

# 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 OTHER CONNECTED PURPOSES

*Sponsored by Senator Clifford Ordia*

[ ] 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 Amendment of  
Section 11  
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.
- 18          5. Section 21 of the principal Act is amended by inserting a proviso Amendment of  
Section 21  
19          immediately after subsection (3) to read as follows:

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:

12 (a) to read as follows:

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

Insertion of new  
Section 58A

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

Security Bond

19 58A. (1) Every project proponent shall in addition to any other  
20 condition, submit a effects are likely to occur on them as a result of the project  
21 or activity.

Amendment of  
Section 11

22 9. Section 11 of the principal Act is amended in subsection (2) by  
23 inserting the following new words "in English and the local language  
24 predominant in the location of the proposed activity" immediately after the  
25 word place in line 3.

Amendment of  
Section 21

26 10. Section 21 of the principal Act is amended by inserting a proviso  
27 immediately after subsection (3) to read as follows:

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

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

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

8           **12.** Section 35 of the principal Act is amended by substituting the Amendment of  
9 existing paragraph: Section 35

10           (a) to read as follows:

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

15           **13.** The principal Act is amended by inserting the following Insertion of new  
16 heading and new section immediately after section 58: Section 58A

17           **58A.** (1) Every project proponent shall in addition to any other Security Bond  
18 condition, submit a security bond, the value of which the Agency shall  
19 prescribe for the remediation of any adverse environmental impact after  
20 completion of the project.

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

24           **10.** Section 61 of the Principal Act is amended by re defining the Amendment of  
25 words" Agency" and "Council" in paragraphs 1 and 3 respectively as Section 61  
26 follows:

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

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

Short Title            1                    **14.** This Act may be cited as the Environment Impact Assessment Act  
2                    (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.