

REPORT OF THE SENATE COMMITTEE ON ENVIRONMENT ON THE NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (ESTABLISHMENT) (AMENDMENT) BILL, 2026 (SB. 74).

1.0 PREAMBLE

The Senate at its Plenary Sitting on Tuesday, *31st March, 2026*, deliberated on the general principles of the **National Oil Spill Detection and Response Agency (Establishment) (Amendment), Bill, 2026 (SB. 74)**. After extensive deliberations, the Bill was read for the *Second Time* and referred to the Senate Committee on Environment, for further legislative action.

The Bill was read for the *First Time* on the Floor of this Hallowed Chamber on Tuesday, *1st August, 2023*.

The Bill, in a nutshell, seeks to amend the extant Act to provide for a robust statutory power for the agency to charge adequate fines, introduce criminal offences and penalties to ensure compliance with existing environmental legislation in the petroleum sector. This is in view of the fact that as the lead government institution responsible for detection, monitoring, reporting, and coordination of all responses to oil spill incidents in Nigeria, it is imperative that the Agency is strengthened enough to ensure that oil pollution in the country is effectively managed and that operators in the petroleum industry comply with environmental standards and remediation obligations.

2.0 Objectives of the Bill

The objectives of the Bill are, to:

1. bridge the institutional gaps, which have limited the Agency's ability to effectively discharge its mandate;
2. impose strong administrative sanctions, define enforceable offences as well as prescribe penalties that are proportionate to the environmental damage caused by oil spill incidents in order to check environmental violations by operators;
3. strengthen the legal framework, governing oil spill detection, reporting, response, and enforcement in Nigeria;
4. promote collaborative actions and initiatives with agencies, such as the Nigerian Upstream Petroleum Regulatory Commission and the National Environmental Standards and Regulations Enforcement Agency to frontally combat environmental pollution in Nigeria; and
5. ensure strict adherence to Environmental Impact Assessments (EIAs) and remediation plans, etc.

3.0 METHODOLOGY

In furtherance of the referral, the Committee met and deliberated on the provisions of the Bill. The Committee also scrutinised and analysed the provisions of the Bill through clause-by-clause appraisal, to ensure that it conforms to normative drafting standards.

3.0 OBSERVATIONS/FINDINGS

Consequent upon the mark-up Session by the Committee on the Bill, the following observations and findings were made:

1. That strong enforcement mechanisms, as proposed by the Bill will definitely serve as a deterrent and compel industry players to adopt better operational standards that minimize environmental risks;
2. That the proposed amendment will no doubt bring Nigeria's environmental regulatory framework closer to international best practices, and will adequately empower environmental protection agencies to be able to sanction violations, enforce compliance, and ensure prompt remediation of environmental damages;
3. That the enactment of this Bill would create conducive atmosphere for environmental accountability, reinforce regulatory oversight, and ensure that those responsible for environmental damage bear the true cost of their actions;
4. That the passage of the proposed will ensure the independence of the Agency from political and industry interference and reduce response time through well-equipped regional response base as well as introduce performance-based compliance ratings for oil companies; and
5. That the passage of the Bill aligns with the *Legislative Agenda of the 10th Senate*, reiterating its commitment to the enactment of people-oriented legislations, aimed at guaranteeing the welfare and well-being of Nigerians, as environmental degradation occasioned by pollution has been one of the major problems faced by the Niger-Delta people and other parts of Nigeria.

4.0 RECOMMENDATION

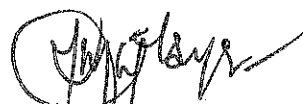
The Committee, having considered the proposed Bill and taking into account, its relevance to the development of this country, hereby recommends:

"That the Senate do consider and pass the National Oil Spill Detection and Response Agency (Establishment) (Amendment), Bill, 2026 (SB. 74)".

We So Move.



Senator Oluwole Olubiyi Fadeyi, D.Sc.
Chairman



Prof. Etimburk Akpan Essiet, Ph.D
Committee Clerk

COMMITTEE ON ENVIRONMENT

SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY.

