

Extraordinary



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NIGERIA INDUSTRIAL REVOLUTION PLAN BILL, 2019

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SCHEDULE

A BILL

FOR

AN ACT TO PROVIDE FOR THE RAPID BUILD UP OF INDUSTRIAL CAPACITY
IN NIGERIA AND TO PROMOTE COMPETITIVENESS OF NIGERIA'S
MANUFACTURED GOODS AND PRODUCTS AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

PART I - THE NIGERIA INDUSTRIAL REVOLUTION PLAN

- 1 **1.** There is for Nigeria an Industrial Revolution Plan (in this Act
2 referred to as “the Industrial Plan”) which shall be implemented in
3 accordance with the provisions of this Act. The Nigeria
Industrial
Revolution Plan
- 4 **2.-(1)** The main objectives of the Industrial Plan are to- Objectives of the
Industrial Plan
5 (a) accelerate the build-up of industrial capacity within Nigeria;
6 (b) increase manufacturing contribution to Nigeria's Gross
7 Domestic Product; and
8 (c) drive the process of intense industrialization based on sectors
9 where Nigeria has comparative and competitive advantages.
- 10 **(2)** The implementation of the Industrial Plan in accordance with
11 the provisions of this Act is to, among other things-
12 (a) facilitate job and wealth creation;
13 (b) provide for economic and revenue diversification;
14 (c) ensure import substitution and export diversification; and
15 (d) broaden government's tax base.
- 16 **3.-(1)** The Industrial Plan shall be implemented throughout the Scope of
application of the
Industrial Plan
17 Federation.
18 **(2)** The Industrial Plan shall be implemented based on industry
19 groups where Nigeria possesses clear comparative and competitive

1 advantages to commence the process of rapid industrialization.

2 (3) The industry groups referred to in subsection (2) of this section
3 include-

4 (a) agribusiness and agro allied;

5 (b) solid minerals and metals;

6 (c) oil and gas related industry; and

7 (d) construction, light manufacturing and services.

8 (4) To support the attainment of rapid industrialization under the
9 Industrial Plan, Government shall take steps to intervene in broader areas
10 hindering competitiveness of the entire industrial sector in Nigeria by-

11 (a) Establishing infrastructural facilities, including industrial cities,
12 parks and clusters, with support utilities to link industrial hubs to key markets;

13 (b) providing technical and vocational skills development at Federal
14 and States' level, in addition to strengthening existing industrial training"
15 institutions;

16 (c) encouraging national innovation system to enhance
17 competitiveness and building of a three-way partnership structure amongst the
18 academia, the public and the private sector to create a knowledge network and
19 promote key technologies required by industries in addition to strengthening
20 institutions that promote technology transfer, innovation and
21 entrepreneurship;

22 (d) improving the investment climate in Nigeria, and undertaking
23 reviews of laws and regulations hindering investments and strengthening the
24 institutional framework for enforcement of contracts and judgment of courts;

25 (e) strengthening the national quality certifying agencies and
26 cooperating with relevant international quality certifying agencies and
27 organizations to gain the confidence of economic operators;

28 (f) putting in place appropriate mechanism to encourage the
29 consumption and utilization of domestic products and strengthening consumer

1 and environmental protection agencies to carry out their functions
2 effectively; and

3 (g) ensuring the accessibility and availability of favourable
4 financial terms and conditions of finance to support industrial development
5 in Nigeria.

6 4.-(1) The President is the approving authority for plans and
7 programmes under the Industrial Plan and for this purpose, the President
8 shall approve the Nigerian Industrial Revolution Plan document and its
9 annual updated releases based on the recommendations of the Presidential
10 Advisory Committee established under sections of this Act.

Approving
authority for the
Industrial Plan

11 (2) The President, in furtherance of the exercise of his powers
12 under this Act may, as considered appropriate, hold consultations with
13 credible investors interested in investing in Nigeria.

14 5.-(1) There is established under this Part, a Presidential Advisory
15 Committee (in this Act referred to as “the Advisory Committee”) which
16 shall be the apex regulatory body for the Industrial Plan with Government
17 and private sectors representatives as follows-

The Presidential
Advisory Committee

18 (a) the Ministers of-

19 (i) Industry, Trade and Investment, who shall be the Chairman of
20 the Advisory Committee;

21 (ii) Finance;

22 (iii) Power;

23 (iv) Transport; and

24 (v) Works.

25 (b) the Governor of the Central Bank of Nigeria;

26 (c) the Chief Economic Adviser to the President;

27 (d) a leading private sector industrialist, who shall be the alternate
28 chairman; and

29 (e) nineteen other leading private sector industrialists or investors.

30 (2) The representative of the private sector referred to in subsection

1 (1) of this section shall be appointed by the President on the recommendation of
2 Minister.

3 (3) The Minister may, from time to time and as considered
4 appropriate, review the number of private sectors representatives on the
5 Advisory Committee.

6 (4) The Department of Industry in the Ministry shall provide the
7 secretariat for the meetings of the Advisory Committee and the Director in the
8 Department shall serve as the Secretary to the Advisory Committee.

9 (5) The Advisory Committee shall meet at least once in every quarter,
10 or at such other times as may be required to carry out its functions under this
11 Act.

12 (6) The Advisory Committee may establish sub-committees and shall
13 have power to regulate its proceedings and that of its committees.

14 (7) The functions of the Advisory Committee are to-

15 (a) strengthen the coordination mechanism with the private sector by
16 bringing into the Industrial Plan the private sector perspectives;

17 (b) deliberate on the quarterly progress of the Industrial Plan and
18 provide feedback and advice on ways of maximizing the Industrial Plan's
19 impact;

20 (c) provide input into the Industrial Plan work plan for each
21 successive quarter;

22 (d) highlight areas that the private sector requires priority to be
23 accorded to in the key sectors;

24 (e) bring into the implementation programmes of the Industrial Plan
25 international perspectives based on the experiences of other countries;

26 (f) share information on potential milestone investments, with
27 suggestions as to how best the Government and the implementation of the
28 Industrial Plan can facilitate investments; and

29 (g) provide the necessary bridge to link the Government, the private
30 sector and the international community to achieve sustainable economic

1 reform and industrialization.

2 **6.-(1)** There is established under this Part, a multi-sectoral, inter- Steering
3 Ministerial National Steering Committee (in this Act referred to as “the Committee
4 Steering Committee”) comprising-

5 (a) the Minister of State for Industry, Trade and Investment, as the
6 Chairman;

7 (b) Permanent Secretary, Federal Ministry of Industry, Trade and
8 Investment;

9 (c) a representative, not below the rank of a director, from each of
10 the following Federal Ministries and agencies-

11 (i) Agriculture and Rural Development,

12 (ii) Communications Technology,

13 (iii) Mines and Steel Development,

14 (iv) Petroleum Resources,

15 (v) Power,

16 (vi) Finance,

17 (vii) National Planning Commission,

18 (viii) Water Resources,

19 (ix) Science and Technology,

20 (x) Transport,

21 (xi) Works;

22 (xii) Housing and Urban Development,

23 (xiii) Environment,

24 (xiv) Central Bank of Nigeria,

25 (xv) Budget Office of the Federation,

26 (xvi) Bureau of Public Procurement, and

27 (xvi) National Orientation Agency; and

28 (d) three Commissioners of Commerce and Industry representing
29 States of the Federation;

30 (2) The Advisory Committee may, on the recommendation of the

Functions of
the Steering
Committee

1 Steering Committee, alter the composition of the members of the Steering
2 Committee listed in subsection (1) of this section.

3 (3) The members referred to in section 6 (1) (d) of this section shall be
4 appointed by the President on the recommendation of the Minister.

5 7.-(1) The functions of the Steering Committee are to-

6 (a) ensure that the implementation of the Industrial Plan remains on
7 course and consistent with its vision and goals;

8 (b) manage the scope of the Industrial Plan and ensure that its
9 activities are within its objectives and goals;

10 (c) ensure the availability of funds for projects under the Industrial
11 Plan;

12 (d) manage and resolve operational issues brought before it by the
13 institutions or agencies implementing aspects of the Industrial Plan;

14 (e) facilitate the making of decisions across Ministries, Departments
15 and Agencies of Government concerning the implementation of the Industrial
16 Plan;

17 (f) review and approve the Industrial Plan support structure plans and
18 implementation programmes prior to obtaining requisite approval of
19 Government;

20 (g) secure support and commitments from national and international
21 agencies for the Industrial Plan;

22 (h) provide a platform for cross cutting Industrial Plan issues and hold
23 meetings with investors, as may be required, to provide confidence to investors
24 when specific investments require actions or approvals from several
25 Ministries, Departments and agencies of Government.

26 (2) The Steering Committee shall regulate its proceedings and that of
27 its committees.

28 (3) The secretariat of the Steering Committee shall be provided by the
29 Department of Industry in the Ministry and the Director in that Department
30 shall serve as the Secretary to the Steering Committee.

- 1 **8.**-(1) There shall be established and located in the Department of The Project
2 Industry of the Ministry, a project office (in this Act referred to as “the Office
3 Project Office”) for the day-to-day management of the Industrial Plan.
- 4 (2) The Project Office shall be staffed by-
- 5 (a) key officers of the Ministry and officers of relevant Ministries,
6 Department and agencies of Government as may be required for the carrying
7 out of the functions of the Project Office under this Act;
- 8 (b) specialist consultants, where necessary, engaged on contract
9 for the purpose of implementation of the Industrial Plan;
- 10 (c) representatives of Development Partners assigned to carry out
11 specified tasks in connection with the Industrial Plan.
- 12 **9.**-(1) There shall be for the Industrial Plan, a project custodian (in Project Custodian
13 this Act referred to as “the Project Custodian”) who shall be the Permanent
14 Secretary in the Ministry with responsibility for ensuring that the
15 responsibilities of the Ministry and Nigeria's vision and goals on
16 industrialization are achieved.
- 17 (2) The Project Custodian shall be responsible for-
- 18 (a) ensuring that adequate budgetary provisions are made to meet
19 the activities of the Project Office; and
- 20 (b) the timely release of appropriated funds made available to the
21 Ministry for the purpose of the Project Office.
- 22 (3) The Project Custodian shall furnish regularly to the Minister, in
23 such form and details as may be specified in Regulations made pursuant to
24 this Act, reports on the activities of the Project Office and progress made in
25 the implementation of the Industrial Plan.
- 26 **10.**-(1) There shall be a Projector Coordinator who shall be the The Project
27 Director in the Industry Department in the Ministry responsible for Coordinator
28 overseeing the affairs of the Project Office.
- 29 (2) The Project Coordinator shall furnish regularly to the Minister,
30 through the Project Custodian, reports on the operations of the Project

	1	Office and progress made in the implementation of the Industrial Plan.
The Project Manager	2	11. -(1) There shall be appointed for the Project Office, from the
	3	directorade cadre of the Ministry or from outside of the Ministry, where the
	4	need arises, a project manager (in this Act referred to as “the Project Manager”)
	5	who shall be a specialist in the industrial field and for the purpose of executing
	6	the plans, programmes and activities of the Industrial Revolution Plan, be
	7	responsible for-
	8	(a) providing project management expertise; and
	9	(b) industry subject matter expertise.
	10	(2) The terms and conditions of employment of the Project Manager
	11	appointed pursuant of the provision of sub-regulation (1) of this regulation
	12	shall be specified in the letter of appointment of the Project Manager.
	13	(3) The Project Manager shall, in the execution of his duties under this
	14	Act, co-operate fully with Ministry's authorities, the Department of Industry,
	15	and other" Departments or units of the Ministry to achieve the aims and
	16	objectives of the Industrial Plan.
	17	(4) The Project Manager shall report to the Project Custodian through
	18	the Project Coordinator on the activities of the Project Office and the progress
	19	made in the implementation of the Industrial Plan.
Functions of the Project Office	20	12. The functions of the Project Office are to-
	21	(a) provide day-to-day project management to the overall Industrial
	22	Plan and within any work stream or sub-project within the Industrial Plan,
	23	including developing and maintaining work plan for various parts of the
	24	Industrial Plan;
	25	(b) carry out policy analysis, coordination and production of policy
	26	briefs on the Industrial Plan;
	27	(c) carry out necessary impact assessment on the action plan or
	28	programmes under the Industrial Plan;
	29	(d) prepare Industrial Plan cost estimates for the review and approval

1 of the Steering Committee and for necessary action by the appropriate
2 authority;

3 (e) source for in-house or external resource, industry specialists in
4 specific sectors, including specialists in food processing, beverages, textile
5 apparels, sugar, cocoa, leather and leather products processing, aluminum
6 and auto assembly, basic rolling metals and steel production,
7 petrochemicals, fertilizers, methanol, refineries, plastics, housing, services
8 and light manufacturing;

9 (f) source for expertise to support interventions in the areas of
10 industrial infrastructures, skills, innovation, investment climate, standards
11 local patronage and finance;

12 (g) establish a Special Project Unit with responsibilities for
13 ensuring-

14 (i) that large industrial projects are given appropriate level of
15 visibility and recognition, and

16 (ii) the unlocking of any regulatory hurdles to such large projects.

17 (h) facilitate decision making across multiple stakeholders,
18 Government agencies and relevant entities;

19 (i) liaise with relevant Ministries, Departments and agencies to
20 target, and attract investments from domestic and international investors
21 into existing or new key industrial sectors in Nigeria;

22 (j) establish and agree on performance indicator, benchmark and
23 milestones for monitoring and evaluation methodology and continually
24 benchmark and adopt best practices and successful principles of other
25 jurisdictions within the Industrial Plan;

26 (k) undertake advocacy, mobilization, sensitization and awareness
27 creation on the Industrial Plan;

28 (l) develop and operate a monitoring and evaluation framework to
29 track performance of the Industrial Plan for onward reporting to the Steering
30 Committee;

Establishment
of Sectoral Team
or Committee

1 (m) provide capacity building for key staff of the Ministry to sustain
2 the industrialization process;

3 (n) develop basic productivity tools and establish systems to support
4 programme collaboration, data collation and communication; and

5 (o) develop effective communication strategies with all stakeholders.

6 **13.-(1)** The Project Office shall, from time to time, if and when the
7 need arises, and with the approval of the Steering Committee, establish sectoral
8 teams or committees to carry out necessary tasks to achieve specific goals
9 under the Industrial Plan.

10 (2) The sectoral teams or committees referred to in subsection (1) of
11 this section when constituted, may include representatives of-

12 (a) relevant Ministries, Departments and agencies of Government;

13 (b) the private sector;

14 (c) Development Partners;

15 (d) external consultants; and

16 (e) State Government, where a State Government's involvement is
17 considered necessary.

18 (3) Sectoral teams or committees shall be set up for specified duration
19 with well defined functions.

20 (4) The functions of sectoral teams or committees are to-

21 (a) develop detailed sectoral plans for the Industrial Plan as
22 necessary;

23 (b) track the performance of sectoral plans developed with a view to
24 updating those plans as considered appropriate;

25 (c) provide input into specific policy or regulations or review
26 documents prepared for requisite approval of the relevant approving
27 authorities;

28 (d) provide inputs into any sector specific proposed legislation or
29 regulations;

30 (e) engage stakeholders within specific sectoral groups to ensure their

1 commitment and involvement in the industrial Plan initiatives, plans and
2 programmes;

3 (f) review and monitor the results of specific policy initiatives for
4 the purpose of assessing whether the policy decisions are sustainable or
5 require change as considered necessary; and

6 (g) carry out such other ad-hoc assignments, as may be required in
7 connection with their functions under this Act.

8 (5) Sectoral teams or committees constituted, on need basis, under
9 this section shall be utilized in the specific Industrial Plan sectors, including
10 sugar, palm oil, leather, leather goods and rubber processing, textile and
11 garments, cement, auto assembly, basic metal, aluminum, chemicals,
12 petrochemicals, fertilizers, methanol, plastics production, refineries,
13 construction of houses, light manufacturing and services.

14 14.-(1) Support Structure and Enabler Technical Teams shall be
15 constituted, on need basis, by the Project Office with the approval of the
16 Steering Committee to achieve specific goals.

Constitution of
Support Structure
and Enabler
Technical Teams

17 (2) Support Structure and Enabler Technical Teams established
18 under subsection (1) of this section may be reconstituted as the objectives
19 for setting up such teams change or are amended.

20 (3) The Support Structure and Enabler Technical Teams whenever
21 required to be constituted, may include representatives of-

22 (a) relevant Ministries, Departments and agencies of Government;

23 (b) the private sector;

24 (c) development agencies; and

25 (d) external consultants.

26 (4) The Support Structure and Enabler Technical Teams shall be set
27 up for specified duration with well defined functions.

28 (5) The functions of the Support Structure and Enabler Technical
29 Teams shall include-

30 (a) the development of detailed Industrial Revolution Support

- 1 Structures and Enabler Plans;
- 2 (b) the tracking of the performance of sector all plans developed with
- 3 a view to their updating as appropriate;
- 4 (c) providing input into specific policy or regulations for requisite
- 5 approval of the relevant approving authorities;
- 6 (d) providing technical inputs into any enabler proposed legislation or
- 7 regulations;
- 8 (e) engaging stakeholders within specific enabler groups to ensure
- 9 their commitment and involvement in the Industrial Plan initiatives and
- 10 programmes;
- 11 (f) reviewing and monitoring the results of specific policy initiatives
- 12 for the purpose of assessing whether the policy decisions are sustainable or
- 13 require change as considered appropriate; and
- 14 (g) carrying out any other ad-hoc assignments as may be required in
- 15 connection with their functions under this Act.
- 16 (6) A Support Structure and Enabler Technical Team shall be
- 17 constituted when required for the purpose of the following Industrial
- 18 Plan enablers-
- 19 (a) infrastructure;
- 20 (b) skill acquisition development;
- 21 (c) innovation;
- 22 (d) finance;
- 23 (e) investment climate;
- 24 (f) standards; and
- 25 (g) local patronage.
- 26 **15.-(1)** There shall be created during the period of implementation of
- 27 the Industrial Plan under this Act-
- 28 (a) an investor database; and
- 29 (b) a programme database,
- 30 which shall be maintained at the Ministry to lay solid foundation for policy

Establishment
of investor and
programme
database

1 consistency, coherence and industrialization process sustainability.

2 **16.-(1)** A relevant Ministry, Department and agency of
3 Government with responsibilities for the execution of plans, programmes or
4 activities under the Industrial Plan shall establish an Industrial Revolution
5 Plan Unit in its Ministry, Department or agency.

Establishment of
Industrial
Revolution Plan
Units

6 (2) The Unit to be established pursuant to the provision of
7 subsection (1) of this section shall be staffed with such staff as are necessary
8 to carry out the plans, programmes or activities of the Industrial Plan in that
9 Ministry, Department or Agency.

10 (3) The functions of the Unit established under this section are to-

11 (a) carry out such plans, programmes and activities contained in
12 the Industrial Plan and any updates to it relevant to that Ministry,
13 Department or Agency;

14 (b) liaise with the Steering Committee through the Project Office
15 on operational issues concerning the implementation of the Industrial Plan
16 in the relevant Ministry, Department or agency;

17 (c) furnish information to the Steering Committee or the Project
18 Office in such form and at such intervals and details as may be required on
19 the implementation of the Industrial Plan in the relevant Ministry,
20 Department or agency.

21 **17.-(1)** Relevant Ministries, Department and agencies shall ensure
22 that the annual financial requirements for the implementation of the
23 Industrial Plan are provided for in the annual budget estimates for each
24 successive financial year and the Medium Term Sector Strategy and
25 Expenditure Framework throughout the duration of the Industrial Plan and
26 any extension granted pursuant to the provision of section 20 (2) of this Act.

Budget for the
Industrial Plan

27 **18.-(1)** There shall be established for the Industrial Plan a fund
28 (“the Fund”) into which shall be paid-

Funding of the
Industrial Plan

29 (a) the annual budgetary allocation made available by the National
30 Assembly for the purpose of implementing plans and programmes under the

1 Industrial Plan;

2 (b) such moneys as may be provided to the Industrial Plan by the
3 Federal Government by way of grants or loans;

4 (c) gifts, testamentary dispositions or donations, provided that the
5 terms and conditions attached to the gifts, testamentary dispositions or
6 donations are not inconsistent with the attainment of the objectives of this Act;
7 and

8 (d) such other sum of moneys as may accrue to the Fund, from time to
9 time.

10 (2) There shall be paid out of the Fund-

11 (a) expenditures incurred in the implementation of the Industrial Plan;

12 (b) reasonable travelling expenses and allowances of the committees,
13 sectoral and support structure teams referred to in this Part; and

14 (c) the remuneration and allowances of staff, experts and consultants
15 appointed for the Project Office.

16 (3) The Fund shall be domiciled in the Ministry under the control and
17 management of the Project Custodian.

18 (4) The Project Custodian shall prepare and submit to the Minister on
19 a quarterly basis, a report in such form and details may be required on the
20 activities of the Industrial Plan and of receipts and disbursements made from
21 the Fund.

22 (5) The Fund shall be audited as provided under the applicable
23 Government rules and regulations.

Implementation
by States of the
Industrial Plan

24 **19.-(1)** States of the Federation may, as considered appropriate,
25 implement the Industrial Plan in their respective areas of jurisdiction in
26 accordance with the provisions of this Act.

27 (2) Subject to the provisions of subsection (1) of this section, State
28 Commissioners of Commerce and Industry shall be engaged in the
29 implementation of the plans and programmes under the Industrial Plan in their
30 respective States.

1 (3) The Industrial Plan Implementing Agencies shall work closely
2 with the State Commissioners of Commerce and Industry and keep them
3 regularly updated on achievements of the programmes by developing and
4 circulating quarterly project newsletter with opportunities for feedback
5 from the States.

6 (4) States may set up committees to implement aspects of the
7 Industrial Revolution Plan in their respective States as considered
8 appropriate.

9 (5) The committees referred to in subsection (4) of this section may
10 be related to the development of targeted industrial infrastructure or to the
11 implementation of sectoral initiatives that may be specific to a State.

12 **20.**-(1) The implementation period for the Industrial Plan provided
13 for by this Act is five years.

Review of the
Industrial Plan, etc.

14 (2) The five year period referred to in subsection (1) of this section
15 may be extended by order made by the President on the recommendation of
16 the Advisory Committee.

17 PART II - THE NATIONAL ENTERPRISE DEVELOPMENT PROGRAMME:

18 OBJECTIVES AND SCOPE OF APPLICATION

19 **21.**-(1) The National Enterprise Development Programme (in this
20 Act referred to as “the Programme”) is the strategy for the development of
21 micro, small and medium enterprises in Nigeria which shall be implemented
22 under the Industrial Plan as provided for under this Act.

