

# A BILL

## FOR

AN ACT TO AMEND THE ENVIRONMENTAL HEALTH OFFICERS  
(REGISTRATION, ETC.) ACT 2002, AND FOR OTHER RELATED MATTERS  
2015

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

1           1. The Environmental Health Officers (Registration, etc.) Act,  
2           2002 (in this Act Referred to as the "Principal Act") is hereby amended as set  
3           out in this Act-

4           2. Section 1 of the Principal Act is amended as follows:

Amendment of  
section 1

5           (1) There is established a body to be known as the Environmental  
6           Health Council of Nigeria (in this Act referred to as "the Council")-

7           (a) accordingly any reference in the Act to the Environmental  
8           Health Officers Registration Council of Nigeria shall be construed as the  
9           Environmental Health Council of Nigeria;

10          (b) the re-designation of the enactment specified in section (1) of  
11          this section shall not affect anything done or purported to be done under the  
12          designated enactment.

13          (2) The Council-

14          (a) shall be a Council for Environmental Health, based on rules and  
15          regulations made by the Minister;

16          (b) shall be a body corporate with perpetual succession and a  
17          common seal;

18          (c) may sue or be sued in its name; and

19          (d) may acquire, hold or dispose of any property, movable or  
20          Immovable for the purpose of carrying out its functions under this Act.

1           (3) *The Council is charged with the following functions:*

2           (a) determining what standards of knowledge and skill are to be  
3 attained by persons seeking to become members of the profession of  
4 Environmental Health (in this Act referred to as “the Profession”) and  
5 improving those standards from time to time as circumstances may permit;

6           (b) securing in accordance with, the provisions of this Act the  
7 establishment and maintenance of register of persons entitled to practice as  
8 members of the profession and the publication from time to time the list of  
9 those persons;

10          (c) establishing a code of conduct and reviewing same from time to  
11 time as the Council considers desirable for the effective practice of  
12 Environmental Health Profession;

13          (d) charging practicing fees as may be determined by the Council;

14          (e) regulating and controlling the practice of Environmental Health  
15 profession in all its aspects and ramifications, including corporate practice  
16 areas as Waste collection and disposal; public health pest control; cleaning  
17 services; air quality monitoring; sanitary inspection of premises; health impact  
18 assessment etc.

19          (f) conducting examinations in the profession and awarding  
20 certificates or diplomas to successful candidates as appropriate and for such  
21 purpose and the Council shall prescribe fees to be paid in respect thereof;

22          (g) set Environmental health standard and work with other  
23 stakeholders to ensure the enforcement and compliance with standards,  
24 legislation and guidelines on Environmental health infrastructure provision  
25 and implementation;

26          (h) establish and supervise the National Institute of Environmental  
27 Health for the purposes of advanced professional education for members of the  
28 profession;

29          (i) carry out research and publish general scientific and other data  
30 resulting from the performance of its functions;

1 (j) carry out such activities as are necessary or expedient for the  
2 performance of its functions objectives;

3 (k) having such powers to litigate against and or punish any erring  
4 Environmental Health Officer, Environmental Health Service provider or  
5 other persons registered by the Councilor performing environmental health  
6 functions;

7 (l) having such powers and duties as conferred on it by this Act or  
8 by any other Enactment or law on such matters on which the National  
9 Assembly has power to make.

10 3. Section 2 (1) (c) of the Principal Act is amended to read "one  
11 Environmental Health Officer to represent each of the six geopolitical zones  
12 in rotation;

Amendment of  
section 2

13 Section 2 of the Principal Act is further amended by adding new subsections  
14 (h) and (i) as follows:

15 "(h) one person who shall be the most senior licensed  
16 Environmental Health Officer in the Armed Forces and Para-military to  
17 represent the Armed Forces and Para-military in rotation;

18 4. Section 3 of the Principal Act is amended by deleting subsection  
19 (2) and subsequently redrafted as follows.