MEMBERS' ATTENDANCE REGISTER

DATE:.....

MEETING NO.....

S/No.	NAME	STATUS	GSM NO.	SIGNATURE
1.	SEN. OLUBIYI OLUWOLE FADEYI	CHAIRMAN		
2.	SEN. NWOKO NED MUNIR	VICE CHAIRMAN		
3.	SEN. YUNUS AKINTUNDE	MEMBER		
4.	SEN. YAHAYA ABDULLAHI	MEMBER		
5.	SEN. ASHIRU OYELOLA YISA	MEMBER		
6.	SEN. SANI BELLO ABUBAKAR	MEMBER		
7.	SEN. AKWASHIKI GODIYA	MEMBER		
8.	SEN. KARIM SUNDAY STEVE	MEMBER		
9.	SEN. JARIGBE A. JARIGBE	MEMBER		
10.	SEN. WILLIAMS ETENG JONAH	MEMBER		
11.	SEN. BANIGO IPALIBO HARRY	MEMBER		
12.	SEN. UBAH PATRICK IFEANYI	MEMBER		
13.	SEN. KAKA SHEHU LAWAN	MEMBER		
14.	SEN. DANIEL JUSTUS OLUGBENGA	MEMBER		
15.	SEN. BUHARI ABDULFATAI	MEMBER		
16.	SEN. SANI WASIU ESHILOKUN	MEMBER		
17.	SEN. LAWAL ADAMU USMAN	MEMBER		
18.	SEN. FADAHUNSI ADENIGBA	MEMBER		
19.	SEN. OSITA IZUNASO BONAVENTURE	MEMBER		
20.	SEN. KELVIN CHUKWU	MEMBER		
21.	SEN. DANJUMA GOJE	MEMBER		
22.	SEN. AMINU IYA ABUBAKAR	MEMBER		
23.	SEN. KHALID IBRAHIM MUSTAPHA	MEMBER		

24. Sen. Sharafadeen A. Alli

Sen 08052783149

REPORT OF A BILL FOR AN ACT TO AMEND THE NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (ESTABLISHMENT) ACT, NO.15, 2006, TO PROVIDE STATUTORY POWER FOR THE AGENCY TO CHARGE ADEQUATE FINES, INTRODUCE CRIMINAL OFFENCES AND PENALTIES TO ENSURE COMPLIANCE WITH EXISTING ENVIRONMENTAL LEGISLATION IN THE PETROLEUM SECTOR; AND FOR RELATED MATTERS, 2026 (SB. 74).

PRPVISIONS OF THE PRINCIPAL ACT	PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATION	REMARKS
	Amendment of Act No. 15, 2006 1. The National Oil Spill Detection and Response Agency (Establishment) Act, (in this Bill referred to as "the Principal Act") is amended as set out in this Bill.	Amendment of Act No. 15, 2006 1. RETAINED	
PART II – NATIONAL OIL SPILL RESPONSE GOVERNING BOARD, ETC. 2. - (1) There is established for the Agency a Governing Board to be known as the National Oil Spill Response Governing Board (in this Act referred to as "the Governing Board" which shall be responsible for the formulation of policy for the Agency and act in Governing Board capacity to the Agency in the exercise of any of the functions conferred on the Agency and the Director-General by this Act. (2) The Governing Board shall consist of: (a) a Chairman; (b) one representative each of the following Federal Ministries not below the rank of Director – (i) Environment (ii) Energy, (iii) Defence, (iv) Transportation (v) National Emergency Management Agency, and (vi) (vi) Oil Producers' Trade Section of Lagos Chambers of Commerce (OPTS).	Amendment of section 2 2. Section 2 of the Principal Act is amended in subsection (2) by substituting for paragraph "(b)", a new paragraph "(b)" – "(b) one representative each of the following Federal Ministries and Agencies not below the rank of Director and Heads of the Organisations: (i) Environment; (ii) Petroleum Resources; (iii) Defence; (iv) Water Resources; (v) Nigerian Civil Aviation Authority (NCAA); (vi) Nigerian Maritime Administration and Safety Agency (NIMASA); (vii) National Emergency Management Agency (NEMA);	Amendment of section 2 2. RETAINED	