The National
Enterprise
Development
Programme

23 (2) For the purpose of subsection (1) of this section, the following
24 are the priority areas of the Programme to support the development of micro,
25 small and medium enterprises under the industrialization process-

26 (a) strengthening of the institutional framework for the
27 development of micro, and medium enterprises;

28 (b) implementation of a robust delivery and monitoring structure;

29 (c) increasing access to affordable finance;

30 (d) increasing access to market;

	1	(e) encouraging business development skills;
	2	(f) developing technical skills;
	3	(g) promoting youth inclusion in enterprise; and
	4	(h) reducing high operation costs.
	5	(3) The Programme shall address each of the areas listed in
	6	subsection (2) of this section and in addition, coordinate the efforts of relevant
	7	Ministries, Departments and agencies and the private sector towards enterprise
	8	development and industrialization.
Scope of the Programme	9	22. -(1) The Programme shall cut across all tiers of enterprises and
	10	provide tools to assist enterprises grow from micro to small, small to medium
	11	and medium to large.
	12	(2) The Programme shall be implemented in all States and Local
	13	Government areas of the Federation.
	14	(3) Enterprise areas shall be created in every State of the Federation
	15	by the Programme Implementing Agencies which shall be equipped with
	16	essential infrastructure for small businesses to thrive for the realization of
	17	sustainable industrialization.
Implementing Agencies for the Programme	18	23. For the purpose of carrying out the Programme under this Act, the
	19	following are the Implementing Agencies-
	20	(a) the Bank of Industry;
	21	(b) the Small and Medium Enterprise Development Agency of
	22	Nigeria; and
	23	(c) the Industrial Training Fund.
National Council on Micro, Small and Medium Enterprises	24	24. -(1) There is established for the Programme, the National Council
	25	on Micro, Small and Medium Enterprises (in this Act referred to as “the
	26	National Council”) with membership, functions and duties as provided for
	27	under this Act.
	28	(2) The National Council shall be the apex body responsible for the
	29	development of policies for micro, small and medium enterprises in Nigeria.
	30	(3) The National Council shall comprise-

- 1 (a) the Vice-President of the Federal Republic of Nigeria who shall
2 be the Chairman;
- 3 (b) Ministers responsible for-
- 4 (i) Industry, Trade and Investment,
5 (ii) Finance,
6 (iii) Power,
7 (iv) Transport,
8 (v) Works, and
9 (vi) Youth development;
- 10 (c) the Governor of the Central Bank of Nigeria;
- 11 (d) the Chief Economic Adviser to the President;
- 12 (e) the Chief Executive Officers of the-
- 13 (i) Bank of Industry,
14 (ii) Small and Medium Enterprise Development Agency of
15 Nigeria,
16 (iii) Industrial Training Fund, and
17 (iv) National Orientation Agency; and
- 18 (f) thirteen representatives from the private sector to include key
19 Micro, Small and Medium Enterprises Associations, to be appointed by the
20 Minister.
- 21 (4) The Minister may, from time to time, as considered appropriate
22 review the number of private sector representatives on the National Council.
- 23 (5) The secretariat for the National Council shall be provided by
24 the Small and Medium Enterprises Development Agency of Nigeria and the
25 Director-General of that Agency shall be the Secretary of the National
26 Council.
- 27 (6) The National Council shall meet at least once in every quarter,
28 or at such other times as may be required, to carry out its functions under this
29 Act.
- 30 (7) The National Council may establish sub-committees and shall

	1	regulate its proceedings and that of its committees.
Functions of the National Council	2	25. The National Council is responsible for-
	3	(a) providing guidance and coordination on the establishment of
	4	strategies and policies for the wholesome support of micro, small and medium
	5	enterprises in Nigeria; and
	6	(b) ensuring linkages between the Programme and all enterprise
	7	development activities in Nigeria.
Establishment of a Programme Monitoring Unit	8	26. -(1) There is established under this Part, a Programme Monitoring
	9	Unit (in this Act referred to as “the Programme Monitoring Unit”).
	10	(2) The Programme Monitoring Unit shall comprise-
	11	(a) an officer from the Industry Development of the Ministry;
	12	(b) a qualified personnel from each of the Programme Implementing
	13	Agencies; and
	14	(c) four representatives of independent bodies from the private sector
	15	appointed by the National Council on the recommendation of the Programme
	16	Implementing Agencies.
Implementation by States of the Programme	17	27. -(1) States may, as considered appropriate, set up State Councils
	18	similar to the National Council to be headed by the State Commissioner of
	19	Commerce and Industry as considered appropriate.
	20	(2) State Councils referred to in subsection (1) of this section, shall
	21	ensure collaboration and cooperation with enterprises for seamless linkages of
	22	micro, small and medium enterprises projects and programmes in States of the
	23	Federation.
	24	(3) States Councils, may be structured along the lines as of the
	25	National Council established under this Act with members comprising of
	26	representatives from the public sector, the private sector and heads of key
	27	micro, small and medium enterprises in the States.
	28	(4) To ensure that interventions and policies derived at the national
	29	level shall take into consideration the needs of businesses in States of the
	30	Federation, the Small and Medium Enterprises Agency of Nigeria shall

1 provide secretarial support to a State Council upon request by a State.

2 **28.** The Programme Implementing Agencies for the execution of
3 the Programme shall ensure that adequate budgetary provisions are made to
4 finance the execution of the Programme under this Act.

Budget for the
Programme

5 PART III - GENERAL PROVISIONS

6 **29.**-(1) The provisions of the Industrial Plan and the Programme
7 shall be adhered to by all relevant Ministries, Department and agencies, the
8 Industrial Plan Implementing Agencies and the Programme Implementing
9 Agencies referred to in Parts I and II of this Act as well as other public and
10 private sector organizations, bodies corporate and individuals involved in
11 Nigeria's industrialization programmes and processes.

Obligations of
implementing
agencies for the
Industrial Plan
and Programme

12 (2) The Government, Ministries and agencies listed in the
13 Schedule to this Act shall ensure that their laws, rules and regulations are
14 regularly reviewed to bring them in substantial conformity with the
15 provisions of this Act for the smooth and effective implementation of the
16 Industrial Plan and the Programme.

17 (3) The Minister may, by order, add to or remove from the list
18 contained in the Schedule to this Act the name of a Ministry, Department or
19 agency as considered appropriate.

20 **30.** For the purpose of the effective implementation of the
21 Industrial Plan and the Programme in States of the Federation, the Steering
22 Committee, the Programme Implementing Agencies may, as considered
23 appropriate, make recommendations to the Advisory Committee or the
24 National Council, as the case may be, for the approval of the approving
25 authority, to provide to States that-

Support to States
on the implementation
of the Industrial
Revolution Plan
and the Programme

26 (a) adopt arrangements similar to the arrangements contained in
27 the Industrial Revolution Plan or the Programme;

28 (b) pass legislation in substantial conformity with the provisions of
29 this Act;

30 with such technical support and other assistance for the rapid

	1	industrialization and execution of the Industrial Plan or the Programme in the
	2	States.
Enforcement	3	31. -(1) Any issue as to the interpretation of any of the provisions of
	4	this Act or rules or regulations made pursuant to this Act shall be laid before the
	5	Federal High Court.
	6	(2) A person shall have legal capacity to enforce any of the provision
	7	of this Act by obtaining prerogative orders or other remedies at the Federal
	8	High Court, without having to show any special particular interest.
Power to make regulations	9	32. -(1) The Minister may make such regulations as are necessary for
	10	the efficient implementation of the provisions of this Act.
	11	(2) The regulations may include regulations on-
	12	(a) procedures for the carrying out of any duty and responsibility
	13	under this Act;
	14	(b) the form of reports and issuance of notices and publicity to be
	15	issued under this Act;
	16	(c) the making of representation about anything or matter to be
	17	included in the Industrial Plan;
	18	(d) the nature and extent of consultation with and participation by the
	19	public of anything done pursuant to the Industrial Plan or the Programme under
	20	this Act; and
	21	(e) the monitoring of programmes, plans and arrangements under the
	22	Industrial Plan or the Programme.
Interpretation	23	33. In this Act unless the context otherwise requires-
	24	"approving authority" means the Federal Government;
	25	"Development Partners" include the World Bank, United Nations Industrial
	26	Development Organization, United Nations Development Program, Japan
	27	Industrial Cooperation Agency, Department for International Development,
	28	German International Cooperation;
	29	"enterprise" means the carrying on of business or economic activities relating
	30	to manufacturing, production or distribution or any other related functions;

1 "enterprise areas" are specially equipped areas or zones in States of the
2 Federation for the nurturing of businesses covered under Part II of this Act;
3 "Industrial Plan Implementing Agencies" means the agencies referred to in
4 Part I of this Act responsible for the implementation of the Industrial Plan;
5 "Programme Implementing Institutions" means the institutions and
6 agencies referred to in Part II of this Act responsible for the implementation
7 of the Programme;
8 "Government" means the Federal Government of Nigeria;
9 "Minister" means the Minister of the Government responsible for Industry,
10 Trade and Investment and "Ministry" shall be construed accordingly;
11 "national quality certifying agencies include the Standards Organization of
12 Nigeria, National Agency for Food and Drug Administration, Federal
13 Produce Inspection Services;
14 "President" means the President of the Federal Republic of Nigeria;
15 "product" includes goods and services;
16 "relevant Ministries, Departments and agencies" means the Ministries,
17 Department or agencies that have statutory or assigned responsibilities for
18 the implementation of aspects of the plans or programmes under the
19 Industrial Plan and listed in the Schedule to this Act;
20 "services" include tourism, banking, hotel business, insurance, provision of
21 transport services, information communication technology services,
22 medical services and insurance;
23 "support services" include provisions of energy, construction of road, rail,
24 air and water transportation;
25 "the Nigerian Industrial Revolution Plan" means the industrial plans and
26 programmes contained in the current version of the document captioned
27 "NIRP - Release 1.0 (January, 2014)" to be formally updated annually based
28 on lessons from implementation and available new information; and
29 "the Nigerian Enterprise Development Programme" is the plans and
30 programmes contained in the version of the document captioned "National

1 Enterprise Development- NEDP - Release 1.0” to be updated based on lessons
2 from implementation of the Programme and available new information.
Short title 3 **34.** This Bill may be cited as the Nigeria Industrial Revolution Plan
4 Bill, 2019.

5 SCHEDULE

6 *Section 29 (2)*

7 LIST OF FEDERAL GOVERNMENT MINISTRIES AND AGENCIES

8 A. FEDERAL GOVERNMENT MINISTRIES

- 9 (i) Ministry of Agriculture & Rural Development;
10 (ii) Ministry of Industry, Trade and Investment;
11 (iii) Ministry of Environment;
12 (iv) Ministry of Land, Housing and Urban Development;
13 (v) Federal Capital Territory Administration;
14 (vi) Ministry of Finance;
15 (vii) Ministry of Information;
16 (viii) Ministry of Communication Technology;
17 (ix) Ministry of Interior;
18 (x) Ministry of Labour;
19 (xi) Ministry of Mines and Steel Development;
20 (xii) Ministry of Petroleum Resources;
21 (xiii) Ministry of Power;
22 (xiv) National Planning Commission;
23 (xv) Ministry of Science & Technology;
24 (xvi) Ministry of Transportation;
25 (xvii) Ministry of Water Resources;
26 (xviii) Ministry of Women Affairs;
27 (xix) Ministry of Works;
28 (xx) Ministry for Youth Development;

29 B. FEDERAL GOVERNMENT AGENCIES

- 30 (i) Central Bank of Nigeria;

- 1 (ii) Bureau of Public Procurement;
- 2 (iii) Budget Office of Nigeria;
- 3 (iv) National Orientation Agency.
- 4 C. PARASTATALS AND AGENCIES UNDER THE FEDERAL
- 5 MINISTRY OF INDUSTRY, TRADE AND INVESTMENT
- 6 (i) Abuja Securities and Commodity Exchange;
- 7 (ii) Bank of Industry;
- 8 (iii) Consumer Protection Council;
- 9 (iv) Corporate Affairs Commission;
- 10 (v) Industrial Training Fund;
- 11 (vi) Nigeria Export Processing Zone Authority;
- 12 (vii) Nigeria Export Promotion Council;
- 13 (viii) National Automotive Council;
- 14 (ix) National Sugar Development Council;
- 15 (x) Oil and Gas Free Zone Authority;
- 16 (xi) Small and Medium Enterprise Development Agency of
- 17 Nigeria;
- 18 (xii) Standard Organisation of Nigeria.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a legal and institutional framework for the implementation of the Industrial Revolution Plan and the National Enterprise Development Programme of the Federal Government to provide for their implementation, continuity and sustainability. It seeks to ensure ownership of the processes, plans activities of the Industrial Plan and the Programme by relevant Ministries, Department and agencies of Government for the overall realization and delivery of the Industrial Plan and the Programmes. The Act involves participation by States of the Federation in the Industrial Plan and the Programme and has taken due cognizance of the concurrent nature of the responsibility for industrialization between the Federal and State Governments under the 1999 Constitution (as altered). The Act also offers assistance to States of the Federation to encourage them adopt similar legislation in carrying out the Industrial Plan and the Programme in States of the Federation.

FOR

Sponsored by Hon. Gideon Gwani

[] Commencement

1 1.-(1) There is established a body to be known as the Raw Materials
2 Research and Development Council of Nigeria (in this Act referred to as "the
3 Council").

Establishment
of the Raw
Materials
Research and
Development
Council

(a) shall be a body corporate with perpetual succession and a common seal

7 (b) may sue and be sued in its corporate name; and

(c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of carrying out any of its functions under this Act.

11 2. The objective of the Council is to develop local raw materials
12 and coordinate research efforts in relation to raw materials acquisition,
13 exploitation, conservation and development.

Objectives of the Council

14 **3.** The functions of the Council shall be to:

(a) undertake measures to ensure the systematic exploitation, development and utilization of Nigeria's raw material resources;

Functions of the Council

(b) draw up policy guidelines and action programmes on raw materials acquisition, exploitation and development;

19 (c) review from time to time, raw material resources availability

- 1 and utilization with a view to advising the Federal Government on the strategic
2 implication of depletion, conservation or stock-piling of such resources;
3 (d) advise on adoption of machinery and processes for raw material
4 utilization;
5 (e) encourage publicity of research findings and other information
6 relevant to local sourcing of industries;
7 (f) encourage growth of in-plant research and development
8 capabilities;
9 (g) advise on and devise awards or systems for industries that achieve
10 any break-through or make innovations and inventions;
11 (h) organize workshops, symposia and seminars, from time to time,
12 designed to enlighten people on new developments and solutions discovered;
13 (i) consider and advise on special research grants for specific
14 objectives; and
15 (j) undertake research and development on local raw materials for
16 utilization by industries;
17 (k) liaise with relevant regulatory agencies for the standardization of
18 raw materials to meet industrial specification;
19 (l) promote Nigeria's competitiveness in raw materials and products
20 development;
21 (m) establish raw materials analysis and certification laboratories for
22 use by industries;
23 (n) consider and advise on any other issue capable of enhancing the
24 objectives of the Council.

Establishment
of the Governing
Board of the
Council

- 25 **4.-(1)** There is established for the Council a Governing Board
26 (hereinafter referred to as "the Board") which shall consist of:
27 (a) a Chairman to be appointed by the President on the
28 recommendation of the Minister and the following other Members to be
29 appointed by the Minister on the Recommendation of the body they represent;

1 (b) a representative of the Federal Ministry of Science and
2 Technology.

3 (c) a representative of the Manufacturers Association of Nigeria;

4 (d) a representative of the Nigerian Association of Small Scale
5 Industrialists;

6 (e) a representative of the Nigerian Association of Chambers of
7 Commerce, Industry, Mines and Agriculture;

8 (f) a representative of the Federal Ministry responsible for
9 Commerce, Industry, Trade and Investment;

10 (g) a representative of the Ministry responsible for National
11 Planning;

12 (h) a representative of the Ministry responsible for Defence;

13 (i) a representative of the Federal Ministry responsible for
14 Agriculture and Rural Development;

15 (j) a representative of the Federal Ministry responsible for
16 Minerals Development;

17 (k) the Director-General of the Council who shall be a
18 Member/Secretary of the Board.

19 (2) The members of the Board, other than the Director-General
20 shall serve on part-time basis and the Chairman shall be a person with vast
21 experience in raw materials acquisition, exploitation, conservation and
22 development in Nigeria.

23 (3) The provisions contained in the First Schedule of this Act shall
24 have effect with respect to the proceedings of the Board and any other
25 matters mentioned therein. Schedule

26 **5.** The functions of the Board shall be to:

Functions of the
Board

27 (a) formulate the policies of the Council;

28 (b) consider and approve Appointment of Directors and other staff
29 of the Council; and

30 (c) perform such other functions as are necessary and to the extent

	1	of its powers under this Act.
Tenure of office of board members	2	6. Subject to the provisions of this Act, a member of the Board other
	3	than an ex-officio member shall hold office for a period of four years from the
	4	date of his appointment and may be reappointed for another term of four years
	5	and no more.
Remuneration and allowances for members of the board	6	7. The Chairman and other members of the Board shall be paid
	7	allowances and expenses as the Federal Government may, from time to time
	8	direct and approve.
Cessation of membership	9	8.-(1) The Chairman or any member of the Governing Board of the
	10	Council shall cease to hold office where he-
	11	(a) becomes of unsound mind;
	12	(b) is declared bankrupt by a court of competent jurisdiction;
	13	(c) is convicted of a felony or of any offence involving dishonesty or
	14	corruption;
	15	(d) is found guilty under the Code of Conduct or serious misconduct
	16	in relation to his duties;
	17	(e) the President of the Federal Republic of Nigeria is satisfied that it
	18	is not in the best interest of the Council or of the public for such member to
	19	continue in office;
	20	(f) he resigns his appointment as a member of the Board;
	21	(g) by notice under his hand addressed to the President of the Federal
	22	Republic of Nigeria; or
	23	(h) he ceases to occupy the position that enabled him to represent his
	24	organization in the first instance.
	25	(2) Where a person ceases to be a member under subsection (1) of this
	26	section, the body which he represents shall send a representative to serve out
	27	the remainder of the tenure of that member.
	28	(3) A person who has ceased to be a member of the Board shall not be
	29	eligible for reappointment as a member of the Board.

1	9.- (1) There shall be appointed for the Council, a Director-	Appointment of the Director- General of the Council
2	General, who shall be the Chief Executive Officer of the Council.	
3	(2) The Director-General shall be:	
4	(a) appointed by the President on the recommendation of the Board	
5	through the Minister responsible for Science and Technology;	
6	(b) a person who possess not less than 18 years post qualification	
7	experience in Science, Engineering and Technology subjects with vast	
8	cognate experience in raw materials acquisition, exploitation, conservation	
9	and development;	
10	(c) responsible to the Board for the management of the affairs of	
11	the Council;	
12	(d) entitled to earn a remuneration and allowances as may be	
13	specified in his letter of appointment; and	
14	(e) hold office for a term of five years in the first instance and may	
15	be re- appointed for another term of five years and no more.	
16	(3) The Director-General shall, subject to the general direction of	
17	the Board, be responsible-	
18	(a) for the day-to-day administration of the Council:	
19	(b) for keeping the books and proper records of the proceedings of	
20	the Board:	
21	(c) for the administration of the secretariat of the Board: and	
22	(d) for the general direction and control of the employees of the	
23	Council.	
24	(4) The Director-General shall execute the seal of the Council.	
25	10. There shall be appointed from time to time by the Council,	Other staff of the Council
26	with the approval of the Board such other staff as may be required for the	
27	purpose of the efficient performance of the functions conferred under this	
28	Act.	
29	11. The Board may make regulations relating generally to the	Staff regulations
30	conditions and scheme of service of the staff of the Council and such	

	1	regulations may provide for-
	2	(a) the appointment, promotion, termination, dismissal and
	3	disciplinary control over the staff of the Council;
	4	(b) remuneration and fringe benefits subject, to the approval of the
	5	National Salaries Incomes and Wages Commission; and
	6	(c) appeals by staff against dismissal or other disciplinary measures.
Fund of the Council	7	12. -(1) The Council shall establish and maintain a fund ("the Fund")
	8	which shall consist of:
	9	(a) such sums as may be appropriated to the Council by the Federal
	10	Government;
	11	(b) two per cent surcharge on imports;
	12	(c) fees charged for services rendered by the Council;
	13	(d) contributions from the organized private sector;
	14	(e) all sums accruing to the Council by way of gifts, testamentary
	15	disposition, endowments, contributions from philanthropic persons and donor
	16	agencies.
	17	(2) The Council shall from time to time apply the Fund towards the
	18	promotion of the objectives specified in this Act.
Annual estimates and accounts	19	13. -(1) The Board shall cause to be prepared not later than 6 months to
	20	the end of each financial year an estimate of the expenditure and income of the
	21	Council during the next financial year based on guidelines approved by the
	22	Board in line with extant financial regulations.
	23	(2) The Board shall cause to be kept, proper accounts of the Council
	24	and proper records in relation thereto and when certified by the Board, such
	25	accounts shall be audited as provided in Section 15 of this Act.
Annual audit	26	14. The accounts of the Council shall be audited within six months
	27	after the end of each financial year by external auditors appointed from the list
	28	of auditors and in accordance with the guidelines supplied by the Auditor-
	29	General of the Federation.

1	15. -(1) The Council shall , with the approval of the Board and	Borrowing power of the Council
2	consent of the Minister in accordance with any general guidelines approved	
3	by the financial regulations , borrow by way of loan or overdraft from any	
4	source any moneys required by the Council for meeting its obligations and	
5	discharging its functions under this Act.	
6	(2) The Council may, subject to the provisions of this Act and the	
7	conditions of any trust created in respect of any property and with the	
8	approval of the Board and consent of the Minister invest all or any of its	
9	funds in accordance with any general guidelines approved in the financial	
10	regulations.	
11	(3)The Council may invest any surplus funds in such securities as	
12	may be approved by the Board and consent of the Minister.	
13	16. The Council shall not later than three months to the end of	Annual report
14	each financial year submit to the Board or the Minister (in the absence of the	
15	Board), a report on activities of the Council and its administration during the	
16	immediately preceding financial year.	
17	17. -(1) The Council may, with the approval of the Board or the	Regulations
18	Minister (in the absence of the Board), make regulations generally for the	
19	purpose of carrying into effect the provisions of this Act;	
20	(2) The Council with the approval of the Board or consent of the	
21	Minister (in the absence of the Board) may make such regulations as are	
22	necessary for the development, promotion, protection, utilization of local	
23	raw materials and for due administration of its provisions.	
24	18. -(1) The Council may, with the approval of the Minister, accept	Power to accept gifts
25	gifts of land, money or other property upon such terms and conditions, if	
26	any, as may be specified by the person or organization making the gift.	
27	(2) The Council shall not accept any gift if the conditions attached	
28	by the person or organization making the gift to the acceptance thereof are	
29	inconsistent with the functions of the Council.	

Legal proceedings	<p>1 19.-(1) No suit shall be commenced against the Council before the</p> <p>2 expiration of a period of one month after written notice of intention to</p> <p>3 commence the suit have been served on the Council.</p>
	<p>4 (2) The notice shall specify the Plaintiff or his Agent and clearly state</p> <p>5 the:</p>
	<p>6 (a) cause of action;</p> <p>7 (b) particulars of the claims;</p> <p>8 (c) name and place of abode of the intending, plaintiff; and</p> <p>9 (d) the relief sought in the claim.</p>
	<p>10 (3) The notice referred to in subsection (1) of this section in relation to</p> <p>11 any summons, notice or other document required or authorized to be served on</p> <p>12 the Council under the provision of this Act or any other enactment or law, may</p> <p>13 be served by-</p>
	<p>14 (a) delivering same to the Director-General; or</p> <p>15 (b) sending it by registered post addressed to the Director-General at</p> <p>16 the head office of the Council.</p>
	<p>17 (4) In any action or suit against the Council, no execution or</p> <p>18 attachment or process of any nature thereof, shall be issued against the Council,</p> <p>19 but any sum of money which may, by the judgment of the court, be paid from</p> <p>20 the general reserve of the Council.</p>
Restriction on execution against the property of the Council	<p>21 20. In any action or suit against the Council, no execution or</p> <p>22 attachment or process in the nature thereof shall be issued against the Council,</p> <p>23 but any sums of money which may, by the judgment of the court, be awarded</p> <p>24 against the Council shall, subject to any directions given by the Council, be</p> <p>25 paid from the general reserve fund of the Council.</p>
Indemnity of officers of the Council	<p>26 21. A member of the Board, Director-General or employee of the</p> <p>27 Council shall be indemnified out of the assets of the Council against any</p> <p>28 proceedings brought against him in his capacity as a member of the Board,</p> <p>29 Director-General, officer or employee of the Council where the act complained</p> <p>30 of is not ultra vires his power.</p>

1 **22.** The Raw Materials Research and Development Council Act Repeal
2 2004 is hereby repealed.

3 **23.-** (1) A person who at the commencement of this Act was a Savings
4 member of staff or an employee of the Raw Materials Research and
5 Development Council, shall as from the commencement of this Act become
6 a member of staff or employee of the Council with the status, rank,
7 designation and functions which corresponds as far as possible to those
8 which appertained to him as a member of staff or employee of the Raw
9 Materials Research and Development Council.

10 (2) All assets, rights, liabilities and obligations which immediately
11 before the commencement of this Act were assets, rights, liabilities and
12 obligations of the Raw Materials Research and Development Council shall
13 by virtue of this Act, be taken over by the Council.

