

A BILL

FOR

AN ACT TO PROVIDE FOR THE REGULATION AND EFFECTIVE MONITORING OF METALLURGICAL ACTIVITIES IN THE MINES AND STEEL SECTOR, METALLURGICAL INSPECTION AND RAW MATERIALS DEVELOPMENT IN NIGERIA AND FOR OTHER RELATED MATTERS, 2019

Sponsored by Hon. Ndudi Elumelu

[] Commencement

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

PART I - PRELIMINARY

1. The objects of this Bill are to:

Objects of the Bill

(a) ensure that metals are exploited and developed in the best interest of Nigeria;

(b) promote access to local and international benefits of the country's metals;

(c) promote sustainable development of metal enterprises in Nigeria;

(d) advance the socio-economic empowerment of Nigerians through activities in the metal sector;

(e) provide a legal framework for effective management of metallurgical activities in Nigeria; and

(f) ensure that workers in metallurgical plant are protected and not exposed to risks associated with metallurgical plant operations.

PART II - FUNCTIONS AND POWERS OF THE MINISTER

2. The Minister shall:

Functions of the Minister

(a) be responsible for policy formulation, implementation, evaluation and regulation in the metal industry;

(b) recommend the removal of unjustifiable tariff barriers that may

- 1 impede the industry's access to international markets;
- 2 (c) recommend appropriate measures to give effect to Agreements
3 entered into by the Federal Government of Nigeria, in relation to the
4 development of the metal industry;
- 5 (d) take measures to ensure compliance with laid down procedure for
6 importation and exportation of approved metal products;
- 7 (e) promote and advance the concept of sustainable development of
8 the metal sector;
- 9 (f) promote iron and steel development with a view to meeting the
10 domestic needs of the Country;
- 11 (g) implement the objectives of the National Industrial Policy as it
12 relates to the metal industry;
- 13 (h) monitor development in other sectors of the economy that may
14 adversely affect the metal industry and recommend appropriate remedial
15 action;
- 16 (i) promote safe and proper recycling of scrap metal locally;
- 17 (j) encourage domestic manufacturing industries and other
18 consumers of iron to make use of locally made metal;
- 19 (k) recommend policies that will enhance improved infrastructural
20 facilities for the metal industry;
- 21 (l) establish and regularly update metal industry databank of metal
22 and scrap metal;
- 23 (m) in collaboration with the Small and Medium Enterprises
24 Development Agency of Nigeria, facilitate appropriate government support to
25 entrepreneurs;
- 26 (n) recommend the utilisation of local metal industry's products to all
27 government contractors;
- 28 (o) monitor the investments portfolio of government in the metal
29 industry;
- 30 (p) monitor and enforce the utilisation of available local human

1 resources in the metallurgical industry;

2 (q) be responsible for Metallurgical Inspectorate matters and
3 oversee operations in the metal industry;

4 (r) liaise with appropriate Government Agencies to enforce
5 standards for metal products and mineral derivatives;

6 (s) monitor the quality of raw materials used in the metal industry;

7 (t) promote best practices in metallurgical production processes
8 with a view to producing high quality metal products;

9 (u) ensure that all metal products produced locally and imported
10 into Nigeria, meet national and international standards in terms of quality;

11 (v) initiate policy in relation to safety and environmental control
12 measures in all metallurgical plants;

13 (w) ensure that metal products supplied to metallurgical industry
14 meet required standard;

15 (x) conduct an investigation into any cause of metal failure that
16 may occur in the metal industry and recommend appropriate remedial
17 measures to guide against future occurrence;

18 (y) monitor international best practise in minerals processing plant
19 technology or development and advise on the most suitable design and
20 equipment, taking into account Nigeria's level of development and
21 availability of raw materials;

22 (z) coordinate research activities in response to identified
23 problems in the metallurgical industry;

24 (aa) collaborate with relevant authorities on ways and means of
25 disposing radioactive materials in consultation with relevant government
26 Agencies;

27 (bb) promote private participation in the development or
28 metallurgical raw materials, such as iron ore, ferroalloys, coking coal,
29 limestone, dolomite, bauxite, refractory clays and foundry raw materials;

30 (cc) coordinate the sourcing and development of local raw

1 materials to ensure their adaptation to the metal industry; and

2 (dd) carry on such other activities as may be necessary for the
3 discharge of its functions in accordance to the provisions of this Bill.