	(viii) Ecological Fund Office; (ix) Nigerian Environmental Society (NES); (x) Oil Producers Trade Section of Lagos Chambers of Commerce (OPTS); and (xi) Independent Petroleum Marketers Association of Nigeria (IPMAN).		
PART III – OBJECTIVES, ETC, OF THE AGENCY Objectives of the Agency 5. The objectives of the Agency shall be to monitor, regulate Tiers one and two oil spills as well as coordinate, implement and review the National Oil Spill Contingency Plan for Nigeria (in this Act referred to as “the Plan”) as follows: (a) establish a viable national operational organization that ensures a safe, timely, effective and appropriate response to all oil pollution as well as hazardous and noxious substances in the petroleum sector; (b) identify high-risk areas as well as priority areas for protection and clean up; (c) establish the mechanism to monitor and assist or where expedient direct the response, including the capability to mobilize the necessary resources to save lives, protect threatened environment, and clean up to the best practical extent of the impacted sites; (d) maximize the effective use of the available facilities and resources of corporate bodies, their international connections and oil spill co-	Amendment of section 5 3. Section 5 of the Principal Act is amended by – (a) substituting for the opening paragraph, a new opening paragraph – “5. The objectives of the Agency are to monitor and regulate Tiers 1 and 2 oil spills, coordinate, implement and activate the National Oil Spill Contingency Plan for Nigeria (in this Bill referred to as “the Plan”) in the event of a Tier 3 oil spill and to-”and (b) substituting for paragraph (a), a new paragraph “(a)”- “(a) establish a viable national operational organisation that ensures a safe, timely, effective and appropriate response to all oil spills as well as other hazardous substances in the petroleum sector”.	Amendment of section 5 3. RETAINED	

operatives, that is Clean Nigeria Associates (CNA) in implementing appropriate spill response; (e) ensure funding and appropriate and sufficient pre-positioned pollution combating equipment and materials, as well as functional communication network system required for effective response to major oil pollution; (f) provide a programme of activation, training and drill exercises to ensure readiness to oil pollution preparedness and response and the management and operational personnel; (g) co-operate and provide advisory services, technical support and equipment for purposes of responding to major oil pollution incident in the West African sub-region upon request by any neighbouring country, particularly where a part of the Nigerian territory may be threatened; (h) provide support for research and development (R&D) in the local development of methods, materials and equipment for oil spill detection and response; (i) co-operate with the International Maritime Organization and other national, regional and international organizations in the promotion and exchange of results of research and development programme relating to the enhancement of the state-of-the art of the oil pollution preparedness and response, including technologies, techniques for surveillance, containment, recovery, disposal and clean up to the best practical extent; (j) establish agreements with neighbouring countries regarding the rapid movement of			
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equipment, personnel and supplies into and out of the countries for emergency oil spill response activities; (k) determine and preposition vital combat equipment at most strategic areas for rapid response; (l) establish procedures by which the Nigeria Customs Service and the Nigerian Immigration Service shall ensure rapid importation of extra support response equipment and personnel; (m) develop and implement an appropriate audit system for the entire plan; (n) carry out such other activities as are necessary or expedient for the full discharge of its functions and the execution of the Plan under this Act.			
Functions of the Agency 6.-(1) The Agency shall – (a) be responsible for surveillance and ensure compliance with all existing environmental legislation in the petroleum sector including those relating to prevention, detection and general management of oil spills, oily wastes and gas flare; (b) enforce compliance with the provisions of international agreements, protocols, conventions and treaties relating to oil and gas and oil spill response management and such other related agreements as may from time to time come into force; (c) receive reports of oil spillages and co-ordinate oil spill response activities throughout Nigeria; (d) co-ordinate the implementation of	Amendment of section 6 4. Section 6 of the Principal Act is amended by – (a) substituting for subsections (2) - (4), new subsections “(2)” “(4)” – “(2) A facility owner or operator shall notify the Agency of an oil spill by reporting to the Agency in writing, or by electronic mail not later than 24 hours after the occurrence of an oil spill in default of which the failure to report constitute an offence and on conviction shall attract penalty of not less than N2,000,000 for each day of failure to report the occurrence. (3) The failure to commence clean-up operations on the impacted site within two	Amendment of section 6 4. RETAINED	

