

# A BILL

## FOR

AN ACT TO AMEND THE NIGERIAN MINERALS AND MINING ACT, No. 20, 2007; AND FOR OTHER PURPOSES CONNECTED THEREWITH, 2015

*Sponsored by Hon. Abdullahi Umar Faruk*

[ ] Commencement

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

- 1           1. The Nigerian Minerals and Mining Act, No. 20, 2007 (herein Amendment of  
2 after referred to as "the Principal Act" is amended as set out in this Bill. Act No. 20 of  
3           2. Section 10 of the Principal Act is amended by introducing new Amendment of  
4 Paragraph (c), and deleting the word 'and' in paragraph (a). Section 10  
5           (c) Such fees, royalties or rents as may be prescribed by the  
6 Minister.  
7           3. Section 11 of the Principal Act is amended by Substituting the Amendment of  
8 existing provisions, new provisions as follow: Section 11  
9           11 A Mineral title shall become liable to revocation where the  
10 holder thereof:  
11           (a) Fails to pay the prescribed fee, and or royalties as they fall due,  
12 whether or not they have been demanded within the period prescribed by or  
13 in pursuance of this Act;  
14           (b) On the advice of the State Minister of Environment, is not  
15 implementing the Environmental Protection Proqramme to the host  
16 community;  
17           (c) Is not fulfilling his obligation under the Community  
18 Development Agreement;  
19           (d) Has failed to furnish any reports of its operations that are  
20 prescribed by this Bill or any other Act, in force within the stipulated time;  
21           (e) Has assigned or otherwise transferred his interest in the title to

- 1 any person or company without the prior written consent of the Minister;
- 2 (f) Has obtained or acquired the title on the basis of false
- 3 representations or corrupt practices;
- 4 (g) Is owned or controlled by a public officer who has obtained the
- 5 title through misuse of Public office; or
- 6 (h) Has not complied with such other specific requirements for which
- 7 revocation is a consequence of non-compliance under this Bill.

Amendment of  
Section 116

8 4. Section 116 of the Principal Act is amended by introducing new

9 sub-section 6-8.

10 (6) Subject to the Provisions of Section 116, there is established a

11 mining Hosts Communities Fund, (in this Bill referred to as "the fund").

12 (7) The holder of a mining lease, small scale Mining Lease or Quarry

13 Lease shall remit on a monthly basis ten (10) percent of his net profit for the

14 development of the host community.

15 (8) For the purpose of this sub-section, net profit mean the adjusted

16 profit less royalty, deductions and allowances.

Amendment of  
Section 119

17 5. section 119 of the Principal Act is amended by introducing new

18 paragraph (d):

19 (d) Within three months submit an environmental impact assessment

20 statement, and environmental protection and Rehabilitation Programme to the

21 host Community for the purpose of monitoring compliance.

Amendment of  
Section 121

22 6.-(a) Section 121 of the Principal Act is amended by introducing new

23 paragraph (a) immediately after the existing sub-section(4) of this section;

24 (a) In determining the amount of contribution by the holder of a

25 Ministerial title to the Environmental Protection and Rehabilitation Fund, the

26 Minister shall take into consideration the size of the operation.

27 6.(b) Section 121 of the Principal Act is further amended by

28 introducing new sub-section (12):

29 (12) (a) when considering the financial contribution of a holder of

30 Ministerial title to the Environmental Protection and Rehabilitation Fund, the

1 Federal Minister of Soiled Minerals shall consult the State Minister of  
2 Environment within which the holder of Ministerial title of the operation  
3 area is situated:

4 (a) The State Ministries of Environment as may be consulted shall  
5 submit their written comments within thirty days of the State request.

6 7. Section 164 of the Principal Act is amended by inserting the Amendment of  
7 meaning of exploitation appropriately as; Section 164

8 "Exploitation" means the act of wining or extracting mineral resources.

9 8. This Bill may be cited as the Nigerian Minerals and Mining Act Short Title  
10 (Amendment) Bill, 2015.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Minerals and Mining Act to make the Mineral title holders more responsible and accountable to the host Communities.