THE SENATE
FEDERAL REPUBLIC OF NIGERIA

REPORT OF THE SENATE COMMITTEE ON SCIENCE AND TECHNOLOGY

ON

A BILL FOR AN ACT TO PROHIBIT THE USE OF CHEMICAL AND BIOLOGICAL WEAPONS AND OTHER MATTERS CONNECTED THEREWITH (ESTABLISHMENT, ETC.) BILL, (SB.585) 2018.

MAY, 2018

REPORT OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY ON A BILL FOR AN ACT TO PROHIBIT THE USE OF CHEMICAL AND BIOLOGICAL WEAPONS AND OTHER MATTERS CONNECTED THEREWITH (ESTABLISHMENT, ETC.) BILL, (SB.585) 2018.

1.0 INTRODUCTION

The Senate at its sitting on Wednesday 7th February, 2018 referred read the **Bill For An Act To Prohibit The Use of Chemical Weapons And Other Matters Connected Therewith (Establishment, etc.) Bill, (SB.585) 2018**, the second time for an accelerated passage and referred same to the Senate Committee on Science and Technology, for further legislative Action.

2.0 MEMBERSHIP OF COMMITTEE

Senator Robert A. Boroffice, OON	Chairman
Senator Yusuf A. Yusuf	Vice Chairman
Senator Mao Ohuabunwa	Member
Senator Obinna J. Ogba	Member
Senator Samuel Anyanwu	Member
Senator Solomon Adeola	Member
Senator Peter Nwaoboshi	Member
Senator Mustapha Bukar	Member

Secretariat

1. Musa D. Abdullahi — Clerk, Science and Technology

OBJECTIVES:

A. The Bill seeks to prohibit the development production and use of Chemical Weapons in Nigeria, establish a National Authority for the effective implementation of Chemical and Biological Weapons Convention in Nigeria and make provision for related matters.

B. All Parties signatory to the Chemical and Biological Weapon Convention are required to establish or designate a National Authority that will serve as the National focal Point to ensure effective coordination as spelt out in the Chemical and Biological Weapons Convention protocol.

C. (i) To ensure the domestication of the CWC and BTWC, which Nigeria had signed and ratified;

(ii) To host Stakeholders Meetings on Chemical / Biological Weapons Quarterly;

(iii) Industrial Visitation/Inspection of Chemical Industries holds twice a year (for annual declaration to the OPCW)

(iv) CWC Technical/Experts Meeting to hold quarterly;

(v) Training of Personnel of The Authority (NAC&BWC);

(vi) Attendance of the OPCW Executive Council Meeting and annual meetings in the Hague, Netherlands and also a regional level meeting in Africa;

(vii) To attend the United Nations General of Assembly (UNGA) on issues of CWC and BTWC under general disarmament;

(viii) Payments of Annual Contribution and Subvention of OPCW & BTWC.

GAINS & BENEFITS TO NIGERIA

(i) Since Nigeria signed and ratified the convention in 1993 and 1999 respectively, she has been a regular member of the OPCW Executive Council (Out of the190 state parties that have signed and ratified the convention, only 41 members are in the membership of the Executive Council representing others).

(ii). Nigeria is the Present Chair of open headed working Group on Terrorism. A Nigerian is presently the Legal Adviser of the organization for the prohibition of Chemical Weapon (OPCW).

(iii). Numerous Nigerian Scientist enjoyed technical assistance/ training from the OPCW capacity training e.g. The Nigerian Customs, NAFDAC, Universities and Research Institutes.

(iv). A Nigerian Was A Member of the OPCW Scientific Advisory Board for Seven Years.

In view of the numerous advantages and gains derivable from implementation of The national/ domestic legislation of CWC especially the access to any form of Protection and assistance from international community/ donor agencies in the possible event of threat of Chemical Weapons.

METHODOLOGY

In carrying out this assignment, the Committee adopted the following methodology:

i. Held several meetings.
ii. Conducted a Public Hearing on 20th February 2018 in order to get views and input from stakeholders and the general public.
iii. Consulted with legal draftsmen and other experts in the field.

The following participants were present at the Public Hearing and made contributions:-

Office of the Secretary to the Government of the Federation, Ministry of foreign Affairs, Ministry of Defence, Ministry of Interior, Ministry of Trade and Investment, Ministry of Information, Ministry of Justice, Ministry of Science and Technology, Ministry of Health, Nigeria Customs Service , Nigeria Police , National Emergency Management Agency, Nigerian Nuclear Regulatory Authority, Nigerian National Petroleum Corporation, Department For International Development, United States Aid for International Development, Manufacturers Association of Nigeria (Chemical and Allied Sector), Pharmaceutical Society of Nigeria, Mining Industries, Privates & Public Institutions and Civil Society Organisations interested in the Bill.

3.0 STAKEHOLDERS OBSERVATIONS

Stakeholders contributed immensely in favour of the Bill and recommended modifications and redrafting in some sections of the Bill. Consequently, an interministrial committee was set up to re-scrutinize the bill and submit its recommendations to the committee. The committee took note of the observations and treated it accordingly.

4.0 COMMITTEE RECOMMENDATION

Following the clause by clause consideration of the Bill, the committee recommended as follows -:

a) Retained Sections and Clauses

3(3(a, b, c, d, e, f, g, h, I, j, k, l, m, n), 3(4(1)(a), 3(4(b, c, d, e), (4(2)(3), 5(1)(2)(a)(b)(c)(d), 6, 7(1(e)(f)(g), 7(3(a)(b), 14(2(a, b, c(i, ii, iii), 14(10(a, b), 16(2), 16(3), 16(4), 16(5), 17, 18(1, 2), 21(1), 22, 23(1), 23(2(a, b), 23(3(a(i, ii), b), 24(1), 24(2(a, b, c), 24(3(a(i, ii),b), 25(1(a, b(i, ii), 25(2(a(i, ii, iii) b, c, d), 26(1, 2), 27, 28(1,2,3,4(a(i, ii),5(a, b),6,7), 30(1, 2(a, b, c), 31(1, 2(a, b, c, d, e, f), 34, 36(4(a, b, c, d), 5, 6), 36(4(a, b, c, d), 5, 6),

b) Amended Sections and Clauses

1(1, 2), (2), 3(1)(2) i, ii, iii, iv, v, vi, vii, viii, ix, x, xi, xii, xiii, xiv..), 3(3), 3(4(1)(b)(d), 3(4(3), 3(6), 4(1 (a, b, c, d, e, f(i, ii, iii, iv, v), 7(1(a)(b)(c)(d), 7(2)(a)(b)(3)(c), 8(1)(a, b, c, d, e), 2, 3(a, b) , 9(1, 2(a, b, c), 3(a, b), 10(1, 2(a, b, c, d, e), 3, 4(a, b), 14(3, 4, 5, 7, 8, 9), 16(1(a), 2, 3, 4, 5), 17, 18(1, 2), 19(a, b)

Interpretation. Meaning of words. Long title. Short title. Schedules. Explanatory Memorandum.

c) Retained but Renumbered Sections and Clauses

18(3(a, b), 19(a(i, ii, iii), 20(1, 2), 21(2(a, b), 27(3), 29(1)(2), 30(3), 31(3),

d) Amended but Renumbered Sections and Clauses

33(1(a, b, c) 2, 3),

e) Newly inserted Sections, Clauses and Subsections

3(4(1(e, f, g), 3(4(2(b(a, b, c, d, e, i, j, k, l), 3(4(4(a, f, g, h, i, j), 3(4(5, 7), 11(1(a, b, c, d, e), 11(2), 11(3)(a)(b), 12(1), 12(2(a, b, c), 12(3(a, b), 13(1), 13(2(a, b, c, d, e), 13(3), 13(4(a, b), 13(5(i, ii), 13(6), 15(1), 15(2), 15(3), 15(4), 15(5(i, ii), 16(1(b),

Mr. President, Distinguished Senators; we have subjected both the oral and written submission of relevant stakeholders to critical analysis and exhaustive deliberations. Taking into consideration, those areas that are in conflict with other extant laws; those that have security implication; and those that are ambiguous, the Committee amended and deleted where necessary, those provisions of the Bill that are contentious in one way or the other.

We therefore recommend that the Senate of the Federal Republic of Nigeria do consider and pass this bill as amended.

5.0 CONCLUSION

The intention of the Committee in adopting this Bill is to make Nigeria safer and violence free so that economic prosperity will be safeguarded. Passing the Bill will improve Nigeria's rating as state party and member of the Executive Council of the Organization for the Prohibition of Chemical Weapons and also enjoy the earlier mentioned benefits on United Nations Convention on Chemical Weapons.

On behalf of all the Members of the Committee, I wish to express our gratitude to the Senate for giving us the opportunity to serve in this regard.

We do pray that the Senate adopts the recommendation of the Committee, I so move.

Senator (Prof) Robert A. Boroffice (OON)
Committee Chairman

Musa D. Abdullahi
Director/Committee Clerk

SENATE COMMITTEE ON SCIENCE AND TECHNOLOGY

SIGNATURE PAGE

S/N	NAME	DESIGNATION	SIGNATURE
1.	SENATOR ROBERT A. BOROFFICE	**Chairman**	
2.	SENATOR YUSUF A. YUSUF	**Vice Chairman**	
3.	SENATOR MAO OHUABUNWA	**Member**	
4.	SENATOR OBINNA OGBA	**Member**	
5.	SENATOR SAMUEL N. ANYANWU	**Member**	
6.	SENATOR MUSTAPHA BUKAR	**Member**	
7.	SENATOR PETER NWAOBOSHI	**Member**	
8.	SENATOR SOLOMON ADEOLA	**Member**	
9.	MUSA D. ABDULLAHI	**Comm. Clerk**	

CHEMICAL AND BIOLOGICAL WEAPONS (PROHIBITION) BILL, 2018)

REPORT OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY ON A BILL FOR AN ACT TO PROHIBIT THE USE OF CHEMICAL WEAPONS; AND FOR RELATED MATTERS.

