information in such manner and at such time as he thinks necessary with
	7	respect to its activities and the Committee shall supply such information.
Funds of Committee	8	(2) Funds of Committee shall establish a General Fund-
	9	(i) into which all monies received from any source by the Authority
	10	shall be paid;
	11	(ii) out of which all payments required to be made for the purposes of
	12	this Act by the Committee shall be effected.
Estimates	13	(3)(i) The Committee shall submit to the Minister of Environment,
	14	not later than 31 March in every year, an estimate of the income and
	15	expenditure of the Committee for the next financial year for his approval;
	16	(ii.) Where the Minister of Environment gives his approval under
	17	subsection (1), he may-
	18	(a) approve only part of the expenditure under any item; and
	19	(b) direct the Committee to amend the estimate in respect of any item
	20	in such manner as he may determine.
	21	PART 10 - MISCELLANEOUS
Execution of documents	22	1.-(1) No deed or other document shall be executed or signed by or on
	23	behalf of the Committee unless it is signed by-
	24	(a) the Chairperson or, in his absence, any other member designated
	25	by the Committee; and
Annual report	26	(2) (i) The Committee shall, in accordance with the Statutory Bodies
	27	(Accounts and Audit) Act, prepare an annual report and submit it to the
	28	Minister, together with an audited statement of accounts on the operations of
	29	the Committee, in respect of every financial year;
	30	(ii) The Minister shall, at the earliest available opportunity, lay a copy

1 of the annual report and audited accounts of the Committee before the
2 Assembly;

3 (iii) The auditor to be appointed shall be the Director of Audit.

4 (3)(i) The Committee shall be exempt from the payment of any Exemptions
5 duty, levy, rate, charge, fee or tax;

6 (ii) No stamp duty or registration fee shall be payable in respect of
7 any document signed or executed by the Committee or under which the
8 Authority is a beneficiary.

9 (4) No member shall disclose to any unauthorised person any Confidentiality
10 matter which comes to his knowledge in the discharge of his duties.

11 PART 11 - REGULATIONS

12 The Law Enforcement Department may make Regulations necessary or
13 convenient to be prescribed for carrying out or giving effect to this Act.

14 PART 12 - INTERPRETATION

15 **12.** In this Act-

16 "Minister" means the Minister of Environment;

17 "Committee" means the Implementation and Enforcement Committee;

18 "Chairperson" means the Chairperson of the Implementation and
19 Enforcement Committee;

20 "Local Authority" has the same Implementation and Enforcement
21 Committee; and meaning as in the 1999;

22 Constitution;

23 "member"-

24 (a) Member means a member of the Implementation and
25 Enforcement Committee; and it;

26 (b) includes the Chairperson;

27 "Ministers" mean the Ministers whose responsibility is for Federal
28 Ministries of Environment, Water Resources, Humanitarian Affairs,
29 Disaster Management and Social Development, Budget and National
30 Planning, Works, Transportation, Federal Ministries of Environment, Water

1 Resources, Humanitarian Affairs, Disaster Management and Social
2 Development, Budget and National Planning, Works, Transportation,
3 "Ministries" means the Federal Ministries responsible for Environment, Water
4 Resources, Humanitarian Affairs, Disaster Management and Social
5 Development, Budget and National Planning, Works, Transportation,
6 "NESREA" means the National Environmental Standards and Regulations
7 Enforcement Agency;
8 NEMA" means the National Emergency Management Agency;
9 "FERMA" means the Federal Emergency Roads Maintenance Agency;
10 Departments and Agencies of Federal and State Governments of Nigeria
11 overseeing Developmental Control and any other relevant stakeholder
12 "NIWA" National Inland Water Ways.

Short title

13 **13.** This Bill may be cited as National Land Drainage and Flood
14 Control Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to pass a National Land Drainage Act into the law which shall, inter alia, be responsible for-

(a) The development and implementation of a land drainage master plan to address all issues relating to drainage with a view to resolving the menace of flood;

(b) Carrying out an inventory and mapping of all the existing natural and manmade drainage infrastructure;

(c) Identifying, in collaboration with the local authorities, FERMA, NEMA, NESREA, Nigerian Hydrological Service Agency, the Departments and Agencies of Federal and State Governments of Nigeria overseeing Developmental Control and any other relevant stakeholders, the flood risk areas;

(d) Coordinating the construction of drainage infrastructure by the local authorities, FERMA, NEMA, NESREA, Nigerian Hydrological Service Agency, Departments and Agencies of Federal and State Governments of Nigeria overseeing Developmental Control and any other relevant stakeholder;

(e) Ensuring that there is a routine and periodic upgrading and maintenance of the drainage infrastructure.