

A BILL

FOR

AN ACT TO AMEND THE ENVIRONMENT IMPACT ASSESSMENT ACT, CAP. E12, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO STRENGTHEN THE PROCESS OF APPROVALS AND DECISION MAKING ON PROJECT INCLUSIVE AND FOR RELATED MATTERS

Sponsored by Hon. Bede Eke Uchenna

[] Commencement

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

- 1 1. The Environment Impact Assessment Act, Cap. E12 Laws of
2 the Federation of Nigeria, 2011 (hereinafter referred to as "the principal
3 Act") is amended as set out in this Bill. Amendment of
the Environment
Impact Assessment
Act
- 4 2. Section 4 of the principal Act is amended by inserting the word
5 "location" immediately after the word proposed in paragraph (a). Amendment of
Section 4
- 6 3. Section 7 of the principal Act is amended by inserting a new
7 subsection (1) (a) and (b) to read as follows: Amendment of
Section 7
 - 8 (1) For the purpose of this section "interested groups" means:
 - 9 (a) Members and residents of the particular area where the
10 proposed activities is to take place;
 - 11 (b) Any person or group of persons that claims that serious adverse
12 environmental effects are likely to occur on them as a result of the project or
13 activity.
- 14 4. Section 11 of the principal Act is amended in subsection (2) by
15 inserting the following new words "in English and the local language
16 predominant in the location of the proposed activity" immediately after the
17 word place in line 3. Amendment of
Section 11
- 18 5. Section 21 of the principal Act is amended by inserting a proviso
19 immediately after subsection (3) to read as follows: Amendment of
Section 21

1 "Provided that such opportunity shall include making available to the public all
2 screening report at no cost".

Amendment of
Section 24

3 6. Section 24 subsection (1) of the principal Act amended by inserting
4 the following new words "and including in the local language predominant in
5 the area of the proposed project" in line 2 immediately after the word
6 appropriate,

7 And in subsection (1) (a) by inserting the following new words immediately
8 after the word obtained "Provided that one of such places shall be the place of
9 the local community leader where the project is located;

Amendment of
Section 35

10 7. Section 35 of the principal Act is amended by substituting the
11 existing paragraph (a) to read as follows:

12 "(a) appoint as members of the panel including the Chairman thereof,
13 representatives of the Chartered Institute of Surveyors and Valuers, States
14 National Environmental Standards Enforcement and Regulatory Agency and
15 any other professional body the Council may deem fit".

Insertion of new
Section 58A

16 8. The principal Act is amended by inserting the following heading
17 and new section immediately after section 58.

18 "Security Bond:

19 58A. (1) Every project proponent shall in addition to any other
20 condition, submit a security bond, the value of which the Agency shall
21 prescribe for the remediation of any adverse environmental impact after
22 completion of the project.

23 (2) Provided that such security bond shall be returned to the
24 proponent project if no adverse environment impact occurs 24 month after the
25 completion of the project".

Amendment of
Section 61

26 9. Section 61 of the Principal Act is amended by re defining the
27 words "Agency" and "Council" in paragraphs 1 and 3 respectively as follows:

28 "Agency" means the National Environmental Standards Regulation and
29 Enforcement Agency;

30 "Council" means the National Environmental Standards Regulation and

1 Enforcement Agency Council.

2 **10.** This Act may be cited as the Environment Impact Assessment Short Title

3 Act (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Environment Impact Assessment Act, Cap. E12 Laws of the Federation of Nigeria, 2011 to make it responsive by ensuring that project developers, approving authority and persons whose livelihood will be affected by proposed project are involved in the decision making to safeguard the environment and ensure adequate remediation of the environment among others.