Powers of the
Minister

4 3. The Minister shall in the exercise of the provision of section 2 of
5 this Bill, have the power to:

6 (a) carry out studies and tests on metal products or raw materials in the
7 Quality Control Laboratories of National Metallurgical Development Centre,
8 National Steel Raw Materials Exploration Agency and any other relevant
9 certified centres;

10 (b) publish and circulate regulatory manuals periodically on quality,
11 health, safety and environmental standards and codes, in collaboration with
12 appropriate Government Agencies;

13 (c) coordinate the carrying out of periodic inspection on metallurgical
14 plants in the country to ensure compliance with quality, health, safety and
15 environmental standards;

16 (d) ensure compliance with Safety Manuals and Safety regulations in
17 the metal industry with a view to minimising or eliminating operational
18 hazards and accidents;

19 (e) register and issue licences to all metallurgical plants operating in
20 the country after being certified as meeting the requirements for registration;

21 (f) liaise with National Environmental Standards Regulation and
22 Enforcement Agency to obtain Environmental Impact Assessment report on
23 any metallurgical plant to be established in the country;

24 (g) investigate and where necessary, consider and recommend
25 prosecutions or sanction for contravention of any of the provisions of this Bill;

26 (h) represent Nigeria or delegate a representative to any international
27 meeting or conference relating to the metal industry with the approval of the
28 President;

29 (i) negotiate and execute international Treaties or Agreements with
30 other sovereign countries, international organisations or similar bodies on

1 behalf of the Government of Nigeria after due consultation with the
2 President;

3 (j) have access at all times to areas or rights of way covered by
4 existing licences, certificates or authorisations or any related offices or
5 buildings or any installations to which this Bill applies, for the purpose of
6 inspection, operations or accessing information available therein and
7 enforcing the provisions of this Bill or any Regulations made pursuant to the
8 provisions of this Bill; and

9 (k) protect the existing licence holders and take such other steps to
10 as are incidental and necessary for the performance of his function under
11 this Bill.

12 4. The Minister may in writing, delegate to any person or
13 institution, the powers or functions conferred on him under this Bill, except
14 the power to make Orders and Regulations.

Powers to
delegate

15 5.-(1) Where an accident causing a serious injury, loss of life or
16 permanent disability occurs in a Metallurgical Plant, the Minister shall set
17 up a Panel of inquiry (the Panel) consisting of not more than seven members
18 to inquire into the cause of the accident.

Investigation of
accidents in the
industry

19 (2) The membership of the Panel shall include at least a Legal
20 Practitioner with not less than ten years post call experience and persons
21 knowledgeable in Metallurgical Plant operations, fire, accident and safety
22 matters.

23 (3) The Panel shall determine the cause of the accident, including
24 whether:

25 (a) the Licensee or its Agent exercised all reasonable and proper
26 precautions to prevent the occurrence of the accident or is guilty of
27 negligence; and

28 (b) life was lost in the accident or permanent disability was
29 occasioned as a result of the accident;

30 (4) Where the cause of the accident is attributable to the Licensee ,

1 or its agent, the Panel shall make appropriate recommendations in consonance
2 with the provisions of the Employee's Compensation Act, 2010 for the
3 purposes of compensating the victims.

4 (5) The Panel may recommend measures to guard against and prevent
5 future occurrence of such accidents.

Powers of the
panel of inquiry

6 6.-(1) For the purposes of carrying out an inquiry under the provisions
7 of this Bill, the Panel shall have power to:

8 (a) authorise any person where necessary, to have access to the
9 metallurgical plant, remove anything from the scene of the accident or take
10 such other measures as may be necessary for conducting the inquiry;

11 (b) summon witnesses that may be required to give evidence on oath
12 or to produce any report, book or other document for the purposes of
13 examination;

14 (c) ensure that a witness testifying before the Panel shall, subject to
15 any Order made, be entitled to payment of expenses incurred in the same
16 manner as a witness summoned in a criminal trial; and

17 (d) carry out or direct to be carried out such other things as may be
18 necessary for the effective discharge of its functions.

19 (2) For the purposes of subsection (1) of this Section, the Panel of
20 inquiry shall have the powers and status of a Judge under the Tribunals of
21 Inquiry Act.

22 (3) Any person summoned to attend or to produce any report, book or
23 document under subsection (1) (b) of this section, who refuses or neglects to do
24 so, commits an offence and shall be liable on conviction to a fine or not less
25 than One Hundred Thousand Naira.

26 (4) All testimony to be taken before the Panel of Inquiry shall be
27 conducted in accordance with the provisions of the Evidence Act, No. 18,2011,
28 the witnesses shall enjoy the same right and privileges under the Evidence Act.

29 (5) The Panel of inquiry shall within 14 days of its determination of
30 the cause, present to the Minister, a copy of its findings and the record of the

1 proceedings.

2 7.-(1) The Minister may for the purposes of obtaining information
3 that is necessary to exercise and perform his functions under this Bill, serve
4 notice in writing to the producer or operator of a metal plant, to supply
5 forecast with respect to output of product; or such other metal products as
6 may be specified in the notice requiring forecast to be supplied in such
7 manner and within such time as may be specified in the notice.

Power to demand
for information

8 (2) Where a person fails, to comply with the provision of
9 subsection (1) of this section, unless he shows that he has reasonable cause
10 for refusing to comply, he shall be guilty of an offence for refusal to furnish
11 information and appropriately be sanctioned in line with the provisions of
12 this Bill or Regulations made pursuant to this Bill.