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

S/N	SECTION	ORIGINAL EXECUTIVE BILL	COMMITTEE RECOMMENDATION	REMARKS
		PART I - ESTABLISHMENT OF THE NATIONAL AUTHORITY ON CHEMICAL WEAPONS CONVENTION, ETC.	**PART I - ESTABLISHMENT OF THE NATIONAL AUTHORITY ON CHEMICAL & *BIOLOGICAL* WEAPONS CONVENTION**	**AMENDED**
1	**Establishment of the National Authority on Chemical weapons convention, etc.**	(1) There is established a body to be known as the National Authority on Chemical Weapons (hereinafter in this act referred to as "The National Authority") (2) The National Authority shall be located in the Presidency	1. (1) There is established the National Authority on Chemical *and Biological* Weapons (in this ***Bill*** referred to as "the Authority"). (2) The Authority shall be domiciled in the *Office of the Secretary to the Government of the Federation.*	***Amended*** ***Amended***
2	**Structure of the National Authority**	There shall be for the National Authority – (a) The Council (b) The Technical advisory committee and (c) The Secretariat	2. ***The Authority shall consist of the –*** (a) Council (b) The Technical advisory committee and (c) The Secretariat	***Amended***
3	**Composition of the Council**	(1) The Permanent Secretary (Political affairs), Office of the Secretary to the Government of the Federation, shall be the chairman of the council. (2) Other Members of the Council shall include a	3. ***The Council shall consist of a-*** (1) Chairman, who shall be the Permanent Secretary (Political Affairs), ***Office of the Secretary to the Government of the Federation; and*** *(2) representative each not below the rank of a*	***Amended for clarity based on field of specialization***

		representative each not below the rank of a director from the following Federal Ministries and Agencies- (a) Foreign affairs, (b) Defence, (c) Interior, (d) Trade and Investment, (e) Justice, (f) Information, (g) Communication Technology, (h) Environment, (i) Science and Technology, (j) Health, (k) National Security Adviser, (l) Nigerian National Petroleum Operation, (m) National Research Institute for Chemical Technology, (n) National Agency for Food and Drug Administration and Control, (o) Standard Organization of Nigeria, (p) Nigeria Customs service, (q) Nigerian police, (r) National Emergency Management control, (s) Shedda Science and Technology Complex and (t) Nigerian Nuclear Regulatory Authority	*Director from the following Ministries* *(i) Agriculture,* *(ii) Foreign affairs,* *(iii) Defence,* *(iv) Interior,* *(v) Trade and Investment,* *(vi) Justice,* *(vii) Environment,* *(viii) Science and Technology,* *(ix) Health,* *(x) Mines and Steel,* *(xi) National Intelligence Agency,* *(xii) Office of the National Security Adviser,* *(xiii) Water Resources, and* *(xiv) Manufacturing Associate of Nigeria;*	***Membership is reduced to ten ministries, other other agencies have been included into the four sub-committees***
		(3) Membership of the council shall also include a representative each of the following- (i) Nigerian Universities, (ii) Manufacturers Association of Nigeria (chemical and allied Sectors) (iii) Nigerian Association of chambers of commerce Industry, Mines and Agriculture representing imports groups targeted at dyes, textiles, pharmaceuticals, agricultural pesticides, paint,	*(3) representatives of each of the Sub-committees of the Technical Advisory Committee.*	***Amended***

		ball point pen ink. (4) The Technical Advisory Committee shall comprise of the following Sub-committees – (a) Defence and Security Sub-committee, (b) Health Sub-committee, (c) Technical cooperation Sub-committee and (d) Sensitization Sub-committee.	4(1) **The Technical Advisory Committee** shall comprise the following Sub-committees: (a) Defence and Security; (b)Science, Technology and ***Health;*** (c) Technical Cooperation; ***(d) Sensitization and Publicity;*** ***(e)Emergency, Preparedness and Response; and*** ***(f) Education and Outreach.*** (2) ***The*** **Defence and Security Sub-Committee** shall consist of- (a) the National Security Adviser; and (b) a representative each of the following bodies- ***(i) Office of the National Security Adviser,*** ***(ii) Defence Headquarters,*** ***(iii) Nigerian Army,*** ***(iv) Nigerian Navy,*** ***(v) Nigerian Air Force,*** (vi) Nigeria Police, (vii) Nigeria Custom Service; (viii) Nigeria Immigration Service, ***(ix) National Intelligence Agency,*** ***(x) Department of State Security,*** ***(xi) Defence Intelligence Agency, and*** ***(xii)Nigeria Security and Civil Defence Corps.*** (3) ***The Science, Technology*** **and Health Sub-Committee** shall comprise representatives of –	***Amended*** ***Amended*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Amended***

			(a) the Federal Ministry of Science and Technology; (b) the National Agency for Food and Drug; Administration and Control; (c) the National Research Institute for Chemical Technology; (d) the Standard Organization of Nigeria; (e) Institute of Chartered Chemist of Nigeria (ICCON); (f) the National Atomic Energy Commission; (g) the Federal Ministry of Health; (h) the Sheda Science and Technology Complex; (i) the Federal Ministry of Environment; (j) the National Biotechnology Development Agency; (k) the Federal Ministry of Agriculture; (l) the Federal Ministry of Water Resources; (m) the National Biosafety Management Agency; and (n) any other ministry, department or agency as the need arises. (4) **Technical Cooperation Sub-Committee** shall comprise representatives of – ***(a) the Federal Ministry of Foreign Affairs;*** (b) the Sheda Science and Technology Complex; (c) the National Emergency Management Agency; (d) the Nigerian Nuclear Regulatory Authority; (e) the Nigeria National Petroleum Corporation; ***(f) the Department of Petroleum Resources;*** ***(g) the Nigeria Atomic Energy Commission;*** ***(h) the National Biotechnology Development Agency;*** ***(i) the Federal Ministry of Environment; and*** ***(j) any other ministry, department or agency as the need arises.***	 ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted*** ***Inserted***

		(5) The Secretariat of the National Authority shall be located in the Political Affairs Office of the Secretary to the Government of the Federation.	*(5)* ***The Sensitization and Publicity Sub-Committee*** *shall comprise representatives of –* *(a) the Federal Ministry of Information and Culture;* *(b) the Federal Ministry of Education;* *(c) the Federal Ministry of Communication;* *(d) the Nigeria Universities to be nominated by National Universities Commission;* *(e) the Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture;* *(f) the Manufacturers Association of Nigeria; and* *(g) any other ministry, department or agency as the need arises.*	***Inserted***
			(6) ***The Education and Outreach*** **Sub-Committee** shall comprise representatives of – (a) the Federal Ministry of Education; (b) the Federal Ministry of Information and Culture; (c) the Federal Ministry of Communication; (d) the Federal Ministry of Health; (e) the Nigeria Customs Service; (f) the National Universities Commission; (g) the Nigeria Association of Chambers of Commerce, Industry, Mines and Agriculture; (h) the Manufacturers Association of Nigeria; and (i) any other ministry, department or agency as the need arises.	***Amended***
			(7) Emergency Preparedness and Response Sub-Committee shall comprise representatives of – (a) *National Emergency Management Agency;* (b) *Office of the National Security Adviser;* (c) *Nigeria National Petroleum Corporation;* (d) *Department of State Security Services;*	***Inserted***

			(e) *National Intelligence Agency;* (f) *Federal Ministry of Health;* (g) *Federal Ministry of Environment;* (h) *Federal Ministry of Justice;* (i) *Federal Ministry of Solid Minerals;* (j) *Federal Ministry of Agriculture;* (k) *Federal Ministry of Water Resources;* (l) National Agency for Food and Drug Administration and Control; (m) Federal Fire Service; (n) Nigeria Police Force; (o) *Nigeria Security and Civil Defence Corps;* (p) *Nigerian Nuclear Regulatory Authority;* (q) *Federal Road Safety Commission;* (r) National Biosafety Management Agency; (s) National Biotechnology Development Agency; and (t) any other ministry, department and agency as the need arises.	
4	**Functions of the National Authority**	(1) The functions of the National Authority shall be to serve as national focal point for effective liaison with the organization for the prohibition of Chemical weapons and other states parties to the convention and to fulfill Nigeria's obligations under the convention.	***4. (1) The functions of the Authority shall be to serve as the focal point for -*** ***(a) effective liaison with the Organisation for the Prohibition of Chemical Weapons and other states parties to the convention and to fulfill Nigeria's obligations under the convention;*** ***(b) effective liaison with the Department Office of the United Nations(Department Office) and other states parties to the Biological Weapon Convention to fulfill Nigeria's obligations under the convention;*** ***(c) coordination of the activities of the various organisations in the different sectors of the***	***Amended***

			country that are executing various aspects of the Conventions; *(d) developing and maintaining relevant institutional policy and infrastructural frameworks for effective national implementation of the Chemical and Biological Weapons Conventions;* *(e) fostering enduring partnerships for purpose of building relevant national capacities with intent to meet Chemicals and Biological Conventions obligations;* *(f) advising the Government on matters relevant to the -* *(i)making of regulations under the Bill,* *(ii) monitoring the implementation of regulations made under the Bill,* *(iii) formulating procedures and systems to improve the administration and operation of the Bill,* *(iv) coordination of the activities of all agencies involved in the implementation and enforcement of the requirements under the Bill or regulations made thereunder, and* *(v) other functions as are conferred on the Authority by this Bill or any other extant law.*	
		(2) The Technical Advisory committee shall provide technical advice to the National Authority on matters pertaining to the Convention. (3) The secretariat shall be responsible for the day to day administration of the National Authority.	***Retained*** ***Retained***	

