

A BILL

FOR

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

Sponsored by Hon. Zainab Gimba

[] Commencement

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

1 PART I - OBJECTIVES AND APPLICATION

2 1. The objectives of this Act are to- Objectives

3 (a) Provide a legal framework for effective management of
4 metallurgical activities in Nigeria;

5 (b) Promote sustainable development of metal and metallurgical
6 activities in Nigeria;

7 (c) ensure that metals are exploited and developed in the best
8 interest of Nigeria in line best practice;

9 (d) promote access to benefits from domestic and foreign markets
10 for metallurgical activities;

11 (e) ensure that workers in metallurgical plant are well protected
12 and not exposed to risks associated with metallurgical plant operations; and

13 (f) promote the socio-economic empowerment of Nigerians in the
14 metals and metallurgical sector.

15 2. This Act shall apply to metallurgical activities and raw material Application
16 development in the mines and steel sector throughout the Federal Republic
17 of Nigeria.

18 PART II - GENERAL ADMINISTRATION

19 3.-(1) The Minister shall- Functions and powers of the Minister

- 1 (a) be responsible for policy formulation, implementation, evaluation
2 and regulation in the metal industry;
- 3 (b) recommend for the removal of unjustifiable tariffs barrier that
4 may impede the industry's access to international markets;
- 5 (c) recommend appropriate measures to give effect to Agreements
6 entered into by the Federal Government of Nigeria, in relation to the
7 development of metal industry;
- 8 (d) take measures to ensure compliance with laid down procedure for
9 importation and exportation of approved metal products;
- 10 (e) promote sustainable development of the metal sector;
- 11 (f) promote ferrous and non-ferrous metals development with a view
12 to meeting the domestic needs of Nigeria and facilitate access to international
13 markets in collaboration with other relevant government agencies;
- 14 (g) implement the objectives of the National Industrial Policy as it
15 relates to the metal industry;
- 16 (h) monitor development in other sectors of the economy that may
17 adversely affect the metal industry and recommend appropriate remedial
18 action;
- 19 (i) collaborate with relevant agencies to promote safe and proper
20 recycling of scrap metal used locally;
- 21 (j) encourage domestic manufacturing industries and other
22 consumers of metal products to make use of locally made metal;
- 23 (k) recommend policies that will enhance improved infrastructural
24 facilities for the metal industry;
- 25 (l) establish and regularly update metal industry database including
26 scrap metal;
- 27 (m) facilitate appropriate government support to entrepreneurs in
28 collaboration with the Small and Medium Enterprise Development Agency of
29 Nigeria;
- 30 (n) recommend the utilisation of local metal industry's products to all

- 1 government contractors;
- 2 (o) monitor the investments portfolio of government in the metal
3 industry;
- 4 (p) monitor and enforce the utilisation of available local human
5 resources in the metallurgical industry;
- 6 (q) liaise with appropriate Government Agencies to enforce
7 standards for metal products;
- 8 (r) monitor the quality and standard of raw materials used in the
9 metal industry and ensure that all metal products produced locally or
10 imported into Nigeria, meet national and international standards in terms of
11 quality;
- 12 (s) initiate policy in relation to safety and environmental control
13 measures in metallurgical plants;
- 14 (t) conduct investigation into any cause of metal failure in the metal
15 industry and recommend appropriate remedial measures to guard against
16 future occurrence;
- 17 (u) monitor international best practice in minerals processing
18 technology and development and advise on the most suitable design and
19 equipment, taking into account Nigeria's level of development and
20 availability of raw materials;
- 21 (v) coordinate research activities in response to identified
22 problems in the metallurgical industry;
- 23 (w) collaborate with relevant authorities for the purpose of
24 disposing radioactive materials;
- 25 (x) promote private participation in the development of
26 metallurgical raw materials, including iron ore, ferro alloys, coking coal,
27 limestone, dolomite, bauxite, refractory clays and foundry raw materials;
- 28 (y) coordinate the sourcing and development of local raw materials
29 to ensure their adaptation to the metal industry; and
- 30 (z) carry out such other activities as may be necessary for the

1 discharge of its functions in accordance to the provisions of this Act.

2 (2) The Minister, in exercise of the provisions of subsection (1) of this
3 section, shall have power to-

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

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

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

14 (d) ensure compliance with safety manuals and safety regulations in
15 the metal industry with a view to minimizing or eliminating operational
16 hazards and accidents;

17 (e) ensure compliance with the Schedule to this Act and register,
18 certify or issue licences for metallurgical activities and plants operating in
19 Nigeria after being certified as meeting the requirements for registration;

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

23 (g) represent Nigeria or delegate a representative to any international
24 meeting or conference relating to metal industry;

25 (h) access at all times areas or rights of way covered by existing
26 licences, certificates or authorizations, or any related offices, buildings or
27 installations to which this Act applies, for the purpose of inspection, operations
28 or accessing available information and enforcing the provisions of this Act or
29 any Regulations made under this Act.