14 (3) Anything made or done or having effect before the
15 commencement of this Act by the Raw Materials Research and
16 Development Council and having any resulting or continuing effect shall be
17 treated as from the commencement of this Act, as if it were made or done by
18 the Council.

19 **24.** In this Bill, unless the context otherwise requires- Interpretation
20 "President" - means the President of the Federal Republic of Nigeria;
21 "Council" - means the Raw Materials Research and Development Council;
22 "Board" - means the Governing Board of the Council;
23 "Chairman" - means the Chairman of the Board;
24 "Minister" - means the Minister charged with the responsibility for Science
25 and Technology;
26 "Member" - means any Member of the Board including the Chairman;
27 "Local raw material"- means any unprocessed or processed material
28 indigenous to Nigeria that can be converted by manufacture, processing or
29 combination into a new and useful product.

Citation 1 **25.** This Bill may be cited as the Raw Materials Research and
2 Development Council Bill, 2019.

SCHEDULE

Section 4(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board and any committee thereof.

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

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

4. The quorum of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members and the quorum of any committee of the Board shall be determined by the Board.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it deems fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

6. Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister.

1 *Committee*

2 7.- (1) Subject to its standing orders, the Board may appoint one or
3 more committees to carry out on behalf of the Board such of its functions as
4 the Board may determine.

5 (2) Every committee appointed under the provisions of sub-
6 paragraph (1) of this Paragraph, shall consist of such number of persons (not
7 necessarily all members of Board) as may be determined by the Board and a
8 person other than a member of the Board shall hold office on the committee
9 in accordance with the terms of his appointment.

10 (3) A decision of a committee of the Board shall be of no effect
11 until it is confirmed by the Board.

12 *Miscellaneous*

13 8. The fixing of seal of the Council shall be authenticated by the
14 signature of the Director-General and any other staff authorized generally or
15 specially by the Board to act for that purpose.

16 9. Any contract or instrument which, if made or executed by a
17 person not being a body corporate, would not be required to be under seal
18 may be made or executed on behalf of the Council by the Director-General
19 or any person generally or specifically authorized by the Board to act for that
20 purpose.

21 10. Members of the Board shall be paid such remuneration or
22 allowances as may be approved from time to time by the President.

23 11. The validity of any proceedings of the Board or of a committee
24 thereof shall not be adversely affected by:

25 (i) any vacancy in the membership of the Board;

26 (ii) any defect in the appointment of a member of the Board or
27 committee; or

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

30 12. Any member of the Board and any person holding office on a

1 committee of the Board, who has a personal interest in any contract or
2 arrangement entered into or proposed to be considered by the Board or a
3 committee thereof shall forthwith disclose his interest to the Board or
4 committee and shall not vote on any question relating to the contract or
5 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal and re-enact the Raw Materials Research and Development Council, 2017 to develop local raw materials and co-ordinate research efforts especially in relation to raw materials acquisition, exploitation, conservation and development.

A BILL

FOR

AN ACT TO AMEND THE EXPLOSIVE ACT CAP E18 LAWS OF THE
FEDERATION OF NIGERIA, 2004 RELATING TO THEIR REGULATION,
PENALTIES FOR DEFAULTERS AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

- | | | |
|---|---|-------------------|
| 1 | 1. The Explosives Act Cap E. 18 Laws of The Federation of | Amendment of |
| 2 | Nigerian 2004 (herein referred to as the "Principal Act") is amended as set | the Principal Act |
| 3 | out in this Bill. | |
| 4 | 2. Section 1(2)(e) of the Principal Act is hereby amended by | Amendment of |
| 5 | substituting the word "two years" with the words "ten years" as well as | 1 (2)(e) |
| 6 | substituting the figure N1,000:00 with the figure with N100,000:00. | |
| 7 | 3. This Bill may be cited as the Explosives Act (Amendment) Bill, | Short title |
| 8 | 2019. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the provisions of the Explosive's Act to provide
stiffer penalties for defaulters of the Law regulating the handling of
Explosives in Nigeria.

ENVIRONMENTAL HEALTH BILL, 2019

ARRANGEMENT OF CLAUSES:

Clauses:

1. Preliminary
2. Nuisances
3. Food, Meat Hygiene and Sanitation of Food Premises
4. Water Sanitation
5. Building Sanitation
6. Public Health Pests and Vectors Control
7. Schools, Day-Care, Kindergarten & Other Such Centres
Sanitation
8. Waste Management
9. Sanitation of Hospitality, Recreation and Allied Industries
10. Ports, Vessel, Aircraft Land Border Health & Sanitation
11. Market Sanitation
12. Sanitary Requirements of Industrial Establishment and
Occupational Health
13. Industrial Cleaning Services
14. Noise Pollution Control
15. Control of Communicable Diseases
16. Environmental Health Impact Assessment
17. Environmental Health Tax Fund
18. Appointment, Duties and Powers of Director of Environmental
Health Services
19. General Provisions
20. Interpretation, Citation and Explanatory Notes
Schedule

A BILL

FOR

AN ACT TO PROVIDE FOR THE PROTECTION, PROMOTION AND MAINTENANCE OF HEALTH, FOR PROPER SANITATION IN MATTERS RELATING TO HOUSING, FOOD AND GENERALLY, FOR THE PROTECTION OF THE ENVIRONMENT AND FOR THE CONTROL OF SERVICES, ACTIVITIES AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwani

[] Commencement

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

1 **1. In this Act:**

2 (1) Every person has the right to good health and safe environment. Duty of all to
Protect Health
3 Therefore, every person has a duty to take preventive action when they have
4 reasonable suspicion that harm is occurring or is about to occur to Public
5 Health.

6 (2) Government has a duty to take anticipatory action to prevent
7 harm to individual, and community; and to encourage individual and the
8 general public to take collective measures to protect public health.

9 **2. In this Act, “Precautionary Principle” shall apply in all areas and** Precautionary
Principle
10 issues where the protection of the environment and public health is
11 necessary.

12 PART I - NUISANCES

13 **3. The following shall be deemed to be nuisances for the purpose** Nuisances
14 of this Act.

15 (a) Any premises which-

16 (i) is in such a condition as to be injurious to health,

17 (ii) is so poorly illuminated or so ill-ventilated or so damp or in
18 such a condition of dilapidation as to be dangerous or prejudicial to the

1 health of the persons living or employed therein.

2 (iii) contains rat holes or other similar holes or rat runs and dropping
3 or infested with rats or other vermin or in which the ventilating openings are not
4 protected by gratings in such a manner as to exclude rats or other vermin from
5 coming into the premises;

6 (iv) is certified by the Environmental Health Officer to be so
7 overcrowded as to be injurious or dangerous to the health of the occupants;

8 (b) Any-

9 (i) Office complex, petrol station, motor park, market, supermarket,
10 shopping centre, church and mosque or other such like place where suitable
11 and adequate sanitary conveniences are not provided and or where such
12 facilities are provided but not accessible to the general public, persons,
13 workmen or attendants;

14 (ii) Premises used as a boarding house in which suitable and adequate
15 sanitary conveniences are not provided for the occupants or are provided but
16 not accessible to occupants;

17 (iii) Premises used as educational institution, boarding house in
18 which suitable and adequate sanitary conveniences are not provided for the
19 occupants or are provided but not accessible to occupants;

20 (iv) Premises whose Certificate of Fitness for Habitation or
21 Certificate of Fitness for Continued Use or Certificate of Fitness for Continued
22 Habitation does not exist or is expired;

23 (v) Animal or bird kept in such a place or manner as to be dangerous,
24 prejudicial or injurious to health or molesting to neighbours or emitting
25 offensive odour and any animal or bird which suffers from a zoonotic or
26 infectious disease;

27 (vi) Pool, ditch, gutter, watercourse, cesspool, drain, refuse pit,
28 latrine, dust bin, washing place, well, water tank, barrel, sink, collection of
29 sewage, receptacle which contains stagnant water, or other thing in such a
30 condition as to be injurious to health.

- 1 (vii) Pit or excavation, well, pond or quarry in or near any street
2 which is or likely to become dangerous to the public;
- 3 (viii) Stable, cow house, pigsty, or other premises for the use of
4 animals or birds which are in such a condition as to be injurious to the health
5 of man or to those animals or birds;
- 6 (ix) Noxious matter, water or wastewater flowing or discharged
7 from any premises into the street or into any gutter or side channel of a street;
- 8 (x) Accumulation or deposit or rubbish of any kind whatsoever, or
9 any decaying animal or vegetable matter, whether in form of refuse, manure,
10 decayed food, or in any other form whatsoever.
- 11 (xi) Growth of weed, cactus, long grass, reed or wild bush of any
12 kind which may be injurious to health;
- 13 (xii) Vegetable that of itself is dangerous to children or adults either
14 by its effluvia or through eating its leaves, seeds, fruits or flowers.
- 15 (xiii) Industrial effluent or trade emissions waste oil or chemical
16 substances of any description not treated as required before discharge;
- 17 (xiv) Construction material including blocks, cement, sand, gravel,
18 mortar, or iron rods etc dumped on any site or road sides in such condition
19 that may cause obstruction, injury or be dangerous to Public Health;
- 20 (xv) Littered and or neglected surroundings of a building,
21 including any home, office, factory, industry and commercial premises;
- 22 (xvi) Carcass of an animal in such a place and condition as to be
23 injurious to health;
- 24 (xvii) Premises without a valid Environmental Health Status
25 Report issued by a licensed Environmental Health Officer;
- 26 (xviii) Premises used for any activity where the doors leading into
27 any of the rooms, excluding the main entrance to the premises open directly
28 into any street;
- 29 (xix) Act, omission, place or thing, which is or may be dangerous to

Abatement of
nuisance

1 life or injurious to health or property or defiling to the aesthetics of the
2 environment.

3 **4.** -(1) An Environmental Health Officer shall if satisfied of the
4 existence of a nuisance, serve a notice, herein after called an abatement notice
5 as set out in the 1st schedule to this Act, and take all other appropriate actions as
6 necessary or as described in applicable regulations and relevant guidelines as
7 shall be issued by appropriate authority from time to time-

8 (a) on the person who cause or continue to cause the nuisance or,

9 (b) If such person cannot be found on the premises, occupier or
10 owner/developer of the premises on which the nuisance was caused, requiring
11 him to abate the nuisance within the time specified in the notice, and to execute
12 such works, and to do such things as may be necessary for that purpose, and if
13 the Environmental Health Officer thinks it desirable, specifying any work to be
14 executed.

15 (2) The Environmental Health Officer may by the notice under
16 subsection (1) of this section or by another abatement notice served on such
17 person or occupier or owner, requiring him to do what is necessary to prevent
18 the re-occurrence of the nuisance, and if he thinks it desirable, specify any work
19 to be executed for that purpose.

20 (3) The Environmental Health Officer may serve a notice
21 notwithstanding that the nuisance has been abated, if the Environmental Health
22 Officer thinks that it is likely to re-occur on the same premises.

23 (4) Where the nuisance is caused by any want or defect of a structural
24 character, or where the premise is unoccupied, the notice shall be served on the
25 owner or his agent or the developer or occupier of the premises.

26 **PART II - FOOD, MEAT HYGIENE AND SANITATION OF FOOD PREMISES**

Registration of
food premises

27 **5.**-(1) Every premises from which food of any description is
28 produced, prepared or offered for sale to the public shall be registered with the
29 Environmental Health Authority in charge of the area where the premises is
30 located.

(2) The registration shall be renewed annually or such other interval. For such a registration to be renewed, all applicable regulations, and guidelines shall be met.

(3) Every item and utensils used for preparation, cooking and storage of food shall be kept clean at all times.

6 **6.** -(1) No person shall display or offer for sale to the public any Foodstuff for
7 food substance—liquid or solid, which may be injurious to the health of man. sale to be kept in
clean containers

8 7. -(1) Every person employed or engaged to handle or process Food handlers
9 food of any description shall undergo food handler's medical examination medical test
10 every six months.

11 **8.** No animal shall be slaughtered without the permission of the Conditions for
12 Veterinary officer and in his absence, the Environmental Health Officer, and Slaughtering
13 unless the animal has been kept for not less than six hours in that part of the
14 abattoir reserved for animals awaiting slaughter.

15 **9. -(1)** The Environmental Health Authority shall after due and Licensing of
16 proper inspection, grant permit to a premises as a private abattoir. private abattoir

(2) The permit may be cancelled or suspended if the holder of such permit commits a breach of the conditions of the licence or of the provisions of the applicable parts of this Act and or relevant regulation or guidelines.

20 **10.** A person who contravenes any of the provisions of this Part Offences and
21 commits an offence and shall be liable on conviction to a fine of not less Penalties
22 than ten thousand Naira or to two months imprisonment or both for
23 individual and twenty-five thousand Naira for corporate body or to two
24 months imprisonment for the Director of the company or both.

25 PART III - WATER SANITATION

26 **11. -(1) Standards for drinking water and their bacteriological and** Standard of
27 chemical examinations, together with the evaluation of results, shall drinking water
28 conform to the criteria as set out in the Nigerian Standard for Drinking Water quality
29 Quality as issued by the relevant government agency.

Guidelines for drinking water quality monitoring	1	(2). The Director responsible for Environmental Health matters shall
	2	ensure nationwide compliance, and issue relevant guidelines for the regular
	3	monitoring of drinking water quality.
Monitoring of drinking water quality	4	(3) The Director of Environmental Health shall ensure the regular
	5	monitoring of drinking water quality in his area of jurisdiction so as to
	6	safeguard Public Health.
Registration of water points and water tanker	7	12. -(1) The Environmental Health Officer in charge of an area shall
	8	register all water point from where water is collected for sale to the general
	9	public as well as all water tankers used for sale or distribution of water to the
	10	public.
	11	(2) The water tanker owner shall ensure that such tanker conforms to
	12	the quality required of such tanker in line with the guidelines.
Discharge of waste water by persons	13	13. No person shall discharge wastewater of any description into any
	14	street, stream or any river or body of water.
Penalty	15	14. -(1) Any person who discharges untreated wastewater into any
	16	street, gutter, drainage channel or body of water, commits an offence under this
	17	section, and is liable on conviction-
	18	(a) to a fine of twenty thousand Naira at the first instance;
	19	(b) thirty thousand Naira for any subsequent offence; and
	20	(c) if a corporate body, to a fine of one hundred thousand Naira and the
	21	closure of the company until the default ceases.
	22	PART IV - BUILDING SANITATION
No building without approved plans	23	15. -(1) Without prejudice to any other laws and for the purpose of
	24	ascertaining if necessary health requirements have been met, no building shall
	25	be erected except in accordance with full working drawings and site plan
	26	approved by the Environmental Health Officer in the first instance, the town
	27	planning authority and other approving authorities of the area where such
	28	building is to be erected. Any other regulatory requirement shall be met.
	29	(2) Six copies of such plan shall be submitted by the applicant for this
	30	purpose.

1	16. -(1) No living room in any building shall have less than 10.8	Size of living rooms
2	square metres of useable floor area and average height of less than 3.0	
3	metres and width of not less than 2.5 metres.	
4	(2) Attics, penthouses and outhouses shall have a mean height of	Ventilation
5	not less than 2.4 metres and useable floor area as specified in this part.	
6	17. -(1) Every room shall contain at least one window in one wall	
7	opening directly to the external air and the total area of the window or	Provision of fire escape route
8	windows in any one room clear of the frames shall be equal to at least one-	
9	eighth of the floor area of the room. Every room must also have provision for	
10	additional ventilation in the form of either a second window or large	Inspection of building before occupation and issuance of certificate of fitness for habitation
11	ventilator in one of the other walls and this may open on to an internal	
12	corridor if the latter is ventilated at both ends.	
13	(2) Every building shall have at least two exit doors located at such	Building for rent or lease must meet Housing Health and Safety Rating System
14	points as to provide easy escape in case of a fire outbreak. In case of a	
15	building with more than one floor, an external staircase linked to every floor	
16	must be provided to serve as fire escape route.	Penalty
17	18. -(1) On completion of any building and before occupation	
18	thereof, the building shall be inspected by the Environmental Health Officer	
19	in-charge of the area and the Building and or Town Planning Officer. If the	Building for rent or lease must meet Housing Health and Safety Rating System
20	minimum requirement for health is adequate, the Environmental Health	
21	Officer shall issue a certificate of fitness for habitation stating that the	
22	building is completed according to approved plan and fit for human	Penalty
23	habitation.	
24	(2) If the building is to be altered in any way in the future, the	
25	Environmental Health authority shall be notified and an alteration approval	Building for rent or lease must meet Housing Health and Safety Rating System
26	obtained.	
27	(3) Every building put up for rent and or lease shall meet the	
28	minimum requirement as stated in this Act and be in line with the Housing	Penalty
29	Health and Safety Rating System as issued by the Council.	
30	19. -(1) Any person who contravenes any of the provisions of this	

	1	Part shall be guilty of an offence and shall be liable on conviction to a fine not
	2	less than ten thousand Naira only or in default of payment, to three months
	3	imprisonment for the first offence or to both fine and imprisonment for
	4	subsequent offences.
	5	PART V - PUBLIC HEALTH PESTS AND VECTORS CONTROL
	6	20. -(i) Every premises shall be kept in a condition and be rid of pests
	7	and vectors of public health importance.
Valid operational licence prior to operation	8	(ii) Any individual or company wishing to be engaged in the business
	9	of Pest Control shall obtain a valid operational licence from the Council.
	10	21. -(i) Every regulated premises shall be fumigated at least every six
	11	months in a year. Fumigation exercise shall be certified by the licensed
	12	Environmental Health Officer.
Chemicals for use to conform to National Chemical standard	13	(ii) All insecticides, rodenticides and such chemicals to be used for
	14	pest control shall conform to the National Chemicals Standards set by the
	15	appropriate authority.
	16	22. It shall be an offence for-
Offences under this part	17	(1) Any person or company not qualified, to issue a certificate
	18	required in this part. To engage in pest control, fumigation, spraying or derating
	19	without a valid licence issued by the Council.
	20	(2) The owner of a building/premises not to have a valid certificate of
	21	fumigation for his premises.
Penalty and fine	22	23. -(1) Anybody who patronises or engages a Company, which is not
	23	licensed by the Council for the purpose of spraying, fumigating, derating or
	24	any other activity specified in this part shall on conviction be liable to a fine not
	25	less than thirty thousand Naira or imprisonment for three months or both fine
	26	and imprisonment.
	27	(2) If a body corporate contravenes the provisions of this section, shall
	28	on conviction be liable to a fine of not less than one hundred thousand Naira for
	29	the first offence and for subsequent offence, to a term of imprisonment for the

1 Director of the company not exceeding three months or both fine and
2 imprisonment.

3 (3) On conviction, the owner shall be liable to a fine of ten thousand
4 Naira or two months imprisonment for the first offence but for subsequent
5 conviction to a fine of thirty thousand Naira and to three months
6 imprisonment; if body corporate to a fine of one hundred thousand Naira or
7 3 months imprisonment for the Director of the Company.

8 PART VI - SCHOOLS, DAY-CARE, KINDERGARTEN & OTHER SUCH
9 CENTRES SANITATION

10 **24.** No structure, premises, learning centre, tertiary education
11 institution, schools, kindergarten, day-care or other such centres shall be
12 approved for learning without a valid Environmental Health Status Report
13 issued by an Environmental Health Officer.

14 **25.**-(1) The Environmental Health Authority shall issue Certificate
15 of Fitness for Use or Certificate of Fitness for Continued Use as the case
16 may be, on receipt of Environmental Health Status Report.

Issuance of
operating permit

17 (2) Any certificate issued in pursuance of this section shall be
18 renewed every two (2) years on submission of an Environmental Health
19 Status Report of the facility duly signed by a licensed Environmental Health
20 Officer carrying out such inspection.

Validity of
certificate

21 **26.**-(1). It shall be illegal for any educational institution to operate
22 without a valid certificate of fitness for habitation or for continued
23 habitation as the case may be.

Illegal to operate
without a valid
certificate of
fitness for
habitation or for
continued
habitation

24 (2) Any educational institution or other such centres operating
25 without a valid Certificate of Fitness for Use or Certificate of Fitness for
26 Continued Use commits an offence and on conviction, the proprietor of such
27 a facility shall be liable to a fine not less than thirty thousand Naira or three
28 months imprisonment for the first offence and for subsequent offence to a
29 fine of not less than fifty thousand Naira and a term of imprisonment of three
30 months or both fine and imprisonment.

Offences and
fine

	1	PART VII - WASTE MANAGEMENT
Environmental Health Officer to ensure safe waste disposal and protection of public health	2	27. The Environmental Health Officer within a given area shall
	3	through supervision and monitoring ensure that wastes of all types are stored,
	4	handled, transported and disposed off in such a manner that public health is not
	5	jeopardised.
Issuance of operational licence	6	28.-(1) The Council shall issue operational licence to qualified
	7	companies, that meet the basic requirements for the operation of waste
	8	collection and disposal facilities.
	9	(2) Such a licence shall be renewed every three years.
Owner or occupier to ensure that wastes are collected	10	29. It shall be the responsibility of the owner or occupier of a premise
	11	to ensure that all wastes generated from the premises is collected, stored,
	12	transported and disposed of in a manner that will not constitute any danger to
	13	Public Health.
	14	(3) It shall be an offence for any company not to provide all the
	15	information required in this section or to provide false information.
Offence under this section	16	(4) Any proprietor of a company who contravenes any provision of
	17	this section shall be liable on conviction to a fine of 1 million Naira and a 3
	18	month imprisonment for the Director of the company or both fine and
	19	imprisonment.
	20	(5) Any person who disposes of any waste in such a manner as to
	21	endanger public health shall be guilty of an offence and shall on conviction be
	22	liable to a fine not less than fifty thousand Naira or six months imprisonment or
	23	for both fine and imprisonment.
Issuance of operational license	24	30.-(1) The Council shall issue operational licence to qualified
	25	hazardous waste, healthcare waste, sewage or wastewater collection
	26	companies that meet the basic requirements for the operation of such facilities,
	27	on the payment of appropriate fee.
	28	(2) Such a licence shall be renewed every three years.
Condition for revoking of license	29	(3) Any license issued under this section shall be suspended, revoked
	30	or cancelled if the licensee fail to abide by either the terms of the license or

1 conditions specified in the applicable regulations and or guidelines, or the
2 violation of the code for practice as the case may be.

3 (4) It shall be an offence to empty sewage and other such matters in
4 any place other than areas approved by the Environmental Health Authority
5 for that purpose.

Discharge of
sewage in
unapproved place

6 (5) It shall also be an offence to operate sewage disposal services
7 without a valid license issued by the Council.

Offence for
operating
unlicensed
dislodging vehicle

8 (6) Any person who contravenes this section shall be liable on
9 conviction to a fine not less than Fifty thousand Naira or three months
10 imprisonment and in the case of a corporate body, to a fine of Two Hundred
11 and fifty thousand Naira. In all cases, the forfeiture of such a vehicle used for
12 the exercise shall be enforced.

13 PART VIII - SANITATION OF HOSPITALITY, RECREATION AND ALLIED
14 INDUSTRIES.

15 **31.**-(1) The construction and operation of hotel, motel, recreational
16 facilities, saloons, swimming pools, parks, petrol station, bus and train
17 terminal, picnic grounds, beaches, camps, night clubs, bars, massage clinic,
18 sauna bath, lodging, and boarding, shall conform to the applicable standards
19 as presented in relevant regulations and guidelines.

Sanitary
requirements for
hotel, motel,
recreational
facilities, saloons
etc.

20 (2). All such facilities mentioned in sub-section (1) of this section
21 shall be required to obtain a valid Certificate of Fitness for Use or Certificate
22 of Fitness for Continued Use (as the case may be) from Environmental
23 Health Authority of the area of its location.

Staff to have
health certificate
of fitness

24 The contravention of this section on conviction shall attract a fine not less
25 than ten thousand Naira for the first offence and for subsequent offence, a
26 fine of fifty thousand Naira and another five thousand Naira for each day the
27 nuisance persists.