5	**Funds for the National Authority**	(1) There shall be for the National Authority a fund from which all expenses incurred by the Authority for the execution of its functions under this act shall be paid. (2) There shall be credited to the fund under subsection (1) of this section (a) Take off grants and annual subventions received from the Government of the Federation, (b) Budgetary allocations approved by the National Assembly for the purpose of the National Authority, (c) Grants, gifts or donations from the international organizations and donor agencies, and (d) All other funds which may, from time to time, accrue to the National Authority	***5(1). Retained*** ***Retained***	
6	**Annual Report**	The National Authority shall not later than 30th September in each year, submit to the President through the Secretary to the Government of the Federation, a report of its activities during the immediate preceding year and shall include in such report the audited accounts of the National Authority.	***6. Retained***	
		PART II – OFFENCES AND PENALTIES		
7	**Offences and penalties relating to chemical weapons**	**Offences and penalties relating to chemical weapons** (1) it shall be unlawful for any person to knowingly (a) develop, produce, otherwise acquire, stockpile or retain a Chemical Weapon, (b) Transfer, directly or indirectly a chemical weapon to any	***7. Offences and penalties relating to Chemical and Biological Weapons*** (1) a person shall not - (a) develop, produce, import, acquire, stockpile, conceal or retain any chemical ***or biological agent or toxin for hostile purposes, or in armed conflict, or retain a chemical or biological weapon;*** (b) transfer, directly or indirectly a chemical ***or***	***Amended (Biological inserted)*** ***Amended*** ***Amended***

		other person.	***biological*** weapon to any other person*;*	
		(c) use a Chemical Weapon	(c) use a chemical or ***biological weapon;*** *or*	***Amended***
		(d) engage in any military preparations to use a chemical weapon.	(d) engage in any ***preparations to use a chemical or biological weapon for purposes other than prophylactic, protective or other peaceful purposes;***	***Amended***
		(e) assist, encourage or induce in any way, a person to engage in any activity prohibited to a State Party under the Conventions.	***Retained***	
		(f) use a riot control agent as a method of warfare; or	***Retained***	
		(g) engage in any other activity prohibited to a State Party under the Convention.	***Retained***	
		(2) A person who contravenes the provision of this section shall be liable on conviction –	(2) A person who contravenes the provision of this section ***commits an offence and is*** liable on conviction in a case of a –	***Amended***
		(a) in a case of a natural person to a term of not less than ten years imprisonment or life imprisonment and a fine of not less than Ten Million Naira **N10,000,000**; and	(a) natural person to a term of not less than ***10*** years imprisonment or life imprisonment ***or*** a fine of not less than **N10,000,000**; and	***Amended***
		(b) in the case of a corporate body to liquidation and confiscation of its assets including all of the company's facilities used in the commission of the offence and a fine of not less than One Hundred Million Naira **N100,000,000.**	(b) corporate body to liquidation and confiscation of its assets including all of the company's facilities used in the commission of the offence and a fine of not less than **N100,000,000.**	***Amended***
		(3) Where any chemical weapon is developed, produced, otherwise acquired, stockpiled, retained or transferred in contravention of this section, the weapon –	(3) Where any chemical ***or biological*** weapon is developed, produced, ***or*** otherwise acquired, stockpiled, retained or transferred in contravention of this section, the weapon –	***Amended***
		(a) shall be forfeited to the Federal Government ;	***Retained***	
		(b) may be seized without warrant by any authorized	***Retained***	

		officer of the Federal Government and (c) Shall be stored pending disposal, and disposed of, as the National Authority deems fit.	(c) shall be stored pending disposal, and disposed of, *in accordance with the Convention.*	***Amended***
8	**Offences and penalties relating to Schedule 1 - Chemicals**	(1) It shall be unlawful for any person to knowingly – (a) Produce, acquire, retain, or use Schedule 1 chemicals outside the territory of Nigeria unless such production acquisition, retention, or use takes place within the territory of another State Party. (b) Produce, acquire, retain, transfer, or use of Schedule 1 chemicals unless permitted by the National Authority under the licensing scheme for Schedule 1 chemicals; (c) Transfer Schedule 1 chemicals outside the territory of Nigeria to a State not party to the convention. (d) Transfer Schedule 1 chemicals to another state party without notifying the National Authority not less than sixty days before the transfer and (e) Re-transfer to a third state, Schedule 1 chemicals transferred to Nigeria. (2) Where the transfer is for medical or diagnostic purposes and the quantity is 5 milligrams or less; the notification of the transfer of saxitoxin shall be made not less than 24 hours before the time of transfer.	8(1). A person ***shall not*** – (a) produce, acquire, retain, or use of chemicals ***provided in the First*** Schedule outside the territory of Nigeria unless such production acquisition, retention, or use takes place within the territory of another State Party; (b) produce, acquire, retain, transfer, or use of chemicals ***provided in the First*** Schedule, *unless the chemicals are exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes;* (c) transfer ***chemicals*** outside the territory of Nigeria to a State not party to the Convention. (d) transfer ***chemicals*** to another State Party without notifying the ***Authority*** not less, than ***60 days*** before the transfer; and (e) re-transfer to a third state, ***chemicals*** transferred to Nigeria. (2) Where the transfer is for medical or diagnostic purposes and the quantity is ***five*** milligrams or less; the notification of the transfer of saxitoxin shall be made not less than 24 hours before the time of transfer.	***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended***

		(3) A person who contravenes the provision of this section shall be liable on conviction –	(3) A person who contravenes the provision of this section ***commits an offence and is*** liable on conviction in the case of a –	***Amended***
		(a) In the case of a natural person to a term of not less than ten years imprisonment or life imprisonment and a fine of not less than Ten Million Naira (N10,000,000). And	(a) natural person to life imprisonment or a term of not less than ***10*** years imprisonment ***or*** a fine of not less than ***₦10,000,000;*** and	***Amended***
		(b) In the case of a corporate body to liquidation and confiscation of its assets including all of the company's facilities used in the commission of the offence and a fine of not less than One hundred Million Naira (N100,000,000).	(b) corporate body to liquidation and confiscation of its assets including all of the company's facilities used in the commission of the offence ***or*** a fine of not less than ***₦100,000,000.***	***Amended***

9	**Offenses and penalties relating to Schedule 2-Chemicals**	(1) It shall be an offense for any person to knowingly transfer to or receive from a State not party to the Convention Schedule 2 chemicals or products containing such chemicals, except as stipulated in subsection 2 of this section. (2) Subsection (1) of this section shall not apply to products containing Schedule 2 chemicals in which (a) The product contains one percent or less of a Schedule 2A or 2A* chemical. (b) The product contains 10 percent or less of a Schedule 2B chemical; or (c) The product is identified as a consumer good packaged for retail sale for personal use or packaged for individual use. (3) A person who contravenes the provision of this section shall be liable on conviction in the case of a – (a) natural person to a term of imprisonment of not less than ten years or life imprisonment and a fine of not less than Ten Million Naira (N10,000,000). And (b) corporate body to liquidation and confiscation of assets including all of the corporate facilities used in the commission of the offence and a fine of not less than One hundred Million Naira (N100,000,000).	***9(1). A*** person ***shall not*** transfer to or receive from a State not party to the Convention ***the*** chemicals or products containing such chemicals, except as stipulated in subsection (2). (2) Subsection (1) shall not apply to products containing ***the*** chemicals in which the product - (a) contains one percent or less of ***the*** chemical; (b) contains 10% or less of ***the*** chemical; or (c) ***is identified*** as a consumer good packaged for retail sale for personal use or packaged for individual use. (3) A person who contravenes the provision of this section ***commits an offence and is*** liable on conviction, in the case of a – (a) natural person to a term of life imprisonment or not less than ***10*** years or and a fine of not less than ***N10,000,000;*** and (b) corporate body to liquidation and confiscation of assets including all of the corporate facilities used in the commission of the offence and a fine of not less than ***N100,000,000.***	***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended***

10	**Offences and penalties relating to Schedule 3-Chemicals**	(1) It shall be an offence for any person to knowingly transfer to a State not Party to the Convention, Schedule 3 chemical, or mixtures containing such chemicals in excess of 30 percent in weight, without first receiving an end-user certificate from the competent authority of the State not party to the Convention. (2) An end-user certificate shall contain at a minimum – (a) A statement that the Schedule 3 chemicals will only be used for purposes not prohibited under the convention; (b) A statement that the Schedule 3 chemicals will not be re- transferred; (c) The types and quantities of the Schedule 3 chemicals to be transferred. (d) the end user(s) of the Schedule 3 chemicals to be transferred and (e) the name(s) and address(es) of the Schedule 3 chemicals end user(s) (3) with regard to subsections (2)(d) and (e) of this section in the event that the Schedule 3 chemical transfer is to an importer in a state not party to the convention, and such an importer is not the actual end-user, the importer shall be obliged to specify the name(s) and address(es) of the end-user(s) for the purposes of subsection (1) and (2) of this section. (4) A person who contravenes the provision of this section shall be liable on conviction – (5)	**10(1).** ***A*** person ***shall not*** transfer to a State not party to the Convention, chemical, or mixtures containing such chemicals in excess of 30% in weight, without first receiving an end-user certificate from the competent authority of the State not party to the Convention. (2) An end-user certificate shall contain at a minimum – (a) a statement that the ***chemicals*** will only be used for purposes not prohibited under the ***Convention;*** (b) a statement that the ***chemicals*** will not be re-transferred; (c) the types and quantities of the ***chemicals*** to be transferred.; (d) the end user of the ***chemicals*** to be transferred; and (e) the names and addresses of the ***chemicals*** end users. (3) ***Subject*** to subsections (2)(d) and (e), ***where*** the ***chemical*** transfer is to an importer in a State not party to the Convention, and such an importer is not the actual end-user, the importer shall be obliged to specify the names and addresses of the end-users for the purposes of subsection (1) and (2). (4) A person who contravenes the provision of this section shall be liable on conviction i***n the case of a –***	***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended*** ***Amended***

		(a) in the case of a natural person to a term of imprisonment of not less than ten years or life imprisonment and a fine of not less than Ten Million Naira (N10,000,000). And (b) in the case of a corporate body to liquidation and confiscation of the assets including all of the corporate facilities used in the commission of the offence and a fine of not less than One Hundred Million Naira (N100,000,000).	(a) natural person to a term of life imprisonment or not less than ***10*** years or and a fine of not less than ***N10,000,000***; and (b) ***corporates body*** to liquidation and confiscation of the assets including all of the corporate facilities used in the commission of the offence and a fine of not less than ***N100,000,000.***	***Amended*** ***Amended***
11	**Offences And Penalties Relating To Category A – Biological Agents and Toxins**		***11. Offences And Penalties Relating To Category A– Biological Agents and Toxins*** *(1) A person shall not -* *(a) produce, acquire, retain or use Category A biological agents and toxins outside the territory of Nigeria unless such production, acquisition, retention or use takes place within the territory of another State Party;* *(b) produce, acquire, retain, transfer or use Category A biological agents and toxins,* ***unless the biological agents and toxins are exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of biological agents and toxins are strictly limited to those which can be justified for such purposes;*** *(c) transfer Category A biological agents and toxins outside the territory of Nigeria to a State not party to the Convention;*	***New section 11 inserted***