the Plan as may be formulated, from time to time, by the Federal Government; (e) co-ordinate the implementation of the Plan for the removal of hazardous and noxious substances as may be issued by the Federal Government; (f) ensure that all oil industry operators in Nigeria subscribe to and be bonafide members of Clean Nigeria Associates (CNA) or any other similar association by whatever name called; and (g) perform such other functions as may be required to achieve the aims and objectives of the Agency under this Act or any plan as may be formulated by the Federal Government pursuant to this Act. (2) An oil spiller is by this Act to report an oil spill to the Agency in writing, by fax or electronic mail not later than 24 hours after the occurrence of an oil spill in default of which the failure to report shall attract penalty in the sum of N2,000,000 for each day of failure to report the occurrence. (3) The failure to clean up the impacted site, to all practical extent including action plan for remediation within two weeks of the occurrence of the spill in accordance with the polluter pays principle shall constitute an offence and on conviction the oil spiller shall be liable to a fine not exceeding N5,000,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment. (4) The notice required under subsection (2) of this section shall be deemed to have been made, if delivered at the nearest zonal or field office of the Agency closer to the impacted site or the	weeks after the completion of the Joint Investigation Visit (JIV) in accordance with the polluter-pays principle, shall constitute an offence and on conviction, the facility owner or operator shall be liable to a fine not less than N5,000,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment. (4) Failure to submit an action plan for remediation and restoration within two weeks after the completion of post clean up assessment shall constitute an offence, and on conviction, the facility owner or operator shall be liable to a fine not less than N5,000,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.”; and (b) inserting after subsection (4), a new subsection “(5)”- “(5) The notice required under subsection (2) of this section shall be deemed to have been made, if sent in writing, or by electronic mail and delivered to the nearest zonal or field office of the Agency closer to the impacted site or the National Control and Response Centre within the time stipulated in subsection (2) of this section.”		
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National Control and Response Centre within the time stipulated in subsection (2) of this section.			
	Insertion of sections 7A and 7B 5. Insert after section 7 of the Principal Act, new sections "7A" and "7B"- "7A. (1) Where oil spill occurs in the course of decommissioning or abandonment of facilities specified in subsection (1), to ensure that it is cleaned up to all practical extent, in accordance with the procedure and guidelines issued by the Agency. (2) The facility owner shall notify the Agency in writing at least two months prior to the commencement of decommissioning or abandonment of any facility or installations within its area of operation. (3) Failure to notify the Agency prior to the commencement of such activities as specified in subsection (3) shall attract penalty of at least N2,000,000. 7B. (1) The Agency, pursuant to section 1 (1) of this Bill, shall periodically inspect the records of assets and integrity tests conducted by facility owners to ensure that such assets are safe to store or convey crude oil or petroleum products effectively to minimize potential for oil spills. (2) The Agency shall provide a programme for periodic inspection and compliance monitoring of the oil facilities in the upstream, midstream and downstream sectors in accordance with its Regulations, Guidelines and Standards."	Insertion of sections 7A and 7B 5. RETAINED	