Amendment of  
section 3

20 (2). Subject to this section and to any directions of the Minister  
21 under this Act, the Council shall have powers to do anything which in its  
22 opinion is calculated to facilitate the carrying on of its activities under this  
23 Act.

Powers of the  
Council

24 5. Section 6 (1) of the Principal Act is amended to read as follows:

Amendment of  
section 6

25 6. The Council shall appoint a fit and proper person who shall be  
26 registered with the Council to be the Registrar/Chief Executive for the  
27 purpose of this Act.

28 (a) The Term "Registrar" shall be substituted with "Registrar/Chief  
29 Executive" where ever it appeared in the Principal Act;

30 (b) insert immediately after subsection 6 (2) as follows:

Structures of  
the Council

1                   **6. -(1) The Council shall have the following structures:**

2                   **(a) Directorate of Education and Training;**

3                   **(b) Directorate of Registration and Inspectorate;**

4                   **(c) Directorate of Ethics, Standards and Enforcement;**

5                   **(d) Directorate of Accounts and Finance;**

6                   **(e) Directorate of Administration;**

7                   **(f) Directorate of Planning, Research and Statistics.**

8                   **(2) Each Directorate shall be headed by a Director. Except for 7 (1)**

9 **(e); and (f), all other Directorates shall be headed by licensed Environmental**  
10 **Health Officers.**

11                   **(3) The Council and its Directorates shall have adequate numbers of**  
12 **units and divisions as may be required in the discharge of its functions of the**  
13 **Council.**

14                   **(4) The Council shall have Zonal Offices in each of the geopolitical**  
15 **zones and State Offices in all the States of the Federation.**

16 **(c) renumbering the subsection appropriately**

Amendment of  
section 8

17                   **7. Section 8 of the Principal Act is amended in subsection (1) to read**  
18 **thus:**

19                   **(1) The Registrar/Chief Executive shall be the Chief Executive**  
20 **Officer of the Council who shall prepare and maintain, in accordance with rules**  
21 **made by the Council under this section, a register of the names, addresses,**  
22 **approved qualifications and such other particulars; as may be specified of all**  
23 **persons who are entitled in accordance with the provisions of this Act to be**  
24 **registered as members of the profession and who apply in the specified manner**  
25 **to be so registered.**

26 **Section 8 of the Principal Act is further amended by inserting new subsections**  
27 **(1)(A) and (B) as follows:**

28                   **(1) (A) A person shall not hold an appointment or practice as an**  
29 **Environmental Health Officer in Nigeria or perform the duties of an**  
30 **Environmental Health Officer in Nigeria unless he is registered with the**

1 Council under the provisions of this Act".

2 (B) A registered Environmental Health Officer is entitled to  
3 practice as an Environmental Health Officer anywhere in Nigeria.

4 Insert a new subsection (2) to read thus:

5 "Transfer from one register to another.

6 A person registered under this Act as Environmental Health Assistant,  
7 Environmental Health Technician or Environmental Health Technologist  
8 may apply to transfer from a lower register to a higher register if he obtains  
9 an academic qualification or approved equivalent educational qualification  
10 commensurate to the requirement of the higher register he desires to transfer  
11 to. In addition he must have had the required experience as well as passed the  
12 prescribed examination and other conditions as may be set out from time to  
13 time by Council".

14 8. Section 10 of the Principal Act is amended in subparagraph (a)

Amendment of  
section 10

15 (i) by inserting immediately after the word "attended" the words  
16 "and successfully completed".