			(d) transfer Category A biological agents and toxins to another State Party without notifying the Authority not less than 60 days before the transfer; and *(e) re-transfer to a third State, Category A biological agents and toxins transferred to Nigeria.* *(2) Where the transfer is for medical or diagnostic purposes and the quantity is five milligrams or less the notification of the transfer shall be made not less than 24 hours before the time of transfer.* *(3) A person who contravenes the provision of this section commits an offence and is liable on conviction in the case of a –* *(a) natural person life imprisonment to a term of not less than 10 years and a fine of not less than N10,000,000; and* *(b) corporate body to liquidation and confiscation of its assets including all of the company's facilities used in the commission of the offence and a fine of not less than N100, 000,000.*	
12	**Offences And Penalties Relating To Category B – Biological Agents and Toxins**		***12. Offences And Penalties Relating To Category B – Biological Agents and Toxins*** *(1) A person shall not transfer to, or receive from a State not party to the Convention, Category B biological agents and toxins or products containing such biological toxins.* *(2) Subsection (1) shall not apply to products containing Category B biological agents and toxins in which the product -* *(a) contains one percent or less of a Category 2A or*	***New section 12 inserted***

			2A biological agents and toxins;* *(b) contains 10% or less of a Category 2B biological agents and toxins; or* *(c) the product is identified as a consumer good packaged for retail sale for personal use or packaged for individual use.* *(3) A person who contravenes the provision of this section commits an offence and is liable on conviction,in the case of a –* *(a) natural person to life imprisonment or a term of imprisonment of not less than 10 yearsr and a fine of not less than N10, 000,000; and* *(b) corporate body to liquidation and confiscation of the assets including all of the corporate facilities used in the commission of the offence and a fine of not less than N100, 000,000.*	
13	**Offences And Penalties Relating To Category C – Biological Agents and Toxins**		***13. Offences And Penalties Relating To Category C – Biological Agents and Toxins*** *(1) A person shall not transfer to a State not party to the Convention, Category C biological agents and toxins, or mixtures containing such biological agents and toxins in excess of 30% in weight, without first receiving an end-user certificate from the competent authority of the State not party to the Convention.* *(2) An end-user certificate shall contain, at a minimum -* *(a) a statement that the Category C biological agents and toxins will only be used for purposes not prohibited under the Convention;*	***New section 13 inserted***

			(b) a statement that the Category C biological agents and toxins will not be re-transferred; *(c) the types and quantities of the Category C biological agents and toxins to be transferred;* *(d) the end-use of the Category C biological agents and toxins to be transferred; and* *(e) the name and address of the Category C biological agents and toxins end-user.* *(3) Subjetc to subsections (2) (d) and (e), where the Category C biological agents and toxins transfer is to an importer in a State not party to the Convention, and such importer is not the actual end-user, the importer is obliged to specify the name and address of the end-user for the purposes of subsections (1) and (2).* *(4) A person who contravenes the provision of this section commits an offence and is liable on conviction in the case of a –* *(a) natural person to a term of imprisonment of not less than 10 years or life imprisonment and a fine of not less than N10,000,000; and* *(b) corporate body to liquidation and confiscation of the assets including all of the corporats facilities used in the commission of the offence and a fine of not less than N100,000,000.* *(5). A person who fails to ensure that adequate measures are taken for the safety and security of any biological agent or toxin manufactured, stored, kept or used in any building, laboratory, place, vessel, aircraft, carriage, box, motor vehicle,or any other conveyance in accordance with BWC, commits an offence and is liable on conviction, in the case of of a -* *(a) natural person, to a term of imprisonment of not less than 10 years or to life imprisonment and a fine of not*	

			less than N10, 000,000; and *(b) corporate body to liquidation and confiscation of the assets including all of the corporats facilities used in the commission of the offence and a fine of not less than N100,000,000.* *(6) Where an offence is committed under this Bill by a corporate body and is proved to have been done with the consent, connivance or aiding and abeting of a director, manager,corporate secretary or other similar officer of the corporate body or any other person purporting to operate in such capacity, that person commits an offence and is liable on conviction to life imprisonment or a term of imprisonment of not less than 10 years or and a fine of not less than N10, 000,000.*	
		PART III - PERMITS FOR SCHEDULED AND UNSCHEDULED CHEMICALS RELATED ACTIVITIES.		
14	**A. Permits for Scheduled and Unscheduled chemicals related activities.**	(1) A person shall not produce, acquire, retain, transfer or use Schedule 1 chemicals for a permitted purpose except under and in accordance with the conditions of a permit granted by the National Authority pursuant to subsection(6) of this section. (2) Except under and in accordance with the conditions of a permit granted by the National Authority pursuant to subsection(6) of this section, A person shall not – (a) Produce, process or consume more than 1 kilogram of a Schedule 2A* chemical per year for any permitted purpose; or	14(1). A person shall not produce, acquire, retain, transfer or use ***chemicals*** for a permitted purpose except in accordance with the conditions of a permit granted by the ***Authority under*** subsection (6). (2). Except in accordance with the conditions of a permit granted by the ***Authority under*** subsection (6), a person shall not – ***Retained***	***Amended*** ***Amended***

		(b) Produce, process or consume more than 100 kilograms of any other Schedule 2A chemical per year for a permitted purpose; or	***Retained***	
		(c) Subject to the provisions of subsection (4) of this section-	(c) subject to the provisions of subsection (4) -	
		(i) Produce, process or consume more than 1 ton of a Schedule 2B chemical per year for a permitted purpose,	***Retained***	
		(ii) Produce more than 30 tons of a Schedule 3 chemical per year for a permitted purpose, or	***Retained***	
		(iii) Produce by synthesis more than 200 tons of unscheduled discrete organic chemicals or more than 30 tons of an unscheduled discrete organic chemical containing the elements phosphorous, sulphur or fluorine.	***Retained***	
		(3) A permit, granted by the National Authority pursuant to subsection(6), is required for any person to produce, process or consume a Schedule 2 chemical for a permitted purpose above the following thresholds per year- (a) 1 kilogram of a Schedule 2A* chemical; (b) 100 kilograms of any other Schedule 2A chemical; and (c) 1 ton of a Schedule 2B chemical.	(3) A permit, granted by the ***Authority under*** subsection (6), is required for any person to produce, process or consume a Schedule 2 chemical for a permitted purpose above the following thresholds per year- (a) **one** kilogram of a Schedule 2A* chemical; (b) 100 kilograms of any other Schedule 2A chemical; and (c) ***one*** ton of a Schedule 2B chemical	***Amended***
		(4) A permit is not required for the production, processing or consumption of mixtures of chemicals containing 30 percent or less of a Schedule 2A or 2B chemical, a Schedule 3 chemical or an unscheduled discrete organic chemical.	(4). A permit is not required for the production, processing or consumption of mixtures of chemicals containing ***30%*** or less of a Schedule 2A or 2B chemical, a Schedule 3 chemical or an unscheduled discrete organic chemical.	***Amended***

		(5) A person shall not import or export a Schedule 2 chemical or Schedule 3 chemical except under and in accordance with the conditions of a permit granted by the National Authority pursuant to subsection(6) of this section.	(5) A person shall not import or export a Schedule 2 chemical or Schedule 3 chemical except as ***prescribed by*** a permit granted by the ***Authority under*** subsection (6).	***Amended***
		(6) An application for a permit to do any of the activities referred to in subsections(1),(2),(3) and (5) of this section shall be made to the National Authority in such manner or form as the National Authority may determine and shall be accompanied by the prescribed fee.	(6) An application for a permit to do any of the activities referred to in subsections (1),(2),(3) and (5) shall be made to the ***Authority*** in such manner or form as the Authority may determine and shall be accompanied by the prescribed fee.	***Amended***
		(7) The National Authority may make regulations to prescribe the manner of application for a permit; the form and duration of a permit; the terms and conditions upon which and the circumstances in which a permit may be granted, held, suspended, cancelled, extended, renewed or replaced; and the fees payable in respect thereof.	(7). The ***Authority*** may make regulations to prescribe the manner of application for a permit, the form and duration of a permit, the terms and conditions upon which, and the circumstances in which a permit may be granted, held, suspended, cancelled, extended, renewed or replaced, and the fees payable.	***Amended*** ***Retained***
		(8) It shall be an offence for any person to knowingly- (a) Produce, acquire, retain, transfer or use Schedule 1 chemicals for a purpose other than a permitted purpose, or (b) Contravene subsection (1) of this section.	(8) ***A*** person ***shall not*** - (a) produce, acquire, retain, transfer or use Schedule 1 chemicals for a purpose other than a permitted purpose, or (b) contravene subsection (1).	***Amended***
		(9) It shall be an offence for any person to knowingly- (a) Produce, process or consume Schedules 2 or 3 chemicals, or unscheduled discrete organic chemicals, for a purpose other than a permitted purpose; or (b) Contravene Subsections (2), (3) and (5) of this section.	(9) ***A*** person ***shall not*** - (a) produce, process or consume Schedules 2 or 3 chemicals, or unscheduled discrete organic chemicals, for a purpose other than a permitted purpose; or (b) contravene subsections (2), (3) and (5).	***Amended***
			(10) A person who contravenes the provision of this	

