[SB. 287]

A BILL

FOR

AN ACT TO AMEND THE HARMFUL WASTE (SPECIAL CRIMINAL PROVISIONS, ETC.) ACT, CAP. H1 LFN 2004 TO PROVIDE FOR THE CONTROL ON ELECTRONIC DEVICES AND PROHIBIT DUMPING AND BURNING OF ELECTRONIC WASTE AND FOR OTHER RELATED MATTERS

Sponsored by SENATOR GRACE F. BENT
(Adamawa South District)

[*]* Commencement.

BE IT ENACTED BY THE National Assembly of the Federal Republic of Nigeria—

1. The Harmful Waste (Special Criminal Provisions, etc.) Act in this Act referred to as the "Principal Act" is hereby amended as set out under this Bill. Amendment of Cap. H1 LFN 2004.

2.—(1) Section 1 (2) (*a*) of the Principal Act is amended by inserting the following new subsections immediately after the existing subsection (2) (*a*) thereof, the following new subsections (2), (3) and (4) thereat, that is — Amendment of section 1.

(2) Electronic devices imported into Nigeria from the commencement of this Act shall be Subject to these regulations as provided in other to reduce electronic Waste —

(*i*) All electronic devices imported into Nigeria shall be in good Condition.

(*ii*) Electronic devices which has been used for more than 5 years outside Nigeria is prohibited from being imported into Nigeria.

(*iii*) All electronic devices shall have accession number before Imported or allowed into Nigeria.

(3) New electronic devices imported into Nigeria as from the Commencement of this Act shall —

(*a*) Bear performance standard labelling,

(*b*) Importers or manufactures of such electronic devices shall submit radiation safely product report upon arrival of such electronic devices into Nigeria;

(*c*) New electronic devices shall be marked with the crossed-out wheeled

bin symbol to show that such product be disposed of separately from normal household waste; for recycling purposes;

(*d*) Electronic devices which are on the end-of- life stage shall be prohibited from burning as way to discard them.

(4) Renumbering sections 1 (2) (*b*), (*c*), (*d*) and (3) as 1 (2) (*e*), (*f*), (*g*) and (4).

Amendment of section 6.

3. There is inserted, immediately after the existing Section 6 (*a*) and (*b*) as amended the following new subsection (*c*) that is —

(*c*) Notwithstanding the provision of section 6 (*a*) and (*b*) of this section, offences and punishment for electronic waste and violation of importation control 0f electronic device shall be within 2 to15 years imprisonment or an option of fine of ₦100,000.00 (one hundred thousand Naira) to ₦10,000,000.00 (Ten Million Naira) or both.

Amendment of section 15.

4. There is inserted, immediately before the existing Section 15 as amended the following new Subsection (1) —

(1) Notwithstanding provisions of this section —

"Electronic Waste" means electronics devices which have attained the end-of-life stage, or post- Consumer electronic devices;

"Electronic devices" means electronic equipment that contains one or more electronic circuiting board or other complex electronic circuitry, including but not limited to computer monitors, televisions, CPU's, laptops, printers, photocopier, refrigerator, terminal equipments and mainframes, stereo equipment, etc.;

"Accession number" means electronic devices number which contains data of product, and address of manufacturer.

Short Title.

5. This Bill may be cited as the Harmful Waste (Special Criminal Provisions, etc) (Amendment) Bill, 2009.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Harmful Waste (Special Criminal Provision, etc.) Act. H1 LFN, 2004 for the purposes of controlling importation of electronic devices Which will soon or have attained end-of-life stage, prohibit the burning of electronic waste and for other connected matters.