Offence under
this section

28 PART IX: PORTS, VESSEL, AIRCRAFT AND LAND BORDER
29 HEALTH AND SANITATION

30 **32.** -(1) The sanitation of Airport, Seaport, Vessels, Aircraft and

Sanitation at
points to conform
to International
Health Regulations

	1	Land Borders of entry into the Country shall conform to the “International
	2	Health Regulations” and relevant national laws, regulations and guidelines.
Screening of all passenger on arrival on international voyage	3	(2) At all ports and land borders of entry, there shall be provided a Port
	4	Health Desk at the arrival area for the screening of the Health Status of all
	5	arriving passengers and crew by the Environmental Health Officer in charge of
	6	such port or border entry point, in line with the International Health
	7	Regulations and other applicable laws and regulations, before the passengers
	8	are allowed to proceed on to other arrival formalities.
Offences under this part	9	(3) Any person who contravenes this part shall be liable on conviction
	10	to a fine not less than fifty thousand Naira or imprisonment for three months. If
	11	a corporate body, it shall be liable on conviction to a fine not less than one
	12	hundred thousand Naira or imprisonment for three months for the Director of
	13	such a company.
	14	PART XI - SANITARY REQUIREMENTS OF INDUSTRIAL ESTABLISHMENT
	15	AND OCCUPATIONAL HEALTH
Requirements for industrial establishment	16	33. -(1) No person or firm or corporation shall operate any industrial
	17	establishment without conforming to relevant sanitary regulations and
	18	guidelines as the case may be.
	19	(2) Any person who contravenes the provision of this section shall be
	20	liable on conviction to a fine not less than fifty thousand Naira or imprisonment
	21	for than 3 months or both fine and imprisonment.
Surveillance of factories	22	34. -(1) The Environmental Health Officer responsible for an area
	23	shall from time to time inspect factories to ensure a high level of Environmental
	24	Health and Safety of the public as well as those employed therein are
	25	maintained.
Routine sampling of wastes and waste water	26	(2) The Environmental Health Officer in his area of jurisdiction shall
	27	collect samples of waste, wastewater, air samples and any other samples
	28	deemed necessary from factories in such area to ensure that the waste or waste
	29	discharged from such factories does not contain substances in concentrations
	30	exceeding the maximum permissible limit or threshold set by relevant

1	Government Authority and other applicable standards.	
2	(3) The cost of any analysis shall be paid directly to the laboratory	Payment for
3	by the company concerned.	such analysis
4	35. -(1) The owner, manager or operator of any establishment	Offensive Trade
5	classified, as offensive trade under this Act shall operate in accordance with	Practices
6	relevant regulations and guidelines.	
7	(2) Any contravention of this section shall on conviction be liable	
8	to a fine not less than five thousand Naira or imprisonment for one month for	
9	the Director/ chief executive officer of such a company.	
10	PART XII - INDUSTRIAL CLEANING SERVICES	
11	36. -(1) The Director Environmental Health Services of the	Guidelines on
12	Federation shall issue Environmental Health guidelines pertaining to the	industrial
13	operation of industrial cleaning services.	cleaning
14	(2) Any company wishing to be engaged in the business of	Issuance
15	industrial cleaning services shall obtain a valid operational licence from the	operational
16	Council.	license
17	(3) Such company shall operate in accordance with relevant	
18	regulations and guidelines and code of practice.	
19	37. -(1) It shall be an offence for a cleaning services company to	Illegal disposal
20	dump/deposit wastes collected from any premises in any place not	of waste from
21	designated by the Environmental Health Authority in charge of the area for	clients premises
22	that purpose.	
23	(2) Any company involved in illegal dumping of waste collected	
24	from clients premises at unlawful locations shall be liable on conviction to a	
25	fine of fifty thousand Naira for the first offence and for subsequent offence,	
26	to a revocation of the operational license of such a company and a fine of	
27	One Hundred Thousand Naira and the cost of cleaning up the waste dumped.	
28	38.-(1) Any person who engage a company not licensed as a	Offences under
29	cleaning services company contravenes the provisions of this part and shall	this part
30	be liable on conviction to a fine not less than Twenty Thousand Naira or	

	1	three months imprisonment for the first offence and to a fine of Fifty Thousand
	2	Naira and three months imprisonment for subsequent offences.
	3	(2) If a corporate body, it shall be liable on conviction to a fine not less
	4	than two hundred thousand Naira for the first offence and for subsequent
	5	offences, a term of six months imprisonment for the Director of the company
	6	/chief executive officer of such establishment without the option of fine.
	7	PART XIII - NOISE POLLUTION CONTROL
Noise inducing events to obtain a permit	8	39. -(i) No person or body corporate such as Mosque, Church,
	9	Nightclub, Record shop, Discotheque, Factory and such other business likely
	10	to be a source of noise injurious to public health shall carry out any business or
	11	activity without a special permit from the Environmental Health Authority.
Penalty for default	12	40. Any person that contravenes or fails to comply with any of the
	13	provisions in this part shall be guilty of an offence and on conviction shall be
	14	liable to a fine not less than Twenty Thousand Naira or in default of payment, to
	15	3 months imprisonment. In the case of a body corporate, shall be liable to a fine
	16	not less than fifty thousand Naira for first offence and for subsequent offences,
	17	to a fine not less than one hundred thousand Naira. In a situation where an
	18	offender remains recalcitrant, the premises shall be sealed pending conformity.
	19	PART XIV - CONTROL OF COMMUNICABLE DISEASES
Declaration of infected area and order for evacuation	20	41. -(1) Whenever there is an outbreak of a communicable
	21	disease in any place, the Minister of Health shall have power to, by public
	22	notice-
	23	(a) declare such a place or any part thereof as an infected area;
	24	(b) and may order the evacuation of the whole or any part of such
	25	infected area.
	26	(2) No person shall:
Restriction of entry into a restricted area	27	(a) reside or carry on business within any area declared as an infected
	28	area and ordered to be evacuated; or
	29	(b) enter or remain in the area except when passing along a
	30	thoroughfare allowed to remain open to the public, without an order in writing

1 to that effect signed by a competent Medical Officer, and on the conditions
2 such Medical Officer may in such order direct.

3 (3) A person who contravenes the provisions of subsection (2) of
4 this section commits an offence and shall be liable on conviction to a fine of
5 Ten Thousand Naira or imprisonment for one month.

Penalty for
contravention

6 **42.** -(1) A health officer may cause to be placed on or about any
7 premises in which a case of communicable disease has occurred a letter "C"
8 in red circle mark for the purpose of denoting the occurrence of that disease,
9 and may keep the mark affixed for such time as he may deem necessary.

Marking of
premises where
communicable
disease has
occurred

10 (2) Any person who removes or obliterates any mark placed under
11 subsection (1) of this section without the authority of a Health Officer
12 commits an offence under this Law and is liable on conviction to a fine of
13 Ten thousand Naira or one month imprisonment.

14 **43.**-(1) An Environmental Health Officer of an area shall take all
15 necessary action as described in relevant regulation and guidelines to
16 prevent and control the occurrence of a communicable disease in his area of
17 jurisdiction.

18 PART XV - ENVIRONMENTAL HEALTH IMPACT ASSESSMENT

19 **44.** -(1) Environmental Health Impact Assessment shall be an
20 integral part of Environmental Impact Assessment as provided for in the
21 Environmental Impact Assessment Act and other applicable regulations.

Health Impact
Assessment

22 (2) The Minister shall ensure the production and regular review of
23 sectoral guidelines for Environmental Health Impact assessment.

Existing
development
project to produce
EHIA report

24 **45.**-(1) Without prejudice to any other laws, every development
25 project shall cause to be produced a detailed Environmental Health Impact
26 Assessment report of such project by the organisation initiating the project
27 once every three years.

Organisations to
produce health
impact assessment
report

28 (2) From the date of coming into effect of this Act and within two
29 years, every existing development project, industry, or production facility
30 shall cause to be produced a detailed Environmental Health Impact

	1	Assessment report of its operation.
	2	(3) Such report shall be prepared in accordance to relevant
	3	guidelines.
Circulations of Health Impact Assessment Report	4	46. A copy of the report so produced shall be sent to the Minister, the
	5	Commissioner for Health of the state, the office of the Local Government
	6	Chairman, the Environmental Health Officer of the Local Government where
	7	the project or company is situated/ operating the traditional leader of the
	8	community, the Community Development Association where the project or
	9	company is located.
Sanctions on violation of this Act	10	47.-(1) Where violation of this Part is established, the Director
	11	Environmental Health Services of the State shall evoke the relevant sections of
	12	this Act including the power to seal premises.
Court may order reopening if	13	(2) Where the company has been sealed in pursuance of this section, a
	14	court can only order the reopening of the premises after the conditions
	15	necessitating the sealing have been complied with of removed and the court is
	16	satisfied that the premises poses no further risk to Public Health.
No exemption from Health Impact Assessment	17	48. No development project, industry, or production facility shall be
	18	exempted from the production of an Environmental Health Impact Assessment
	19	report of its operation once every three years.
Offence under this part	20	49. Every development project, industry, or production facility which
	21	fails to produce a detailed Environmental Health Impact Assessment report of
	22	its operation as at when due commits an offence and shall be liable on
	23	conviction to a fine of two hundred thousand Naira for the first offence and for
	24	subsequent offences, to a fine of two hundred thousand Naira and
	25	imprisonment for 6 months for the Chief Executive officer/Director of such an
	26	establishment.
	27	PART XVI - ENVIRONMENTAL HEALTH TAX FUND
Environmental Health tax fund	28	50.-(1) There shall be established a special fund to be referred to as
	29	Environmental Health Tax Fund.

1	(2) Every company in Nigeria shall pay a tax of one percent (1%) of	Payment of
2	its after tax profit to this fund.	Environmental
3		Health Tax
4	51. These funds shall be used for the provision of essential	Provision of
5	Environmental Health infrastructure as Incinerators, Sanitary Landfill, Air	infrastructure from
6	pollution monitoring Stations, development of local capacity for production	environmental
7	of waste collection and disposal equipment, research, environmental health	health fund
8	laboratory facilities and capacity building.	
9	52. -(1) There shall be established a Governing Board for the fund	Governing board
10	to be known as the Environmental Health Tax Funds Governing Board.	for Environmental
11		health tax fund
12	(2) The Board shall be responsible for the management of the	Responsibility
13	Environmental Health Tax Funds.	of the Board
14	(3) The Board shall be appointed by the President of the Federal	Appointment
15	Republic of Nigeria on the recommendation of the Minister.	of the Board
16	53. -(1) The Environmental Health Tax Funds Governing Board	Constitution of
17	shall comprise of-	the Governing
18	(i) The Chairman who shall be a person licensed by the Council;	Board
19	(ii) One representative of Manufacturer Association of Nigeria;	
20	(iii) One representative of Society for Environmental Health of	
21	Nigeria.	
22	(iv) One representative each to represent the Federal Ministries of	
23	Environment, Health and, Finance;	
24	(v) One representative each from the Council for Regulation of	
25	Engineering in Nigeria, Environmental Health Officers Association of	
26	Nigeria and Environmental Health Officers Registration Council of	
27	Nigeria;	
28	(vi) One representative of Oil Companies in Nigeria;	
29	(vii) One person to from (National Council of Women Societies) to	
30	represent public interest.	
	(2) All Board members shall be appointed for a period of four years	All years for
	and may be re-appointed for one more term of four years only.	such board

Tenure of Board to be on part time bases Minister to appoint the Executive Secretary of the fund	1	(3) The tenure of the Board shall be on part time basis.
	2	54. The office of a member of the Board shall become vacant if-
	3	(i) he resigns as a member of the Board by notice in writing under his
	4	hand addressed to the Minister; or
	5	(ii) the Minister, subject to the approval of the President is satisfied that
	6	it is not in the interest of the Board or the nation for the person appointed to
	7	continue in office and notifies the member in writing to that effect;
	8	(iii) it appears to the Board that a member of the Board other than an ex-
	9	officio member or the Executive Secretary, should be removed from office on
	10	the grounds of misconduct or inability to perform the functions of his office,
	11	the Board shall make a recommendation to the Minister.
	12	The Minister, after making such enquiries as he considers necessary, approves
	13	the recommendation, shall, in writing, declare the office of such a member
	14	vacant.
	15	(iv) The member dies.
Appointment of Executive Secretary	16	55.-(1) The President on the recommendation of the Minister shall
	17	appoint a fit and proper person, licensed by the Council as the Executive
	18	Secretary of the Board.
Functions of the Executive Secretary	19	(2) The Executive Secretary shall, in addition to his other functions as
	20	may be assigned by applicable regulations, be the Secretary to the Board and
	21	shall on the instructions of the Chairman of the Board, convene and keep
	22	minutes of the proceedings at all meetings of the Board and of any Committees
	23	of the Board, as the case may be.
	24	(3) The Secretary shall hold office for 5 years and may be reappointed
	25	for one more term.
	26	(4) The Board may appoint such other persons to be employees of the
	27	Board as the Board may determine to assist the Executive Secretary in the
	28	exercise of his functions under this part.
	29	(5) The Board may, whenever the Secretary is absent or for any other
	30	reason is unable to discharge the functions of his office, appoint an acting

1 Secretary to discharge his functions.

2 (6) The Executive Secretary and other employees of the Board shall
3 hold office on such conditions as the Board may, with the approval of the
4 Minister determine.

5 **56.**-(1) The Minister shall issue guidelines on the operations of the
6 Board and this shall be in accordance with relevant Public Service Rules,
7 Regulations and Circulars. Minister to issue
operational
guidelines and
conditions of
service for staff

8 (2) Appointment of staff of the Board shall be pensionable.

9 **57.** The infrastructure provided from the Environmental Health
10 Tax Fund shall be managed in such a manner as to make them function as
11 profitable ventures. All profits there from shall be reinvested into the
12 provision of additional infrastructure for the management of sustainable
13 Environmental Health services. Management of
infrastructure
provided by the
fund

14 **58.** Any company, which refuses to pay or evades the payment of
15 the Environmental Health Tax, commits an offence. On conviction, such a
16 company shall pay in addition, a surcharge of 100% of the initial amount due
17 and three months prison term for the Director or Chief Executive of such a
18 company. Penalty for
evasion of
environmental
health tax

19 **59.**-(1) Proceeds from the Environmental Health Tax Fund shall
20 be collected by the Federal Inland Revenue and lodged in a special account
21 to be known as Environmental Health Tax Fund account at the Central Bank
22 of Nigeria for the Board. Federal Inland
Revenue to
collect tax

23 (2) The Board shall access this fund from time to time.

24 **60.**-(1) Subject to any directions of the Minister under this Part, the
25 Board shall have powers to do anything which in its opinion is calculated to
26 facilitate the carrying on of its functions under this Part. Powers of the
Board

27 (2) The Board shall not have power to borrow or to dispose of any
28 property except with the prior consent of the Minister.

29 (3) The Board shall not have power to pay remuneration (including
30 pensions), allowances or expenses to any employee of the Board or any

	1	other person except in accordance with scales approved by the Minister. Board
	2	members shall, however, be entitled to such allowances as would be approved
	3	by the Minister.
Powers to maintain a fund	4	61.-(1) The Board shall establish and maintain Accounts in
	5	commercial Banks for its operational purposes.
	6	(2) Such other moneys as may be payable to the Board, whether in the
	7	course of the discharge of its functions or otherwise by government shall be
	8	paid into the Board's account.
Payment out of the funds of the Board	9	62. These shall be paid out of the fund of the Board-
	10	(a) The remuneration and allowances of the Executive Secretary and
	11	other employees of the Board;
	12	(b) Such reasonable travelling and subsistence allowances of
	13	members of the Board in respect of the time spent on the business of the Board
	14	as the Board may, with the approval of the Minister, determine; and
	15	(c) Any other expenses incurred by the Board in the discharge of its
	16	functions under this Part.
Accounts, audit and estimate	17	63.-(1) The Board shall prepare and submit to the Minister not later,
	18	than the 30 th day of September of the year in which this Act comes into force
	19	(however, the Minister may, if he considers it necessary extend the period) and
	20	of each subsequent year, an estimate of its-
	21	(a) income and expenditure during the next succeeding financial year.
	22	(b) The Board shall be provided for in the capital and recurrent
	23	expenditure of Government as the government shall decide from time to time.
	24	(2) The Board shall keep proper accounts in respect of each financial
	25	year and proper records in relation to those accounts and shall cause its
	26	accounts to be audited within 6 months after the end of each financial year to
	27	which the accounts relate by Auditors appointed from the list and in accordance
	28	with the guidelines supplied by the Auditor-General of the Federation.

PART XVIII - APPOINTMENT, DUTIES AND POWERS OF DIRECTOR,

ENVIRONMENTAL HEALTH SERVICES

64.-(1) There shall be appointed a licensed Environmental Health Officer as the Director of Environmental Health Services on the recommendation by the Minister responsible for Environment as the Environmental Health Officer General of the nation.

Appointment of Environmental Health Officer General of the Federation

65. It shall be the duty of the Environmental Health Officer General of the federation to:

Duties of Environmental Health Officer General of the Federation

(i) Conduct Surveillance of persons, water, food, diseases, and such other things that are subject to environmental health control;

(ii) Educate the general public on environmental health matters;

(iii) Maintain effective liaison with other professionals for the promotion of environmental health;

(iv) Plan and Coordinate the activities within and between different professional disciplines on environmental health matters;

(v) Coordinate Environmental Health Management Information System;

(vi) Administer the area to which he has been appointed/ assigned;

(vii) Abate nuisances and otherwise enforce the provisions of this Act;

(viii) Advise the Minister or Commissioner charged with Environmental Health matters on regulations and issue guidelines on all subjects provided for in this Act.

66. The Environmental Health Officer General of the federation
Services shall have power to;

Powers of Director Environmental Health

(i) Supervise and coordinate all Environmental Health Matters;

(ii) Formulate, monitor and evaluate Environmental Health policies in his area of jurisdiction;

(iii) Maintain environmental health data bank;

(iv) Enter premises;

- 1 (v) Inspect premises;
- 2 (vi) Abate nuisances;
- 3 (vii) Seal premises;
- 4 (viii) Arrest Environmental Health offenders;
- 5 (ix) Condemn items which are unfit for human health or for human
- 6 consumption;
- 7 (x) Do such other things as provided for in this Act including the
- 8 delegation of his responsibility to any other licensed Environmental Health
- 9 Officer as he may deem fit.

10 PART XIX - GENERAL PROVISIONS

Power to enhance
other regulations

- 11 **67.** The Environmental Health Officer while acting as such shall have
- 12 powers to enforce;
- 13 (a) the National Environmental Protection (Effluent Limitation)
 - 14 Regulation 1991;
 - 15 (b) the National Environmental Protection (Pollution Abatement in
 - 16 Industries and Facilities Generating Waste) Regulations 1991;
 - 17 (c) National Environmental Protection Management of Solid Waste
 - 18 and Hazardous Waste Regulations 1991;
 - 19 (d) The National Environmental Health Practice Regulation, 2007;
 - 20 (e) The National Environmental Sanitation Policy, 2005
 - 21 (f) All regulation pertaining to Environmental Health, issued by the
 - 22 National Environmental Standards and Regulations Enforcement Agency and
 - 23 Such other applicable or related laws and regulations.

Obstruction of
the environmental
health officer
on official duty

- 24 **68.** Any person or body corporate who obstructs an Environmental
- 25 Health Officer, any person authorised by him or any person engaged in
- 26 carrying out the provisions of this Act shall be guilty of an offence and on
- 27 conviction shall be liable to a fine not less than twenty thousand Naira or three
- 28 months imprisonment for an individual or not less than fifty thousand Naira or
- 29 3 months imprisonment for the Chief Executive Officer/Director of the
- 30 company.

1	69. -(1) An owner, occupier or agent of premises, commercial or	Refusal to pay
2	industrial establishments who failed or refused to pay prescribed charges for	for services in
3	collection of wastes from premises or for any other services provided for in	this Act
4	this Act, commits an offence and shall be liable on first conviction to	
5	payment of a penalty of the initial charges plus 70% of the prescribed	
6	charges in question. In the case of second offender, addition to payment of	
7	the initial charges plus a penalty of 100%.	
8	(2) A surcharge of 50% of the initial prescribed charges shall be	
9	added to the total charges every day the said agent or the owner of premises,	
10	commercial or industrial establishments continues to refuse payment after	
11	the judgement of a competent court of law.	
12	70. For every contravention of the provisions of this Act and for	Jurisdiction of
13	every omission to do anything required to be done under this Act for which	courts over this
14	no other penalty is provided the offender shall be liable on conviction to a	law
15	fine not less than five thousand Naira or One months imprisonment.	
16	71. Every Magistrate Court in the Federation shall	Jurisdiction
17	notwithstanding the provisions of any other Laws have jurisdiction to try	over this Act
18	and impose the punishment for offences provided by this Act.	
19	72. -(1) A notice, order or document required or authorised by this	Service of notice
20	act to be served on the owner or occupier of any premises shall be deemed to	
21	be properly addressed if so addressed by the description of the "owner" or	
22	"occupier" of such premises without further description, and shall be	
23	deemed to be properly served if it is delivered to some adult person on the	
24	premises to whom the same can with reasonable diligence be delivered or by	
25	fixing the notice on some conspicuous part of the premises.	
26	(2) A notice, order or document required or authorised by this Act	
27	to be served on any person (including an owner or occupier) may be served:-	
28	(a) the same to such person;	Mode of Service
29	(b) By delivering the same, at the usual or last known place of	
30	abode of such person, to some adult member or servant of his family.	

Court to authorise entry in cases of violation	1 2 3 4	73. -(1) If the owner or occupier of any premises on whom an order under the provisions of this Act has been served fails to comply with the terms thereof, the Environmental Health Officer, shall take all necessary legal action to effect the abatement of nuisances as the case may be.
Police or other persons to report	5 6 7 8	74. Every Police Officer or any person shall give information to the Environmental Health Officer of any offence which he knows or has reason to believe has been committed against this Act and assist in the enforcement of the Act.
Environmental Health Officer to have power of Police Officer	9 10 11 12	74. -(1) Every Environmental Health Officer while acting as such shall, by virtue of his appointment be deemed to be a Police Officer and have all powers and privileges of a Police Officer for the purpose of the execution of his duty under this Act.
	13 14 15 16	(2). The Environmental Health Officer in charge of an area shall co-ordinate the activities of all other agencies that may from time to time be involved in environmental health and related activities geared towards the protection of public health.
Joinder of parties	17 18 19	75. -(1) Where any nuisance appears to be wholly or partially caused or contributed to by acts or defaults of two or more persons. The provision of joinder of parties shall be invoked.
Burden of proof on occupier	20 21 22	(2) In any proceeding, the onus shall be on the accused to prove that he did not engage in the activity in question or know that the company does not have a valid licence or permit or cause the nuisance to occur.
Guidelines for franchising of Environmental Health services	23 24 25 26 27	76. The Environmental Health Officers Registration Council shall issue a guideline on the modalities and procedure for franchising of Environmental Health services and every local government shall ensure that such guideline is adopted in the process of franchising of Environmental Health services in their area of jurisdiction.
Immunity of the Environmental Health Officer	28 29 30	77. The Health Officer shall not be liable to any action, liability or demand on account of anything done by him <i>bona fide</i> for the purpose of executing this Act.