1	4. The Minister may, for the purposes of obtaining information	Power of the Minister to demand for information
2	necessary to perform his functions under this Act, serve notice, in writing, to	
3	the producer or operator of a metal plant to supply forecast with respect to	
4	the output of the product, or such other metal products, in such manner and	
5	within such time as may be specified in the notice.	
6	5. The information or forecast obtained under section 4 of this Act	Restriction on disclosure of information
7	shall not be disclosed, except-	
8	(a) with the consent of the person from whom it was obtained;	
9	(b) in an undertaking or business to which the books, records and	
10	other documents from which it was obtained relates to;	
11	(c) in the form of a summary of information or forecast supplied or	
12	obtained from documents relating to an undertaking or business carried out	
13	by a number of persons, being a summary so framed as not to enable	
14	particulars relating to the business of individual persons to be ascertained	
15	there from;	
16	(d) for the purposes of enabling the producers or the Minister to	
17	discharge their functions under this Act;	
18	(e) with a view to instituting any criminal proceeding under this	
19	Act; or	
20	(f) in compliance with provisions of any law or regulations.	
21	6. The Minister may delegate the functions or powers conferred on	Delegation of power
22	him under this Act, to the relevant Department of the Ministry, except the	
23	power to make Orders and Regulations.	
24	7. -(1) Where an accident causing a serious injury, loss of life or	Panel of inquiry
25	permanent disability occurs in a metallurgical plant, the Minister shall set up	
26	a Panel of Inquiry (the Panel) consisting of not more than seven members to	
27	inquire into the cause of the accident.	
28	(2) The Panel shall consist of a Chairman, who shall be the Legal	
29	Adviser of the Ministry and at least two other persons knowledgeable in	
30	metallurgical plant operations, fire, accident or safety matters.	

Powers and
functions of the
Panel

- 1 **8.**-(1) The Panel shall determine the cause of accident, including
2 whether-
- 3 (a) a licensee or its agent is negligent or exercised reasonable and
4 proper precautions to prevent the occurrence of the accident; and
5 (b) life lost in the accident or permanent disability was occasioned as
6 a result of the accident.
- 7 (2) Where the cause of an accident is attributable to the licensee or its
8 agent, the Panel shall make appropriate recommendations in accordance with
9 the provisions of the Employee's Compensation Act for the purpose of
10 compensating the victims.
- 11 (3) The Panel may recommend measures to guard against and prevent
12 future occurrence of such accidents.
- 13 (4) The Panel shall have power to-
- 14 (a) authorise a person where necessary, to have access to a
15 metallurgical plant, remove exhibits from the scene of the accident or take such
16 other measures as may be necessary for conducting the inquiry;
- 17 (b) summon witnesses that may be required to give evidence on oath
18 or to produce any report, book or other document for the purpose of
19 examination; and
- 20 (c) carry out or direct to be carried out such other things as may be
21 necessary for the effective discharge of its functions under this Act.
- 22 (5) A person who refuses or neglects to attend or produce any report,
23 book or document' under subsection (1) (b) of this section, commits an offence
24 and is liable on conviction to a fine of not less than N100,000.
- 25 (6) All examination before the Panel shall be conducted in accordance
26 with the provisions of the Evidence Act, and the witnesses shall enjoy the same
27 right and privileges under the Evidence Act.
- 28 (7) The Panel of inquiry shall within 14 days of its determination of
29 the cause, present a copy of its findings and recommendation to the Minister.

1	9. There shall be designated by the Minister such number of	Appointment of inspectors by the Minister
2	inspectors as may be necessary for giving effect to the provisions of this Act.	
3	10.-(1) An Inspector shall have power to-	Functions and Powers of an Inspector
4	(a) carry out at any time, routine inspection on a metal industry in	
5	Nigeria, where he has reasonable grounds to suspect that the operation of the	
6	metal industry is dangerous to both the industry and the environment;	
7	(b) take with him-	
8	(i) a law enforcement agent, where there is likelihood of danger or	
9	serious obstruction in the execution of his duty,	
10	(ii) any other person duly authorised in that behalf or a	
11	representative of a regulatory authority, or	
12	(iii) equipment or materials required for the purposes of	
13	conducting test or for any other purpose for which the power of entry is	
14	being exercised;	
15	(c) carry out examination and investigation as may be necessary	
16	for the purpose of implementing the provisions of this Act;	
17	(d) direct that affected premises or any part thereof, be left	
18	undisturbed as may be necessary for the purpose of carrying out any	
19	examination or investigation required under this Act;	
20	(e) take or seize essential records that he considers necessary for	
21	the purpose of carrying out any examination or investigation under this Act;	
22	(f) liaise with appropriate agencies and take such samples of any	
23	articles or substances found in any premises or environment, which he has	
24	power to enter;	
25	(g) dismantle any article or substance which appears to have	
26	caused or is likely to have caused danger to health or safety of lives in any	
27	premises he has power to enter;	
28	(h) subject an article or substance found in the premises to any	
29	process of test and destroy same only where it is necessary for the prevention	
30	of further hazards to people and environment;	

1 (i) take possession of or confiscate any equipment, substance or
2 material he considers to be hazardous for such period as may be necessary, for
3 the purpose of-