PART V – FINANCIAL PROVISIONS 11. The Agency shall establish and maintain a fund into which shall be paid and credited: (a) the take-off grant from the Federal Government; (b) annual subvention from the Federal Government; (c) 5 per cent of the ecological fund to serve as superfund for the management of major oil spill disasters annually; (d) 0.5 per cent operations funds of oil companies for the enforcement of environmental legislation in the petroleum sector; (e) such counter-part funding as may be provided, from time to time by a State or Local Government; (f) loans and grants-in-aid from national, bilateral and multilateral agencies; (g) rents, fees and other internally generated revenues from services provided by the Agency; and (h) all other sums accruing to the Agency from time to time.	Amendment of section 11 6. Section 11 of the Principal Act is amended by inserting after paragraph (b), paragraphs “(ba)” and “(bb)” – “(ba) 2.5% of the Ecological Fund annually for the procurement of oil spill response equipment and materials, management of oil spill disasters, clean up and remediation of oil impacted sites arising from third party interference; (bb) penalties, permits, and certification fees prescribed in the Regulations, Guidelines and Standards”.	Amendment of section 11 6. RETAINED	
PART VII _ FEDERAL GOVERNMENT INTERVENTION, ETC. 19. (1) The Agency shall: (a) in the event of a major or disastrous oil spill, in collaboration with other Agencies co-opt,	Amendment of section 19 7. Section 19 of the Principal Act is amended - (a) in subsection (1) by inserting after paragraph (b), a new paragraph “(ba)” –	Amendment of section 19 7. RETAINED	

undertake and supervise, all those provisions as set out in the Second Schedule to this Act; (b) inspect oil and gas facilities with a view to ensuring full compliance with existing environmental legislation on oil pollution; (c) assess the extent of damage to the ecology by matching conditions following the spill against what existed before (reference baseline data and ESI maps); (d) undertake a post-spill impact assessment to determine the extent and intensity of damage and long term effects; (e) advise the Federal and State Governments on possible effects on the health of the people and ensure that appropriate remedial action is taken for the restoration and compensation of the environment; (f) assist in mediating between affected communities and the oil spiller; (g) monitor the response effort during an emergency, with a view to ensuring full compliance with existing legislation on such matters; (h) assess any damage caused by an oil spillage; (i) expeditiously process and grant approval for any request made to it by an oil spiller for the use of approved dispersant or the application of any other technology considered vital in ameliorating the effect of an oil spill; (j) advise and guide the response efforts as to ensure the protection of highly sensitive areas,	"(ba) inspect oil facilities with a view to ensuring full compliance with existing environmental legislation on oil pollution;" (b) in subsection (1) (g), by inserting after the word "spillage", the words "and ensure the payment of adequate compensation to impacted party or parties"; and (c) by deleting subsection (3) (d).		
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habitats and the salvation of endangered or threatened wild life; and (k) monitor the clean-up operations to ensure full rehabilitation of the affected areas. (2) The Agency shall act as the Lead Agency for all matters relating to oil spills response management and liaise with the other Agencies for the implementation of the plan, as contained in the Second Schedule. (3) The Agency shall: (a) co-operate with an oil spiller in the determination of appropriate measures to prevent excessive damage to the environment and the communities; (b) expeditiously consider any proposal made for response effort by the oil spiller; (c) mobilize internal resources and also assist to obtain any outside human and financial resources that may be required to combat any oil spill; and (d) conduct the assessment of damage caused by an oil spillage. (4) Notwithstanding the functions of the Agency set out under this Act the specified Federal Ministries, Extra-Ministerial Departments, Parastatals and other bodies mentioned herein shall be charged with the following responsibilities set out under this Section as provided in the second schedule to this Act.			
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Limitations of suits against the Agency etc Cap. P41 LFN 20. (1) subject to the provisions of this Act, the provisions of the Public Officers protection Act shall apply in relation to any suit instituted against an officer or employee of the Agency. (2) Notwithstanding anything contained in any other enactment, no suit against a member of the Governing Board or the Director-General, or any other officer or employee of the Agency or the Centre for any act done in pursuance or execution of this Act or any other enactment or law, or of any public duty or authority in respect of any alleged neglect or default in the execution of this Act or any other enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced: (a) within three months next after the Act, neglect or default complained of; or (b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof. (3) The notice referred to in Section 21 of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.	Amendment of section 20 8. Section 20 of the Principal Act is amended by – (a) substituting for subsection (3), a new subsection “(3)” – “(3) No suit shall be commenced against the Agency before the expiration of a period of three months after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent.”; and (b) inserting after subsection (3), a new subsection “(4)” – “(4) Such notice shall clearly and explicitly state the cause of action, particulars of the claim, name and place of abode of the intending plaintiff and the relief which he claims.”	Amendment of section 20 8. RETAINED	
Regulations 26. (1) The Agency may, with the approval of the Governing Board make such regulations as in its opinion are necessary or expedient for giving full effects to the provisions of this Act and for the due administration of its provisions. Restriction on execution against property of the Agency. Indemnity of officers. Secrecy. Directives by the Minister, etc.	Amendment of section 26 9. Section 26 of the Principal Act is amended by inserting new subsections “(2)” - “(4)”- “(2) The Agency shall under subsection (1), make regulations setting specifications and standards relating to the –	Amendment of section 26 9. RETAINED	