1	78. -(1) It shall be legal for every Environmental Health Officer or	Use of electronics
2	Health Officer, while on duty in pursuance of the provisions of this Act, to	gadgets to collect
3	use such means of information gathering including electronic	information
4	gadgets/devices to collect evidence necessary for the execution of the	
5	provisions of this Act.	
6	(2) All such evidence so gathered shall only be used in pursuance of	
7	the enforcement of the provisions of this Act.	
8	(3) An Environmental Health Officer shall carry out his duties both	Environmental
9	day and night in the interest of public Health and Safety.	Health Officer to
10		be on duty all
11		the time
12	79. The Director of Environmental Health Services shall register	Licensing of
13	any interested licensed Environmental Health Officer as an Environmental	Environmental
14	Health Ombudsman on application.	Health
15		Ombudsman
16	79. -(1) Persons and organisations registered as Environmental	Powers of
17	Health Ombudsmen shall have powers to investigate all Environmental	ombudsman to
18	Health violations brought to their attention either by the general public or	carry out
19	government.	investigation
20	(2) Every Environmental Health Ombudsman shall have all the	
21	powers conferred by this Act on the Environmental Health Officer. This	
22	shall include power to use whatever legitimate means to gather evidence	
23	about the Environmental Health violation under investigation.	
24	(3) The ombudsman shall have the powers to decide on any case	
25	based on its merit either to prosecute in a court of law or not, all those by	
26	whose actions, omission or negligence the violation occurs or continues to	
27	occur.	
28	(4) In such litigation, it shall be entered as if it is the Attorney	Court may award
29	General of the Federation is entering such an appearance.	compensation for
30		damages
31	80. Based on the findings of the Environmental Health	
32	Ombudsman, any person or organisation may decide to request a competent	
33	court to award compensation for damages he may have suffered due to the	
34	Environmental Health violation.	

Powers to
make regulations

1 **81.** The Minister of Environment shall have power to make
2 regulations on, but not limited to:

3 (1) The keeping of animals and poultry, Pest and vector control, the
4 prevention and control of pollution, regulation and control of public and
5 private liquid waste disposal systems, setting of standards for the hygienic
6 maintenance and use of public sanitary conveniences, disposal of derelict and
7 abandoned vehicles, control of any trade or business declared as offensive, any
8 other matter which, in the interest of Environmental Health, is concerned with
9 or incidental to the protection, preservation and conservation of the
10 Environment for Public Health and Safety; any other matter within his
11 purview, which by this Act may be prescribed.

12 **82.** The Minister shall have power to make regulations on:
13 The prevention of the sale or distribution of any item of unprocessed food or
14 drink, monitoring and ensuring the safety of water supplies and prevention of
15 the supply and use of unsafe water for human consumption, control of the
16 Environmental Health aspects of seaports, harbours, marines, border posts and
17 airport; Control and prevention of occupational health hazards in places of
18 employment; any other matter within his purview, which by this Act may be
19 prescribed

20 **83.** The of Environmental Health Officer General of the Federation
21 or any Director of Environmental Health Services of the state shall have power
22 to issue guidelines on any issues covered by this Act or on such areas the
23 Ministers may have issued regulations.

24 PART XX – INTERPRETATIONS

Interpretation

25 **84.** In this Act, unless the context otherwise requires-
26 “Abatement notice” is a notice issued and served by the Environmental Health
27 Officer once satisfied of the existence of a nuisance on the person, including
28 owner or occupier, whom by his acts of omission or commission, cause or
29 continues to cause the existence of such a nuisance;
30 “Abatement order” is an order issued by a court of competent jurisdiction on to

1 the complaint of an Environmental Health Officer requiring a person to
2 whom it is issued to comply with the notice, or otherwise to abate the
3 nuisance within a time specified in such order;

4 "Abattoir" means a public or private slaughter house and comprises all land
5 and building, enclosed by a fence or walls, directly used for the slaughtering
6 and dressing of animals, including infrastructural facilities;

7 "Adult" means a person who is or appears to be fourteen (14) years of age or
8 over;

9 "Adulterated food" means a food containing the addition of any substance
10 that is not originally part of the said food to increase the quantity for the sake
11 of gain. The substance used for such adulteration may or may not be
12 dangerous or injurious to the consumer;

13 "Aerated Water Factory" means and includes any premises in which aerated,
14 mineral waters, packaged water and fruit drinks other than imported ones,
15 are prepared, processed and or stored for sale;

16 "Ancillary Services" means and includes any form of subsidiary or
17 supplementary service relating or incidental to Environmental Health and
18 Public Health protection;

19 "Food Animal" means any animal that may be slaughtered for human
20 consumption including but not limited to cattle, sheep, goats and pigs;

21 "Applicant" has the meaning assigned to the expression in general usage;

22 "Appraisal Report" is a report issued by a licensed Environmental Health
23 Officer affirming that the premises and buildings there-in is/are conducive
24 for use, continued use or habitation, as the case may be. Following this
25 report, certificate of fitness for use, continued use, habitation or continued
26 habitation may be issued;

27 "Approved butcher's shop" means a shop within a premises approved by the
28 Environmental Health Officer for the use of butchers, where meat, fish and
29 other meat and fish products are sold;

30 "Area built upon" is the area of a premises covered by the building together

1 with that of all out-houses appertaining to the house thereto. It shall not exceed
2 50% of the total area of the site for living premises and 75% for commercial
3 premises;
4 "Articles or beddings" include living things;
5 "Bake-house" means any premises set apart or intended for the preparation or
6 baking of bread and other confectionaries;
7 "Board" means Environmental Health Tax Funds Governing Board;
8 "Builder" means any person who is trained and engaged in the design,
9 construction, repair or alteration of any building;
10 "Building" includes any structure or erection of any kind and any alteration or
11 addition to any existing building;
12 "Building line" means the allowable minimum distance taken from the centre
13 of the road to the edge of the building;
14 "Certificate of fitness for Habitation or Continued Habitation" is the certificate
15 issued by the Environmental Health Officer in-charge of the LGA to the owner
16 of any premises prior to the occupation of such a premises or for continued
17 habitation or use of such a premises following an appraisal report written by a
18 licensed Environmental health Officer;
19 "Certificate of Fitness for Use or continued Use" This is the certificate issued
20 by the Environmental Health Authority in charge of the LGA to the owner of
21 any premises stating that the premises is conducive for use or continued use of
22 such a premises for the whatever it is being used for, following an appraisal
23 report affirming same issued by a licensed Environmental Health Officer;
24 "Chairman" means the Chairman of a Local Government Council;
25 "Child" means a child who is or appears to be fourteen years of age or below;
26 "Child Care Centre" means premises in which 5 or more children under the age
27 of 6 years are habitually received for the purpose of care and supervision during
28 part of the day or for longer periods;
29 "Closing Order" is an order issued by a court of competent jurisdiction on the
30 complaint of an Environmental Health Officer prohibiting any premises from

- 1 being used for human habitation, business or for any other purpose;
- 2 "Commissioner" unless otherwise stated, means the State Commissioner
- 3 charged with the responsibility for Environmental Health matters;
- 4 "Communicable diseases" means an illness due to a specific infectious agent
- 5 or its toxic products which arises through transmission of that agent or its
- 6 products from an infected person, animal, or inanimate reservoir to a
- 7 susceptible host, either directly or indirectly through an intermediate plant
- 8 or animal host, vector or the inanimate environment;
- 9 "Company" means and includes an association or a body of persons whether
- 10 corporate or unincorporated;
- 11 "Council" means Environmental Health Officers Registration Council of
- 12 Nigeria;
- 13 "Court" means a court of Law, either , magistrate, High court or special
- 14 tribunal upon which jurisdiction to enforce the provisions of this Act is
- 15 conferred;
- 16 "Dairy" means and includes any farm house, cowshed, milk store, milk shop
- 17 or other place from which milk, other than imported preserved milk, is
- 18 supplied, or in which milk, other than such imported milk, is kept for sale;
- 19 "Day Care Centre" means a premises in which 5 or more children under the
- 20 age of 6 years are habitually received for the purpose of care and supervision
- 21 during part of the day or for longer periods;
- 22 "Designated laboratory" means a laboratory designated by the Director
- 23 Environmental Health as competent to carry out tests on such
- 24 Environmental Health related specimen/s as stated in the letter of
- 25 designation;
- 26 "Developer" Means a person who develops or cause to develop land, plot,
- 27 real estate and things pertaining to it;
- 28 "Director of Company" Means person duely appointed by the company to
- 29 direct and manage the business of the company as described in Company

1 and Allied Matters Act 1990 as amended;

2 “Director Environmental Health Services” means a licensed Environmental
3 Health Officer appointed by the Federal or State government as stated in this
4 Act;

5 “Drain” means and include outlet, trench, waste pipe, and sewer designed to
6 drain off water;

7 “Duty of Care” this is the responsibility of every waste producer to ensure that
8 the waste produced is handled in the most appropriate manner from the point of
9 generation (production) through transportation to final disposal;

10 "Eating house" means any premises where food is kept, prepared and served or
11 offered for sale for human consumption;

12 “Environment” means and includes water, air, lands, plants and animals living
13 there in and the inter relationships that exist there in;

14 “Environmental Health” means the management of all those factors in man's
15 physical environment, which exercise, or may exercise, a deleterious effect on
16 his physical development, health or survival. It entails the science and art of
17 preventing disease, prolonging life and promoting health through organised
18 efforts of society. Its components include but not limited to waste management,
19 food control, housing sanitation, control and prevention of diseases, air quality
20 management, occupational health and safety, water resources management,
21 noise control, protection and sanitation of recreational resources, radiation
22 control, port health regulation and control (including air and sea ports and
23 border crossings), environmental health educational activities and
24 Environmental Health Impact Assessment;

25 “Environmental Health Fund” means funds generated from the payment of
26 Environmental health tax and revenues generated through fines and sundry
27 charges from Environmental health activities;

28 “Environmental Health Tax Fund” means a 1% after-tax profit paid by all
29 companies in support of environmental health infrastructures development
30 like incinerator, sanitary landfill environmental health research, training etc;

1 "Environmental Health Officer" means an officer who has undergone the
2 prescribed training for Environmental Health Officers and is licensed in line
3 with Act 11 of 2002 to practice as an Environmental Health professional in
4 Nigeria;

5 "Environmental Health Status Report": Means a report written and signed
6 by a licensed Environmental Health Officer after the inspection of the
7 premises or facility being reported upon;

8 "FEPA" means Federal Environmental Protection Agency;

9 "Food" means any item that forms part of human diet;

10 "Food handling" means any process or procedure to which food item is
11 subjected to;

12 "Food premises" means any place where food is produced, either in its
13 natural form, stored, processed, preserved, or prepared, exposed for sales or
14 served for human consumption;

15 "Foreign company" any company partly owned by a foreigner or a company
16 which has a subsidiary in any other country outside Nigeria, or whose 20%
17 or more of its total share capital in Nigeria is held by non Nigerian citizen(s);

18 "Gutter" means and include trough, sewer, channel, trench or groove;

19 "Government" means the Federal, State, or Local Government;

20 "Health authority" means the authority in charge of Environmental health at
21 all the tiers of Government;

22 "Health institution" includes both Public and Private hospitals, clinics,
23 maternity homes, Health Centres, and Dispensaries;

24 "Health Impact Assessment" means and includes the determinant of the
25 well-being and quality of life of the people by assessing the impact on health
26 of all proposed policy options, programmes, projects, construction or
27 existing project in any form or design and continuous monitoring of such to
28 ensure the protection of public health;

29 "Health Officer" means and includes a Medical Officer, an Environmental
30 Health Officer, or any other Officer acting under the authority of the

- 1 government, and whether such officer is serving in the Environmental Health
2 or Primary Health Care Department of the Federal, State, or Local Government
3 or non public officer;
- 4 “Illegal Market” means and includes any establishment designed to sell or
5 display for sale or offer for sale of goods, wares articles or things or provision
6 of services in any place, neighbourhood or Street, pedestrian or walkway or bus
7 stop not approved by the relevant government authority;
- 8 “Industrial Cleaners” means and includes any company or individual engaged
9 in the provision of such services as cleaning, sweeping and related sanitation
10 activities for a fee;
- 11 “Industrial Cleaning Service” means the engagement of a company to clean
12 homes offices or public places or such similar other places for a fee.
- 13 “Kindergarten” A school, which provides a daily programme of at least 2 hours
14 for children of age 3 to 6 years;
- 15 “LGA” Means Local Government Area;
- 16 “License” means permission granted to any person corporate or individual,
17 officially authorised, endorsed or certified by the appropriate Environmental
18 Health Authority to carry out sanitation services such as cleaning, sweeping or
19 any other sanitation activities including waste collection, transportation and
20 disposal;
- 21 “Life fence” means a fence of growing plant material;
- 22 "Living room" means and includes any bedroom, sitting-room or parlour,
23 lounge, hall, dinning room or any other room which between the hours of
24 sunset and sunrise is ordinarily used for sleeping purposes or used for living
25 purposes but does not include an attic, and an out-house, a kitchen, pantry,
26 store-room, bathroom or toilet;
- 27 “Minister” Means the Minister responsible for Health matters;
- 28 “Minister of Environment” Means the Minister responsible for Environment
29 Matters;
- 30 “Nuisance” means any act, omission, place or thing which is or appears to be

- 1 deleterious to life, or injurious to health, endangers life, offends the senses or
2 produces discomfort to the community or property;
- 3 “Nuisance order” is either an abatement order or prohibition order or a
4 closing order, or a combination of such orders, issued by a court of
5 competent jurisdiction on the complaint of an Environmental Health
6 Officer, requiring the person to whom it is issued to carry out such an activity
7 to the satisfaction of the Environmental Health Officer;
- 8 “Offensive trades or occupations” means and include the following: Soap
9 boiling, guts cleaning, boiling of offal, bones, garri making, fermentation
10 of cassava, fat or lard, (if process is performed in a slaughterhouse under
11 prescribed guidelines), Poultry and animal husbandry, dyeing, waste oil
12 from mechanical processes, manufacturing of glue, fertilizer or manure;
13 skin curing, scrap processing, manure storing, lime burning, and any
14 manufacturing process in which lead, arsenic, mercury, phosphorous, or
15 other poisonous substance is used;
- 16 “Over Crowding” Means the living of more than two adults and one child in
17 a room;
- 18 “Out house” means and includes any structure in a premise not part of the
19 main building and not designed to serve living purposes;
- 20 "Parent" means the father, mother, or guardian of a child and include(s) any
21 person having custody of a child;
- 22 “Packaged water factory” means any premises in which water is packaged in
23 bottle, sachet or any other form for sale for human consumption;
- 24 “Pathogenic micro-organism” means and includes but not limited to a
25 bacterium, rickettsia, virus, protozoa, parasite or fungus, which is known or
26 reasonably believed, to cause disease(s) in humans;
- 27 “Permit” means authorisation;
- 28 "Pest" means rodent, bird or insect or arthropod that harms or destroys food
29 supplies, or structures or articles used by man or transmit any infectious
30 disease substance or organism to man, his food or which may affect man's

- 1 health or quality of life;
- 2 “Pest control” means and includes all measures but not limited to fumigation,
3 spraying, derating aimed at reducing, controlling or eliminating of all insects,
4 rodents and other vermin of Public Health importance and other such measures
5 in the control of pest and other vermin of Public Health importance in a
6 community;
- 7 “Picnic Ground” Include Stadium, Beach, Parks and Gardens and all such
8 similar premises;
- 9 “Pollution” means man-made or aided alteration of chemical, physical,
10 ecological or biological quality of the environment beyond acceptable
11 threshold or limit;
- 12 “Polluter pays principle” Means that the person corporate or individual
13 responsible for the generation and introduction or production of any class(es)
14 of waste of any description, whether poisonous or not into the environmental
15 media shall be responsible for the safe disposal of such waste and shall bear the
16 cost of such disposal and any liabilities arising there from;
- 17 “Precautionary principle” means any situation arising, where there is
18 reasonable suspicion of harm, and there is scientific uncertainty as to suspicion
19 of harm, all concerned have a duty to take all necessary action to prevent such
20 harm. The burden of proof of safety shall rest with all those whose acts raise the
21 suspicion of harm in the first place;
- 22 "Premises" includes passage, building, land, tenement, vehicle, van, ship or
23 vessel and aircraft in any port or on any inland waters used or intended for use
24 by man and includes-
- 25 (a) A dwelling-house or a building within the courtyard of a dwelling
26 house, building, land, tenement, hotel, school, recreational facility, factory,
27 vehicle, van, and ship or vessel in any port or on any inland waters;
- 28 (b) The ground immediately outside any dwelling-house or any
29 building within the cottage of a dwelling house; or
- 30 (c) A compound.

1 “Premises file” means a file opened by the Environmental Health Officer in
2 charge of a given area which contains such information pertaining to such
3 premises including the name and address of the owner as well as a copy of
4 the approved building plan of such a premises and other necessary
5 information for such a given premises;

6 “Pre-school centre” is any premises that provide enrichment programmes
7 for children under the age of 6 years;

8 “Prohibition order” is an order issued by a Court of competent jurisdiction
9 on the complaint of an Environmental Health Officer prohibiting the re-
10 occurrence of a given nuisance in any premises to which such an order is
11 referred to;

12 “Protective Clothing” means and includes overall, gumboot, hand-glove,
13 headgear, helmet and any other personal protector including respirator worn
14 for safety;

15 "Receptacle" includes a vehicle or stall or hanger of any basket, bag, box,
16 vessel, stand, easel, board, tray or other structure or thing which is used
17 (whether or not constructed or adopted for such use) as a container or for the
18 display of any article or thing;

19 "Regulated premises" includes but not limited to bake house, hotel, corn and
20 rice-mill, aerated water factory, office, dairy, eating-house, food-preparing
21 and food-preserving establishment, hospital, school, discotheque, park,
22 garden, beaches stadium, manufacturing factory etc;

23 “Regulation” means and includes all rules and guidelines set for the purpose
24 of ensuring, protecting and maintaining a safe and life supporting
25 environment;

26 “Right of Entry” is the power granted the Environmental Health Officer
27 whilst on duty and upon identification to enter any premises between the
28 hours of six o'clock in the morning and six o' clock in the evening for the
29 purpose of ascertaining whether a nuisance exists on the premises or for any
30 other lawful purpose;

1 “Sanitary Permit” means an authorisation issued by the Environmental Health
2 Officer in charge of an area after the applicant has met all the Environmental
3 Health criteria established by applicable laws, regulations and guidelines
4 authorising the person it is addressed to commence or continue what ever
5 activity specified in the said permit;

6 “School” means an institution of learning which may be public, or private.

7 "Slaughter" means and includes any form of killing of animal, bird intended for
8 human consumption, whether manual or mechanical;

9 “Slaughter house” means a designated place where animals meant for the food
10 of man are slaughtered;

11 “Slaughter Permit” means an authorisation issued by a veterinary officer in
12 charge of an area and where not available, by an Environmental Health Officer,
13 authorising the person mentioned in such a permit to slaughter an animal for
14 human consumption;

15 “Sealing order” means an order issued by the Environmental Health Officer
16 General of the Federation, or of a State or the Head of Environmental Health
17 services of a Local Government, once satisfied of the existence of a nuisance
18 which is a threat to Public Health and or Public Safety, in exercise of the power
19 under this Act ordering the sealing of the premises in the interest of public
20 Health and or Safety, until the time when the Environmental Health Officer is
21 satisfied that the nuisance no longer exist;

22 “Tolerant limit” means the allowable threshold or amount of atmospheric
23 contaminant which can be tolerated by man for continuous daily exposure with
24 no impairment of health or well-being either immediate or after a long period of
25 exposure;

26 “Town Planning Authority" means the planning authority established under the
27 relevant laws and having authority in a specific area of jurisdiction; or where no
28 such authority has been established, a committee charged with the exercise of
29 the powers and functions conferred by these laws upon the town planning
30 authority;

1 "Vector" means an insect that causes or transmits any infectious substance,
2 organism to man, the food of man or which may affect man's health;

3 "Vector Control" - means and includes all measures but not limited to
4 fumigation, spraying aimed at reducing, controlling or eliminating all
5 insects of public health importance and the term used for any action taken on
6 the vectors themselves to ensure that they are unable to affect man directly or
7 indirectly;

8 "Vendor" means a person who sells or offer for sale;

9 "Wastewater" means and includes any water or wastewater discharged from
10 any premises other than run off from rain;

11 "Water" means a liquid made up of two molecule of Oxygen and one
12 molecule of Hydrogen, without taste colour or odour;

13 "Water Tanker"- means a vehicle specially constructed for the purpose of
14 conveying water from one point to the other either for sale, rendering for
15 public service or construction purposes;

16 "Water treatment plant": Means the mechanical infrastructure responsible
17 for the artificial removal of pollutants or objectionable constituents by a
18 series of mechanical processes that remove the impurities harmful to health
19 from the water;

20 "Works Superintendent" includes an engineer, an architect, a builder or and
21 any other person so designated with regards to building construction.

22 **85.** This Bill may be cited as the Environmental Health Control Citation
23 Bill, 2019.

First Schedule

Form E. H. 1

FEDERAL REPUBLIC OF NIGERIA
.....LOCAL GOVERNMENT AREA,State
ENVIRONMENTAL HEALTH DEPARTMENT

ABATEMENT NOTICE

To.....

of

You are required to abate within.....days the nuisance at.....

Consisting of.....

.....

And for that purpose to.....

.....

.....

and to prevent the recurrence of the nuisance.

Dated thisday of.....20..... Timeam/pm

.....
Environmental Health Officer

I hereby certify that a copy of the above notice was served by me on the.....day

of.....20.....at.....am/pm by being (State how served).....

In the presence of (Mr/Mrs/Chief/Miss)as witness.

.....
Name of witness.....
Environmental Health Officer.

Second Schedule

E.H.2

**FEDERAL REPUBLIC OF NIGERIA
ENVIRONMENTAL HEALTH DEPARTMENT****SEALING ORDER**

Name of Contravener:

Address of Contravener:

Nature of Contravention:

Adverse effect of Contravention:

Name and Address of Environmental Health Officer

Sealing up premises.

Designation of officer sealing up premises:

Date:.....

I Environmental Health Officer General of the Federation
or State or in charge ofLGA hereby order the sealing up of
..... in the interest of Public Health, for the
reasons given above.

This sealing order is granted under my hand from day of 200-

The Director of Environmental Health Services of the Federation or State or in charge of the
..... LGA

I, Magistrate in Magisterial District hereby
affirm the sealing order on the basis of the facts deposed to in the verifying affidavit supporting this process
and this very premises in default shall remain so
sealed until the contravention so alleged is/are abated.

This Order is given under my hand day200....

Signature of Magistrate.

EXPLANATORY MEMORANDUM

This Act seeks to provide for the protection, promotion and maintenance of health, for proper sanitation in matters relating to housing, food and generally, for the protection of the environment and for the control of services, activities.

A BILL

FOR

AN ACT TO REPEAL THE NATIONAL PROGRAMME ON IMMUNIZATION ACT
CAP. N71 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO REMOVE THE
REPLICATION OF FUNCTIONS BETWEEN NATIONAL PRIMARY HEALTH CARE
DEVELOPMENT AGENCY AND NATIONAL PROGRAMME ON IMMUNISATION;
AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

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

- 1

2

3

4

5
1. The National Programme on Immunization Act Cap. N71 Laws

of the Federation of Nigeria, 2004 (in this Bill referred to as the "Principal

Act") is repealed.

2. This Bill may be cited as the National Programme on

Immunization (Repeal) Bill, 2019.
- Repeal of Cap. 71

LFN, 2004

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Programme on Immunization Act Cap.
N71 Laws of the Federation of Nigeria, 2004 to remove the replication of
functions between National Primary Health Care Development Agency and
National Programme on Immunization.

FOR

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

1	1. The primary objective of this Act is to create a regulatory	Objectives of the Act
2	framework for the Nigerian petroleum refining industry and all matters	
3	related thereto and without detracting from the generality of the foregoing,	
4	specifically to —	
5	(a) promote the implementation of national policy(ies) relating to	Application of the Act
6	petroleum products refining as may from time to time be modified and	
7	amended;	
8	(b) establish a regulatory framework for the petroleum refining	
9	industry;	
10	(c) encourage local and foreign investments in the Nigerian	
11	petroleum refining industry;	
12	(d) ensure fair competition in all sectors of the Nigerian petroleum	
13	refining industry and also encourage participation of Nigerians in the	
14	ownership, control and management of petroleum refineries; and	
15	(e) ensure the provision of certain incentives to encourage the	
16	refining of petroleum products in Nigeria for local use and for export.	
17	2. This Act applies to the refining of petroleum products in whole	Application of Scope
18	or in part within the territory of Nigeria.	
19	3.—(1) No person shall operate a petroleum refinery in Nigeria	Requirement for Licence
20	unless he is authorized to do so under an operating licence under this Act.	
21	(2) Any person who acts in breach of sub-section (1) of this section	

1 commits an offence and is liable upon conviction to —

2 (a) a fine not less than the initial fee for the licence,

3 (b) a fine not exceeding ten times the initial fee for the licence,

4 (c) imprisonment for a term not exceeding one year, or

5 (d) both such fine and imprisonment:

6 Provided that upon conviction, the person shall also forfeit to the Federal
7 Government of Nigeria the property, facilities, installations and equipment
8 used by him in such venture.