4 (i) examination and taking necessary action,

5 (ii) ensuring that seized or detained items are not tampered with
6 before examination is carried out, or

7 (iii) ensuring that the result of an examination is made available to the
8 Minister and can be tendered in evidence in any proceedings under this Act or
9 Regulations made under this Act;

10 (j) request for information from any person whom he reasonably
11 believes to be able to give any relevant information in relation to examination
12 or investigation being carried out under this Act;

13 (k) answer such questions as may be put to him and signing an oath
14 form for his declarations;

15 (l) inspect any document or material and take copies of entries in any-

16 (i) book or document, which by virtue of any of the relevant statutory
17 provisions, are required to be kept, and

18 (ii) other book or document that is necessary for examination or
19 investigation under this Act;

20 (m) request to be produced or examined and take copies of any
21 licence, certificate or other document required under this Act or any
22 Regulations made under this Act;

23 (n) request to be produced for examination, any appliance, device or
24 any other item used in relation to quality of metal products;

25 (o) require any person to allow access to facilities and provide
26 assistance with respect to any matter within his control or responsibilities; and

27 (p) exercise any other power as are necessary for the execution of his
28 functions under this Act.

29 (3) An inspector shall issue a certificate of seizure in respect of any
30 article or item seized in accordance with the provisions of this section and

1 specify the grounds for such seizure

2 (4) The Minister may by Regulations, provide for the procedure to
3 be followed in the collection of samples under this Act.

4 **11.**-(1) An Inspector shall on demand, declare his office and
5 produce to any person against whom he is taking any action, such
6 identification or written authority as may be sufficient to show that he is an
7 Inspector for the purposes of this Act.

Disclosure of
identity by
Inspectors

8 (2) Where an Inspector refuses to declare his office and produce
9 identification or written authority as provided under subsection (1) of this
10 section, any person who refuses to comply with any request, demand or
11 directive by the Inspector is not liable to any penalty.

12 PART III - CONTROL MEASURES AT METALLURGICAL PLANT

13 **12.** An Inspector, in carrying out his functions under this Act, shall
14 take into consideration the availability of the following preventive and
15 protective measures-

Compliance with
preventive and
protective measures
by metallurgical
plant

16 (a) products or technologies that mitigates risk to the barest
17 minimum;

18 (b) measures to control risks at source by isolating the process
19 through engineering control channels;

20 (c) minimizing risk through technical and administrative
21 mechanism in the work place;

22 (d) providing appropriate Personal Protective Equipment; and

23 (e) designing for all stages of production of metals and
24 implementation procedures for safe practices, hazard identification and risk
25 assessment using engineering and technical control measures developed to
26 monitor production process.

27 **13.**-(1) An Inspector shall take measures to ensure that exposure to
28 noise and heat level in any metallurgical plant does not exceed the
29 recommended level set out under Regulations made under this Act.

Control of noise
and heat levels
in metallurgical
plants

30 (2) An employer shall, in order to guard against and prevent

- 1 adverse effect of noise and heat in metallurgical plants-
- 2 (a) identify sources of noise and heat generation giving rise to
- 3 exposure;
- 4 (b) seek the advice of the Inspector or a professional on occupational
- 5 health services on exposure limits and other standard to be applied;
- 6 (c) evaluate the need for engineering control measure for noise and
- 7 heat prevention through appropriate solution mechanism and effective
- 8 implementation;
- 9 (d) evaluate the effectiveness of engineering solution mechanism for
- 10 noise and heat prevention control measure with a view to its adaptation and
- 11 recommendation in metallurgical plant construction;
- 12 (e) set noise and heat level output in metallurgical plant;
- 13 (f) arrange the structural layout of the work place to minimizing heat,
- 14 noise and vibration associated with metallurgical plant;
- 15 (g) minimize the time spent by workers in a noisy and vibrating
- 16 environment, through appropriate organizational measures; and
- 17 (h) ensure appropriate use of hearing protection devices, protective
- 18 clothing by workers exposed to the hazards.
- 19 (3) Where the selection of any device or equipment is desirable for the
- 20 purpose of mitigating any hazards under this Act, due consideration shall be
- 21 given to-
- 22 (a) the need to reduce noise and heat level in the work environment;
- 23 (b) comfort and practical realities of the working environment;
- 24 (c) individual's auditory needs, including the ability to hear warning
- 25 signals, speech and others; and
- 26 (d) understanding and complying with provided technical
- 27 specifications for enhanced usage of equipment and maximum result.
- 28 **14.-(1)** The workers and general public shall be protected from
- 29 exposure to any form of radiation generated by radioactive materials in the
- 30 work place.