Regulations. Limitations of suits against the Agency etc Cap. P41 LFN (2) The Agency may in pursuance of the provision of subsection (1) of this section make regulations setting specifications and standard relating to the – (a) use of dispersant; (b) engagement or invitation of any oil spill responder by oil companies; (c) establishment of a benchmark for oil spill contingency planning; (d) development of framework to guide operators in Oil Spill Contingency Planning; and (e) most appropriate means of preventing and combating various oil spills and its attendant oil and gas pollution. (3) Any person who violates the regulations made pursuant to subsection (2) of this section commits an offence and shall on conviction, be liable to a fine not exceeding N500,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and additional fine of N50,000.00 for every day the offence subsists. (4) Where an offence under subsection (2) of the section is committed by a body corporate, it shall on conviction be liable to a fine not exceeding N2, 000,000.00 and additional fine of N500, 000.00 for every day the offence subsist.	(a) use of dispersant; (b) engagement or invitation of any oil spill responder by oil companies; (c) establishment of a benchmark for oil spill contingency planning; (d) development of framework to guide operators in oil spill contingency planning; (e) most appropriate means of preventing and combating oil spills and its attendant oil pollution; and (f) development of benchmarks for remediation threshold for different land surfaces and uses. (3) Any person who contravenes the regulations made under subsection (2), commits an offence and is, on conviction, liable to a fine not less than N2,000,000 or imprisonment for a term not less than two years or both and additional fine not less than N500,000 for every day the offence subsists. (4) Where an offence under subsection (2) is committed by a body corporate, the body corporate shall, on conviction, be liable to a fine not less than N5,000,000 and additional fine not less than N2,000,000 for every day the offence subsists."		
	Insertion of new sections 26A and 26D	Insertion of new sections 26A and 26D	