Licencing
process, etc.

9 **4.—**(1) The Department shall from time to time determine and cause
10 to be published a regulation on its licencing process specifying, among others,
11 the persons or classes of persons who are eligible generally to apply for
12 licences.

13 (2) Subject to the sub-section (3) of this section, the Department shall
14 from time to time determine and publish its licencing procedures which may
15 include but shall not be limited to auction, selection process, public tender
16 invitation or competitive bidding process.

17 (3) The Department shall at all times be guided in the formulation of
18 licencing procedures, issuance of petroleum refinery licences and Preparation
19 of licence conditions and terms, by principles of and consideration for—

20 (a) transparency, fairness and non-discrimination;

21 (b) the need to promote fair competition and investment in the
22 petroleum refinery industry;

23 (c) the need to ensure the provision of qualitative, affordable and
24 readily available petroleum products in all parts of Nigeria;

25 (d) such other principles and considerations as the Department may
26 from time to time consider necessary and in the national interest.

Declaration and
registrations

27 **5.—**(1) The Department may, from time to time, make written
28 declarations that licenses are subject to such terms and conditions, or enjoy
29 such benefits, as the Department deems fit.

30 (2) Any declaration on the conditions of license shall be consistent are

1 with the objectives and provisions of this Act which are relevant to the
2 particular undertaking, matter or activity.

3 (3) The Department shall register every declaration as soon as
4 practicable and shall further maintain a register of all such declarations in
5 accordance with this Act.

6 **6.**—(1) The Department shall, before making a declaration under
7 section 5 of this Act, give the affected licensees written notice of its intention
8 to do so together with draft copy of the declaration, and the licensees may
9 make written submission to the Department thereon with the time period
10 specified by the Department but not less than thirty days from the date of the
11 written notice.

Affected
Licenses

12 (2) The Department shall, in deciding on the next course of action,
13 take into consideration any submission made by the affected licensees and
14 the principle specified in section 4 (3) of this Act.

15 **7.**—(1) The Department may at any time amend, modify, vary or
16 revoke any license condition or declaration regarding a license.

Expiration,
modification or
revocation of
declaration

17 (2) The procedure set out in sections 5 and 6 of this Act shall apply
18 mutatis mutandis in respect of any amendment, modification, variation or
19 revocation of a license condition or declaration.

20 **8.**—(1) The grant of a license shall be personal to the licensee and
21 shall not be operated by, assigned, sub-licensed or transferred to any other
22 party unless the prior written approval of the Department has been granted.

Assignment of
Licence and
compliance with
Licence
conditions

23 (2) A licence shall at all times comply with the terms and conditions
24 of his license and the provisions of this Act and its subsidiary legislation.

25 **9.**—(1) The Department may, from time to time, issue directions in
26 writing to any person regarding the compliance or non-compliance of any
27 licensing conditions or provisions of this Act or its subsidiary legislation,
28 including but not limited to the remedy of a breach of any license condition
29 or the provisions of this Act or its subsidiary legislation.

Issuance of
direction

30 (2) The Department shall, before issuing a direction under , issue a

1 subsection (1) of this section, issue a notice in writing to the person specifying
 2 the nature of required compliance and the person shall be granted an
 3 opportunity to be heard or may submit a written submission within a
 4 reasonable time period specified in the notice on the reasons for his conduct or
 5 activity.

6 (3) The Department shall, after the expiry of the notice specified in
 7 subsection (2) of this section take into consideration any reasons provided by
 8 the, person before making a decision in relation to the relevant conduct or
 9 activity of the person.

10 (4) After due consultation of any reasons provided by the person, the
 11 Department may issue a direction under subsection (1) of this section requiring
 12 the person to take specific action towards ensuring that the person does not
 13 contravene or continue to contravene any of the conditions of his license or any
 14 of the provisions of this Act or its subsidiary legislation.

15 (5) The Department shall give the person written notice of its
 16 direction not later than thirty days from the date the decision was made on the
 17 direction and the person shall comply with the direction issued by the
 18 Department.

Modification of
direction

19 **10.** The Department may modify, vary or revoke a direction and the
 20 procedure set out in section 9 of this Act shall apply mutatis mutandis in respect
 21 of any modification, variation or revocation of a direction.

Non-compliance
with direction

22 **11.** Without prejudice to any other provisions of this Act or a license
 23 condition, a person who fails to comply with a direction of the Department
 24 shall be liable to the payment of fine to the Department in such amount as the
 25 Department may, at its discretion impose.

Register of
directions

26 **12.** The Department shall maintain a register of all directions issued
 27 by the Department, including any written instrument modifying, varying or
 28 revoking a direction, in accordance with the provisions of this Act.

Register

29 **13.—(1)** The Department shall maintain a register of all matters that
 30 are required to be registered under this Act and its subsidiary legislation.

1 (2) The Department may, at its discretion, summarize the contents
2 of a material for inclusion in the register and exclude therefrom aspects of
3 the material if it considers such exclusion necessary and justified on the
4 grounds of public interest or safety, amongst others.

5 **14.**—(1) A person may, on payment of the charge, if any to be Access to register
by public
6 decided, by the Department—

7 (a) inspect the register; and

8 (b) make a copy of, or take extracts from the register.

9 (2) The Department shall from time to time publish guidelines in
10 regard to its various registers giving details of the registers and including,
11 amongst others, access and procedures for members of the public.

12 **15.**—(1) The Department may make and publish regulations for, Regulations,
guidelines, etc.
13 all or any of the following issues—

14 (a) written authorizations, permits, assignments and licenses
15 granted or issued under this Act;

16 (b) any fees, charges, rates or fines to be imposed pursuant to or
17 under this Act or its subsidiary legislation;

18 (c) hoarding of refined petroleum products and related offences;

19 (d) permits and licences to export refined petroleum products;

20 (e) any matter for which this Act makes express provision; and

21 (f) such other matters as are necessary for giving full effect to the
22 provisions of this Act and for their due administration.

23 (2) The Department may also make and publish guidelines on any
24 matter for which this Act makes express provision and such other matter as
25 ate necessary for giving full effect to the provisions of this Act and for their
26 due administration.

27 (3) Regulations made under this Act shall not come into effect
28 Unless it is approved by a simple resolution of the National Assembly.

29 **16.**—(1) Subject to subsection (2) of this section, the Department Regulatory
review
30 may make review, as at when it deems necessary, any rules, guidelines and

1 regulations made under this Act that are in effect at the time of the review and
2 may in the process modify or vary, or repeal any such rules or regulations—

3 (a) which are no longer necessary in the national interest;

4 (b) which are no longer necessary to ensure the objects of this Act 'or
5 its subsidiary legislation; or

6 (c) for any other reason that the Department thinks relevant.

7 (2) The procedure set out in section 16 of this Act shall apply mutatis
8 mutandis in respect of any modification, variation or revocation of a regulation
9 or guideline.

Exclusive
competence on
competition laws

10 **17.** Notwithstanding the provisions of any other enactment, the
11 Department shall have exclusive competence to determine, pronounce upon,
12 administer monitor and enforce compliance of all persons with competition
13 laws and regulations whether of a general or specific nature, as it relates to the
14 Nigerian petroleum refining industry.

Anti-competition
practices

15 **18.—**(1) A licensee shall not engage in any conduct which has the
16 purpose or effect of substantially lessening competition in any aspect of the
17 Nigerian petroleum refining industry.

18 (2) The Department may from time to time publish guidelines or
19 regulations which clarify the meaning of substantial lessening of competition
20 in the Nigerian petroleum refining industry and such guidelines or regulations
21 may include references to—

22 (a) the relevant economic market;

23 (b) global trends in the relevant market;

24 (c) the impact of the conduct on the number of competitors;

25 (d) the impact of the conduct on barriers to entry into the market;

26 (e) the impact of the conduct on the cost and profit structures in the
27 market; and

28 (f) any other matter which the Department is satisfied are relevant.

29 (3) A licensee shall not enter into any understanding, agreement or
30 arrangement, whether legally enforceable or not, which provides for —

- 1 (a) rate fixing;
- 2 (b) market sharing;
- 3 (c) boycott of another competitor;
- 4 (d) boycott of a supplier or equipment;
- 5 (e) boycott of any other licensee.

6 (4) A licensee shall not, any time or in any circumstance, make it a
 7 condition for the provision or supply of a product or service in a refinery that
 8 the person acquiring such product or services in the refinery is also required
 9 to acquire or not to acquire any other product or service from him or from
 10 another person.

11 **19.—**(1) The Department may determine that a licensee is in a Dominant
operators
 12 dominant position in any aspect of the Nigerian petroleum refinery market.

13 (2) The Department may publish guidelines and regulations which
 14 clarify how it shall apply the test of "dominant position" to licensees.

15 (3) The guidelines and regulations in subsection (2) of this section
 16 may specify the matter which the Department may take into account,
 17 including -

- 18 (a) the relevant economic market;
- 19 (b) global technology and commercial trends affecting market
- 20 power;
- 21 (c) the market share of the licensee;
- 22 (d) the degree of product or service differentiation and sales
- 23 promotion in the market; and
- 24 (e) any other matter which the Department is satisfied are relevant.

25 (4) The Department may direct a licensee in a dominant position in
 26 the petroleum refinery market to cease a conduct in that market which has or
 27 may have the effect of substantially lessening competition in any aspect of
 28 the Nigerian petroleum refinery industry, for authorization for the conduct.

29 **20.—**(1) A licensee may apply to the Department prior to engaging Exemptions
 30 into any conduct which may be construed to have the purpose or effect of

1 substantially lessening competition in any aspect of the Nigerian petroleum
2 refinery industry, for authorization for the conduct.

3 (2) Notwithstanding the provisions of the Act, the Department may
4 authorize the conduct if the Department is satisfied that the authorization is in
5 the national interest.

6 (3) The Department may, before authorizing the conduct, require the
7 licensee to submit an undertaking regarding his conduct in any matter relevant
8 to the authorization.

9 (4) A licensee may withdraw an application made under subsection (1)
10 of this section at any time prior to authorization by the Department.

Product pricing

11 **21.-(1)** Holders of licenses shall not impose prices for refined
12 products until such prices have been approved by the appropriate authority.

13 (2) Holders of licenses shall supply products at the prices so approved
14 by; the appropriate authority and shall not depart therefrom without prior
15 written approval by the appropriate authority of such proposed changes in
16 prices.

17 (3) Holders of licenses shall publish the prices of products and the
18 modification thereto as may approved from time to time by the appropriate
19 authority.

20 (4) The prices established by a licensee shall be on the basis of such
21 principles as the appropriate authority may from time to time stipulate in its
22 guideline or regulation including the following—

23 (a) prices shall be fair and not discriminatory;

24 (b) prices shall be cost-oriented;

25 (c) prices shall not contain discounts that unreasonably prejudice
26 competitive opportunities of other providers; and

27 (d) prices shall be structured and levels set to attract investments into
28 the petroleum refining industry.

29 (5) The appropriate authority may intervene in such manner as it
30 deems appropriate in determining and setting the prices fro any non-

1 competitive product or service for good cause or as the public interest may
2 require.

3 (6) The appropriate authority may from time to time make such
4 regulations on determination and publication of product price and such
5 regulations shall not be valid unless it is approved by a regulation of the
6 National Assembly.

7 (7) The regulations and rules which may be made by the
8 appropriate authority under subsection (6) of this section may include but
9 not limited to-

10 (a) rules about product prices and variation of rates;

11 (b) rules about the publication or disclosure of prices;

12 (c) price rate models that may be applicable to specified licenses or
13 products.

14 (8) Notwithstanding any other provision of this Act, the
15 appropriate authority shall prescribe and enforce appropriate financial
16 penalties upon any holder of license who exceeds the prices duly approved.

17 **22.—**(1) Any holder of license under this Act may export any kind
18 or quantity of refined petroleum products provided that he does so subject to
19 the provisions of this Act and regulations made thereto.

Exportation of
refined products

20 (2) The Department may make regulations prescribing such
21 requirements concerning local supply of refined petroleum Products that
22 must be met by any licensee under this Act before he is authorized to export
23 refined petroleum products.

24 (3) The Department shall ensure at all times that local requirement
25 for refined petroleum products are met before authorizing any licensee to
26 export.

27 (4) The Department may also grant licenses to certain persons to
28 refine exclusively for exportation, provided that such licensees shall be
29 exempted from all incentives under this Act.

30 **23.—**(1) Any person who exports refined petroleum products ion,

Offences

1 without the appropriate licenses or permits commits an offence and on
2 conviction, is liable to a fine of seven times the value of the goods or to
3 imprisonment for a term not exceeding 1 year or to both such fine and
4 imprisonment.

5 (2) Any person who uses any technical facilities which compromises
6 public safety as may be defined from time to time by the Department commits
7 an offence and on conviction, is liable to a fine not below ~~₦~~1,000,000 or to
8 imprisonment for a term not exceeding 1 year or to both such fine and
9 imprisonment.

10 (3) Any refined petroleum product in respect of which an offence has
11 been committed under this section shall be forfeited to the Federal Government
12 of Nigeria.

Modification to
existing legislations

13 **24.**—(1) The provisions of any law or enactment conferring
14 regulatory functions on any other department or agency of government shall be
15 read with such modifications so as to bring them into conformity with the
16 provisions of this Act.

17 (2) Where any other law or enactment is inconsistent with the
18 provisions of this Act, the provisions of this Act shall prevail and that other law
19 shall, to the extent of such inconsistency, be void.

Incentives and
related matters

20 **25.**—(1) Licensees under this Act shall be entitled to the following
21 incentives—

22 (a) legislative provisions pertaining to taxes and levies shall not apply
23 to refineries under this Act;

24 (b) crude oil to be procured by licensed refineries under this Act at 50
25 per cent of the prevailing market prices or the cost of production of crude
26 whichever is lower;

27 (c) rent-free land for a period of 10 years; after which rent shall be
28 determined by the appropriate authorities; and

29 (d) up to 25 per cent of production to the exported against a valid
30 permit and on the supervision of the Department.

1 (2) The Department shall be the only agency to give all approvals
2 and cancel all licenses.

3 (3) The Department shall simplify all procedure necessary for
4 licensing and investments in petroleum refineries in Nigeria.

5 **26.** The provisions of the Industrial Development (Income Tax
6 Relief) Act with respect to pioneer status shall apply to any licensee under
7 this Act who sens at least 70 per cent of his annual production for
8 consumption within Nigeria.

Application of
Cap. 17 to
refineries

9 **27.** In this Act, unless the context otherwise requires-
10 "Department" means the Department of Petroleum Resources;
11 "Licencee" means a person who either holds a licence granted under this
12 Act.

Interpretation

13 **28.** This Bill may be cited as the Petroleum Refineries (Incentives,
14 Regulation and Miscellaneous Provisions) Bill, 2019.

Short Title

EXPLANATORY MEMORANDUM

This Bill seeks to make provision for the licencing and regulation of petroleum refineries in Nigeria. It also seeks to make provision for incentives aimed at encouraging investments in petroleum refineries.

A BILL

FOR

AN ACT TO AMEND THE INVESTMENT AND SECURITIES ACT, 2007 TO PROVIDE FOR GREATER TRANSPARENCY AND ACCOUNTABILITY IN THE FINANCES OF SECURITIES AND EXCHANGE COMMISSION; AND TO ENSURE GREATER LEGISLATIVE OVERSIGHT; AND FOR RELATE MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

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

- | | |
|--|---|
| <p>1 1. The Investment and Securities Act, 2007 (herein referred to as</p> <p>2 the “Principal Act”) is amended as set out in this Act.</p> | <p>Amendment of
Investment and
Securities Act,
2007</p> |
| <p>3 2. Section 20 of the Principal Act is amended by-</p> <p>4 (a) deleting the word “may” and inserting the following words</p> <p>5 instead thereof – “shall subject to the provisions of subsection (2) of this</p> <p>6 section”.;</p> <p>7 (b) re-numbering the existing provisions as subsection (1) thereof;</p> <p>8 and</p> <p>9 (c) inserting the following words as subsection (2) thereof–</p> <p>10 “(2) No money shall be withdrawn from the fund of the</p> <p>11 Commission or the consolidated Revenue Fund of the Federation that is to</p> <p>12 say standing in the name of the Commission, unless the issue of those</p> <p>13 moneys has been authorized by an Act of the National Assembly as set out</p> <p>14 under section 26 of this Act.”</p> | <p>Amendment of
section 20</p> |
| <p>15 3. Section 21 of the Principal Act is amended in subsection (2) by</p> <p>16 inserting after the word “Commission” the following words – “subject to the</p> <p>17 provisions of section 20 (2) of this section”.</p> | <p>Amendment of
section 21</p> |

Amendment of
section 23

1 4. Section 23 of the Principal Act is amended by deleting the words
2 “charge, retain and utilize for its purposes” and inserting the following words
3 instead thereof – “charge and transfer to the Consolidated Revenue Fund of the
4 Federation in the name of the Commission”.

Amendment of
section 26

5 5. Section 26 of the Principal Act is amended by –
6 (a) inserting the following as new subsection (2), (3), (4), (5) and (6) –
7 “(2) The heads of expenditure contained in the estimates shall be
8 included in a bill to be known as Securities and Exchange Commission
9 Appropriation Bill, providing for the issue from the fund of the Commission of
10 the sums necessary to meet that expenditure and the authorization of those
11 sums for the purposes specified therein.
12 (3) If in respect of any financial year it is found that –
13 (a) the amount authorized by the Appropriation Act specified in
14 subsection (2) of this section for any purpose is insufficient; or
15 (b) a need has arisen for expenditure for a purpose for which no
16 amount has been authorized by the Act,
17 a supplementary estimate showing the sums required shall be submitted to the
18 National Assembly and the heads of any such expenditure shall be included in a
19 Supplementary Appropriation Act.
20 (4) The bill required pursuant to the provisions of subsection (2) of
21 this section shall stand in the name of the chairman and members of the
22 committee of each House of the National Assembly which exercises oversight
23 on the Commission.
24 (5) The provisions of section 59 of the Constitution shall apply to an
25 Appropriation Bill under this Act.
26 (6) If the Financial Authorization Bill in respect of any financial year
27 has not been passed into law by the 31st of March of the financial year, the
28 Commission may authorize the withdrawal of moneys from the fund for the
29 purpose of meeting expenditure necessary to carry on the services of such
30 statutory body for a period not exceeding six months or until the coming into

1 operation of the Appropriation Act, whichever is the earlier;
2 Provided that the withdrawal in respect of any such period shall not exceed
3 the amount authorized to be withdrawn from the fund of the Commission
4 under the provisions of the Appropriation Act passed by the National
5 Assembly for the corresponding period in the immediately preceding
6 financial year, being an amount proportionate to the total amount so
7 authorized for the immediate preceding financial year.”

8 (b) re-numbering the existing subsection (2) as subsection (7).

9 **6.** This Bill may be cited as the Investment and Securities Act Short Title
10 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Investment and Securities Act 2007 for purposes of ensuring greater transparency and accountability in the finances of Securities and Exchange Commission and for greater exercise of oversight on the Commission.

INTERNATIONAL TRADE COMMISSION OF NIGERIA BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I – ESTABLISHMENT OF THE INTERNATIONAL TRADE

COMMISSION OF NIGERIA, ETC.

1. Establishment of the International Trade Commission
2. Establishment and membership of the Board
3. Tenure of office
4. Cessation of membership
5. Emoluments, etc. of membership
6. Functions of the Board

PART II – OBJECTIVES AND FUNCTIONS OF THE COMMISSION

7. Objectives of the Commission
8. Functions of the Commission
9. Special powers of the Commission.

PART III – STRUCTURE, MANAGEMENT AND STAFF OF THE COMMISSION

10. Appointment of the Director-General
11. Structure of the Commission
12. Appointment of other staff of the Commission
13. Staff regulations
14. Pensions provisions

PART IV – FINANCIAL PROVISIONS

15. Fund of the Commission
16. Expenditure of the Commission
17. Power to accept gift
18. Annual estimates and expenditure
19. Annual reports

Part V – Miscellaneous Provisions

20. Limitation of suit against the Commission
21. Notices
22. Power to make regulations
23. Interpretation
24. Short title

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INTERNATIONAL
TRADE COMMISSION OF NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

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

1 PART I – ESTABLISHMENT, ETC. OF THE INTERNATIONAL TRADE

2 COMMISSION OF NIGERIA

3 1.- (1) There is hereby established a body to be known as the Establishment of
4 International Trade Commission (in this Act referred to as “the Trade Commission
5 Commission”). of Nigeria

6 (2) The Commission –

7 (a) shall be a body corporate with perpetual succession and a
8 common seal;

9 (b) may sue and be sued in its corporate name; and

10 (c) may acquire, hold and dispose of property whether moveable or
11 immovable.

12 2.- (1) There is hereby established for the Commission, a Board (in Establishment
13 this Act referred to as “the Board”). and membership
of the Board

14 (2) The Board shall consist of –

15 (a) a Chairman;

16 (b) a representative each of –

17 (i) the Federal Ministry of Commerce,

18 (ii) the Federal Ministry of Industry,

19 (iii) the Federal Ministry of Finance,

20 (iv) the Federal Ministry of Agriculture and Rural Development,

21 (v) the Standards Organisation of Nigeria,

	1	(vi) the National Agency for Food and Drug Administration and
	2	Control,
	3	(vii) the Nigerian Customs Service,
	4	(viii) the Nigerian Immigration Securities;
	5	(c) three persons who shall have the requisite qualifications and
	6	experience in economics and law and specializing in international trade;
	7	(d) one person to represent the academia;
	8	(e) one person to represent civil society in Nigeria;
	9	(f) the Director-General of the Commission.
	10	(3) The Chairman and members of the Commission other than the
	11	Director-General shall serve on part-time basis.
	12	(4) The Chairman and members of the Board shall each be –
	13	(a) appointed by the President on the recommendation of the
	14	Minister;
	15	(b) a person of proven integrity.
	16	(5) The supplementary provisions set out in the Schedule to this Act
	17	shall have effect with respect to the proceedings of the Board and the other
	18	matters contained therein.
Tenure of office	19	3.-(1) The Chairman and members of the Board other than the ex-
	20	officio members shall each hold office –
	21	(a) for a term of 4 years in the first instance and may be re-appointed
	22	for a further term of 4 years and no more; and
	23	(b) on such terms and conditions as may be specified in his letter of
	24	appointment.
Cessation of membership	25	4. Notwithstanding the provisions of section 3 of this Act, a member
	26	of the Board shall cease to hold office as a member of the Board if –
	27	(a) he resigns his appointment as a member of the Board by notice,
	28	under his hand, addressed to the President;
	29	(b) he becomes of unsound mind;
	30	(c) he becomes bankrupt or makes a compromise with his creditor; or

1 (d) he is convicted of a felony or of any offence involving
2 dishonesty or corruption;

3 (e) he becomes incapable of carrying on the functions of this office
4 either arising from infirmity of mind or body; or

5 (f) the President is satisfied that it is in the interest of the
6 Commission or in the interest of the public for the person to discontinue in
7 office and the President removes him from office.

8 **5.** The Chairman and members of the Board shall be paid such Emoluments, etc.
9 emoluments, allowances and benefits as the Federal Government may, from of members
10 time to time, approve.