13 8. A person who:

Giving false
information

14 (a) in compliance with the provision of section 7 of this Bill or Regulations
15 made under this Bill, knowingly supplies any false information, which he
16 knows to be false in a material fact at the time of supplying the information;

17 (b) supply a copy of, or extract from a book of account, record or
18 document, which he knowingly or recklessly supplies a different document
19 purporting to be such a copy of extract, book, record or document required,
20 commits an offence and shall be liable on conviction to imprisonment for a
21 term of not less than six months or to a fine of not less than Three Hundred
22 and Fifty Thousand Naira or to both.

23 9.-(1) Information or forecast obtained under this Bill shall not be
24 disclosed except:

Restriction on
disclosure of
information

25 (a) with the consent of the person from whom the information was
26 obtained;

27 (b) in an undertaking or business to which the books, records or
28 other documents from which it was obtained relates to;

29 (c) in the form of a summary of information or forecast supplied, or
30 obtained from persons being a summary so framed as not to enable

1 particulars relating the business of individual persons to be ascertained there
2 from;

3 (d) for the purposes of enabling the producers or the Minister to
4 discharge his function under this Bill; or

5 (e) with a view to instituting any criminal proceeding pursuant to the
6 provisions of this Bill.

7 (2) where a disclosure is made by a person in contravention of
8 subsection (1) of this section, the person shall be guilty of an offence and liable
9 on conviction to imprisonment for a term of not less than one year or to a fine of
10 not less than Seven Hundred Thousand Naira or to both.

Commission of
offence by
corporate body

11 **10.-(1)** Where an offence under sections 7 and 8 of this Bill has been
12 found to be committed by a corporate body in connivance with or attributable
13 to a negligence on the part of a Director, Manager, Secretary or other principal
14 officers of such corporate body, or any person acting in such capacity, the
15 principal officer or person shall be guilty of the offence and be liable to
16 prosecution in accordance with provisions of this Bill.

17 (2) For the purpose of this section, "Director" means a person named
18 in the Article of Association of a company registered by the Corporate Affairs
19 Commission as a body corporate.

Service of notice
and document

20 **11.-(1)** Any notice, document or other correspondence required to be
21 served under section of this Bill, or Regulations made pursuant to this Bill, may
22 without prejudice to any provision in that behalf, be delivered or served either
23 by:

24 (a) delivering it to the person to whom it is addressed for service;

25 (b) leaving it at the usual or last known address of the person; or

26 (c) delivering the same to the Permanent Secretary of the Ministry or
27 by sending it through registered post addressed to the Permanent Secretary of
28 the Federal Ministry of Mines and Steel Development Headquarter, Abuja.

29 (2) In the case of an incorporated company, body, arbitration or
30 tribunal, by delivering it to the Secretary or Clerk of the company, body or

1 tribunal at their registered or principal office or sending it by registered post
2 to the usual or last known address of such company, body or tribunal.

3 (3) Where the person or the office address of the respondent cannot
4 be traced or located, it can be served by delivering it to a person in the last
5 known address or affixing a copy of it to some conspicuous part of the
6 premises of the last known address.

7 PART III - APPOINTMENT AND POWERS OF THE INSPECTORS

8 12. The Minister shall appoint such number of inspectors as may be
9 necessary for giving effect to the provisions of this Bill. Appointment of
Inspectors by the
Minister

10 13.-(1) An inspector or any authorised officer shall exercise the
11 powers set out in this Bill. Powers of the
Inspectors

12 (2) The powers of an Inspector shall include:

13 (a) carrying out at any time, routine inspection on all metal
14 industries in Nigeria, where he has reasonable grounds to suspect that the
15 operations of any metal industry is dangerous to both the industry and the
16 environment;

17 (b) take with him law enforcement agents, if he has reasonable
18 cause to anticipate any danger or serious obstruction in the execution of his
19 duty;

20 (c) without prejudice to paragraph (b) of this subsection, the
21 Inspector in entering into any premises, shall take with him:

22 (i) any other person duly authorised in that behalf or a
23 representative of a Regulatory Authority; and

24 (ii) equipment or materials required for the purposes of conducting
25 tests or carrying out any other purpose for which the power of entry is being
26 exercised;

27 (d) carrying out such examination and investigation as may be
28 necessary for the purpose of implementing the provisions of this Bill;

29 (e) directing affected premises or any part thereof, to be left
30 undisturbed as may be necessary for the purpose of carrying out any

1 examination or investigation required under this Bill.