1 (2) The Inspectors in collaboration with relevant agencies, shall
2 ensure that employers-

3 (a) isolate fixed installations that generate high strength fields,
4 including transformers and switch station by locating them far away from
5 the work station;

6 (b) identify the source of potential risk of exposure by mapping out
7 the field strength in the work place;

8 (c) take all necessary steps to prevent workers and the general
9 public from exposure to radiation generated by any radioactive materials
10 which may be present in any scrap metal intended to be recycled;

11 (d) take necessary steps to protect workers from exposure to high
12 radiation level as a result of illegal disposal of contaminated scraps;

13 (e) install a safety equipment in a conspicuous location within the
14 work place and train workers on how to operate the equipment in emergency
15 situation;

16 (f) train workers on the hazards associated with exposure to
17 radiation and suggesting measures to be taken, where they encounter
18 material that are suspected to be radioactive, toxic, hazardous, including
19 sludge slime and ignitable (fumes);

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

22 (h) isolate and displace materials that are suspected to be
23 radioactive through the appropriate agency; and

24 (i) monitor operation for incoming metal scraps of radioactive
25 wastes.

26 **15.-(1)** An inspector shall ensure that adequate measures are put in
27 place to protect workers in metallurgical plant from being exposed to
28 hazardous chemicals and gaseous substances.

Control of chemical
and gaseous hazard

29 (2) The following control measure shall be put in place by
30 employers in a metallurgical plant environment-

- 1 (a) proper storage and disposal of chemicals;
- 2 (b) handling or storage measure to minimize worker's exposure,
- 3 where hazardous chemicals are used;
- 4 (c) ensure that appropriate Personal Protective Equipment is provided
- 5 in the work place and workers are trained on its correct usage;
- 6 (d) provision of emergency showers and eyewash stations at different
- 7 strategic location within the metallurgical plants in case of any emergency;
- 8 (e) develop and implement engineering control mechanism and
- 9 where applicable work Practices and procedural controls that may include-
- 10 (i) substitution of more harmful agents for less harmful agents,
- 11 (ii) isolating processes that generate such airborne contaminants,
- 12 (iii) the use of local and general ventilation systems; and
- 13 (iv) minimizing the length of time that workers are potentially
- 14 exposed to harmful gasses; and
- 15 (f) develop the policy on the Four R's (reduction, recovery, recycling
- 16 and reuse).

Safety Control
Measures in
metallurgical
Plant

- 17 **16.-(1)** Where it is discovered that the concentration of harmful
- 18 agents in the air may be significantly higher than the permissible exposure
- 19 levels in metallurgical plant and the control measure provided in the work place
- 20 is inadequate, inspectors shall ensure that-
- 21 (a) potentially hazardous locations or spaces are clearly marked out
- 22 with warning notices prohibiting unauthorized entry;
- 23 (b) employers develop emergency measures or techniques for rescue
- 24 from any hazardous confined spaces of victim and guide against any
- 25 foreseeable accidents;
- 26 (c) workers in the hazardous confined space are closely monitored to
- 27 ensure that safety entry conditions are complied with; and
- 28 (d) employers provide for workers entering a confined space with
- 29 appropriate respirators and Personal Protective Equipment to guide against
- 30 hazards associated with confined spaces and train workers on the usage of

1 safety materials provided.

2 (2) Where a metal industry is using a range of furnaces, including
3 blast furnace, electric furnace, crucible furnace, cupola furnace or
4 reverberator furnace, the Inspector shall ensure strict adherence to the
5 following measures-

6 (a) only authorized persons are allowed to go close to the furnace;

7 (b) suitable general and local exhaust ventilation with dust and
8 fume collection devices is incorporated into the design of the exhaust
9 ventilation system;

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

12 (d) ultraviolet (UV) or infrared light-resistant goggles or face
13 shield is provided where there is need for authorized visual inspection of
14 various furnaces;

15 (e) positive pressure and self-contained breathing apparatus shall
16 be made available to enable rapid rescue in the event of a build-up of
17 hazardous gases;

18 (f) workers in and around the furnace area are provided with
19 suitable Personal Protective Equipment to protect them from hazards,
20 including provision of-

21 (i) molten metal resistant jackets and trousers,

22 (ii) face shield or goggles,

23 (iii) molten metal resistant gloves,

24 (iv) insulated safety footwear against heat,

25 (v) protective helmets, and

26 (vi) ear protective devices;

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

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

1 (i) regular safety audit is undertaken to ensure that hazards with clear
2 risk-control measures are maintained at optimum level;

3 (j) refractory lined equipment such as crucibles, troughs, ladles and
4 other tools, are pre-heated and dried before it is used, to minimise the risk of
5 explosion;

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

7 (l) ensure that before a furnace is lit, care is exercised to ensure that
8 firefighting tools, fittings and appliances are in good working condition with
9 particular attention to refractory lining, furnace control settings, the air supply,
10 emission stacks, fuel supply and its associated pipe network are secured.

Quality Control
Assessment

11 17. An Inspector shall ensure that, in conducting inspection on
12 metallurgical plants, quality control assessment rules are not violated,
13 including-

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

16 (b) observing processes and work activities in order to identify
17 significant impediments to quality control measures required;

18 (c) implementing all necessary quality control measures in order of
19 priority;

20 (d) providing information, instruction and training for workers that
21 are involved in the implementation and maintenance of quality control
22 measures in the work place from time to time;

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

26 (f) ensuring that employers encourage their workers to participate in
27 continuous professional development initiatives with a view to maintaining
28 and updating their skills and knowledge on quality control,

Qualification for
Granting Operation
Licence

29 PART IV - ISSUANCE AND REVOCATION OF OPERATING LICENCE

30 18.-(1) An operating licence shall be granted by the Minister under

1 this Act, where the applicant has satisfied such conditions as may be
2 prescribed by this Act or regulations made under this Act.