11 **6.** The Board shall – Functions of the
12 Board

13 (a) approve policies, strategies and procedures to be adopted by the
14 Commission for the achievement of its objectives;

15 (b) review, from time to time, the economic and trade impact of
16 external trade strategies on the Nigerian economy and make
17 recommendations to the Federal Government through the Minister;

18 (c) appoint, as and when necessary, technical committees
19 comprised of persons with requisite technical competence from the private
20 or public sector of the Nigerian economy to advise the Commission on such
21 matters as may be determined by the Board;

22 (d) perform such other functions as may, from time to time, be
23 necessary to achieve the objectives of the Commission under this Act.

24 PART II – OBJECTIVES AND FUNCTIONS OF THE COMMISSION

25 **7.** The objectives of the Commission shall be to – Objectives of the
26 Commission

27 (a) promote the efficiency, adaptability and sustainable
28 development of the Nigerian economy through international trade;

29 (b) protect Nigerian industries from unfair trade practices;

30 (c) ensure, from time to time, that the multi-lateral rule-based
international trading system is promoted in Nigeria and applied to Nigeria's
advantage

Functions of the Commission	1	8. The Commission shall have the responsibility for –
	2	(a) the administration of Nigeria's trade remedy laws in a fair and
	3	objective manner;
	4	(b) the provision of independent analysis, information and support on
	5	matters of tariffs, international trade and Nigeria's competitiveness to the
	6	President, through the Minister as well as the National Assembly;
	7	(c) the maintenance of the Harmonised Tariffs Schedule (HTS) of
	8	Nigeria;
	9	(d) the formulation of measures to create public awareness through
	10	seminars, workshops, studies and other activities;
Commencement	11	(e) making recommendations to the relevant ministries, extra-
	12	ministerial departments and agencies regarding relief for an industry seriously
	13	injured by increased imports;
	14	(g) giving and receiving advice from any regulatory authority on all
	15	matters relating to trade;
	16	(h) making, from time to time, recommendations to the Minister on
	17	the review of relevant policies, legislations and subsidiary legislations, and
	18	reporting to the Minister on matters concerning any provisions that permits
	19	unfair trading practices;
	20	(i) the performance of such other duties which in the opinion of the
Special powers of the Commission	21	Commission are required for the effective performance of its functions under
	22	this Act.
	23	9. The Commission shall have power to administer and implement
	24	the provisions of any law relating to –
	25	(a) dumping and subsidised imports;
	26	(b) intellectual property in international trade;
	27	(c) safeguards and countervailing;
	28	(d) other related matters.
	29	
	30	
Appointment of the Director-General		PART III – STAFF OF THE FUND
		10.-(1) There shall be for the Commission a Director-General, who

1 shall be appointed by the President on the recommendation of the Minister.

2 (2) The Director-General shall –

3 (a) have such qualifications and experience as are appropriate for a
4 person required to perform the functions of that office under this Act;

5 (b) hold office for a term of 4 years in the first instance and may be
6 re-appointed to another term of 4 years and no more;

7 (c) be responsible to the Commission for policy direction an the
8 day to day administration of the Commission;

9 **11.-(1)** The structure of the Commission shall include the Structure of the
Commission
10 following departments, that is –

11 (a) Trade Defence;

12 (b) Trade Diplomacy and Negotiations;

13 (c) Trade Justice;

14 (d) Legal Services;

15 (e) Administration;

16 (f) Finance and Supplies; and

17 (g) Research and Statistics.

18 (2) Notwithstanding the provisions of subsection (1) of this
19 section, the Commission shall with the approval of the Minister, have power
20 to establish such additional departments to assist in the performance of its
21 duties and functions under this Act.

22 (3) The Board shall appoint Directors to head each department
23 established pursuant to subsections (1) and (2) of this section and each
24 Director shall have the requisite qualification and experience of not less than
25 20 years as may be required for the effective implementation of the
26 functions of their respective departments and the Commission under this
27 Act.

28 **12.-(1)** The Commission may, with the approval of the Board, Appointment of
other staff of the
Commission
29 appoint such other staff or employees as, in the opinion of the Commission,
30 may be expedient and necessary for the proper and efficient performance of

1 its functions under this Act.

2 (2) The terms and conditions of service (including remuneration,
3 allowances, benefits and pensions) of the employees of the Commission shall
4 be as determined by the National Salaries and Wages Commission.

5 (3) The Commission shall have power to appoint either on transfer or
6 on secondment from any public service in the Federation, such employees as
7 may, in the opinion of the Commission, be required to assist the Commission in
8 the discharge of any of its functions under this Act, and shall have the power to
9 pay to persons so employed such remuneration (including allowances) as the
10 Board may, after consultation with the National Salaries and Wages
11 Commission, determine.

Staff regulations

12 **13.**-(1) The Board may, subject to the provisions of this Act, and with
13 the approval of the Commission make regulations generally relating to the
14 conditions of service of the staff of the Fund and without prejudice to the
15 generality of the foregoing, such regulations may provide for –

16 (a) the appointment, promotion and discipline (including dismissal)
17 of staff;

18 (b) appeals by such staff against dismissal or other disciplinary
19 measures,

20 and until such regulations are made, any instrument relating to the conditions
21 of service of officers in the civil service of the Federation shall be applicable
22 with such modifications as may be necessary.

23 (2) Staff regulations made under subsection (1) of this section shall
24 not have effect until approved by the Minister and when so approved the Board
25 shall cause them to be brought to the notice of all affected persons in such
26 manner as it may, from time to time, determine.

Pensions
provisions

27 **14.** Service in the Commission shall be approved service for the
28 purposes of the Pensions Act.

Fund of the
Commission

29 PART IV – FINANCIAL PROVISIONS

30 **15.**-(1) The Commission shall establish and maintain a fund from

1 which shall be defrayed all expenditure incurred by the Commission.

2 (2) There shall be paid and credited to the Fund established
3 pursuant to subsection (1) of this section –

4 (a) the initial take-off grant from the Federal Government;

5 (b) annual budgetary subventions from the Federal Government;

6 (c) such moneys as may, from time to time, be granted to the
7 Commission;

8 (d) all fees, levies and charges statutorily chargeable by the
9 Commission for approvals, testings, licences, certifications or any services,
10 as may be provided for by the Commission in the exercise of its powers
11 under Part II of this Act;

12 (e) all sums of money accruing to the Commission by way of
13 grants-in-aid, gifts, testamentary dispositions and endowments and
14 contributions from any other sources whatsoever.

15 (3) The fund shall be managed in accordance with the rules made
16 by the Board and without prejudice to the generality of the power to make
17 rules under this subsection, the rules shall in particular contain provisions –

18 (a) specifying the manner in which the assets or the fund of the
19 Commission are to be held, and regulating the making of payments into and
20 out of the fund; and

21 (b) requiring the keeping of proper accounts and records for the
22 purpose of the fund in such form as may be specified in the rules.

23 16. The Commission shall apply the proceeds of the fund
24 established pursuant to section 15 of this Act to –

Expenditure of
the Commission

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

26 (b) the payment of salaries, fees and other remuneration,
27 allowances, pensions and gratuities payable to employees of the Board and
28 to experts or consultants appointed by the Commission;

29 (c) the payment for all consultancies, contracts, including
30 mobilization, fluctuations, variations, legal fees and costs of contract

	1	administration;
	2	(d) the payment for all purchases; and
	3	(e) undertake such other activities as are connected with all or any of
	4	the functions of the Commission under this Act.
Power to accept gift	5	17.-(1) The Commission may accept gift of land, money or other
	6	property upon such terms and conditions, if any, as may be specified by the
	7	person or organization making the gift.
	8	(2) The Commission shall not accept any gift if the conditions
	9	attached by the person or organization making the gift are inconsistent with the
	10	objectives of the Commission under this Act.
Annual estimates and expenditure	11	18.-(1) The Board shall, not later than 30 th of September in each year
	12	submit to the Minister as estimate of the expenditure and income of the
	13	Commission during the next succeeding year.
	14	(2) The Board shall cause to be kept proper accounts of the
	15	Commission in respect of each year and proper records in relation thereto and
	16	shall cause the account to be audited not later than 6 months after the end of
	17	each year by auditors appointed from the list and in accordance with the
	18	guidelines supplied by the Auditor-General of the Federation.
Annual reports	19	19. The Board shall prepare and submit to the Minister not later than
	20	30 th July in each year, a report in such form as the Minister may direct on the
	21	activities of the Commission during the immediate preceding year, and shall
	22	include in the report a copy of the audited accounts of the Commission for that
	23	year and the auditor's report thereon.
	24	PART V – MISCELLANEOUS PROVISIONS
Limitation of suit against the Commission	25	20.-(1) Subject to the provisions of this Act, the provisions of the
	26	Public Officers Protection Act shall apply in relation to any suit instituted
	27	against any officer or employee of the Commission.
	28	(2) Notwithstanding anything contained in any other enactment or
	29	law, no suit shall lie or be instituted in any court against any member of the
	30	Board, the Director-General or any other officer or employee of the

1 Commission fro any act done in pursuance or execution of this Act or any
2 other enactment or law, or of any public duty or authority in respect of any
3 alleged neglect or default in the execution of this Act or such enactment or
4 law, duty or authority unless –

5 (a) it is commenced within 3 months next after the act, neglect or
6 default complained of; or

7 (b) in the case of a continuation of damage or injury, within 6
8 months next after the cessation thereof.

9 (3) No suit shall be commenced against a member of the Board, the
10 Director-General, officer or employee of the Commission before the
11 expiration of a period on one month after written notice of intention to
12 commence the suit shall have been served upon the Commission by the
13 intending plaintiff or his agent.

14 (4) The notice referred to in subsection (3) of this section shall
15 clearly and explicitly state –

16 (a) the cause of action;

17 (b) the particulars of the claim;

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

19 (d) the relief which he claims.

20 **21.** A notice, summons or other documents required or authorised Notices
21 to be served upon the Commission under the provisions of this Act or any
22 other law or enactment may be served by delivering it to the Director-
23 General or by sending it by registered post and addressed to the Director-
24 General at the principal office of the Commission.

25 **22.** The Minister may, on the recommendation of the Commission, Power to make
26 make regulations generally for the effective implementation and operation regulations
27 of this Act, and in particular for –

28 (a) trading standards and rules;

29 (b) penalties, fees, charges or levies and such other related matters;

30 (c) forms and returns required;

- 1 (d) time periods;
- 2 (e) information required and the method for obtaining such
- 3 information;
- 4 (f) access to confidential information; and
- 5 (g) procedures generally.

Interpretation

- 6 **23.** In this Act, unless the context otherwise requires –
- 7 “Board” means the Governing Board of the International Trade Commission of
- 8 Nigeria established under section 2 of this Act;
- 9 “Chairman” means the Chairman of the International Trade Commission of
- 10 Nigeria;
- 11 “Commission” means the International Trade Commission of Nigeria
- 12 established under section 1 of this Act;
- 13 “member” means a member of the Governing Board pursuant to section 2(1) of
- 14 this Act and includes the Chairman; and
- 15 “Minister” means the Minister charges with the responsibility for matters
- 16 relating to commerce.

Short title

- 17 **24.** This Bill may be cited as the International Trade Commission of
- 18 Nigeria (Establishment) Bill, 2019.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

3 *Proceedings of the Board*

4 1. Subject to this Act and section 27 of the Interpretation Act
5 (which provides for decisions of a statutory body to be taken by a majority of
6 its members and for the persons presiding at any meeting, to have a second
7 or casting vote), the Board may make standing orders regulating its
8 proceedings or that of its committees.

9 2. At every meeting of the Board, the Chairman shall preside and
10 in his absence the members present at the meeting shall appoint one of their
11 number to preside at the meeting.

12 3. The quorum at a meeting of the Board shall consist of the
13 Chairman (or, in an appropriate case, the person presiding at the meeting
14 pursuant to paragraph 2 of this Schedule and four other members.

15 4. The Board shall for the purposes of this Act, meet not less than
16 three times in each year and subject, thereto, the Board shall meet whenever
17 it is summoned by the members, he shall summon a meeting of the Board to
18 be held within 14 days from the date on which the notice is given.

19 5. Where the Board desires to obtain the advice of any person on a
20 particular matter, the Board may co-opt such a person for such a period as it
21 thinks fit, but a person who is a member by virtue of this subparagraph shall
22 not be entitled to vote at any meeting of the Board and shall not count
23 towards a quorum.

24 *Committees*

25 6.-(1) Subject to its standing orders, the Board may appoint such
26 number of standing and ad hoc committees as it thinks fit to consider and
27 report on any matter within the Fund is concerned.

28 (2) A committee appointed under this paragraph shall—

29 (a) consist of such number of persons (not necessarily members of
30 the Board as may be determined by the Board), and a person, other than a

1 member of the Board, shall hold office on the committee in accordance with the
2 terms of his appointment; and

3 (b) be presided over by a member of the Board.

4 (3) The quorum of any committee set up by the Board shall be as may
5 be determined by the Board.

6 (4) A decision of a committee of the Board shall be of no effect until it
7 is confirmed by the Board.

8 *Miscellaneous*

9 7. The fixing of the seal of the Fund shall be authenticated by the
10 signature of the Chairman or any other person generally or specifically
11 authorised by the Board to act for that purpose.

12 8. Any contract or instrument which, if made by a person not being a
13 body corporate, would not be required to be under seal may be made or
14 executed on behalf of the Fund by the Chairman or by any other person
15 generally or specifically authorised by the Board to act for that purpose.

16 9. Any document purporting to be a contract, instrument or other
17 document duly signed or sealed on behalf of the Fund shall be received in
18 evidence and shall, unless the contrary is proved, be presumed without further
19 proof to have been so signed or sealed.

20 10. The validity of any proceedings of the Board or of any of its
21 committees shall not be affected by –

22 (a) any vacancy in the membership of the Board, or committee, or

23 (b) any defect in the appointment of a member of the Board or
24 committee; or

25 (c) reason that any person not entitled to do so took part in the
26 proceedings of the Board or committee.

27 11. A member of a committee who has a personal interest in any
28 contract or arrangement entered into or proposed to be considered by the
29 committee shall disclose his interest to the committee and shall not vote on any
30 question relating to the contract or arrangement.

- 1 **12.** No member of the Board shall be personally liable for any act
2 or omission done or made in good faith while engaged on the business of the
3 Fund.
4 **13.** The members of the Board shall subscribe to and be bound by a
5 code of ethics to be approved by the Commission.

EXPLANATORY MEMORANDUM

The Bill seeks to provide for the establishment of the International Trade Commission of Nigeria for the purposes of co-ordinating policies, interests and issues related to international trade for the Federal Republic of Nigeria.

FREE TRADE ZONES BILL, 2019

ARRANGEMENT OF SECTIONS

1. Establishment of Free Zones
2. Functions, etc. of the management of a Zones
3. Power to grant licences
4. Approved activities, etc.
5. Approval of enterprises to undertake approved activities
6. Payment for goods and services
7. Import of goods into the Zones
8. Exemption of certain goods from payment of import duty, etc.
9. Persons not to enter Zones without permission
10. Prohibition of retail trade
11. Work permit
12. Prohibition of storage of ammunition and dangerous explosives
13. Exports form a Zone
14. Registration of products, etc.
15. Tariffs, etc.
16. Incentives and related matters
17. Enterprises to submit returns
18. Zonal administrations to submit returns
19. Establishment of Nigeria Free Zones Authority
20. Membership of the Governing Board
21. Functions of the Authority
22. Appointment of Managing Director, Secretary and other employees
23. Staff regulation
24. Fund of the Authority
25. Annual estimates, accounts, etc.
26. Enactments applicable in customs territory to apply
27. Omission and non-compliance
28. Repeal.
29. Regulations
30. Interpretation
31. Short Title

A BILL

FOR

AN ACT TO PROVIDE FOR FREE ZONES IN NIGERIA; ESTABLISH THE NIGERIA FREE ZONES AUTHORITY AND TO REPEAL THE NIGERIA EXPORT PROCESSING ZONES ACT; AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

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

1 1.-(1) The Minister may from time to time, by order, upon the Establishment of
2 recommendation of the Nigeria Free Zones Authority established under this Free Zones
3 Act, designate such area as he thinks fit to be a free zone (in this Act referred
4 to as "a Zone").

5 (2) The Zone established pursuant to subsection (1) of this section,
6 may be operated and managed by a public, private or a combination of
7 public and private entity under the supervision of and with the approval of
8 the Nigeria Free Zones Authority established by section 19 of this Act.

9 (3) Every order made pursuant to subsection (1) of this section,
10 shall specify the limits of the area designated and ascribe a name to that
11 Zone.

12 (4) The Nigeria Free Zones Authority may from time to time by
13 order, amend, vary or add to the limits of a Zone or change the name of a
14 Zone.

15 (5) An order made under subsection (3) of this section shall not
16 affect an approved enterprise existing before the commencement of the
17 order.

18 2. In addition to any other functions conferred on the Functions, etc.
19 management of a Zone by this Act, the functions and responsibilities of the of the management
20 management of a Zone shall include to- of a zones

	1	(a) administer and manage the Zone;
	2	(b) operate and manage such funds accruing to it from activities
	3	within the Zone;
	4	(c) apply such funds to the payment of salaries, fees or other
	5	remunerations or allowances, pensions and gratuities payable to its officers
	6	and employees;
	7	(d) establish customs, police, immigration and similar posts in the
	8	Zones with the approval of the authority;
	9	(e) grant all requisite permits to approved enterprises; and
	10	(f) resolution of trade disputes between employers and employees of
	11	the private sector in the Zone.
Power to grant licences	12	3.-(1) The Authority may grant a licence for any approved activity in a
	13	Zone to an individual or business concern whether or not the business is
	14	incorporated in the customs territory.
	15	(2) The grant of a licence by the Authority shall constitute registration
	16	for the purpose of company registration within the Zone.
	17	(3) A licenced company operating within a Zone and undertaking an
	18	approved activity shall notify the Authority of any purchase, assignment or
	19	transfer of shares in the company, except where the company's share are quoted
	20	and freely transferable on any international stock agency.
	21	(4) The Authority shall by order, from time to time prescribe the
	22	regulations governing the Zones.
Approved activities, etc.	23	4.-(1) Subject to subsection (2) of this section, the activities specified
	24	in the Third Schedule to this Act shall be approved activities for the purposes of
	25	this Act.
	26	(2) The Authority may, from time to time, prescribe the activities,
	27	which may be carried on in a Zone, and for this purpose may, by order, amend
	28	the Second Schedule to this Act.
Approval of enterprises to undertake approved activities	29	5.-(1) Any enterprise, which proposes to undertake an approved
	30	activity within a Zone, shall apply to the Authority in writing for permission to

1 do so and shall submit such document and information in support of its
2 application as the Authority may require.

3 (2) Subject to the provisions of this Act, the Authority may grant,
4 subject to such terms and conditions as it thinks fit, approval for an
5 enterprise to undertake the approved activity specified in its application
6 brought under subsection (1) of this section.

7 (3) For purposes of this section, "approved activity" means any of
8 the activities specified in the Third Schedule to this Act.

9 6.-(1) Where an approved enterprise operating in a Zone supplies
10 good and services to customers within the customs territory, that enterprise
11 shall be entitled to receive payment for such goods and services in foreign
12 currency and for the purposes of such payment, the normal rules and
13 regulations applicable to importation of goods and services into Nigeria and
14 repatriation of the proceeds of sales or services shall apply.

Payment for
goods and
services

15 (2) Where a person within the customs territory supplies goods and
16 services to an approved enterprise established within a Zone, that person
17 shall be entitled to receive payment for such goods or services in foreign
18 currency and the rules and regulations applicable to export from Nigeria and
19 the repatriation of proceeds from sales or services shall apply.

20 7.-(1) The Authority, a Zone and any approved enterprise shall be
21 entitled to import into a Zone, free of customs duty, any capital goods,
22 consumer goods, raw materials, components or articles intended to be used
23 for the purposes of and in connection with an approved activity including
24 any article for construction, alteration, reconstruction, extension or repair of
25 premises in a Zone or for equipping such premises.

Import of goods
into the Zones

26 (2) For the purposes of this section, articles for equipping premises
27 shall be deemed to include equipment for offices and other ancillary
28 facilities necessary for the proper administration of the premises and for the
29 health, safety, hygiene and welfare of the premises and of persons employed
30 therein.

1 (3) The Authority may by order, amend or vary the articles specified.
2 in the Fourth Schedule to this Act.

3 (4) All goods brought into a Zone shall be consigned-

4 (a) to the Authority or to the Zone or to an approved enterprise and the
5 goods may with the approval of the Authority, be transferred from one
6 approved enterprise to another or from the Zone to an approved enterprise or
7 from an approved enterprise to the Zone; or

8 (b) without prejudice to the provisions of subsection (2) of this
9 section, to an bank acting on behalf of any party to a transaction involving the
10 Authority or an approved enterprise.

11 (5) A Zone may take such steps, as it deems necessary to preserve
12 goods within the Zone whether by moving the goods from one place to another
13 or by storing the goods and where any expenses are incurred by the Authority or
14 Zone in so doing, the owner or consignee of the goods shall reimburse the
15 Authority for the expenses.

16 (6) Subject to the provision of this Act and any regulations made there
17 under, goods brought into a Zone pursuant to this section may-

18 (a) unless otherwise directed by the Authority, be stored, sold,
19 exhibited, broken up, packed, graded, cleaned, marked, re-marked, loaded,
20 unloaded, reloaded, divided, mixed, separated or otherwise manipulated;

21 (b) be worked, processed or reprocessed or otherwise manipulated or
22 manufactured; or

23 (c) be consumed if the goods are meant for consumption in the Zone,
24 unless otherwise directed by the Authority;

25 (d) subject to subsection (7) of this section, be removed from a Zone
26 or sent into the customs territory, whether as originally packed or otherwise; or

27 (e) subject to any enactment pertaining thereto, be destroyed.

28 (7) Where any goods which are dutiable on entry into the customs
29 territory are sent from a Zone into the customs territory, the goods shall be
30 subject to the provisions of the Customs, Excise Tariff, etc. (Consolidation) Act

1 and any regulations made thereunder and if the goods are intended to be
2 disposed of in the customs territory shall not be removed from the Zone
3 unless-

4 (a) the consent of the Authority has been obtained; and
5 (b) the relevant customs authorities are satisfied that all import
6 restrictions relevant thereto have been complied with and all duties payable
7 in connection with the importation thereof into the customs territory have
8 been paid.

9 (8) Samples of goods being taken into the customs territory shall be
10 subject to the provisions of subsection (6) of this section, except in cases
11 where the relevant customs authority is satisfied that such goods are of no
12 commercial value.

13 (9) Where goods are brought from the customs territory into a Zone
14 for the purposes of an approved activity the goods shall be deemed to be
15 exported.

16 (10) The Pre-Import Inspection Scheme shall not apply to imports
17 of goods into the Zones for use by approved enterprises in a Zone.

18 **8.-(1)** All goods consigned to all Zones and sub zones shall be
19 imported into Nigeria duty free from the commencement of activities by the
20 Zones or sub zones.

Exemption of
certain goods
from payment of
import duty, etc.

21 (2) The First Schedule to the Customs, Excise Tariff, etc.
22 (Consolidation) Act is accordingly modified.

23 **9.-(1)** No person shall enter, remain in or reside in a Zone without
24 the prior permission of the management of the Zone.

Persons not to
enter Zones
without
permission

25 (2) Any person who contravenes the provisions of subsection (1) of
26 this section shall have his permit revoked by the Zone.

27 **10.-(1)** No retail trade shall be conducted within a Zone without
28 prior approval of the management of the Zone, which may be subject to such
29 terms and conditions as may be imposed, from time to time, by the
30 Authority.

