

ENVIRONMENTAL HEALTH OFFICERS (REGISTRATION, ETC.)

(AMENDMENT) BILL, 2019

ARRANGEMENT OF SECTIONS

*Section:*

1. Amendment of Act No. 11, 2002
2. Amendment of section 1
3. Insertion of new sections 1A - 1B
4. Amendment of section 2
5. Amendment of section 3
6. Amendment of section 6
7. Insertion of section 6A
8. Amendment of section 8
9. Amendment of section 10
10. Amendment of section 13
11. Substitution for section 17
12. Amendment of section 19
13. Substitution for section 20
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15. Amendment of section 28
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17. Amendment of Third Schedule
18. Citation



# A BILL

## FOR

AN ACT TO AMEND THE ENVIRONMENTAL HEALTH OFFICERS (REGISTRATION, ETC.) ACT NO. 11, 2002 TO GIVE THE COUNCIL MORE PROFESSIONAL OUTLOOK; AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

- 1           1. The Environmental Health Officers (Registration, etc.) Act No. Amendment of  
2    11, 2002 (in this Act referred to as the "Principal Act") is amended as set out Act No. 11, 2002  
3    in this Act.
- 4           2. Section 1 of the Principal Act is amended: Amendment of  
5           (a) in subsection (1), by substituting for the words, "Environmental Section 1  
6    Health Officers Registration", after the word, "the", in line 1, the words,  
7    "Environmental Health"; and  
8           (b) by inserting, after subsection (1), new subsections "(2)" - "(3)"-  
9           "(2) Any reference to the Environmental Health Officers  
10   Registration Council of Nigeria by the Principal Act shall be construed as  
11   the Environmental Health Council of Nigeria.  
12           (3) The designation of the body specified in section (1) of this  
13   section shall not affect anything done or purported to be done under the  
14   designated body."
- 15          3. Insert, after section 1 of the Principal Act, new sections "1A" - Insertion of new  
16   "1B"- sections 1A-1B
- 17          1 A. The Council:  
18          (a) shall be a Council for Environmental Health based on rules and  
19   regulations made by the Minister;

- 1 (b) is a body corporate with perpetual succession and a common seal;  
2 (c) may sue or be sued in its corporate name; and  
3 (d) may acquire, hold or dispose of any property, movable or  
4 immovable for the purpose of carrying out its functions under this Act.

5 1B. The Council shall be responsible for:

- 6 (a) determining what standards of knowledge and skill are to be  
7 attained by persons seeking to become members of the profession of  
8 environmental health (in this Act referred to as "the Profession") and  
9 improving those standards, from time to time, as circumstances may permit;

- 10 (b) securing, in accordance with the provisions of this Act, the  
11 establishment and maintenance of register of persons entitled to practise as  
12 members of the profession and the publication, from time to time the list of  
13 those persons;

- 14 (c) establishing a code of conduct and reviewing same, from time to  
15 time, as the Council considers desirable for the effective practice of  
16 environmental health profession;

- 17 (d) charging practising fees as may be determined by the Council;

- 18 (e) regulating and controlling the practice of environmental health  
19 profession in all its aspects and ramifications, including corporate practice  
20 areas as:

- 21 (i) waste collection and disposal,

- 22 (ii) public health pest control,

- 23 (iii) cleaning services,

- 24 (iv) air quality monitoring,

- 25 (v) sanitary inspection of premises, and

- 26 (vi) health impact assessment;

- 27 (f) conducting examinations in the profession and awarding  
28 certificates or diplomas to successful candidates as appropriate and for such  
29 purpose, the Council shall prescribe fees to be paid in respect thereof;

- 30 (g) coordinating and liaising with donor agencies, stakeholders and

1 non-governmental organisations within and outside Nigeria on matters of  
2 environmental health infrastructural provision and implementation;

3 (h) setting regulations and providing infrastructure for medical  
4 waste management;

5 (i) setting environmental health standard and working with other  
6 stakeholders to ensure the enforcement and compliance with standards,  
7 legislation and guidelines on environmental health infrastructure provision  
8 and implementation;