3 (2) An applicant shall be qualified for the grant of an operating
4 licence, where-

5 (a) the applicant-

6 (i) is a body corporate duly registered and incorporated under the
7 Companies and Allied Matters Act,

8 (ii) submit to the Minister, a copy of Environmental Impact
9 Assessment report,

10 (iii) submit to the Minister, a safety measures manual in relation to
11 protection and health of workers in the work place, and

12 (iv) submit to the Minister, a statement of its level of compliance
13 with measures regarding hazards or risks, safety and health in the production
14 of metal, including appropriate standard, codes and guidelines, as may be
15 prescribed by this Act or regulations made under this Act; and

16 (b) the plant to which an operating licence is sought is sited in an
17 environment that is considered appropriate by the Minister for the smooth
18 operation of a metallurgical plant.

19 (3) Where an applicant fails to satisfy the conditions set out in
20 subsection (2) of this section, the application shall be rejected within 45 days
21 of application and a new application may be submitted by the applicant.

22 (4) The Minister shall within 45 days of the receipt of any
23 application of a qualified applicant and upon payment of all prescribed fees,
24 grant the applicant an operating licence.

25 (5) An operating licence shall be issued for a period of five years,
26 renewable for another five years, provided the applicant meets the
27 requirements for renewal as may be set out by regulations or guidelines
28 made under this Act.

29 19.-(1) Without prejudice to the generality of the provisions of this
30 Act, the Minister may suspend an operating licence of a licensee for a period

Suspension of
Operating Licence

1 not exceeding 60 days, where the holder-

2 (a) fails to make any payment required by this Act;

3 (b) contravenes any of the provisions of this Act;

4 (c) fails to comply with any lawful order or directive given in

5 connection with its operation; and

6 (d) for any reason becomes ineligible to apply for an operating licence

7 under the provisions of this Act.

8 (2) An operating licence shall only be suspended after-

9 (a) serving 30 days' notice to the Licensee of the Minister's Intention

10 to suspend the licence;

11 (b) stating the reason for such suspension; and

12 (c) failure of the licensee to remedy the breach complained of or

13 resolve the grounds for suspension.

Revocation of
Operating Licence

14 **20.**-(1) Without prejudice to the power of the Minister to determine

15 the existence of operating licence, an operating licence may be revoked where

16 the-

17 (a) holder breaches any provisions of this Act or Regulations made

18 under this Act or any terms or conditions for granting an operating licence;

19 (b) holder fails to comply with an order or notice issued or given

20 under this Act or regulations made under this Act;

21 (c) the Minister by notice requested the holder of an operating licence

22 to show cause why the operating licence shall not be revoked, but fails to

23 comply;

24 (d) holder is declared by a court to be insolvent or bankrupt or goes

25 into liquidation or amalgamation on an arrangement with its creditors; and

26 (e) holder wholly discontinues operation during a continuous period

27 of one year.

28 (2) An operating licence shall only be revoked after-

29 (a) serving 30 days' notice to the licensee of the Minister's intention to

30 revoke the licence;

1 (b) stating the reasons for such revocation; and
2 (c) failure of the holder to remedy the breach complained of or
3 resolve the grounds for revocation.

4 (3) Any notice issued by the Minister or through his authorized
5 representative physically or electronically to a holder of operating licence or
6 published in the Official Gazette of the Federal Government, shall be
7 sufficient notice for the revocation of an operating licence to the licensee.

8 **21.**-(1) Without prejudice to the provision of this Part, a person
9 undertaking the execution of any contract in Nigeria requiring procurement
10 of metal products and other material input outside Nigeria, shall furnish a
11 declaration to that effect, to the National Metals Data Bank in the Ministry.

Declaration and
Registration of
Importation or
Exportation of
Metal Products

12 (2) A person who wishes to import or export metal products shall
13 register with the Ministry.

14 PART V - PROTECTION

15 **22.**-(1) An employer shall provide and maintain a safe working
16 environment that is without risk to the health of his employees.