2 (f) taking or seizing essential records that he considers necessary for
3 the purpose of carrying out any examination or investigation under this Bill;

4 (g) liaising with appropriate agencies and taking such samples of any
5 articles or substances found in the premises or environment, which he has
6 power to enter;

7 (h) dismantling any article or substance that may be found in any
8 premises, which he has power to enter and appears to have caused the danger to
9 health or safety of lives;

10 (i) subjecting the article or substance found in the premises to any
11 process of test, but not to be destroyed unless it is necessary for the prevention
12 of further hazards to the people and environment;

13 (j) taking possession of or confiscating any equipment, substance or
14 material that he considers to be hazardous for such period as may be necessary
15 for any of the following purposes:

16 (i) examining it for the purpose of taking necessary action, which he
17 has the power to take;

18 (ii) ensuring that seized or confiscated items are not tampered with
19 before examination is carried out;

20 (iii) ensuring that the result of such examination is made available to
21 the Minister and can be tendered in evidence in any proceedings for any
22 offence under this Bill or Regulations made pursuant to this Bill.

23 (k) requesting information from any person whom he reasonably
24 believes to be able to give any relevant information in relation to examination
25 or investigation being carried out under this Bill;

26 (l) answering such questions as may be put to him and signing an oath
27 form for his declarations;

28 (m) inspecting any document or material and taking copies of such
29 entry in any:

30 (i) books or documents which by virtue of any of the relevant be kept;

1 statutory provisions are required to be kept; and

2 (ii) other book or document that is necessary for the purposes of
3 examination or investigation under this Bill;

4 (n) requesting to be produced or examined and taking copies of any
5 Licence, Certificate or other document required under this Bill or any
6 Regulations made pursuant to this Bill;

7 (o) requesting to be produced for examination any appliance,
8 device or any other item used in relation to quality of metal products;

9 (p) requiring any person to make available such facilities and
10 assistance with respect to any matter within, his control or in relation to his
11 responsibilities as are necessary to enable him exercise any of the powers
12 conferred under this Bill; and

13 (q) exercising any other power that is necessary for the execution
14 of his powers under this Bill.

15 (3) A Certificate of Seizure shall be issued in respect of any article
16 or item seized under this Bill specifying grounds for such seizure.

17 (4) The Minister may by Regulations, provide for the procedure to
18 be followed in the collection of samples under this Bill.

19 **14. Any Person who:**

20 (a) wilfully obstructs any authorised officer in the exercise of the
21 powers conferred on him by this Bill; or

22 (b) fails to comply with any lawful directives made by an
23 authorised officer in accordance with the provisions of this Bill, commits an
24 offence and shall on conviction be liable to imprisonment for a term of not
25 less than three months or to a fine of not less than Two Hundred and Fifty
26 Thousand Naira or to both.

27 **15.-(1)** Any authorised officer, acting under the provisions of this
28 Bill, shall on demand declare his office and produce to any person against
29 whom he is taking any action, such identification or written authority as may
30 be sufficient to show that he is an authorised officer of the Minister for the

Obstruction of an
authorized officer

Authorised officers
to disclose identity

1 purposes of this Bill.

2 (2) It shall not be an offence for any person who refuses to comply
3 with any request, demand or an Order made by any authorised officer, where
4 such authorised officer refuses on demand, to declare his office or produce
5 such identification or written authority.

Suit against the
Minister

6 16.-(1) No suit shall be instituted against the Minister or his
7 representative for any act done pursuant to the execution of any of the
8 provisions of this Bill or Regulations made pursuant to this Bill in respect of
9 any alleged neglect or default, in the execution or such law, duties and
10 authority, unless it is commenced within twelve months of such neglect or
11 default complained of, or in the case of a continuation of the damage or injury,
12 within twelve months after the ceasing of such damage.

13 (2) No suit shall be commenced against the Minister or any of his
14 representatives before the expiration of a period of one month after written
15 notice of intention to commence the suit have been served on the Minister by
16 the intending plaintiff or his agent, and the notice shall clearly state the:

17 (a) cause of action;

18 (b) particulars of the claim;

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

20 (d) the relief sought in the claim.

False
representation

21 17. Any person who falsely presents himself to be an authorised
22 officer of the Minister or his representative to carry out any act, at any place for
23 the purpose of doing any act on behalf of the Minister or his representative,
24 shall be liable to prosecution for the offence of impersonation.

Contravention
of the provision
of this Bill

25 18. Any person who contravenes any of the provisions of this Bill or
26 Regulations made pursuant to this Bill, commits an offence and shall be liable
27 to prosecution in accordance with the provisions of this Bill.

Compliance with
preventive and
protective measures
by Metallurgical
Plant

28 19. The Inspectors in carrying out their responsibility under this Bill,
29 shall take into consideration the availability of the following preventive and
30 protective measures:

- 1 (a) using products or technologies that mitigate risks to the barest
2 minimum;
- 3 (b) taking measures to control risks at source by isolating the
4 process through engineering control channels;
- 5 (c) minimising risk through technical and administrative
6 mechanism in the work place;
- 7 (d) providing appropriate Personal Protective Equipment
8 measure; and
- 9 (e) designing for all stages of production of metals and
10 implementation procedures that will provide for safe practices, hazard
11 identification and risk assessment through engineering and technical control
12 measures developed to monitor production process.
- 13 20.-(1) The Inspector shall ensure that exposure to noise and heat
14 level does not exceed the recommended level set out under Regulations
15 made pursuant to this Bill or internationally recognised best practices.
- 16 (2) The Employer, shall in order to guard against and prevent
17 adverse effects of noise and heat in metallurgical plants:
- 18 (a) identify sources of noise and heat generation giving rise to
19 exposure;
- 20 (b) seek the advice of the Inspector or a professional on
21 occupational health services on exposure limits and other standard to be
22 applied;
- 23 (c) assess the need for engineering control measure for noise and
24 heat prevention through appropriate solution mechanism and effective
25 implementation;
- 26 (d) evaluate the effectiveness of engineering solution mechanism
27 for noise and heat prevention control measure with a view to its adaptation
28 and recommendation in metallurgical plant construction;
- 29 (e) set noise and heat level output in metallurgical plant;
- 30 (f) arrange the structural layout of the work place with a view to

Control of noise
and heat levels in
Metallurgical
Plants

1 minimising heat, noise and vibration associated with metallurgical plant;

2 (g) minimise, through appropriate organisational measures, time
3 spent by workers in a noisy and vibrating environment; and

4 (h) ensure the use of hearing protection devices, protective clothing
5 and ensuring their correct usage by workers who are exposed to the hazards.

6 (3) Where the selection of any device or equipment is desirable for the
7 purposes of mitigating any hazards under this Bill, due consideration shall be
8 given to:

9 (a) the need to reduce noise and heat level in the work environment;

10 (b) comfort and practical realities of the working environment;

11 (c) individual's auditory needs in terms of ability to hear warning
12 signals, speech etc.; and

13 (d) understanding and complying with provided technical
14 specifications for enhanced usage of equipment with a view to achieving
15 maximum result.

Radiation control
measure

16 21.-(1) The workers and the general public shall be protected from
17 being exposed to any form of radiation generated by radioactive materials in
18 the work place;

19 (2) The Inspectors in collaboration with relevant agencies, shall
20 ensure that employers:

21 (a) isolate fixed installations that generate high strength fields such as
22 transformers and switch station by locating them far away from the work
23 stations;

24 (b) identify all the sources of potential risk of exposure by mapping
25 out the field strength in the work place;

26 (c) take all necessary steps to prevent workers and the general public
27 from being exposed to radiation generated by any radioactive materials which
28 may be present in any scrap metal intended to be recycled;

29 (d) take all necessary steps to protect workers from being exposed to
30 high radiation level as a result of illegal disposal of contaminated scraps;

1 (e) train workers on how to operate safety equipment installed in
2 the work place with a view to operating it at emergency situation and citing
3 them in a more conspicuous location within the workplace;

4 (f) train workers on the hazards associated with exposure to
5 radiation and suggesting measures to be taken, where they encounter
6 material that is suspected to be radioactive;

7 (g) train employee on how to handle recycled scrap metal that is
8 susceptible to radioactive contaminants;

9 (h) isolate and dispose materials that are suspected to be
10 radioactive through the appropriate agency; and

11 (i) monitor operation for incoming metal scraps of radioactive
12 wastes.

13 22.-(1) Inspectors shall ensure that adequate measures are put in
14 place to protect workers in metallurgical plant from being exposed to
15 hazardous chemicals and gaseous substances.

Control of chemical
and gaseous
hazards

16 (2) The following control measure shall be put in place by
17 employers in every Metallurgical Plant environment:

18 (a) proper storage and disposal of chemicals;

19 (b) handling or storage measure to minimise workers exposure,
20 where hazardous chemicals are used;

21 (c) ensure that appropriate Personal Protective Equipment is
22 provided in the work place and workers are trained on its correct usage;

23 (d) provision of emergency showers and eyewash stations at
24 different strategic places within the metallurgical plants in case of any
25 emergency;

26 (e) develop and implement engineering control mechanism and
27 where applicable, work practices and procedural controls that may include:

28 (i) substitution of more harmful agents for less harmful agents;

29 (ii) isolating processes that generate such airborne contaminants;

30 (iii) the use of local and general ventilation systems; and

Safety control
measures in
Metal Industry

1 (iv) minimising the length of time that workers are potentially
2 exposed to harmful gases.

3 23.-(1) Where it is discovered that concentration of harmful agents in
4 the air may be significantly higher than the permissible exposure levels in
5 metallurgical plant and the control measure provided in the work place is
6 inadequate, Inspectors shall ensure that:

7 (a) potentially hazardous locations or spaces are clearly marked out
8 with warning notices prohibiting unauthorised entry;

9 (b) employers develop emergency measures or techniques for rescue
10 from any hazardous confined spaces of victim and guide against any
11 foreseeable accidents;

12 (c) workers in the hazardous confined space are closely monitored to
13 ensure that safety entry conditions are complied with; and

14 (d) employers provide for workers entering a confined space with
15 appropriate respirators and Personal Protective Equipment to guide against
16 hazards associated with confined spaces and train workers on the usage of
17 safety materials provided.