9 (j) creating public awareness and enlightenment on environmental  
10 health and sanitation;

11 (k) working with the private sector in cooperation with  
12 participating States to provide private sector funding for construction and  
13 maintenance of sanitation infrastructure such as sewerage systems,  
14 recycling plants, leasing of sanitation of equipment for use across the  
15 country;

16 (l) establishing and supervising the National Institute of  
17 Environmental Health for the purposes of advanced professional education  
18 for members of the profession;

19 (m) carrying out research and publishing general scientific and  
20 other data resulting from the performance of its functions;

21 (n) supporting national capacity building for managers and staff of  
22 State environmental sanitation agencies to develop needed manpower;

23 (o) carrying out such activities as are necessary or expedient for the  
24 performance of its functions;

25 (p) having such powers to litigate against or punish any erring  
26 Environmental Health Officer, Environmental Health Service Provider or  
27 other persons registered by the Council or performing environmental health  
28 functions;

29 (q) having such powers to litigate against or sanction any erring  
30 individual and corporate individual violating sanitary regulations; and

1 (r) having such powers and duties as conferred on it under this Act or  
2 by any other law on such matters on which the National Assembly has power to  
3 make law."

Amendment of  
Section 2

4 4. Section 2 (1) of the Principal Act is amended by:

5 (a) substituting for paragraph (c), a new paragraph "(c)"-

6 "(c) six Environmental Health Officers, one each from the six  
7 geopolitical zones of the Federation in rotation"; and

8 (b) inserting, after paragraph (g), new paragraphs "(h)" - "(i)"-

9 "(h) "one person who shall be the most Senior Licensed  
10 Environmental Health Officer from the Armed Forces or Para-Military shall  
11 represent the Armed Forces and Para- Military institutions in rotation."; and

12 (i) the Director-General of the National Institute of Environmental  
13 Health."

Amendment of  
Section 3

14 5. Section 3 of the Principal Act is amended by substituting for  
15 subsection (2), a new subsection "(2)":

16 "(2) Subject to this section and any direction of the Minister under this  
17 Act, the Council shall have powers to do anything which, in its opinion, is  
18 calculated to facilitate the carrying on of its activities under this Act."

Amendment of  
Section 6

19 6. Section 6 (1) of the Principal Act is amended:

20 (a) in subsection (1), by inserting, after the word, "Registrar", in line  
21 1, the words, "and Chief Executive of the Council"; and

22 (b) in subsection (2), by substituting for the word, "Registrar", in line  
23 1, and wherever it appears in the Principal Act, the words, "Registrar and Chief  
24 Executive"; and

Insertion of  
section 6A

25 7. Insert, after section 6 of the Principal Act, a new section "6A":

26 6A. (1) The Council shall have the following Directorates:

27 (a) Directorate of Education and Training;

28 (b) Directorate of Registration and Inspectorate;

29 (c) Directorate of Ethics and Standards Enforcement;

30 (d) Directorate of Administration and Accounts; and

1 (e) Directorate of Planning, Research and Statistics.

2 (2) Each Directorate shall be headed by a Director and, except for  
3 the Directorate under subsection (1) (d) of this section, all other Directorates  
4 shall be headed by licensed Environmental Health Officers.

5 (3) The Council and its Directorates shall have adequate numbers  
6 of Units and Divisions as may be required in the discharge of its functions  
7 under this Act.

8 (4) The Council shall have:

9 (a) Zonal Offices in each of the geopolitical zones; and

10 (b) State Offices in all the States of the Federation."