		(10) A person who contravenes the provision of this section shall be liable on conviction- (a) In case of a natural person to a term of imprisonment of not less than ten years or life imprisonment and a fine of not less than Ten Million Naira N10,000,000; and (b) In case of a corporate body to liquidation and confiscation of the assets including all the corporates facilities used in the commission of the offence and a fine of not less than One Hundred Million Naira (N100,000,000).	section ***commits an offence and is*** liable on conviction in case of a - (a) natural person to life imprisonment or a term of imprisonment of not less than ***10*** years and a fine of not less than ***N10,000,000***; and (b) corporate body to liquidation and confiscation of the assets including all the corporates facilities used in the commission of the offence and a fine of not less than ***N100,000,000.***	***Amended***
15	**B. PERMITS FOR BIOLOGICAL AGENTS AND TOXINS**		***15. B. PERMITS FOR BIOLOGICAL AGENTS AND TOXINS*** *(1) A person shall not import or procure the import of any biological agents and toxins unless the import of the biological agents and toxins is authorized by and is carried out in accordance with the conditions of a permit granted by the Authority.* *(2) A person shall not transship any biological agents and toxins unless the transshipment of the biological agents and toxins is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.* *(3) For the purposes of subsection (1), a permit to import a biological agents and toxins shall not be granted to any person unless he has already been granted an approval to possess the biological agents and toxins as referred to in section 6* *(4) Every permit to import or transship a biological agents and toxins shall be valid only in respect of one*	***New section 15 inserted***

			consignment of the biological agents and toxins for which an application for the permit has been made. *(5) Any person who contravenes subsection (1) commits an offence and is liable on conviction in the case of a –* *(a) biological agents and toxins, to life imprisonment or a term of imprisonment of not less than 10 years and a fine of not less than N10, 000,000; and* *(b) biological agents and toxins, to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 10 years, or both.*	
		PART IV - INFORMATION AND DOCUMENTS		
16	**Information and Documents**	(1) A person who – (a) develops, produces or otherwise acquires, retains, transfers or uses toxic chemicals or their precursors to which any provision in Parts VI to IX of the Verification Annex of the Convention applies shall comply with the provisions of this section. (2) The National Authority may by written notice, require a person to in writing and duly signed, give any information to the National Authority in a manner and within such period as may be specified. (3) The National Authority may, by written notice, require a person to give the National Authority any document or documents of a particular kind, within such	**16(1).** ***Retained*** *(b) develops, produces or otherwise acquires, retains, transfers or uses biological agents and toxins or their precursors to which any provision of the BWTC applies shall comply with the provisions of this section.* **(2)** The ***Authority*** may by written notice, require a person to, in writing and duly signed, give any information to the ***Authority*** in a manner and within such period as may be specified. (3) The ***Authority*** may, by written notice, require a person to give the ***Authority*** any document or documents of a particular kind, within such reasonable period as is specified in the notice.	***New subsection (b) Insertion*** ***Amended*** ***Amended***

		reasonable period as is specified in the notice. (4) Any person, who fails to comply with a notice under this section, commits an offence and is liable on conviction to imprisonment for a term of not less than one year or, in the case of a corporate body, to a fine of not less than Ten Million Naira (N10,000,000). (5) The power of the National Authority under this section to require a person to give information or documents to the National Authority is in addition to any obligation to give information or documents that the person may have under this Act.	(4) A person, who fails to comply with a notice under this section, commits an offence and is liable on conviction to imprisonment for a term of not less than one year or, in the case of a corporate body, to a fine of not less than ***N10,000,000.*** (5) The power of the ***Authority*** under this section to require a person to give information or documents to the ***Authority*** is in addition to any obligation to give information or documents that the person may have under this ***Bill.***	***Amended*** ***Amended***
17	**False or misleading statements and documents**	Any person who in any document prepared pursuant to this part of this Act, makes a statement or omits any matter knowing that or being reckless as to whether the statement or omission makes the document false or misleading; commits an offence and is liable on conviction to imprisonment for a term of not less than one year.	17. A person who in any document prepared ***under*** this Part of this ***Bill***, makes a statement or omits any matter knowing that, or being reckless as to whether the statement or omission makes the document false or misleading, commits an offence and is liable on conviction to imprisonment for a term of not less than one year.	***Amended***
		PART V - INSPECTIONS		
18	**National Inspections**	(1) All authorized officers shall be national inspectors for the purposes of this Act and any regulations made thereunder. (2) The National Authority may , from time to time appoint in writing other persons to be national inspectors (3) A national inspector may –	18 (1). All authorised officers shall be national inspectors for the purposes of this ***Bill*** and any regulations made under. (2) The ***Authority*** may , from time to time appoint in writing other persons to be national inspectors (3) A national inspector may -	***Amended*** ***Amended***

		(a) With the consent of the person in control of any premises or Under warrant issued under the section 19 of this act, in respect of any premises, enter the premises and exercise or in the premises, any inspection power for a compliance purpose.	(a) with the consent of the person in control of any premises; or (b) *under a warrant issued under section 19 of this **Bill**, in respect of any premises, enter the premises in exercise of his inspection powers for compliance purpose.*	***Retained & Renumbered to (a) and (b)***
19	**International Inspections**	An international inspector may – (a) With the consent of the person in control of any premises – (i) In respect of which any provision of parts VI to IX of the Verification Annex to the CWC applies, or (ii) That is subject to an on-site challenge referred to in Article IX(8) of the Convention, or (iii) In respect of which an investigation under Article X(9) of the CWC has been initiated, or Under a warrant issued under section 20 of this Act in respect of the premises; enter and inspect the premises pursuant to the provisions of the convention; and in the case of any facility, in accordance with any applicable facility agreement between Nigeria and the Organization	19. An international inspector may – (a) with the consent of the person in control of any premises – (i) in respect of which any provision of Parts VI to IX of the Verification Annex to the CWC ***applies,*** (ii) that is subject to an on-site challenge referred to in Article IX(8) of the Convention, or (iii) in respect of which an investigation under Article X(9) of the CWC has been initiated, (b) under a warrant issued under section 20 of this ***Bill*** in respect of the premises; enter and inspect the premises ***under*** the provisions of the Convention, and in the case of any facility, in accordance with any applicable facility agreement between Nigeria and the organisation.	***Amended & Renumbered to (a) and (b)*** ***Amended***
20	**Persons who shall accompany international inspectors**	(1) In order to facilitate an inspection, an international inspector shall be accompanied by one or more national inspectors.	20(1). An international inspector shall be accompanied by one or more national inspectors, in order to facilitate an inspection.	***Renumbered to subsections (1) and (2)***

		For the purpose of this section, a national inspector may exercise any inspection power for the purposes of facilitating an inspection referred to in section 14 of this Act.	(2) For the purpose of this section, a national inspector may exercise any inspection power for the purposes of facilitating an inspection referred to in section 14 of this ***Bill***.	
21	**Written Directions**	(1) The National Authority may by notice in writing, issue directions to any person for the purpose of facilitating any inspection under this section. (2) Any person who fails to comply with any direction given by the National Authority commits an offence and shall be liable on conviction – (a) In the case of a natural person to a term of imprisonment not exceeding six months and; For a corporate body, a seal off of the premises until compliance with the direction.	***21(1) Retained*** (2) A person who fails to comply with any direction given by the Authority commits an offence and ***is*** liable on conviction, in the case of a – (a) natural person to a term of imprisonment not exceeding six months; and (b) corporate body, a seal off of the premises until compliance with the direction	***Retained*** & ***Renumbered to (a) and (b)***
22	**Identification Certificates**	The National Authority shall issue a certificate of identity to every international or national inspector as the case may be.	***22. Retained***	

23	**Warrant for National Inspections**	(1) A national inspector may apply for a warrant to enter premises to exercise any inspection power for a compliance purpose where the consent of the person in control of any premises cannot be obtained or where the person refuses to give such consent.	***23(1) Retained***	
		(2) Subject to subsection(3) of this section, a Magistrate who is satisfied that there are reasonable grounds for believing that-	***Retained***	
		(a) Entry to the premises is necessary to exercise any inspection power of a compliance purpose, and	***Retained***	
		(b) The consent of the person who is in control of the premises cannot be obtained or such consent is refused, may, unconditionally or subject to conditions, issue a warrant authorizing the entry of the premises, at any time during working hours and within fourteen days of the issue of such warrant, or within such time as may be specified in the warrant, by the national inspector for the purpose of exercising any inspection power for a compliance purpose.	(b) the consent of the person who is in control of the premises cannot be obtained or such consent is refused, may, unconditionally or subject to conditions, issue a warrant authorising the entry of the premises, at any time during working hours and within ***14*** days of the issue of such warrant, or within such time as may be specified in the warrant, by the national inspector for the purpose of exercising any inspection power for a compliance purpose.	***Amended***
		(3) The national inspector applying for a warrant shall-	(3) The national inspector applying for a warrant shall-	
		(a) Make reasonable inquiries as to whether any other applications for such a warrant have been made in respect of the premises concerned, and, if so, as to the following matters-	(a) make reasonable inquiries as to whether any other applications for such a warrant have been made in respect of the premises concerned, and, if so, ***as to –***	***Amended***
		(i) The offence or offences, if any, alleged in respect of each application, and	(i) the offence or offences, if any, alleged in respect of each application, and	
		(ii) The results of each application, and	(ii) the results of each application; and	
		(b) Disclose on the application for the warrant the results	(b) disclose on the application for the	

		of the inquiries.	warrant, the results of the inquiries.	
24	**Warrant for international inspections**	(1) The National Authority may apply for a warrant on behalf of an international inspector or national inspector to enter premises for the purposes referred to in section 15 of this Act where the consent of the person in control of any premises cannot be obtained or where the person refuses to give such consent.	24.(1) The Authority may apply for a warrant on behalf of an international inspector or national inspector to enter premises for the purposes referred to in section 15 of this ***Bill,*** where the consent of the person in control of any premises cannot be obtained or where the person refuses to give such consent.	***Amended***
		(2) Subject to subsection(3) of this section, a Magistrate who is satisfied that there are reasonable grounds for believing that-	***Retained***	
		(a) The premises meets the conditions for entry described in section 15 of this Act;	(a) the premises meets the conditions for entry described in section 15 of this ***Bill***;	***Amended***
		(b) Entry to the premises is necessary for the purposes referred to in section 15 of this Act; and	(b) entry to the premises is necessary for the purposes referred to in section 15 of this ***Bill***; and	***Amended***
		(c) The consent of the person who is in control of the premises cannot be obtained or such consent is refused, may issue, unconditionally or subject to conditions, a warrant authorizing the entry of the premises, at any time during working hours and within fourteen days of the issue of the warrant, or within such further time as may be specified in the	(c) the consent of the person who is in control of the premises cannot be obtained or such consent is refused, may issue, unconditionally or subject to conditions, a warrant authorising the entry of the premises, at any time during working hours and within ***14*** days of the issue of the warrant, or within such	***Amended***