General duties of
employers to their
employees

17 (2) subject to the provisions of subsection (1) of this section, the
18 employer's duties shall include-

19 (a) the provision and maintenance of systems of work, plant and
20 machinery that are safe and without risks to health;

21 (b) taking practicable steps, to eliminate or mitigate any hazard or
22 potential hazard to the safety or health of employees and their environment;

23 (c) making arrangement for ensuring safety in connection with
24 production, processing, use, handling, -storage or transport of articles,
25 substances, materials or metal products;:

26 (d) establishing the hazard to health or safety of persons attached
27 to any-

28 (i) work performed,

29 (ii) article, substance or materials produced, processed, used,
30 handled, stored or transported, and

- 1 (iii) plant or machinery used in his business;
- 2 (e) providing information, instructions, training and supervision as
3 may be necessary to ensure the health and safety at work of his employees;
- 4 (f) preventing an employee from doing any work or producing,
5 processing, using, handling, storing or transporting any article, substance,
6 material or metal, or operating any plant or machinery, unless the
7 precautionary measures specified in paragraphs (b) and (d) of this subsection,
8 or any other precautionary measures which may be prescribed, have been
9 taken; and
- 10 (g) ensuring that work performed and plant or machinery is used
11 under the general supervision of a person-
- 12 (i) professionally trained to understand the hazards associated with it,
13 and
- 14 (ii) who have the authority to ensure that precautionary measures
15 taken by the employer are implemented.
- 16 (3) An employer or self-employed person shall conduct his activities
17 in such a manner as to ensure that he and other persons who may be directly
18 affected by his activities are not exposed to hazard to their health or safety.
- 19 **23.**-(1) A person who designs, manufactures, imports, sells or
20 supplies any article or substance for use at work shall ensure that the article or
21 substance-
- 22 (a) has no risk to health and environment, if properly used; and
23 (b) complies with at prescribed requirements.
- 24 (2) A person who erects or installs any article for use at work on or in
25 any premises shall ensure that it has no risk to health or safety, if properly used.
- 26 **24.**-(1) The Minister shall ensure and enforce the use of-
- 27 (a) domestic metal products in the development of Nigeria's
28 infrastructural facilities;
- 29 (b) metal products manufactured in Nigeria for every public works,
30 factory, industrial establishment including any ancillary industrial

General duties
in relation to use
of articles and
substances at
work

Protection of
indigenous
industries

1 establishment owned wholly or partly by the Federal, State or Local
2 Government, where the use of such metal products is-

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

9 (2) The Minister-

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

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

15 (c) may develop cluster areas of industrial Layouts, where only
16 small industries practitioners may co-exist and share common facilities or
17 utilities.

18 (3) An application by a metallurgical operator for any kind of
19 waiver from the Federal Ministry of Finance shall be made through the
20 Ministry.

21 **25.**-(1) Where accident occurs at work which causes temporary or
22 permanent injury, work related illness or death of an employee, the
23 employer shall be responsible for medical expenses and provision of
24 adequate benefits to the dependents of the person in case of death.

Protection of
employees

25 (2) Where an employee alleged to have committed an offence is
26 under investigation by an employer, the employer shall not order the
27 suspension from work of the employee during such investigation.

28 (3) An employer shall issue a written order of the suspension
29 stating the offence committed and the period of suspension not exceed seven
30 days and notify the employee prior to the suspension.

1 (4) Where the employee is found not guilty upon the completion of
2 investigation, the employer shall pay wages to the employee equivalent to the
3 wages of a working day from the date of suspension.

4 (5) An employer shall not employ a child under eighteen years of age
5 as an employee.

6 (6) Where an employer intends to employ a child under the age of
7 eighteen years, the employer shall comply with the following-

8 (a) notify metallurgical inspector regarding the employment of a
9 child under the age of eighteen not later than seven days before the child is
10 employed;

11 (b) prepare a record of employment conditions in case of change,
12 taken place to be kept at the place of business or at the office of the employer
13 available for constant inspection by inspectors during working hours; and

14 (c) notify the metallurgical inspectors regarding termination of
15 employment of a child within 30 days from the date the child is to be dismissed.

16 (7) An employer shall not unfairly dismiss an employee, reduce the
17 rate of his remuneration, alter the terms or conditions of his employment to
18 terms less favourable to him, alter his position in relation to other employees
19 employed by that employer to his disadvantage or penalise the employee in any
20 other way, by reason that the employee has given information to-

21 (a) any person or refuse to do anything in compliance with the
22 provisions of this Act; and

23 (b) a person charged with the medical report of any disease which any
24 medical practitioner believes arose out of that employee's employment.

Incentive for a
licence holder

25 **26.**-(1) The Minister may recommend the grant of appropriate
26 incentive to any license holder in Nigeria that-

27 (a) has in its employment substantial number of skilled Nigeria
28 personnel;

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

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

- 1 (d) has low export percentage of metal products;
2 (e) has high human capital development; and
3 (f) invests in researches and developments in metal industry.
4 (2) The Nigeria Investment Promotion Commission Act shall
5 apply to any foreign investment made in respect of any company operating
6 in the metal industry in Nigeria.

7 PART VI - OFFENCES AND PENALTIES

8 **27.** A person required to supply information under the provision of Giving of false
9 this Act or regulations made under this Act, who- information

10 (a) knowingly supplies any false information, which he knows to
11 be false at the time of supplying the information; or

12 (b) knowingly or recklessly supplies a copy or extract from a book
13 of account, record or document, purporting to be a copy or extract of such
14 book of account, record or document required, commits an offence and is
15 liable on conviction to a fine of not less than N500, 000 or to imprisonment
16 for a term of not less than six months or to both.

17 **28.**-(1) A person who fails to comply with a demand notice served Failure to comply
18 by this Minister under this Act is liable to an administrative penalty of not with notice
19 less than N200,000.