11 8. Section 8 of the Principal Act is amended by inserting, after  
12 subsection (1), new subsections "(1A)" - "(1C)":

Amendment of  
Section 8

13 "(1A) A person shall not hold an appointment or practise as an  
14 Environmental Health Officer in Nigeria or perform the duties of an  
15 Environmental Health Officer in Nigeria unless he is registered with the  
16 Council under the provisions of this Act";

17 (1B) A registered Environmental Health Officer is entitled to  
18 practise as an Environmental Health Officer anywhere in Nigeria; and

19 (1C) A person registered under this Act as Environmental Health  
20 Assistant, Environmental Health Technician or Environmental Health  
21 Technologist may apply to transfer from a lower register to a higher register  
22 if he obtains an academic qualification or approved equivalent educational  
23 qualification commensurate to the requirement of the higher register he  
24 desires to transfer to and in addition he shall have had the required  
25 experience as well as passed the prescribed examination and other  
26 conditions as may be set out, from time to time, by the Council."

27 9. Section 10 of the Principal Act is amended:

Amendment of  
Section 10

28 (a) in subsection (1) (a), by inserting, after the word, "attended" in  
29 line 1, the words, "and successfully completed"; and

30 (b) by inserting new subsections "(3A)" - "(3D)":

1           "(3A) A corporate organization desirous of practising in the  
2 environmental health field shall be entitled to be registered under this Act as an  
3 environmental health service provider and being so registered, to receive a  
4 registration certificate from the Council if the company satisfies the Council  
5 that such company has requisite staff and equipment to practise and shall abide  
6 by the rules made by the Council and pays the prescribed fee.

7           (3B) No registered person or company shall practise as an  
8 Environmental Health Officer or Environmental Health Service Provider in  
9 any year unless he has renewed his licence in respect of that year and this  
10 renewal shall be due every January and not later than 31st March in every year,  
11 as prescribed by the Council.

12           (3C) The Council may, with the confirmation of the Minister from  
13 time to time, vary the practising fees prescribed and the Council shall keep and  
14 utilize the funds realized from the practising fees and other activities of the  
15 Council for the development of the profession;

16           (3D) Any Environmental Health Officer or Environmental Health  
17 Service Provider who, in respect of any year, practises without renewing his  
18 license, commits an offence and is liable on conviction:

19           (a) in the case of first offender, to a fine of twice the prescribed  
20 practising fee;

21           (b) in the case of a second or subsequent offender to a fine of not less  
22 than ten times the prescribed practising fee;

23           (c) where the Environmental Health Officer is in the employment of  
24 any person or organization (public or private), the employer commits an  
25 offence punishable in like manner as the Environmental Health Officer if it is  
26 proved that the failure to pay the practising fee was with his knowledge,  
27 consent and connivance; and

28           (d) where the Environmental Health Service Provider is engaged by  
29 any person or organization (public or private), such person or organization  
30 commits an offence punishable in like manner as the Environmental Health



1 Service Provider if it is proved that the failure to pay the practicing fee was  
2 with his knowledge, consent and connivance"; and

3 (c) by inserting, after subsection (6), a new subsection "(7)":

4 "(7) A registered Environmental Health Officer shall be issued a  
5 practising seal, subject to the rules made by the Council."

6 10. Section 13 of the Principal Act is amended by inserting, after  
7 subsection (3), a new Amendment of section subsection "(4)":

Amendment of  
Section 13

8 "(4) The Head of every faculty, department, institute or school of  
9 environmental health in Nigeria approved by the Council shall furnish the  
10 Registrar with the list of candidates admitted or enrolled into a course in  
11 environmental health and the list of candidates successful at the final  
12 environmental health examination immediately after the release of the result  
13 within three months of each event respectively."

14 11. Substitute for section 17 of the Principal Act, a new section  
15 "17":

Substitution for  
section 17

16 "17. Any person who holds himself out to be so registered or uses  
17 any name, title, description, dress or symbol calculated to lead any person to  
18 infer that he is so registered,  
19 commits an offence and liable on conviction for:

20 (a) a first offence, to a fine of not less than twenty thousand Naira or  
21 to term of imprisonment for six months or to both; and

22 (b) a second or any subsequent offence, to a term of imprisonment  
23 for not less than one year or more than three years and a fine of fifty thousand  
24 Naira."