18 (2) In a metal industry using a range of furnaces, which includes
19 electric furnace, crucible furnace, cupola furnace or reverbratory furnace,
20 Inspectors shall ensure strict adherence to the following measures:

21 (a) only authorised persons are allowed to go close to the furnace;

22 (b) suitable general and local exhaust ventilation with dust and fume
23 collection devices is incorporated into the design of the exhaust ventilation
24 system;

25 (c) the device stated in paragraph (b) of this subsection is used to
26 ensure that collection bags of dust are replaced as and when due;

27 (d) ultraviolet (UV) or infrared light-resistant goggles or face shield is
28 provided where there is need for authorised visual inspection of various
29 furnaces;

30 (e) positive pressure and self-contained breathing apparatus shall be

1 made available to enable rapid rescue in the event of a build-up of dangerous
2 gases;

3 (f) workers in and around the furnace area are provided with
4 suitable Personal Protective Equipment to protect them from hazards,
5 including provision of:

6 (i) molten metal resistant jackets and trousers;

7 (ii) face shield or goggles;

8 (iii) molten metal resistant gloves;

9 (iv) insulated safety footwear against heat;

10 (v) protective helmets; and

11 (vi) ear protective devices.

12 (g) gas-fired furnace shall be provided with safeguards to ensure
13 that unspent fuel does not accumulate and ignite;

14 (h) ensure that fuel supply to gas or oil-fired furnace are fitted with
15 automatic shut-off mechanism;

16 (i) regular safety audits is undertaken to ensure that hazards with
17 clear risk-control measures are maintained at optimum level;

18 (j) refractories such as crucibles, troughs, laddies and other tools
19 are pre-heated and dried before it is used, to minimise the risk of explosion;

20 (k) refractory linings are regularly inspected for wear; and

21 (l) ensure that before a furnace is lit, care is exercised to ensure that
22 fire fighting tools, fittings and appliances are in good working condition
23 with particular attention to refractory lining, furnace control settings, the air
24 supply, emission stacks, fuel supply and its associated pipe network are
25 secured.

26 **24.** In conducting inspection on metallurgical plants, Inspectors
27 shall ensure that quality control assessment rules are not violated, including:

Quality control
assessment

28 (a) ensuring that final products conform with both chemical,
29 metallurgical and mechanical characteristics of the recommended standard;

30 (b) observing processes and work activities in order to identify

1 significant impediments to quality control measures required;

2 (c) implementing all necessary quality control measures in order of
3 their priority;

4 (d) providing information, instruction and training for workers that
5 are involved in the implementation and maintenance of all necessary quality
6 control measures in the work place from time to time;

7 (e) periodically monitoring, reviewing and evaluating the continued
8 effectiveness of control measures and training programmes to identify any
9 problem and suggesting possible improvement; and

10 (f) ensuring that employers encourage their workers to participate in
11 continuous professional development initiatives with a view to maintaining
12 and updating their skills and knowledge on quality control.

13 . PART V - ISSUANCE AND REVOCATION OF OPERATING LICENCE

Qualification for
granting operating
licence

14 25.-(1) An Operating Licence shall be granted under this Bill, where
15 the applicant has satisfied such conditions as may be prescribed by this Bill or
16 Regulations made pursuant to this Bill.

17 (2) An Applicant shall be qualified for the grant of an Operating
18 Licence after satisfying the following requirements:

19 (a) be a body corporate that is duly registered and incorporated under
20 the Companies and Allied Matters Act, Cap C20, Laws of the Federation of
21 Nigeria, 2004;

22 (b) the plant to which an Operating Licence is sought is sited in an
23 environment that is suitable for the smooth operation of a metallurgical plant;

24 (c) submission to the Minister of a copy of Environmental Impact
25 Assessment report;

26 (d) submission to the Minister of a safety measures manual in relation
27 to protection and health of workers in the work place; and

28 (e) submission to the Minister of a statement of its level of compliance
29 with measures regarding hazards or risks, safety and health viz-a-viz
30 production of metal, including appropriate standard, codes and guidelines, as

1 may be prescribed by this Bill or Regulations made pursuant to this Bill.

2 (3) Where an applicant fails to satisfy the conditions set out in
3 subsection (2) of this section, the application shall be rejected and a new
4 application may be required to be submitted.

5 (4) The Minister shall within 30 days of the receipt of any
6 application of a qualified applicant and upon payment of all prescribed fees,
7 grant and issue to the applicant an Operating Licence.

8 (5) An Operating Licence shall be issued for a period of five years,
9 renewable for another five years, provided the applicant meets the renewal
10 requirements under this Bill or Regulations made pursuant to this Bill.

