ENVIRONMENTAL HEALTH OFFICERS (REGISTRATION, ETC.)

(AMENDMENT) BILL, 2019

ARRANGEMENT OF SECTIONS

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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

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

1. The Environmental Health Officers (Registration, etc.) Act No.
11, 2002 (in this Act referred to as the "Principal Act") is amended as set out
in this Act.

2. Section 1 of the Principal Act is amended:
   (a) in subsection (1), by substituting for the words, "Environmental
   Health Officers Registration", after the word, "the", in line 1, the words,
   "Environmental Health"; and
   (b) by inserting, after subsection (1), new subsections "(2)" - "(3)" -
   "(2) Any reference to the Environmental Health Officers
   Registration Council of Nigeria by the Principal Act shall be construed as
   the Environmental Health Council of Nigeria.
   (3) The designation of the body specified in section (1) of this
   section shall not affect anything done or purported to be done under the
   designated body."

3. Insert, after section 1 of the Principal Act, new sections "1A" -
   "1B" -
   1 A. The Council:
   (a) shall be a Council for Environmental Health based on rules and
   regulations made by the Minister;
(b) is a body corporate with perpetual succession and a common seal;

(c) may sue or be sued in its corporate name; and

(d) may acquire, hold or dispose of any property, movable or immovable for the purpose of carrying out its functions under this Act.

1B. The Council shall be responsible for:

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

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

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

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

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

(i) waste collection and disposal,

(ii) public health pest control,

(iii) cleaning services,

(iv) air quality monitoring,

(v) sanitary inspection of premises, and

(vi) health impact assessment;

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

(g) coordinating and liaising with donor agencies, stakeholders and
non-governmental organisations within and outside Nigeria on matters of
environmental health infrastructural provision and implementation;
(h) setting regulations and providing infrastructure for medical
waste management;
(i) setting environmental health standard and working with other
stakeholders to ensure the enforcement and compliance with standards,
legislation and guidelines on environmental health infrastructure provision
and implementation;
(j) creating public awareness and enlightenment on environmental
health and sanitation;
(k) working with the private sector in cooperation with
participating States to provide private sector funding for construction and
maintenance of sanitation infrastructure such as sewerage systems,
recycling plants, leasing of sanitation equipment for use across the
country;
(l) establishing and supervising the National Institute of
Environmental Health for the purposes of advanced professional education
for members of the profession;
(m) carrying out research and publishing general scientific and
other data resulting from the performance of its functions;
(n) supporting national capacity building for managers and staff of
State environmental sanitation agencies to develop needed manpower;
(o) carrying out such activities as are necessary or expedient for the
performance of its functions;
(p) having such powers to litigate against or punish any erring
Environmental Health Officer, Environmental Health Service Provider or
other persons registered by the Council or performing environmental health
functions;
(q) having such powers to litigate against or sanction any erring
individual and corporate individual violating sanitary regulations; and
(r) having such powers and duties as conferred on it under this Act or
by any other law on such matters on which the National Assembly has power to
make law."

Amendment of
Section 2

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

(a) substituting for paragraph (c), a new paragraph "(c)" -
"(c) six Environmental Health Officers, one each from the six
geopolitical zones of the Federation in rotation"; and

(b) inserting, after paragraph (g), new paragraphs "(h)" - "(i)" -
"(h) "one person who shall be the most Senior Licensed
Environmental Health Officer from the Armed Forces or Para-Military shall
represent the Armed Forces and Para- Military institutions in rotation."; and

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

Amendment of
Section 3

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

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

Amendment of
Section 6

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

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

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

Insertion of
section 6A

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

6A. (1) The Council shall have the following Directorates:
(a) Directorate of Education and Training;
(b) Directorate of Registration and Inspectorate;
(c) Directorate of Ethics and Standards Enforcement;
(d) Directorate of Administration and Accounts; and
(e) Directorate of Planning, Research and Statistics.

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

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

(4) The Council shall have:

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

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

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

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

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

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

9. Section 10 of the Principal Act is amended:

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

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

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

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

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

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

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

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

(d) where the Environmental Health Service Provider is engaged by any person or organization (public or private), such person or organization commits an offence punishable in like manner as the Environmental Health
Service Provider if it is proved that the failure to pay the practicing fee was
with his knowledge, consent and connivance"; and

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

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

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

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

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

"17. Any person who holds himself out to be so registered or uses
any name, title, description, dress or symbol calculated to lead any person to
infer that he is so registered,

commits an offence and liable on conviction for:

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

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

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

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

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

"(4) Where the offence under section 17 of this Act or any other
offence under this Act is committed by a body corporate and is proved to
have been committed with the connivance of or to be attributable to any neglect on the part of any head, director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate, commits an offence and is liable on conviction to a fine of not less than two hundred thousand Naira or to a term of imprisonment for six months for the head, director, manager, secretary or other similar officer of the body corporate."

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

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

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

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

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

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

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

"Regulations:

27. The Minister may make rules and regulations on the advice of the Council as are necessary or expedient for efficient regulation of environmental health and sanitation practice to prescribe:
(a) the methodologies for private-sector participation in the work
of the Council;
(b) the fees to be paid for services rendered by the Council; or
(c) generally for the purposes of carrying out or giving full effect to
the functions of the Council under this Act."

15. Section 28 of the Principal Act is amended by inserting, in
alphabetical order, the following new definitions:
"Environmental health":
(a) means the control of those aspects of human health and disease
that are determined by factors in the environment; and
(b) includes the theory and practice of assessing and controlling
factors in the environment that can potentially affect health;
"Environmental Health Officer" means any person registered in accordance
with the relevant sections of this Act and holding a valid practice license;
and
"Environmental Health Service Provider" means any company registered to
provide environmental health services by the Council and holding a valid
practice licence."

16. The First Schedule to the Principal Act is amended, by
substituting for paragraph 2 (1), a new paragraph "2 (1)"
"2. (1) Subject to the provisions of this paragraph, a member of the
Council, other than those in section 2 (1) (c), (e), (f), and (h), shall hold office
for a period of three years from the date of his appointment and may be
eligible for re-appointment for another period of three years only."

17. The Third Schedule to the Principal Act is amended by
inserting, after paragraph (d), new paragraphs "(e)" - "(h)"
"(e) Bachelor of Science or Bachelor of Technology in
Environmental Health Sciences from an institution recognized by the
Council, for Environmental Health Officer;
(f) Higher National Diploma in Environmental Health from an
institution recognized by the Council, for Environmental Health Technologist;

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

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

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

EXPLANATORY MEMORANDUM

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