17 (ii) by substituting for subsection (3) as follows:

18 "(3) (a) A corporate organization desirous of practicing in the  
19 environmental health field shall be entitled to be registered under this Act as  
20 an environmental health service provider and being so registered, to receive  
21 a registration certificate from the Council if the company satisfies the  
22 Council that such company has requisite staff and equipment to practice and  
23 shall abide by rules made by the council and pays the prescribed fee;

24 (b) no registered person or company shall practice as an  
25 environmental health officer or environmental health service provider in  
26 any year unless he has renewed his license in respect of that year. This  
27 renewal shall be due every January and not later than 31st March in every  
28 year as prescribed by the council;

29 (c) the Council may with the confirmation of the Minister from  
30 time to time, vary the practicing fees prescribed, The Council shall keep and

1 utilize the funds realized from the practicing fees and other activities of the  
2 Council for the development of the profession;

3 (d) any Environmental Health Officer or Environmental Health  
4 service provider, who in respect of any year practices without renewing his  
5 license is guilty of an offence and is liable on conviction:

6 (i) in the case of first offender, to a fine of twice the prescribed  
7 practicing fee; and

8 (ii) in the case of a second or subsequent offender to a fine of not less  
9 than ten times the prescribed practicing fee;

10 (iii) where the Environmental Health Officer is in the employment of  
11 any person or Organization (Public or private), the employer is also guilty of an  
12 offence punishable in like manner as the Environmental Health Officer if it is  
13 proved that the failure to pay the practicing fee was with his knowledge,  
14 consent and connivance;

15 (iv) where the Environmental Health Service Provider is engaged by  
16 any person or Organization (Public or private), such person or Organization is  
17 also guilty of an offence punishable in like manner as the Environmental  
18 Health Service Provider if it is proved that the failure to pay the practicing fee  
19 was with his knowledge, consent and connivance.

20 (iii) insert a new subsection (7) as follows:

21 "A registered Environmental Health Officer shall be issued a practicing seal  
22 subject to rules made by the Council".

Amendment of  
section 13(4)

23 9. Section 13 of the Principal Act is amended by inserting new  
24 subsection (4) as follows:

25 "(4) It shall be the duty of the Head of every faculty, department,  
26 institute or school of Environmental Health in Nigeria, approved by the  
27 Council to furnish the Registrar with the list of candidates admitted or enrolled  
28 into a course in Environmental Health and the list of candidates successful at  
29 the final Environmental Health Examination immediately after the release of  
30 the result within three months of each event respectively".

1                    **10. Section 17 of the Principal Act is amended by substituting it**      Amendment of  
2                    **with the following:**      section 17

3                    “Any person who not being in accordance with this Act, holds himself out to  
4                    be so registered or uses any name, title, description, dress or symbol  
5                    calculated to lead any person to infer that he is so registered, shall be guilty  
6                    of an offence and liable on conviction for a first offence to a fine of not less  
7                    than Twenty Thousand Naira or to imprisonment for a term of six months or  
8                    to both such fine and imprisonment, and on conviction for a second or any  
9                    subsequent offence to imprisonment for a term of not less than one year or  
10                    more than three years and a fine of fifty Thousand Naira only”.

11                    **11. Section 19 of the Principal Act is amended by in subsection (3)**      Amendment of  
12                    **by:**      section 19

13                    (i) substituting the words “five thousand Naira” with the words  
14                    “Twenty Thousand Naira”.

15                    (ii) in subsection (4) with new subsection (4) as follows:

16                    "Where the offense of practicing without registration or any other offence  
17                    under this Act is committed by a body corporate and is proved to have been  
18                    committed with the connivance of or to be attributable to any neglect on the  
19                    part of any Head, Director, Manager, Secretary or other similar officer of the  
20                    body corporate or any person purporting to act in. any such capacity, he, as  
21                    well as the body corporate, shall be guilty of an offence and on conviction to  
22                    a fine of not less than Two hundred thousand Naira or to imprisonment for a  
23                    term of six months for such a Head, director, manager, secretary or other  
24                    similar officer of the body corporate".

25                    **12. Section 20 of the Principal Act is amended by inserting a new**      Amendment of  
26                    **section 20 as follows:**      section 20

27                    20 (1) A suit shall not commence against the Council before the  
28                    expiration of a period of one month, after written notice of intention to  
29                    commence the suit shall have been served on the Council by the intending  
30                    plaintiff or his agent and the notice shall clearly state the:

- 1            (a) cause of action;
- 2            (b) particulars of the claim;
- 3            (c) name and place of abode of the intending plaintiff; and
- 4            (d) relief which he claims.