11 26.-(1) Without prejudice to the generality of the provisions of this
12 Bill, the Minister may suspend an Operating Licence of a licensee for a
13 period not exceeding sixty days, where the holder:

Suspension of
operating licence

14 (a) fails to make any payment required by this Bill;

15 (b) contravenes any of the provisions of this Bill;

16 (c) fails to comply with any lawful order given in connection with
17 its operation; and

18 (d) for any reason becomes ineligible to apply for an Operating
19 Licence under the provisions of this Bill.

20 (2) An Operating Licence shall only be suspended after:

21 (a) serving thirty days' notice to the Licensee of the Minister's
22 intention to suspend the Licence;

23 (b) stating the reasons for such suspension; and

24 (c) failure of the Licensee to remedy the breach complained of or
25 resolve the grounds for suspension.

26 27.-(1) Without prejudice to the power of the Minister to determine
27 the existence of Operating Licence in any other manner, the Minister may
28 revoke any Operating Licence, where the holder:

Revocation of
operating licence

29 (a) breaches any provisions of this Bill or Regulations made

1 pursuant to this Bill or any terms or conditions for granting an Operating
2 Licence;

3 (b) fails to comply with an Order or Notice issued or given pursuant to
4 this Bill or Regulations made pursuant to this Bill or where the Minister by
5 notice requested holder of an Operating Licence to show cause why the
6 Operating Licence shall not be revoked, but fails to comply;

7 (c) is declared by a court to be insolvent or bankrupt or goes into
8 liquidation or amalgamation on an arrangement with its creditors; and

9 (d) wholly discontinues operation during a continuous period of one
10 year.

11 (2) An Operating Licence shall only be revoked after:

12 (a) serving thirty days notice to the Licensee of the Minister's
13 intention to revoke the Licence;

14 (b) stating the reasons for such revocation; and

15 (c) Failure of the holder to remedy the breach complained of or
16 resolve the grounds for revocation.

17 (3) Any notice issued by the Minister or through his authorised
18 representative to holders of Operating Licence or published in the Official
19 Gazette of the government, shall be sufficient notice for the revocation of an
20 Operating Licence to the Licensee.

21 PART VI - PROTECTION AND INCENTIVES

22 **28.**-(1) Notwithstanding anything to the contrary as may be contained
23 in any law for the time being in force, it shall be the responsibility of the
24 Minister to ensure and enforce the use of:

25 (a) domestic metal products in the development of the nation's
26 infrastructural facilities;

27 (b) metal products produced or manufactured in Nigeria for every
28 public works, factory, industrial establishment including any ancillary
29 industrial establishment owned wholly or partly by the Federal, State or Local
30 Government, provided the use of such metal products is:

- 1 (i) not detrimental to the public interest or to the project;
2 (ii) available in specified quantities and qualities; or
3 (iii) within delivery schedule; and
4 (c) metal products manufactured in Nigeria for any contract of
5 construction, modification, modernization, installation, alteration, repairs
6 of any public work or industrial establishment, undertaken with the aid and
7 assistance of public funds.

8 (2) The Minister may:

9 (a) recommend the grant of concessionary tariffs to local
10 entrepreneurs in the metal industry with respect to utilities such as power,
11 gas, water and others;

12 (b) protect domestic metal industries from undue competitions
13 from foreign companies; and

14 (c) develop cluster areas of Industrial Layouts, where small
15 practitioners could co-exist and share common facilities or utilities;

16 (3) The Minister shall ensure the protection of Nigerian workforce
17 at all levels of employment in the metal industry.

18 29. A person undertaking the execution of any contract in Nigeria
19 requiring procurement of metal products and other material input from
20 outside the country, shall furnish a declaration to the effect, that it is
21 necessary for updating the National Metals Data Bank in the Ministry.

Importation of
metal products

22 30.-(1) The Minister may recommend the grant of appropriate
23 incentives to any licence holder in Nigeria that:

Incentive for
licence holder

24 (a) has in its employment substantial number of skilled Nigerian
25 personnel;

26 (b) uses local raw materials and spare parts;

27 (c) has a low number of expatriates in its employment;

28 (d) has low export percentage of metals products;

29 (e) has high human capital development; and

- 1 (f) invests in relevant researches and developments in metal industry.
- 2 (2) The Nigeria Investment Promotion Commission Act shall apply to
- 3 any foreign investment made in respect of any company operating in the Metal
- 4 Industry in Nigeria.

PART VII - MISCELLANEOUS

Power to make
regulations by
the Minister

- 6 **31.** The Minister may, subject to the approval of the President, make
- 7 Regulations:
- 8 (a) as are necessary to give effect to the provisions of this Bill;
- 9 (b) relating to the metallurgical industry on the following:
- 10 (i) quality control measures;
- 11 (ii) safety control standards;
- 12 (iii) noise control;
- 13 (iv) control of hazardous substances;
- 14 (v) granting of operating Licence, revocation, forms, fees and mode
- 15 of payment; and
- 16 (vi) registration of all Metallurgical Plants in Nigeria.