	10. Insert after section 26 of the Principal Act, new sections "26A" - "26D" - 26A. (1) An officer of the Agency may, in the course of his duty at any reasonable time and on presentation of his official identification, if so required - (a) in collaboration with relevant agencies, enter and search with a warrant issued by a court, any premises including land, vehicle, tent, vessel, floating craft including Maritime Tankers, Barges or Floating Production, Storage, Offloading (FPSO) and oil facilities or any inland waters and other structures, at all times, for the purposes of conducting inspection, searching and taking samples for analysis which he reasonably believes carries out activities or stores goods which contravene environmental standards or legislation relating to oil pollution; (b) examine any article found pursuant to paragraph (a), which appears to him to be an article to which this Bill or the regulations made under this Bill apply or anything which he reasonably believes is capable of being used to the detriment of the environment in the petroleum sector; (c) take a sample or specimen of any article to which this Bill or regulations apply or which he has power to examine under paragraph (b); (d) open and examine, pursuant to paragraph (a), any container or package which he reasonably believes may contain anything to which this Bill or its regulations apply or which may help in his investigations;	10. RETAINED	
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	(e) examine any book, document or other record found pursuant to paragraph (a), which he reasonably believes may contain any information relevant to the enforcement of this Bill or regulations and make copies or extracts therefrom; (f) seize and detain for such time as may be necessary, any article by means of or in relation to which he reasonably believes any provision of this Bill or regulations has been contravened; and (g) obtain an order of a court to suspend activities, seal and close down premises including land, vehicle, tent, well head, vessel, floating craft, oil facilities or any inland waters and other structures. (2) A written receipt shall be given for any article or thing seized under subsection (1) and the reasons for such seizure shall be stated on such receipt. (3) An article seized under this Bill shall be kept or stored in such a place as the officer of the Agency may direct and shall be returned to the owner or the person from whom it was seized if the article, upon analysis or examination, is found to conform with the requirements of this Bill or regulations made under it. (4) An article seized by an officer of the Agency under this Bill or regulations made under it, may be submitted to an analyst for analysis or examination and the analyst upon making such analysis or examination shall, issue a certificate or report in the prescribed form, setting forth the result of such analysis or examination and the officer of the Agency shall, on demand, deliver a copy of such certificate or report to the owner of the article if the		
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	article is to be subject of a proceeding under this Bill or regulations made under it. (5) In this section, the word "article" to which this Bill or regulations made under it apply are – (a) liquid, soil, vegetation; (b) biological and chemical samples; and (c) such other articles or samples as may be determined. 26B. (1) A person who obstructs an officer of the Agency in the discharge or performance of his duties under sections 5, 6, 7, 8 and 9 of this Bill, commits an offence and is liable on conviction – (a) in the case of an individual, to a fine not less than N300,000 or to imprisonment for a term not less than two years or both, and an additional fine not less than N30,000 for each day the offence subsists; and (b) in the case of a body corporate, to a fine not less than N5,000,000 and an additional fine not less than N500,000 for each day the offence subsists. (2) Any person who contravenes the provision of any regulations made under this Bill commits an offence and is liable on conviction to the penalties specified in the regulations and as may be reviewed from time to time. (3) Any person who engages in any activity that causes the spillage of crude oil or petroleum products commits an offence and is liable on conviction to a fine not less than N2,000,000 or		
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imprisonment for a term not less than two years or both.

26C. (1) Subject to section 174 of the Constitution of the Federal Republic of Nigeria 1999, which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in a court of law, the Agency may, with the consent of the Attorney-General of the Federation-

- (a) institute criminal proceedings against offenders in respect of offences under this Bill or regulations made under it; and
- (b) conduct such proceedings as may be necessary for the enforcement and due administration of this Bill.

(2) Subject to subsection (1), a staff of the Agency who is a Legal Officer within the meaning of the Legal Practitioners Act, shall, while in the employment of the Agency be entitled to represent the Agency as a Legal Practitioner for the purpose and in the course of his employment.

(3) In a judicial proceeding for an offence under this Bill or any regulation made under it, the provisions of the Criminal Procedure Act or depending on the venue, the Criminal Procedure Code shall, with such modification as the circumstance may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

26D. The Agency shall ensure that the polluter provides reasonable compensation for loss or

	damage arising from the use of any equipment, facility or personnel required under this Bill".		
Interpretation	Substitution of section 32	Substitution of section 32	
32. In this Act, unless the context otherwise requires – "Agency" means the National Oil Spill Detection and Response Agency established under section 1 of this Act; "Centre" means the National Control and Response Centre established under section 18 of this Act; "Chairman" means the Chairman of the Governing Board of the Agency; "Constitution" means the Constitution of the Federal Republic of Nigeria; "Court" means Federal or State High Court; "Governing Board" means the National Oil Spill Detection and Response Governing Board of the Agency established under section 2 of this Act; "member" means a member of the Governing Board of the Agency and includes the Chairman; "Minister" means the Minister charged with responsibilities for matters relating to environment; "Ministry" shall be construed accordingly; "officer" means any employee of the Agency;	11. Substitute for section 32 of the Principal Act, a new section "32"- "32. In this Bill – "Agency" means the National Oil Spill Detection and Response Agency established under section 1 of this Bill; "Centre" means the National Control and Response Centre established under section 18 of this Bill; "Chairman" means the Chairman of the Governing Board of the Agency; "Court" means Federal High Court; "facility owner" means a registered entity given the authority to operate in the oil and gas industry; "Governing Board" means the National Oil Spill Detection and Response Governing Board of the Agency established under section 2 (1) of this Bill; "member" means a member of the Governing Board of the Agency and includes the Chairman; "Minister" means the Minister charged with responsibilities for matters relating to	11. RETAINED	