		warrant, by the international inspector or national inspector for the purposes referred to in subsection (2) (b) of this section. (3) The National Authority shall- (a) Before applying for a warrant, make reasonable inquiries as to whether any other applications for such a warrant have been made in respect of the premises concerned, and, if so, as to the following matters- (i) The offence or offences, if any, alleged in respect of each application, and (ii) The results of each application, and (b) Disclose on the application for the warrant, the results of the inquiries.	further time as may be specified in the warrant, by the international inspector or national inspector for the purposes referred to in subsection (2) (b). (3) The ***Authority shall-*** ***Retained*** ***Retained***	
25	**Obligations of persons carrying out inspections**	(1) Every national or international inspector shall- (a) Carry his identification certificate; and (b) Produce it to any person appearing to be in control of the premises entered- (i) On entering the premises, if such a person is then present, and (ii) At any reasonable time thereafter, if asked to do so by the person. (2) Every national inspector shall- (a) as soon as is practicable after completing the inspection, give the occupier or person in control of the premises a written notice stating that the premises has been entered, if, at any time between the time of entry of any premises to be inspected and	*25(1)* ***Retained*** ***Retained*** ***Retained*** ***Retained***	

		the time the inspection is completed, there is no person appearing to be in control of the premises, and specify the following matters- (i) The time and date of entry; (ii) The circumstances and purpose of the entry, and (iii) The name of every person entering; (b) Where applicable, have a warrant with him and produce it if required to do so; and (c) Where anything is seized, give the occupier or person in control of the premises a written inventory of all things seized.	***Retained*** ***Retained***	
26	**Obstruction of National or International Inspectors**	(1) It shall be an offence for any person to obstruct, hinder, resist, or deceive any national inspector or international inspector who is exercising any function contemplated, or any power provided for, in this Act or in the Convention or in any applicable facility agreement. (2) Any person who contravenes any of the provision of this section shall be liable on conviction to a term of not less than one year imprisonment for a natural person and for a corporate body, a seal off of the place until it complies.	**26. (1)** ***A*** person ***shall not*** obstruct, hinder, resist, or deceive any national inspector or international inspector who is exercising any function contemplated, or any power provided for, in this ***Bill*** or in the Convention or in any applicable facility agreement. (2) A person who contravenes any of the provision of this section ***commits an*** offence ***and is*** liable on conviction to a term of not less than one year imprisonment for a natural person and for a corporate body, a seal off of the place until it complies.	***Amended*** ***Amended***
27	**Use of Force**	Where force is required to enter and inspect any premises specified in a warrant issued under sections 19 or 20 of this Act (whether by breaking down a door or otherwise), or in breaking	**27.** Where force is required to enter and inspect any premises specified in a warrant issued under sections 19 or 20 of this ***Bill*** (whether by	***Amended***

		open anything in the premises, the person executing the warrant may use such force as is reasonable in the circumstances.	breaking down a door or otherwise), or in breaking open anything in the premises, the person executing the warrant may use such force as is reasonable in the circumstances.	
28	**Privileges and Immunities for International Inspectors**	(1) Members of inspection teams shall enjoy the privileges and immunities as stated in Part 11B of the Verification Annex to the CWC. (2) No provision of this part shall be interpreted as forbidding the adoption of necessary security measures, particularly in case of emergency in the Federal Republic of Nigeria which shall be mutually determined between the National Authority and the Organization aimed at hindering or avoiding the abuse of immunities, exceptions, and privileges stipulated under this Act. (3) Samples and approved equipment carried by members of an inspection team shall be inviolable and exempt from custom duties and hazardous samples shall be transported in accordance with relevant regulations. (4) The privileges and immunities accorded to the members of inspection teams and observers by virtue of this section shall be enjoyed by them at any time – (a) When they are in Nigeria – (i) In connection with the carrying out of a routine inspection, a challenge inspection or an assistance inspection , or (ii) While in transit to or from the territory of another State Party in connection with the carrying out of such an inspection there ,or	28. (1) ***Retained*** (2) No provision of this Part shall be interpreted as forbidding the adoption of necessary security measures, particularly in case of emergency in the Federal Republic of Nigeria which shall be mutually determined between the ***Authority*** and the Organisation aimed at hindering or avoiding the abuse of immunities, exceptions, and privileges stipulated under this ***Bill***. ***Retained*** ***Retained***	***Amended***

		(b) After an inspection under subsection (4)(a)(i) of this section, with respect to acts previously performed in the exercise of their official duty. (5) The provisions of this section shall not apply where – (a) Immunity from jurisdiction of a member of an inspection team is expressly waived in accordance with part 11(B)(14) of the Verification Annex to the Convention; and (b) A notice made by the National Authority and informing the member of the waiver is delivered to him or her in person. (6) If in any proceedings any questions arise whether a person is entitled or not entitled to any privilege or immunity by virtue of this section, a certificate issued by or under the National Authority stating any fact relating to that question shall be conclusive evidence of that fact. (7) Members of inspection team and observers are prohibited from engaging in any professional or commercial activity for personal profit in Nigeria. Observers shall be accorded the same privileges and immunities accorded to inspectors pursuant to this section, except for those accorded pursuant to subsection (3) of this section	***Retained*** ***Retained*** ***Retained*** (8) Observers shall be accorded the same privileges and immunities accorded to inspectors ***under*** this section, except for those accorded ***under*** subsection (3).	***Renumbered to (8)***
		PART VI - MISCELLANEOUS		
29	**Extra territorial application**	(1) This Act shall apply to acts or omissions prohibited under the Convention, which are committed – (a) By a Nigerian citizen outside Nigeria; or (b) On board Nigerian sea vessel or aircraft.	29. (1) This ***Bill applies*** to acts or omissions prohibited under the Convention, which are committed – (a) by a Nigerian citizen outside Nigeria; or	

		For the purposes of subsection (1) (b) of this section, Nigerian "sea vessels or aircraft" shall mean sea vessels and aircraft registered in Nigeria or belonging to Nigeria.	(b) on board Nigerian sea vessel or aircraft. **(2)** For the purposes of subsection (1) (b), Nigerian "sea vessels or aircraft" means sea vessels and aircraft registered in Nigeria or belonging to Nigeria.	***Renumbered to 1 and 2***
30	**Confidentiality**	(1) A person shall keep confidential any information that is given pursuant to this Act or the Convention concerning the affairs of another person. (2) Such information may be disclosed only with the consent of the person whose affairs it relates to for the purpose of- (a) Enabling Nigeria to fulfill its obligations under the Conventions; (b) The enforcement of this Act or (c) Dealing with an emergency involving public safety. (c) Any person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a term not less than one year imprisonment or a fine of not less than N10, 000,000.00 or both fine and imprisonment.	30. (1) A person shall keep confidential any information that is given ***under*** this ***Bill*** or the Convention concerning the affairs of another person. ***Retained*** ***Retained*** (b) the enforcement of this ***Bill;*** or ***Retained*** **(3)** Any person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a term not less than one year imprisonment or a fine of not less than ***N10,000,000.00 or both.***	***Amended*** ***Amended*** ***Amended & Renumbered to (3)***
31	**Warrant for search and seizure**	(1) Where a Magistrate is satisfied, on information on oath, that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises or that evidence of the commission of such an offence is to be found there, the	31. (1) Where a Magistrate is satisfied, on information on oath, that there is reasonable ground for suspecting that an offence under this ***Bill*** is being, has been or is about to be committed on any premises or that evidence of	***Amended***

		Magistrate may issue a warrant in writing to an authorized officer to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search the premises.	the commission of such an offence is to be found there, the Magistrate may issue a warrant in writing to an authorised officer to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search the premises.	
		(2) An authorized officer who enters the premises under the authority of the warrant may –	***Retained***	
		(a) Take with him such other person and such equipment as appear to him necessary ;	***Retained***	
				Amended
		(b) Inspect any document found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act ;	(b) inspect any document found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this ***Bill;***	***Retained*** ***Retained*** ***Retained***
		(c) Take copies of , or seize and remove , any document	***Retained***	***Retained***
		(d) Inspect, seize and remove any device or equipment found on the premises which he had reasonable cause to believe may be required as evidence;	***Retained***	
		(e) Inspect, sample, seize and remove any substance found on the premises which he has reasonable cause to believe may be required as evidence.	***Retained***	
		(f) Search or cause to be searched any person found on the premises whom he has reasonable cause to believe to be in possession of any document, device, equipment or substance provided that no woman or girl shall be searched except by a woman.	***Retained***	
				Amended
		(c) Any person who willfully obstructs, hinders, resists, or	**(3)** A person who willfully obstructs, hinders, resists, or deceives any authorised officer in	**&** **Renumbered**

		deceives any authorized officer in entering the premises concerned is guilty of an offence and shall be liable on conviction to a fine not exceeding N1,000,000.00 or to a term not exceeding 12 months imprisonment or to both.	entering the premises concerned ***commits an offence*** and is liable on conviction to a fine not exceeding N1,000,000.00 or to a term not exceeding 12 months imprisonment or both. "	**to (3)**
32	**Offence by a corporate body**	Where an offence under this Act or any regulations made thereunder is committed by a corporate body and it is proven to have been committed with the consent or connivance of, or to be attributed to any act or default or in the part of, any chief executive officer, director, manager, secretary or other similar officer of the corporate body, or any person who was purporting to the act in any such capacity, he, as well as the corporate body, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.	32. Where an offence under this ***Bill*** or any regulations made ***under*** is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any chief executive officer, director, manager, secretary or other similar officer of the corporate body, or any person who was purporting to act in any such capacity, he, as well as the body corporate, ***commits an*** offence and ***are*** liable *on conviction to life imprisonment or a term of imprisonment of not less than 10 years or and a fine of not less than N100,000,000.*	***Amended***
33	**Forfeiture**	(1) The court by or before which a person is convicted of an offence under this Act may order that anything shown to the court's satisfaction to relate to the offence shall be forfeited and either destroyed or otherwise dealt with in such manner as the court may order. In particular, the court may order that the thing is to be dealt with as the National Authority may deem fit and, in such case, the powers of the National Authority shall include the power to direct the destruction of that thing or to secure its disposal in any other way that appears to the National Authority to be appropriate.	33. (1) *If any chemical or biological weapon, old or abandoned is found in any place under the jurisdiction of Nigeria, the chemical or biological weapon –* *(a) shall be forfeited to the State;* *(b) may be seized without warrant by any competent officer of the State; and* *(c) shall be stored pending disposal and disposed in a manner determined by the Authority* ***in accordance with the***	**Amended & Renumbered from(1) - (3)**