Interpretation

- 17 **32.** In this Bill, unless the context otherwise requires:
- 18 "Applicant" means a person or body corporate that makes formal application to
- 19 establish or operate a metallurgical plant;
- 20 "Appropriate Agencies" means any government agency with similar
- 21 responsibilities in dealing with value addition, quality control, environmental
- 22 and safety control measures;
- 23 "Authorised Officer" means a person authorised in accordance with this Bill;
- 24 "Certificate" means a certificate issued to any completed Metallurgical Plant of
- 25 having met all standard requirements;
- 26 "Company" means a company registered under the Companies and Allied
- 27 Matters Act, Cap C20 Laws of the Federation of Nigeria 2004; involved in
- 28 Metallurgical business;
- 29 "Court" means any duly constituted Court, in the Federal Republic of Nigeria,
- 30 other than a Customary Court or Area Court;

- 1 "ELA" means Environmental Impact Assessment;
- 2 "Gazette" means Official Gazette of the Federal Republic of Nigeria;
- 3 "Government" means Federal Government of Nigeria;
- 4 "Made in Nigeria Products" means metal products including all kinds of
- 5 products there from which are manufactured or produced in Nigeria;
- 6 "Inspector" includes a Director and any officer of the Ministry duly
- 7 authorised in that behalf;
- 8 "Licence" means, Licences issued to operators of Metallurgical Plant;
- 9 "Metallurgical Plant" means the Plant where metal processing is carried out;
- 10 "Metallurgical Products" include all Metal Products;
- 11 "Minister" means the Minister charged with responsibility for matters
- 12 relating to the metal industry;
- 13 "Ministry" means the Federal Ministry of Mines and Steel Development or
- 14 its successor Ministry;
- 15 "Operating Licence" means Licence issued periodically to an existing
- 16 metallurgical plant;
- 17 "Person" means an individual or a corporate entity, partnership, Joint
- 18 venture, cooperative, trust or other entity that is recognised by the Law as a
- 19 distinct body with the right to enter into contracts and own property;
- 20 "PPE" means Personal Protective Equipment;
- 21 "President" means President of the Federal Republic of Nigeria;
- 22 "Public Works" means all such project works which are undertaken with the
- 23 assistance of public fund or for public service;
- 24 "Regulations" means Regulations made by the Minister under this Bill;
- 25 "Scrap Metal" means old metal and any defaced metallic products or rejects
- 26 made wholly or partly of metal and any metallic wastes; and
- 27 "State" means a State in the Federation of Nigeria.

28 **33.** This Bill may be cited as the Nigerian Metallurgical Industry Short title

29 Bill, 2019.

SCHEDULE

FORM 1

APPLICATION FOR THE GRANT OF OPERATING LICENCE

TO:
.....
.....

- 1. Full name of applicant:
- 2. Particulars of registered address:
- 3. Postal E-mail address:
- 4. State the type of activities to be carried out in the premises:
- 5. State all the safety control measures that have been put in place in the premises:
- 6. Have you previously applied for the grant of an operating licence:
- 7. If the answer to 6 above is "Yes", state whether the application was approved or rejected:
- 8. If the previous application was rejected, state the reason(s) given for such rejection:
- 9. If the answer to 7 above is "approved", state whether the operating licence was at any time suspended or revoked:

I hereby certify that this is a true statement of the particulars herein set forth.

Date:

Signature of Applicant

FORM 2

APPLICATION FOR CERTIFICATE OF COMPLETION OF A
METALLURGICAL PLANT

TO:
.....
.....

- 1. Full name of applicant:
- 2. Where the plant is situated:
- 3. Address at which notice may be served:

- 4. Have you previously applied for the issuance of Certificate of Completion?.....
- 5. If the answer to (4) is "Yes", state whether the application was granted or refused:
.....
- 6. If the application was not granted, state the reason(s) given for refusal:
- 7. Has Environmental Impact Assessment been carried out?.....
- 8. If reply to (7) above is "Yes" enclose the report.
- 9. State all the safety control measures put in place in the premises:

I hereby certify that this is a true statement of the particulars herein set forth.

Date:

Signature of Applicant

FORM 3

CERTIFICATE OF COMPLETION OF METALLURGICAL PLANT

Serial Number:.....

Certificate of Completion is hereby granted to of
..... to use the said premises for the purposes for which the Certificate is granted
and subject to the following conditions:.....

Fee paid:.....

Issuing Officer

Date:

FORM 4

METALLURGICAL OPERATING LICENCE

Serial Number:.....

Licence is hereby granted to..... of..... for.....

Subject to the provisions of section 27 of the Bill, the Licence expires on:

Fee paid:.....

Issuing Officer

Date:

EXPLANATORY MEMORANDUM

(This memorandum does not form part of the Bill but is intended to explain its purport)

This Bill seeks to provide the legal framework for the regulation and coordination of activities in the metal industry in Nigeria, promote the growth of indigenous metal industry and ensure that workers in metallurgical plants are protected against any form of accident arising from metallurgical plant operations.