20 (2) A person who discloses information in contravention of the
21 provision of this Act, commits an offence and is liable on conviction to a fine
22 of not less than N200,000 or to imprisonment for a term of not less than Six
23 months or to both.

24 **29.** Any person who falsely presents himself as an inspector or Failure
25 carries out any act, at any place for the purpose of doing any act on behalf of representation
26 the Minister or his representative, commits an offence and is liable on
27 conviction to a fine of not less than N500,000 or to imprisonment for a term
28 not less than six months or to both.

29 **30.** A person who- Obstruction of
30 (a) obstructs an inspector in the exercise of the powers conferred on inspector

1 him under this Act; or

2 (b) fails to comply with any lawful directives made by an inspector in
3 accordance with the provisions of this Act, commits an offence and is liable on
4 conviction to a fine of not less than N250,000 or to imprisonment for a term not
5 less than three months or to both.

Commission
of offence by a
body corporate

6 **31.**-(1) Where an offence under this Act is committed by a body
7 corporate in connivance with or attributable to a negligence on the part of a
8 director, manager, secretary or other principal officers of such body corporate,
9 or any person acting in such capacity, the principal officer or such other person
10 commits an offence and is liable on conviction to a fine of not less than
11 N500,000 or to imprisonment for a term of not less than six months or to both.

12 (2) Where a body corporate is convicted of an offence under this Act,
13 the Minister may suspend or revoke its licence.

Contravention
of this Act or
Regulation

14 **32.** Without prejudice to the provisions of this Act, a person who
15 contravenes the provisions of this Act or regulations for which no specific
16 penalty is provided is liable on conviction to a fine of not less than N500,000 or
17 imprisonment for a term of not more than six months or both.

18 PART VII - MISCELLANEOUS PROVISIONS

Corporate Social
Responsibility
(CSR)

19 **33.**-(1) A metallurgical enterprise operator shall observe adequate
20 corporate social responsibilities by entering into Community Development
21 Agreement (CDA) with the Host Community.

22 (2) A person who manufactures any metallurgical article shall protect
23 the interest of the society or community where its firm is situated, through-

24 (a) financial assistance;

25 (b) provision of material and manpower support;

26 (c) provision of social amenities, including schools, drainages,
27 adequate clean drinking water facility, enhancement of sewage disposal
28 system, waste management, pollution control and sanitation, and supporting
29 educational programmes; and

1 (d) any other means that protect the interest of the society or
2 community.

3 34.-(1) Any notice, document or other correspondence required to
4 be served under this Act, or regulations made under this Act, may be
5 delivered or served either by-

Service of notice
and document

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

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

8 (c) delivering it to the Permanent Secretary of the Ministry or by
9 sending it through registered post addressed to the Permanent Secretary of
10 the Ministry.

11 (2) Where a notice, document or other correspondence is to be
12 served on an incorporated company, body, or tribunal, it shall be served by
13 delivering it to the company, body or tribunal, at their registered or principal
14 office or sending it by post to the usual or last known address of such office,
15 body or tribunal.

16 (3) Where the person or the office address of the respondent cannot
17 be traced or located, it may be served by delivering it to a person in the last
18 known address or affixing a copy of it to some conspicuous part of the
19 premises of the last known address.

20 35. The Minister may, subject to the approval of the President,
21 make regulations-

Power to make
regulations

22 (a) relating to the metallurgical industry on the following-

23 (i) quality control measures;

24 (ii) safety control standards;

25 (iii) noise control;

26 (iv) control of hazardous substances;

27 (v) granting of operating license, revocation, forms, fees,
28 administrative penalty and mode of payment; and

29 (vi) registration of all metallurgical plants in Nigeria;

30 (vii) establishment of a PPP arrangement between the

	1	metallurgical plants and other sector, including automobile, railways and LNG
	2	sector; and
	3	(b) as are necessary to give effect to the provisions of this Act.
Legal proceedings	4	36. -(1) A suit shall not be instituted against the Minister, his
	5	representative or an inspector for any act done in the execution of any of the
	6	provisions of this Act or regulations made under this Act in respect of any
	7	alleged neglect or default, in the execution of this Act, duties or authority,
	8	unless it is commenced within 90 days of such neglect or default complained
	9	of, or in the case of a continuation of the damage or injury, within 12 months
	10	after the ceasing of such damage.
	11	(2) A suit shall not be commenced against the Minister, his
	12	representative or an inspector before the expiration of a period of one month
	13	after written notice of intention to commence the suit have been served on the
	14	Minister by the intending plaintiff or his agent and the notice shall clearly state
	15	the-
	16	(a) cause of action;
	17	(b) particulars of claim;
	18	(c) name and place of abode of the intending plaintiff; and
	19	(d) the relief sought in the claim.
Interpretation	20	37. In this Bill, unless the context otherwise requires-
	21	"Applicant" means a person or body corporate that makes formal application to
	22	establish or operate a metallurgical plant;
	23	"Certificate" means a certificate issued to a completed Metallurgical Plant of
	24	having met all standard requirements;
	25	"Company" means a company registered under the Companies and Allied
	26	Matters Act and involved in metallurgical business;
	27	"Government" means Federal Government of Nigeria;
	28	"Hazardous waste" means waste or combination of wastes of a solid, liquid and
	29	contaminated gaseous or semi - solid forms which because of its quantity,
	30	concentration, or physical, chemical or infectious characteristics may -