Prohibition of
retail trade

	1	(2) Any person who contravenes the provisions of subsection (1) of
	2	this section or of a term or condition imposed pursuant to that subsection shall
	3	have his licence revoked by the Authority.
Work permit	4	11. Where a person who is a non-Nigeria citizen is employed by the
	5	Authority or by an approved enterprises established in a Zone, upon application
	6	by the enterprise for a licence to establish itself within the Zone or at any time
	7	thereafter, the enterprise shall apply on behalf of the non-Nigerian citizen,
	8	direct to the Authority for the purpose of immigration and employment
	9	permits, in such a manner as may be prescribed by the Authority.
Prohibition of storage of ammunition and dangerous explosives	10	12.-(1) Notwithstanding any other provisions of this Act, the
	11	following goods shall not be imported, taken into or stored in a Zone-
	12	(a) firearms and ammunition, other than by members of the Nigeria
	13	Police Force or the armed forces of the Federation or by security agencies
	14	employed to work in a Zone in the course of their duties or by such other
	15	persons as may be authorised by the Authority;
	16	(b) dangerous explosive, without prior approval of the Authority;
	17	(c) petrol, inflammable materials, hazardous cargoes or oil fuels,
	18	other than in such quantities and on such terms and conditions as may be
	19	prescribed by the Authority;
	20	(d) goods which the Authority by order has imposed specific or
	21	absolute prohibition on their importation into a Zone.
	22	(2) Any person who contravenes the provisions of subsection (1) of
	23	this section is guilty of an offence.
Exports from a Zone	24	13. Exports of goods from a Zone to the customs territory shall,
	25	except as otherwise prescribed by or pursuant to this Act, be subject to the same
	26	customs and licencing requirements as applying to goods imported from other
	27	countries.
Registration of products, etc.	28	14.-(1) All products manufactured or assembled, pre-packaged and
	29	sold in the Zones shall be registered in accordance with the provisions of this
	30	Act.

1 (2) Notwithstanding the provisions of subsection (1) of this
2 section, the percentage of any such products or goods manufactured,
3 assembled, pre-packaged or sold in the Zones shall be unlimited.

4 **15.** The application for registration of any product manufactured, Tariffs, etc.
5 assembled, prepackaged and sold in the zones shall be subject to tariffs and
6 other charges prescribed by the Authority in addition to the payment of
7 relevant taxes set out in the Fifth Schedule to this Act.

8 **16.**-(1) Approved enterprises within the Zones shall be entitled to Incentives and
9 the following incentives- related matters

10 (a) legislative provisions pertaining to taxes, levies, duties and
11 foreign exchange regulations shall not apply within the Zones;

12 (b) repatriation of foreign capital investment in the Zones at any
13 time with capital appreciation;

14 (c) remittance of profits and dividends earned by foreign investors
15 in the Zones;

16 (d) no import or export licences shall be required;

17 (e) up to 100 per cent of production may be sold in the customs
18 territory against valid permit and on payment of appropriate duties;

19 (f) rent-free land at construction stage and thereafter rent shall be as
20 determined by the zonal administration;

21 (g) up to 100 per cent foreign ownership of business in the Zones
22 allowable;

23 (h) foreign managers and qualified personnel may be employed by
24 companies operating in the Zone.

25 (2) The Authority shall be the only agency qualified to-

26 (a) give all approvals; and

27 (b) cancel all licences.

28 (3) The Authority shall simplify all procedure necessary for
29 authorization of investments on a Zone and state by order, from time to time,
30 its requirements for the grant of authorizations for investments in a Zone.

	1	(4) Operations within a Zone shall commence on the date when the
	2	construction of the perimeter fence and gate of the Zone has been completed
	3	and the Authority has assumed duties.
	4	(5) There shall be no strikes or lock-outs for a period of ten years
	5	following the commencement of operations within a Zone and any trade
	6	dispute arising within a Zone shall be resolved by the Authority.
Enterprises to submit returns	7	17. An approved enterprise shall submit to the Zone at such interval as
	8	may be prescribed such statistical data and such information and returns as
	9	regards the sales and purchases and other operations of the enterprise as the
	10	Authority may require or as may be prescribed, from time to time.
Zonal administrations to submit returns	11	18. A Zone shall submit to the Authority at such intervals as may be
	12	prescribed such statistical data and such information as returns as regards the
	13	sales and purchases and other operations of all the enterprises within the Zone
	14	and such information and returns as regards its operations as the Authority ay
	15	require or as may be prescribes, from time to time.
Establishment of Nigeria Free Zones Authority	16	19.-(1) There is hereby established an authority to be known as the
	17	Nigeria Free Zones Authority (in this Act referred to as "the Authority").
	18	(2) The Authority shall be a body corporate, with perpetual succession
	19	and a common seal and may sue and be sued in its corporate name and shall be
	20	capable of acquiring, holding or disposing of any property, movable or
	21	immovable, for the purpose of carrying out its functions.
Membership of the governing board	22	20.-(1) There shall be for the Authority a Governing Board (in this Act
	23	referred to as "the Board"), which shall consist of a chairman to be appointed by
	24	the President on the recommendation of the Minister and the following other
	25	members, that is to say-
	26	(a) a representative each from the following Federal Ministries, that
	27	is-
	28	(i) Agriculture and Natural Resources;
	29	(ii) Commerce;
	30	(iii) Culture and Tourism;

- 1 (iv) Industry; and
2 (v) Science and Technology;
3 (b) the Comptroller-General of Customs or his representative not
4 below the rank of an assistant comptroller;
5 (c) the Managing Director of the Nigerian Ports Authority or his
6 representative not below the rank of a deputy director;
7 (d) one representative each from the following bodies, that is -
8 (i) the Nigerian Association of Chambers of Commerce,
9 Industries, Mines and Agriculture;
10 (ii) the Manufacturers Association of Nigeria;
11 (iii) the Association of Nigerian Exporters.
12 (e) two persons to be appointed by the Minister from the private
13 sector who shall be persons possessing practical experience in industry,
14 commerce, finance, export promotion and other related fields;
15 (f) a representative of the Central Bank of Nigeria not below the
16 rank of a Director; and (g) the Managing Director of the Authority.
17 (2) A member of the Board other than ex-officio member shall
18 subject to the provision of this Act, hold office for a period of four years from
19 the date of his appointment as a member and shall be eligible for
20 reappointment for one further term of two years and thereafter he shall no
21 longer be eligible for reappointment.
22 (3) Notwithstanding subsection (2) of this section, the President
23 may on the recommendation of the Minister require any member to vacate
24 his office if his continued membership will not be in the interest of the
25 Authority.
26 (4) Any member of the Board other than an ex-officio member may
27 by notice in writing to the Board resign his appointment.
28 (5) The supplementary provisions contained in the First Schedule
29 to this Act shall have effect with respect to the tenure of office of members
30 and the proceedings of the Board and other matters relating to the Board.

Functions of
the Authority

- 1 **21.-(1)** In addition to any other functions conferred on the Authority
2 by this Act, the functions and responsibilities of the Authority shall include-
3 (a) the administration of the Authority;
4 (b) the issuance of licence to all Free Zones located within the
5 Territory of Nigeria;
6 (c) the formulation and publishing, from time to time, of all operating
7 standards to be observed in the Zones;
8 (d) the approval of development plans of the Zones and the Zones'
9 annual budgets in respect of infrastructures, administrative buildings,
10 promotion of Zones, the provision and maintenance of services and facilities;
11 (e) the issuance, from time to time, of certificated of valuation of
12 assets or investment with effect from the date of establishment of the Zones
13 which shall serve as instruments of ownership of assets or investments in the
14 Zone;
15 (f) the co-ordination of the function of various public sector
16 organizations operating within the Zones and resolve any dispute that may
17 arise amongst them;
18 (g) the issuance of licences to members of the organized private sector
19 providing services within the Zones;
20 (h) the resolution of trade disputes between employers and employees
21 in the Zone, in consultation with the Federal Ministry of Employment, Labour
22 and Productivity;
23 (i) the adaptation of investment promotion strategies in the Zones,
24 including the opening
25 of investment promotion offices abroad;
26 (j) the recommendation to the Minister of additional incentive
27 measure for the purpose of promoting economic activities within the Zones;
28 and
29 (k) the establishment and supervision of zonal administrations for the
30 purposes of monitoring licenced Zones and such other organizations that

1 provide services to the Zones.

2 (2) Notwithstanding the provisions of subsection (1) of this
3 section, the Authority, upon
4 satisfaction that an export oriented factory, whether agricultural or
5 horticultural, or specialized shopping enterprise operating within the
6 customs territory has adequate facilities and is reasonably accessible for
7 monitoring and audit purposes, may recommend to the Minister that it be
8 granted a sub-zone status.

9 **22.**-(1) There shall be for the Authority a Managing Director who
10 shall be the chief executive and shall be appointed by the President on the
11 recommendation of the Minister.

Appointment of
Managing Director,
Secretary and
other employees

12 (2) The Managing Director shall be responsible for-

- 13 (a) the preparation of plans, annual programmes and budget;
14 (b) the recommendation of bye-laws applicable in each Zone;
15 (c) the development of strategies for the promotion of the Zones
16 inside and outside the country;
17 (d) the implementation of the approved plans, programmes and
18 budgets;
19 (e) the day-to-day administration of the Authority.

20 (3) Without prejudice to the generality of subsection (1) of this
21 section, the Authority shall have power to -

- 22 (a) appoint a Secretary who shall be qualified to practice as a legal
23 practitioner in Nigeria and has been so qualified for not less than ten years;
24 (b) pay the employees such remuneration and allowances as it may
25 from time to time determine;
26 (c) pay the employees such pensions and gratuities as are payable
27 to persons of equivalent grades in the public service of the Federation.

28 **23.** The Authority may make staff regulations relating generally to
29 the conditions of service of the employees of the Authority and without e

Staff regulation

	1	prejudice to the generality of the foregoing such regulations may provide for-
	2	(a) the appointment, promotion and disciplinary control of all
	3	employees of the Authority; and
	4	(b) appeal by such employees against dismissal or other disciplinary
	5	measures, and until such regulations are made, the regulations relating to the
	6	conditions of service of the officers in the civil service of the Federation and the
	7	provisions of the Pensions Act shall be applicable with such modifications as
	8	may be necessary to the staff of the Authority.
Fund of the Authority	9	24. -(1) The Authority shall establish and maintain a fund, which shall
	10	consist-
	11	(a) all moneys received from the Federal Government;
	12	(b) proceeds from all activities, services and operations of the
	13	Authority;
	14	(c) grants, gifts and donations made to the Authority; and
	15	(d) such other sums as may accrue, from time to time, to the Authority.
	16	(2) The Authority shall, from time to time, apply the proceeds of the
	17	fund established pursuant to subsection (1) of this section -
	18	(a) to the cost of administration of the Authority;
	19	(b) to the payment of salaries, fees or other remuneration or
	20	allowances, pensions and gratuities payable to the offices and employees of the
	21	Authority;
	22	(c) for reimbursing members of the Board or of any committee set up
	23	by the Board for such expenses as may be expressly authorised by the Authority
	24	in accordance with the rates approved by the President;
	25	(d) for the maintenance of any property vested in the Authority; and
	26	(e) for regulation, supervision and monitoring of the Zones, training,
	27	research and similar activities.
Annual estimates, accounts, etc.	28	25. -(1) The Authority shall, not later than 31st October in each year,
	29	submit to the Minister an estimate of its expenditure and income (including
	30	payments into the fund of the Authority) during the next succeeding year.

1 (2) The Authority shall keep proper accounts in respect of each
2 year (and proper records in relation thereto) and shall cause its accounts to
3 be audited within six months after the end of each year by auditors appointed
4 from the list and in accordance with the guidelines supplied by the Auditor-
5 General of the Federation.

6 **26.**-(1) Except as provided under this Act, an enactment applicable
7 in a customs territory shall apply within the Zones.

Enactments
applicable in the
customs territory
to apply

8 (2) The Minister may, by order published in the Federal Gazette,
9 modify the application of any enactment, which is made applicable in a
10 Zone by subsection (1) of this section, where the enactment concerned
11 restricts or interferes with the smooth running of the Zone or operation of
12 licences therein.

13 **27.**-(1) Every omission or neglect to comply with and every act
14 done or attempt to be done contrary to the provisions of this Act or any
15 regulation made thereunder shall be an offence and in respect of any such
16 offence for which no penalty is expressly provided the offender shall be
17 liable on conviction to a fine of N500, 000 or to imprisonment for a term of
18 three months or to both such fine and imprisonment.

Omission and
non-compliance

19 (2) Whoever attempts to commit any offence punishable under this
20 Act or any regulations made thereunder or abets the commission of such
21 offences shall be punished with the punishment provided for such an
22 offence.

23 (3) Where a body corporate is guilty of an offence under this Act,
24 and that offence is proved to have been committed with the consent or
25 connivance of, or to be attributable to any neglect on the part of any director,
26 manger, secretary or other similar officer of the body corporate, or any
27 person who was purporting to act in any such capacity; he as well as the body
28 corporate, shall be guilty of that offence and shall be liable to be proceeded
29 against and punished accordingly.

Repeal	<p>1 28.-(1) The governing board of the Nigeria Export Processing Zones</p> <p>2 Authority established by the Nigerian Export Processing Zones Act of 1992 is</p> <p>3 hereby dissolved and the said Act is hereby replaced.</p> <p>4 (2) The transitional and savings provisions in the Second Schedule to</p> <p>5 this Act shall have effect in relation to the employees, assets and liabilities of</p> <p>6 the board dissolved under this section and the other matters mentioned therein</p> <p>7 notwithstanding anything to the contrary in this Act or any other enactment.</p> <p>8 (3) Notwithstanding subsection (1) of this section any order made,</p> <p>9 registration effected, licence or permit issued, notice or information given,</p> <p>10 return made or other thing done under the repealed enactment which,</p> <p>11 immediately before the commencement of this Act was in force or effect shall</p> <p>12 continue in force and have effect as if made, effected, issued, given or done</p> <p>13 under the corresponding provisions of this Act.</p>
Regulations	<p>14 29. The Authority may, with the approval of the Minister, make</p> <p>15 regulations for the proper implementation of this Act.</p>
Interpretation	<p>16 30. In this Act, unless the context otherwise requires-</p> <p>17 "approved activities" means activities specified in the Third Schedule to this</p> <p>18 Act;</p> <p>19 "approved enterprise" means any enterprise established within a Zone</p> <p>20 approves by the Authority;</p> <p>21 "Authority" means the Nigerian Free Zones Authority established by section</p> <p>22 23 of this Act;</p> <p>23 "customs territory" means the Federal Republic of Nigeria;</p> <p>24 "member" means a member of the Board and includes the chairman;</p> <p>25 "Minister" means the Minister charges with responsibility for matters relating</p> <p>26 to trade;</p> <p>27 "sub-zone status" means export processing factories privately or publicly</p> <p>28 owned export oriented industry which is located anywhere within the custom</p> <p>29 territory and has a sub-zone status.</p>
Short title	<p>30 31. This Bill may be cited as the Free Trade Zones Bill, 2019.</p>

1 SCHEDULES

2 FIRST SCHEDULE

3 *[Section 20(5)]*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE AUTHORITY

5 *Proceedings of the Board*

6 1.- (1) Subject to this Act and to section 27 of the Interpretation Act,
7 the Board may make standing orders regulating the proceedings of the
8 Authority or of any committee thereof.

9 (2) The quorum of the Board shall be nine and the quorum of any
10 committee of the Board shall be as may be determined by the Board from
11 time to time.

12 2.-(1) The Board shall meet not less than four times in each year
13 and subject thereto, the Board shall meet whenever it is summoned by the
14 chairman, and if the chairman is required to do so by notice given to him by
15 not less than three other members, he shall summon a meeting of the Board
16 to be held within fourteen days from the date on which the notice is given.

17 (2) At any meeting of the Board, the chairman shall preside, but if
18 he is absent, the members present at the meeting shall appoint one of their
19 number to preside at that meeting.

20 (3) Where the Board desires to obtain the advice of any person on a
21 particular matter, the Board may co-opt him as a member for such period as
22 it thinks fit:

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

26 *Committees*

27 3.-(1) The Board may appoint one or more committees to carry out
28 on behalf of the Board such of its functions as the Authority may determine.

29 (2) A committee appointed under this paragraph shall consist of
30 such number of persons (not necessarily members of the Board) as may be

1 determined by the Board; and a person other than a member of the Board shall
2 hold office on the committee in accordance with the terms of his appointment.

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Authority shall be authenticated by
5 the signature of the chairman and of any other member authorised generally or
6 specially by the Board to act for that purpose.

7 (2) Any contract or instrument which, if made or executed by a person
8 not being a body corporate, would not be required to be under seal may be made
9 or executed on behalf of the Board by the chairman and the managing director
10 or any person authorised generally or specially by the Authority to act for that
11 purpose.

12 5. Members of the Board shall be paid out of moneys at the disposal
13 of the Board such remuneration, fees or allowances in accordance with such
14 scales as may be approved, from time to time, by the Minister.

15 6. The validity of any proceedings of the Board or of a committee
16 thereof shall not be adversely affected by any vacancy in the membership of the
17 Board or of a committee or by the defect in the appointment of any member of
18 the Board or committee or by reason that a person not entitled to do so took part
19 in the proceedings.

20 7. -(1) A member of the Board who is-

21 (a) directly or indirectly interested in any company or enterprise the
22 affairs of which are being deliberated upon by the Authority; or

23 (b) is interested in any contract made or proposed to be made by the
24 Authority, shall as soon as possible after the relevant facts have come to his
25 knowledge disclose the nature of his interest at a meeting of the Board.

26 (2) A disclosure under sub-paragraph (1) of this paragraph shall be
27 recorded in the minutes of the meeting of the Board and the member shall-

28 (a) not take part after such disclosure in any deliberation or decision
29 of the Board with regard to the subject matter in respect of which his interest is
30 thus disclosed;

(b) be excluded for the purposes of constituting a quorum of the Board for any such deliberation or decision.

SECOND SCHEDULE

[Section 28(2)]

Transfer of assets and liabilities, etc.

1. By virtue of this Act there shall be vested in the Authority established under this Act (in this Schedule referred to as "the Authority") all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Authority established under the repealed enactment (in this Schedule referred to as "the former Authority").

2. Subject to the provision of paragraph 1 of this Schedule-

(a) the rights, interest, obligations and liabilities of the former Authority existing immediately before the commencement of this Act under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Act be deemed to have been assigned to and vested in the Authority;

(b) any such contract or instrument as is mentioned in subparagraph (a) of this paragraph shall be of the same force and effect against or in favour of the Authority and shall be enforceable as fully and effectively as if instead of the former Authority the Authority had been named therein or had been a party thereto; and

(c) the Authority shall be subject to all the obligations and liabilities to which the former Authority was subject immediately before the commencement of this Act and all persons shall, as from the commencement of this Act have the same rights, powers and remedies against the Authority as they had against the former Authority immediately before the day, .

3. Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the former Authority in respect of any rights, interest, obligation or liability of the

1 former Authority may be continued, or as the case may require, commenced,
2 and the determination of a court of law, tribunal or other authority or person
3 may be enforced by or against the Authority to the same extent that such cause
4 of action or determination might have been continued or commenced or
5 enforced by or against the former Authority as if this Act had not been made.

6 4. Any person who immediately before the commencement of this
7 Act held office under the form~ Authority shall, on the commencement of this
8 Act be deemed to have been transferred to the Authority on terms and
9 conditions not less favourable than those obtaining immediately before the
10 commencement of this Act and service under the former Authority shall be
11 deemed to be service under the Authority for pension purposes.

12 **5.** For the purposes of paragraph 4 of this Schedule, the terms and
13 conditions comprised in any transferred appointment shall not be construed as
14 being less favourable merely because they are not in all respects identical or
15 superior to the terms and conditions enjoyed by any person concerned
16 immediately before the commencement of this Act if the first-mentioned terms
17 and conditions taken as a whole confer substantially equivalent or greater
18 benefits.

19 **6.** Within the twelve months next after the making of this Act the
20 Minister, if he thinks fit may by order published in the Federal Gazette make
21 additional transitional or savings provisions for better carrying out of the
22 objectives of this Schedule.

THIRD SCHEDULE

[Sections 4 (2), 5 (3)]

Approved activities

- 26 1. Manufacturing of goods for export.
- 27 2. Warehousing, freight forwarding and customs clearance.
- 28 3. Handling of duty-free goods (transshipment, sorting, marketing,
- 29 packaging, etc.).
- 30 4. Banking, stock exchange and other financial services, insurance

1 and reinsurance.

2 5. Import of goods for special services, exhibitions and publicity.

3 6. International commercial arbitration services.

4 7. Activities relating to integrated Zones.

5 8. Other activities deemed appropriate by the Nigeria Free Zones

6 Authority.

7 FOURTH SCHEDULE

8 *[Section 7 (3)]*

9 *Duty free articles*

10 1. Building materials.

11 2. Tools.

12 3. Plant.

13 4. Machinery.

14 5. Pipes.

15 6. Pumps.

16 7. Conveyor belts.

17 8. Other appliances and materials necessary for construction,
18 alteration and repair of premises.

19 9. Capital and consumer goods, raw materials components of all
20 articles intended to be used for the purpose of, and in connection with
21 reconstruction, extension or repair of premises in a Zone or for equipping
22 such premises and any other items approved by the Authority.

FIFTH SCHEDULE
Tariffs and Charges

[Section 15]

Section	Tariff	Charges	Remarks
1	Free Zone application fee.	\$1,000 or its naira equivalent	Application fee for the establishment of Free Zones.
2	Free Zone registration.	\$200,000 or its naira equivalent	This is the registration/ licensing fee payable by all Free Zones payable once and at point of licensing.
3	Free Zone renewal fee.	\$20,000 or its naira equivalent per annum.	A yearly renewal fee by each Free Zone / sub zone.
4	Management consultancy renewal fee.	\$10,000.	The initial registration fee for companies/ individuals intending to run government owned Free Zones.
5	Management consultancy renewal fee.	10% of annual licensing fee.	Applicable in Federal Government owned Free Zones where such appointments are made.
6	Facility Manager licence fee.	\$500 or its naira equivalent.	
7	Facility Manager licence renewal fee.	10% of annual licensing fee.	This is if the company is not provided with any fund, to manage the facility.
8	Charges on revenue generating asset Managers.	20% of all charges made on the asset.	If they are, all revenue from the facilities shall revert to the Authority in addition to the payment of 10% of their annual fee This is purely for defraying administrative costs.
9	Administrative fee.	20% of all charges made by the Managers of the Free Zone.	If it is Federal Government owned and the Management Consultant is paid, all charges will revert to the Authority in addition to 10% of the annual fee charged by the Consultant. For Free Zone promotional activities, including seminars, trade fairs,

			exhibition, adverts, etc.
10	Free Zone promotional fees.	20% of Free Zone promotional fees charged by the Management of the Free Zone.	This is charged on all Free Zones. This fee is to complement the Authority's promotional efforts on all Free Zones, their products, etc.
11	Sub-Zonal status/ EPF application fee.	\$500 or its naira equivalent.	Payment for application form for sub-Zonal status/ EPF.
12	Sub-Zonal status/ EPF licence fee.	0.5% of capital outlay or \$20,000 whichever is less.	Licence fee to operate as Sub-Zonal status/ EPF.
13	Sub-Zonal status/ EPF renewal fee.	10% of operating licence fee.	Payable once at the beginning of the year.
14	Sub-Zonal administrative and promotional fee.	0.75% of value of sales payable quarterly but not exceeding \$20,000 per quarter.	This is for service costs incurred in the administration of the incentives, excluding the cost of visa processing, vehicle licensing, etc. For financing promotional activities including seminars, trade fairs, product display, advertisements, etc.
15	Central warehousing fee.	N33 per square meter week.	The minimum period for space letting shall be one week. Services available in the port of Lagos with progressive expansion to other ports.
16	Licensing of approved enterprises in the Free Zones by the Authority	20% of the Free Zone's charges per annum.	This will ensure the co-ordination by the Authority of all companies operating in the Free Zones.
17	Approved enterprises renewal fee.	10% of the Free Zone's charges per annum.	This licence revalidates the company's operations in the Free Zone and acts as an update of the records with the Authority.

EXPLANATORY MEMORANDUM

This bill seeks to provide for –

- (a) the repeal of the Nigeria Export Processing Zones Act;
- (b) the establishment of the Free Zones Authority to replace and take over the functions the Nigeria Export Processing Zones Authority;
- (c) the rapid development of the Free Zones in Nigeria through the provision of a regulatory framework, etc.