			Conventions. ***(2)*** *Any chemical or biological weapon discovered on the territory of Nigeria shall be reported to the Oganisation or Disarmament Office by the Authority* ***in accordance with the Conventions.*** *(3) Any chemical or biological agent and toxins that is being used in the development or production of a weapon may be seized by* ***the Federal Government of Nigeria.***	
34	**Delegation of powers**	The National Authority may, for the purpose of efficient discharge of its functions and duties under this Act, delegate to a Ministry, Agency or an officer of the Federal Government, subject to such conditions and limitations as may be specified, such functions and duties under this Act as it may deem fit.	34. The ***Authority*** may, for the purpose of efficient discharge of its functions and duties under this Act, delegate to a Ministry, Agency or an officer of the Federal Government, subject to such conditions and limitations as may be specified, such functions and duties under this ***Bill*** as it may deem fit.	***Amended***
35	**Rules and Regulations**	The National Authority may make rules and regulations for any matter that is necessary or desirable for the purposes of implementing this Act or the Conventions, or any agreement that is concluded between Nigeria and other State Parties and between Nigeria and the Organization pursuant to the convention.	35. The Authority may make rules and regulations for any matter that is necessary or desirable for the purposes of implementing this ***Bill*** or the Conventions, or any agreement that is concluded between Nigeria and other States Parties and between Nigeria and the Organisation ***or Disarmament Office under*** the Conventions.	***Amended (Disarmament Office added)***

36	**Jurisdiction**	(1) The High Court shall have exclusive jurisdiction to hear and determine all prosecutions for offences under this Act or any regulations made thereunder. (2) Notwithstanding anything to the contrary in any other enactment, the High Court shall have jurisdictions to impose the full penalty or punishment provided for under this Act or any regulation there under. (3) The High Court shall in its determination of any matter under this Act conduct a speedy hearing of the matters. (4) No suit against the National Authority including its officers, staff and agents shall lie unless it is commenced within 12 months next of the act complained of and upon one-month commencement notice explicitly stating – (a) The cause of action (b) The particulars of the claim; (c) The relief sought; and (d) The names and addresses of the intending plaintiffs. (5) The notice in subsection (4) of this section shall be served by delivering same to the National Authority. (6) No execution against the property of the National Authority shall be made to the National Authority but any	36. (1) The Federal High Court shall have exclusive jurisdiction to hear and determine all prosecutions for offences under this ***Bill*** or any regulations made ***under.*** (2)Notwithstanding anything to the contrary in any other enactment, the Federal High Court shall have jurisdictions to impose the penalty or punishment provided for under this ***Bill*** or any regulation under. (3)The Federal High Court shall in its determination of any matter under this ***Bill*** conduct speedy hearing of the matters. (4) No suit against the ***Authority*** including its officers, staff and agents shall lie unless it is commenced within 12 months next of the act complained of and upon one-month commencement notice explicitly stating the – (a)cause of action; (b) particulars of the claim; (c) relief sought; and (d) names and addresses of the intending plaintiffs. (5) The notice in ***subsection (4),*** shall be served by delivering same to the ***Authority.*** (6) No execution against the property of the ***Authority*** shall be made to the Authority but any sums of money, which by the judgment	***Amended*** **All stakeholders agreed that jurisdiction should be vested in the Federal High Court only** ***Amended*** ***Amended*** ***Amended*** ***Amended***

		sums of money, which by the judgment of any court, has been awarded against the National Authority shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the fund of the National Authority.	of any court, has been awarded against the **Authority** shall, subject to any direction given by the court, where no notice of appeal against the judgment has been given, be paid from the Fund of the National Authority.	
		(7) Nothing in this Act shall be construed to make Nigeria or the National Authority liable for any act or omission on the part of the Organization or an international inspector, in implementing the Convention of Nigeria.	(7) Nothing in this ***Bill*** shall be construed to make Nigeria or the Authority liable for any act or omission on the part of the Organisation *or Disarmament Office*, or of an international inspector, in implementing the Conventions in Nigeria.	***Amended***
			(8) Nothing in this Bill shall be contrued to prohibit research on defenses against chemical and biological weapons,or foreclose the right for Nigeria to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of chemical and bacteriological (biological) agents and toxins for peaceful purposes.	***New Subsections (8) & (9) inserted***
			(9) Nothing in this Bill shall be contrued to foreclose the economic or technological development of Nigeria or her international partner in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Biological Weapons Convention.	

37	**Interpretation**	In this Act, unless the context otherwise requires – "authorized officer" means : (a) The Chairman; (b) Any police officer; (c) Any person appointed as an authorized officer by the National Authority;	37. In this ***Bill–*** (a) the Chairman; (b) any *law enforcement officer; and* (c) a person appointed as an authorised officer by the Authority;	***Broadened to accommodate other law enforcement officers***
			"Biological Agent" means — (a) any micro-organism (including any bacterium, virus, fungus, rickettsia and parasite); (b) any infectious substance (including any prion); or (c) any component of a micro-organism or an infectious substance (but not including any toxin), that is capable of causing death, disease or other biological malfunction in a human;	***New term Inserted***
			"Biological Convention" means the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction as set out in the First Schedule;	***New term Inserted***
		"chairman" means the chairman of the National Authority appointed under section 3(1) and includes any person appointed to act in the place of the Chairman during the temporary absence of the Chairman; "chemical weapons" means the following, together or separately:	"chairman" means the chairman of the ***Authority*** appointed under section ***3 (1)*** and includes any person appointed to act in the place of the Chairman during the temporary absence of the Chairman; "Chemical Weapons" means the following, together or separately -	***Amended***

		(a) Toxic chemicals and their precursors except where intended for purposes not prohibited by the Convention, as long as the types and quantities are consistent with such purposes;	***Retained***	
		(b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices; and	***Retained***	
		(c) Any equipment specifically designed for use directly in connection with the employment of such munitions and devices specified in subparagraph(b);	***Retained***	
		"compliance purpose" means:	"compliance purpose" means:	
		(a) Determining whether or not the provisions of this Act and any regulations made thereunder have been or are being complied with at any premises,	(a) determining whether or not the provisions of this ***Bill*** and any regulations made under ***it*** have been or are being complied with at any premises;	***Amended***
		(b) Determining whether the conditions applicable to a permit have been or are being complied with by the holder of a permit, or	***Retained***	
		(c) Ensuring the proper functioning at any premises of any monitoring equipment installed in the course of an international compliance inspection or under a facility agreement between Nigeria and the Organization.	***Retained***	

		"convention" means the Convention on the Prohibition of the Development, Production, Stockpiling, and use of Chemical Weapons and on their Destruction concluded at Paris on the 13th January 1993 and includes the Annexes or Amendments of the Convention or the Annexes that are binding in Nigeria;	***Retained***	
		"conveyance" includes any vessels, train, vehicle, aircraft, or other mode of transport;	***Retained***	
			"Disarmament Office" *means United Nations Office for Disarmament Affairs;*	***New term Inserted***
		"export", with its grammatical variations and cognate expressions, means to take or cause to be taken out of Nigeria by land, water, or air and includes the placing of anything in a conveyance for the purpose of being taken out of Nigeria but does not include the taking out of Nigeria of that thing on the same conveyance on which it was brought into Nigeria unless that thing after being brought into Nigeria has been landed in Nigeria;	***Retained***	
		"import", with its grammatical variations, means to bring to cause to be brought into Nigeria by land, water or air from any place which is outside Nigeria but does not include the bringing into Nigeria of anything which is to be taken out of Nigeria on the same conveyance on which it was brought into Nigeria without any landing in Nigeria;	***Retained***	
		"inspection power" means a power to – (a) search any premises; (b) inspect or examine a matter or thing; (c) take samples of a mater or thing (d) measure a thing or matter (e) examine a document, including a record kept in accordance with the requirements of this Act, any	***Retained***	

		regulations made thereunder it, or the conditions of a license; (f) take extracts from, or make copies of, a document, including a record of a kind referred to in (e); (g) interview any person working on the premises, including making sound recordings of such interviews; (h) have operated any equipment, including electronic equipment, located at the premises; (i) operate any photographic or video-recording equipment anywhere in or around the premises provided safety regulations in force at location permit doing so; or (j) do anything that is necessary or expedient for the carrying out of any of the acts referred to in subparagraphs (a)-(i), including restricting or prohibiting the access of persons and vehicles to or from the premises;		
		A power referred to in paragraphs (a), (b), (c), (d), or (i) may only be exercised in a manner that the person authorised believes on reasonable grounds, to be in accordance with safety procedures applicable at the premises;	***Retained***	
		"International inspector" means an individual designated by the Technical Secretariat of the Organization according to the procedures set forth in part II(A) of the Verification Annex to the Convention to carry out an inspection or visit in accordance with the Convention, and includes any inspection assistant defined in the Convention;	***Retained***	
		"National Inspector" means any person who is a national inspector by virtue of, or appointed under, section 14;	***Retained***	
		"Organization" means the Organization for the Prohibition of Chemical Weapons;	***Retained***	