- 1 (a) cause or significantly contribute to an increase in mortality or
2 an increase in serious irreversible or incapacitating illness,
- 3 (b) pose a substantial present or potential hazard to human health or
4 the environment when improperly treated, stored, transported or imposed of
5 or otherwise managed, including waste that injures the air, water and land
6 environments drastically, such as Arsenic, Chromium, Copper, Lead,
7 Mercury, Zinc, Cadmium, Cyanides, Phenol and PCB (Polychlorinated
8 biphenyl);
- 9 "Heat" means high temperature emission from metallurgical processes;
- 10 "Inspector" includes a director and any officer of the Ministry duly
11 authorized in that behalf;
- 12 "Licence" means Licenses issued to operators of Metallurgical Plant;
- 13 "Metal products produced locally" means metal products including all kinds
14 of Products there from which are manufactured or produced in Nigeria;
- 15 "Metallurgical Plant" means the plant where metal processing is carried out;
- 16 "Metallurgical Products" include all Metal Products;
- 17 "Minister" means the Minister charged with responsibility for matters
18 relating to the steel development;
- 19 "Ministry" means the Ministry responsible for mines and steel
20 development;
- 21 "Operating license" means licence issued to a Metallurgical plant;
- 22 "Person" means an individual or a corporate entity, partnership, joint
23 venture, cooperative, trust or other entity that is recognized by the law as a
24 distinct body with the right to enter into contracts and own property;
- 25 "PPE" means Personal Protective Equipment;
- 26 "President" means President of the Federal Republic of Nigeria;
- 27 "Public works" means all such project works which are undertaken with the
28 assistance of public fund or for public services;
- 29 "Scrap metal" means old metal and any defaced metallic products or rejects
30 made wholly or partly of metal and any metallic wastes;

1 "State" means a state in the Federation of Nigeria; and
2 "waste" means materials that are either irrationally utilized or land filled or
3 exposed to the atmosphere and part of the by products that are not utilized,
4 including part of used materials which is not incorporated into the products
5 manufactured during a process stage and which in contrast to re-usable
6 materials, is considered not suitable for any further use,

Short title

7 **38.** This Bill may be cited as the Nigerian Metallurgical Industry Bill,
8 2024.

SCHEDULE

[section 3 (2)(e)]

FORM I
APPLICATION FOR THE GRANT OF OPERATING LICENCE TO

- 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 license?.....
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 license was at any time Suspended or revoked.....

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

Date.....

Signature of Applicant

FORM 2
APPLICATION FOR CERTIFICATE OF COMPLETION OF
A METALLURGICAL PLANT TO

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 Certificate of Completion?.....
5. If the answer to (4) is "Yes", state whether the application was granted or refused.....
6. If the applicant was not granted, state the reason(s) given for refusal.....
7. Has Environmental Impact Assessment been carried out?.....
8. If reply to, (7) 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
CERTIFICATION OF COMPLETION OF METALLURGICAL PLANT

SERIAL NUMBER.....
Certificate of completion is hereby granted to.....of.....
.....To use
all said Premises for the purposes for which the Certificate is granted and subject to the
following conditions:

.....
.....
.....

Fee paid.....

.....
Issuing Officer

Date of Issuance.....

Expiry Date.....

FORM 4

METALLURGICAL OPERATING LICENCE

SERIAL NUMBER.....

License is hereby granted to.....

.....of.....

For.....

Subject to the provisions of section 27 of the Act, the license expires on

.....
Honourable Minister

Date of Issuance.....

Expiry Date.....

FORM 5

METAL SECTOR DATA BANK 1

DECLARATION FORM FOR IMPORT OR EXPORT OF METALLURGICAL RAW MATERIALS AND PRODUCTS

TO.....

1. Company name

2. Particulars of registered address.....

3. Contact name/Phone Number

4. Postal/E-mail address.....

EXPORT

IMPORT

S/N	NAME OF METAL RAW MATERIALS/PRODUCT	QUANTITY	NATURE OF MATERIALS	MEANS OF IMPORT/EXPORT	DESTINATION /SORCE

Signature of Applicant/Date.....

FORM 6
METAL SECTOR DATA BANK 2
DECLARATION FORM FOR QUARTERLY PRODUCTION OF METALLURGICAL RAW
MATERIALS AND PRODUCTS

TO.....
.....

1. Company name

2. Particulars of registered address.....
.....

3. Contact name/Phone Number

4. Postal/E-mail address.....
.....

EXPORT

IMPORT

S/N	Type of Metal Product	Installed capacity	Capacity utilization	Quarterly Production (MT)		

Signature of Applicant..... Date.....

EXPLANATORY MEMORANDUM

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