25 12. Section 19 of the Principal Act is amended:

Amendment of  
Section 19

26 (a) in subsection (3), by substituting for the words, "fifty thousand  
27 Naira", in line 2, the words, "twenty thousand Naira"; and

28 (b) by substituting for subsection (4), a new subsection "(4)":

29 "(4) Where the offence under section 17 of this Act or any other  
30 offence under this Act is committed by a body corporate and is proved to

1 have been committed with the connivance of or to be attributable to any neglect  
2 on the part of any head, director, manager, secretary or other similar officer of  
3 the body corporate or any person purporting to act in any such capacity, he, as  
4 well as the body corporate, commits an offence and is liable on conviction to a  
5 fine of not less than two hundred thousand Naira or to a term of imprisonment  
6 for six months for the head, director, manager, secretary or other similar officer  
7 of the body corporate."

Substitution for  
section 20

8 **13.** Substitute for section 20 of the Principal Act, a new section "20":

9 20 (1) A suit shall not commence against the Council before the  
10 expiration of a period of one month, until after a written notice of intention to  
11 commence the suit shall have been served on the Council by the intending  
12 plaintiff or his agent and the notice shall clearly state the:

- 13 (a) cause of action;  
14 (b) particulars of the claim;  
15 (c) name and place of abode of the intending plaintiff; and  
16 (d) relief which the plaintiff claims.

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

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

24 (3) In all litigations against the Council, the provisions of the Public  
25 Officer's Protection Act shall apply."

Substitution for  
section 27

26 **14.** Substitute for section 27 of the Principal Act, a new section "27":

27 "*Regulations:*

28 27. The Minister may make rules and regulations on the advice of the  
29 Council as are necessary or expedient for efficient regulation of environmental  
30 health and sanitation practice to prescribe:

1 (a) the methodologies for private- sector participation in the work  
2 of the Council;

3 (b) the fees to be paid for services rendered by the Council; or

4 (c) generally for the purposes of carrying out or giving full effect to  
5 the functions of the Council under this Act."

6 **15.** Section 28 of the Principal Act is amended by inserting, in  
7 alphabetical order, the following new definitions:

Amendment of  
Section 28

8 "Environmental health":

9 (a) means the control of those aspects of human health and disease  
10 that are determined by factors in the environment; and

11 (b) includes the theory and practice of assessing and controlling  
12 factors in the environment that can potentially affect health;

13 "Environmental Health Officer" means any person registered in accordance  
14 with the relevant sections of this Act and holding a valid practice license;  
15 and

16 "Environmental Health Service Provider" means any company registered to  
17 provide environmental health services by the Council and holding a valid  
18 practice licence."

19 **16.** The First Schedule to the Principal Act is amended, by  
20 substituting for paragraph 2 (1), a new paragraph "2 (1)":

Amendment of  
First Schedule

21 "2. (1) Subject to the provisions of this paragraph, a member of the  
22 Council, other than those in section 2 (1) (c), (e), (t), and (h), shall hold office  
23 for a period of three years from the date of his appointment and may be  
24 eligible for re-appointment for another period of three years only."

25 **17.** The Third Schedule to the Principal Act is amended by  
26 inserting, after paragraph (d), new paragraphs "(e)" - "(h)":

Amendment of  
Third Schedule

27 "(e) Bachelor of Science or Bachelor of Technology in  
28 Environmental Health Sciences from an institution recognized by the  
29 Council, for Environmental Health Officer;

30 (f) Higher National Diploma in Environmental Health from an

1 institution recognized by the Council, for Environmental Health Technologist;  
2 (g) National Certificate for Environmental Health Technicians from  
3 an institution recognized by the Council, for Environmental Health  
4 Technician; and

5 (h) National Certificate for Environmental Health Assistants from an  
6 institution recognized by the Council, for Environmental Health Assistant."

Citation

7 18. This Bill may be cited as the Environmental Health Officers  
8 (Registration, etc.) (Amendment) Bill, 2019

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Environmental Health Officers (Registration, etc.) (Amendment) Act No. 11, 2002 to give the Council more professional outlook.