		"permit" means a permit granted under section 11;	***Retained***	
		"permitted purpose" means- (a) In the case of a schedule 1- chemical, research, medical, pharmaceutical or protective purposes, or (b) In the case of any other toxic chemical or precursor ; (i) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes (ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; (iii) military purposes not connected with the use of chemical weapons and not dependent on the use of toxic properties of chemicals as a method of welfare, or (iv) law enforcement purposes including domestic riot control purposes;	***Retained***	
		"precursor" for the purposes of this Act means – (a) Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi component chemical system, (b) Precursors which have been identified for the application of verification measures by the Organization are listed in Schedules contained in the Annex on Chemicals in this Act;	"precursor" for the purposes of this Act means – (a) any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical, ***and*** includes any key component of a binary or multi component chemical system; (b) precursors which have been identified for the application of verification measures by the Organization are listed in Schedules contained in the Annex on Chemicals in this ***Bill***;	***Amended*** ***Amended***
		"premises" includes any land, building, structure or conveyance;	***Retained***	

		"purposes" not prohibited under this Convention" means: (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes; (b) Protective purposes, namely those purposes directly related to protection against toxic Chemical Weapons; (c) Military purposes not connected with the use of Chemical Weapons and not dependent on the use of toxic properties of chemicals as a method of warfare; or (d) Law enforcement purposes including domestic riot control purpose;	***Retained*** ***Retained*** ***"toxin"*** *means any poisonous substance that is produced and extracted from any microorganism;*	
38	**Meaning of words not defined**	Any word or expression used and not defined in this Act but defined in the Convention shall, unless the context otherwise requires, have the same meaning as in the Convention.	***38. Retained***	
39	**Long title**	a Bill for an act to Prohibit the use of Chemical Weapons and other Matters Connected Therewith (Establishment, etc.) Bill, 2018.	***39. A Bill for an Act to prohibit Chemical and Biological Weapons and establish the National Authority for the effective implementation of the Chemical and Biological Weapons Conventions in Nigeria; and for related matters***	***Amended***
40	**Short title**	This Act may be cited as the Chemical Weapons (prohibition) Act 2013.	This ***Bill*** may be cited as the Chemical and ***Biological Weapons (Prohibition) Bill, 2018.***	***Amended*** ***Citation***

		SCHEDULES **SCHEDULE 1** **SCHEDULES 1, 2, & 3 CHEMICALS**	***Schedules*** ***First Schedule***	
		"Schedule 1 Chemical" means a schedule 1 chemical listed in the Annex on chemicals to the Convention and this Bill;	***Retained***	
		"Schedule 2 chemical" means a Schedule 2 chemical listed in the Annex on Chemicals to the Convention and this Bill;	***Retained***	
		"Schedule 3 Chemical" means a Schedule 3 Chemical listed in the Annex on Chemicals to the Convention and this Bill.	***Retained***	
		"Scheduled chemical" means a Schedule 1,2,or 3 chemical;	***Retained***	
		"toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals – (a) This includes all such chemicals therein, regardless of their origin or their method of production, and regardless of whether they are produced in facilities in munitions or else. (b) Toxic Chemicals which have been identified for the application of verification measures by the organization are listed in the Schedules contained in the Annex on Chemicals to this Bill;	"toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals include – (a) all such chemicals therein, regardless of their origin or their method of production, and regardless of whether they are produced in facilities in munitions or else; (b) toxic Chemicals which have been identified for the application of verification measures by the organization are listed in the Schedules contained in the Annex on Chemicals to this Bill;	***Amended***
		"Verification Annex" means the Annex on implantation and Verification and the Convention;	"Verification Annex" means the Annex on implantation and Verification and the Convention;	

			Second Schedule ***CATEGORIES A, B, & C BIO-AGENTS AND TOXINS*** *"Category A Bioagents (Highest Priority)": −Can be easily disseminated or transmitted from person to person −Result in high mortality rates and have the potential for major public health impact −Might cause public panic and social disruption −Require special action for public health preparedness* *"Category A Agents": variolamajor (smallpox); Bacillus anthracis(anthrax); Yersiniapestis(plague); Clostridium botulinumtoxin (botulism); Francisellatularensis(tularaemia); filoviruses, −Ebola hemorrhagic fever, −Marburg hemorrhagic fever; and arenaviruses, −Lassa (Lassa fever), −Junin(Argentine hemorrhagic fever) and related viruses. Most of the Category A agents are considered especially dangerous due to the potential for airborne transmission.* *"Category A food-or waterborne Transmission": A category A agent of concern for food or waterborne transmission is the Clostridium botulinum neurotoxin This toxin is one of the most lethal natural substances known −LD50 estimated at 0.001 ug/kg −Naturally arising foodborne botulism is caused by ingestion of preformed toxin.* *"Category B Bioagents(Second Highest Priority Agents)": „Moderately easy to disseminate „Result in moderate morbidity and low mortality „Require*	***New Components inserted***

			CDC's diagnostic capacity and enhanced disease surveillance. *"Category B Agents": „Coxiellaburnetti(Q fever); „Brucellaspecies (brucellosis); „Burkholderiamallei (glanders); „Rickettsiaprowazekii(Typhus fever) „alphaviruses, −Venezuelan encephalomyelitis, −eastern and western equine encephalomyelitis; Ricinuscommunis (ricintoxin from castor beans); epsilon toxin of Clostridium perfringens; and Staphylococcus enterotoxin B.* *"Category B food-or waterborne pathogens": −Salmonellaspecies −Shigelladysenteriae −Escherichia coliO157:H7 −Vibriocholerae −Cryptosporidium −Noroviruses* *"Category C Bioagents(Third Highest Priority Agents)": Emerging pathogens that could be engineered for mass dissemination because of: −Availability −Ease of production and dissemination −Potential for high morbidity and mortality and major health impact* *"Category C Agents": „nipahvirus, „hantaviruses, „tickbornehemorrhagic fever viruses, „tickborneencephalitis viruses, „yellow fever, and „multidrug-resistant tuberculosis.*	

CHEMICAL AND BIOLOGICAL WEAPONS (PROHIBITION) BILL, 2018

EXPLANATORY MEMORANDUM

The Bill seeks to prohibit the development, production, transfer and use of chemical, *biological and toxin* weapons in Nigeria, establish a National Authority for the effective implementation of the Chemical *and Biological* Weapons Conventions in Nigeria.

SCHEDULES OF CHEMICALS

Schedule 1 (CAS registry number)

A. Toxic Chemicals:

(1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl	
(Me, Et n-Pr or i-Pr)-Phosphonofluoridates	
e.g. Sarin: O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman: O-Pinacolyl methylphosphonofluoridate	(96-64-0)

(2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N, N-diakyl	
(Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
e.g Tabun: O-Ethyl N,N-dimethyl	
phosphoramidocyanidate	(77-81-6)

(3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl	
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl	
(Me, Et, n-Pr or i-Pr) phosphonothiolates and Corresponding alkylated or protonated salts	

	e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)
(4)	Sulfur mustards:	
	2-Choloroethylchloromethylsulfide	(2625-76-5)
	Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
	Bis(2-chloroethylthio)methane	(63869-13-6)
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
	1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
	1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
	1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
	Bis(2-Chloroethylthiomethyl)ether	(63918-90-1)
	O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)

(5) Lewisites

	Lewisite 1:	2-chlorovinyldichloroarsine	(541-25-3)
	Lewisite 2:	Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
	Lewisite 3:	Tris(2-chlorovinyl)arsine	(40334-70-1)

(6) Nitrogen mustards:

	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: Bis(2-chlororethyl)methylamine	(51-75-2)
	HN3: Tris(2-chloroethyl)amine	(555-77-1)

(7)	Saxitoxin	(35523-89-8)
(8)	Ricin	(9009-86-3)
B.	**<u>Precursors</u>**	
(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g DF: Methylphosphonyldifluoride	(676-99-3)

(10)	O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding Alkylated or protonated salts	
	e.g QL: O-Ethyl O-2-diispropylaminoethyl methylphosphonite	(57856-11-8)
(11)	Chlorosarin: O-Isopropyl methyphosphonochloridate	(1445-76-7)
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloride	(7040-57-5)

Schedule 2

A. (1)	Toxic chemicals: Amiton: O,O-Diethyl S-[2-diethylamino)ethyl]	
	Phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl1)-1-propene	(382-21-8)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)
B.	Precursors:	
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,	
	e.g Methylphosphonyl dichloride	(676-97-1)
	Dimethyl methylphosphonate	(756-79-6)

Exemption: Fonofos: O-Ethyl S-phenyl

Ethylphosphonothiolothionate (944-22-9)

(5)	N,N-Diakyl (Me, et, n-Pr or i-Pr) phosphoramidic dihalides	
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
(7)	Arsenic trichloride	(7784-34-1)
(8)	2,2-Diphenyl1-2-hydroaxyacetic acid	(76-93-7)
(9)	Quinuclidin-3-ol	(1619-34-7)
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr)aminoethane-2-ols and corresponding protonated salts	

	Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol	(108-01-0) (100-37-8)
	and corresponding protonated salts	
(12)	N,N-Dialky (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)

Schedule 3

A. Toxic Chemicals

(1) Phosgene: Carbonyl dichloride	(75-44-5)
(2) Cyanogen chloride	(506-77-4)
(3) Hydrogen cyanide	(74-90-8)
(4) Chloropicrin: Trichloronitromethane	(76-06-2)

B. Precursors

(5) Phosphorus oxychloride	(10025-87-3)
(6) Phosphorus trichloride	(7719-12-2)
(7) Phosphorus pentachloride	(10026-13-8)
(8) Trimethyl phosphite	(121-45-9)
(9) Triethyl phosphite	(122-52-1)
(10) Dimethyl phosphite	(868-85-9)
(11) Diethyl phosphite	(762-04-9)
(12) Sulphur monochloride	(10025-67-9)
(13) Sulfur dichloride	(10545-99-0)
(14) Thionyl chloride	(7719-09-7)
(15) Ethyldiethanolamine	(139-87-7)
(16) Methyldiethanolamine	(105-59-9)
(17) Triethanolamine	(102-71-6)