5            (2) The notice referred to in subsection (1) of this section and  
6 summons, notice or other document required or authorized to be served on the  
7 Council under the provisions of this Act or any other enactment or law may be  
8 served by:

- 9            (a) delivering the same to-the office of the Registrar; or
- 10           (b) sending it by registered post addressed to-the Registrar at the head  
11 office of the Council.

12           (3) In all litigations against the Council, the provisions of the public  
13 officer's (protection) Act Cap. 379, Laws of the Federation of Nigeria 1990  
14 shall apply.

Amendment of  
section 27

15           **13.** Section 27 of the Principal Act is amended by substituting the  
16 section with the following new section:

17           27. The Minister may make rules and regulations on the advice of the  
18 Council as are necessary or expedient for efficient regulation of environmental  
19 health and sanitation practice:

- 20           (a) to prescribe the methodologies for private- sector participation in  
21 the work of the Council;
- 22           (b) to prescribe the fees to be paid for services rendered by the  
23 Council;
- 24           (c) generally for the purposes of carrying out or giving full effect to  
25 the functions of the Council under this Act.

Amendment of  
section 28

26           **14.** Section 28 of the Principal Act is amended by adding the  
27 following definitions:

- 28           (i) Environmental health after the definition of "Council".
- 29 "Environmental health" means the control of those aspects of human health  
30 and disease that are determined by factors in the environment. It also refers to



1 the theory and practice of assessing and controlling factors in the  
2 environment that can potentially affect health;

3 (ii) "Environmental Health Officer" means any person registered  
4 in accordance with the relevant sections of this Act and holding a valid  
5 practice license;

6 (iii) "Environmental Health Service Provider" means any  
7 company registered to provide environmental health service(s) by the  
8 Council and holding a valid practice license.

9 **15. Section 29 of the Principal Act is amended thus:**

Amendment of  
section 29

10 "This Act may be cited as the Environmental Health Officers (Registration,  
11 etc.) (Amendment) Act, 2015".

12 **FIRST SCHEDULE**

13 Section 2 (1) of the First Schedule of the Principal Act is amended to read  
14 thus:

Amendment of  
the first schedule

15 "Subject to the provisions of this paragraph, a member of the  
16 Council other than those in section 2 (1) (c), (e), (f), and (h) shall hold Office  
17 for a period of three years from the date of his appointment and shall be  
18 eligible for re-appointment for one further period of three years only".

19 **THIRD SCHEDULE**

20 Accepted minimum qualification for the purpose of Registration on the  
21 Registers established under the Principal Act in the Third Schedule is  
22 amended as follows:

23 *Environmental Health Officer*

24 **1.-(a) Bachelor of Science in Environmental Health or Bachelor of**  
25 **Environmental Health Sciences from an institution recognized by the**  
26 **Councilor;**

27 **(b) Master of Public Health or Master of Science in Environmental**  
28 **Health Sciences plus Royal Society of Health Diploma for Public Health**  
29 **Superintendents in West Africa/West Africa Health Examinations Board**  
30 **Diploma for Public Health Superintendents in West Africa or Higher**

1 National Diploma in Environmental Health from an institution recognized by  
2 the Council.

3 *Environmental Health Technologist*

4 2.-(a) Royal Society of Health Diploma for Public Health  
5 Superintendents in West Africa or West Africa Health Examinations Board  
6 Diploma for Public Health Superintendents in West Africa; or;

7 (b) Higher National Diploma in 'Environmental Health by West  
8 Africa Health Examinations Board or Higher National Diploma in  
9 'Environmental Health from an institution recognized by the Council.

10 *Environmental Health Technician*

11 3. National Certificate for Environmental Health Technicians from  
12 an institution recognized by the Council.

13 *Environmental Health Assistant*

14 4. National Certificate for Environmental Health Assistants from an  
15 institution recognized by the Council.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Environmental Health Officers (Registration, etc.)  
Act, 2002 to give the Council a more professional outlook.