"oil" means mineral oil (or any related hydrocarbon) or natural gas as it exists in its natural state in strata, and does not include coal or bituminous shale or other stratified deposits from which oil can be extracted by destructive distillation but including premium motor spirit, automotive gas oil, low/high pour, fuel oil, aviation fuel, kerosene, liquefied petroleum gases and any lubrication oil or grease or other lubricant oil in its natural state before it has been refined or treated; "oil spill responder" includes Clean Nigeria Associates (Oil Companies Cooperative), Oil Spill Response Limited (OSRL) or any other oil spill response contractors; and "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, discarding or disposing into the environment." "remediation" means the process of remedying or restoring an area or situation to its natural (or as close to natural as possible) state". "superfund" means a fund created to take care of costs incurred in a spill combat by the Agency which shall be recovered from the spiller in accordance with the polluter pays principle". "Tier 1" means operational type spills, less than or equal to 7 tonnes (50 bbls), that may occur at or near a company's own facilities, as a consequence of its own activities." and "Tier 2" means a larger spill, greater than 7 tonnes (50 bbls) but less than 700 tonnes (5000 bbls), in the vicinity of a company's facilities where resources from another company, industry and possible government response	environment and Ministry shall be construed accordingly; "officer" means any employee of the Agency; "oil" means mineral oil (or any related hydrocarbon) or natural gas as it exists in its natural state in strata, and does not include coal or bituminous shale or other stratified deposits from which oil can be extracted by destructive distillation but including premium motor spirit, automotive gas oil, low or high pour, fuel oil, aviation fuel, kerosene, liquefied petroleum gases and any lubrication oil or grease or other lubricant oil in its natural state before it has been refined or treated; "operator" means a person operating an oil facility whether as registered owner or on rent or lease or by any other arrangement; "oil spill responder" includes Clean Nigeria Associates, Oil Companies Cooperative, Oil Spill Response Limited (OSRL) or any other oil spill response contractors; "polluter" means owner or operator of a facility through which oil, oily waste or hazardous substances are released or discharged into the environment; "release" means any spilling, leaking, pump Leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, discarding or disposing into the environment;		
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agencies in the area can be called in on a mutual aid basis."	"remediation" means the process of remedying or restoring an area or situation to its natural (or as close to natural as possible) state; "Tier 1" means a minor oil spill of 0-5 barrels to inland waters, or 0-250 barrels to land or coastal or offshore waters; "Tier 2" means a medium oil spill of 25-250 barrels to inland waters, or 250-2,500 barrels to land or coastal or offshore waters; and "Tier 3" means a major oil spill above 250 barrels to inland waters, or above 2,500 barrels to land or coastal or offshore waters.		
3. The quorum at the meeting of the Governing Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this schedule and three other members.	Amendment of the First Schedule 12. The First Schedule to the Principal Act is amended in paragraph 3 by substituting for the word "six" in line three, the word "five".	Amendment of the First Schedule 12. RETAINED	
	Citation 13. This Bill may be cited as the National Oil Spill Detection and Response Agency (Establishment) (Amendment) Bill, 2026.	Citation 13. RETAINED	
	EXPLANATORY MEMORANDUM This Bill amends the National Oil Spill Detection and Response Agency (Establishment) Bill, 2026, to provide statutory power for the Agency to charge adequate fines, introduce criminal offences and penalties to ensure compliance with existing environmental legislation in the petroleum sector.	EXPLANATORY MEMORANDUM RETAINED	