(Federal Ministry of Environment)

FEDERAL REPUBLIC OF NIGERIA

NATIONAL BIOSAFETY GUIDELINES FOR ADMINISTRATIVE SANCTIONS, 2021 (REVISED EDITION 2026)

In exercise of powers conferred on it by section 41 (3) of the National Biosafety Management Agency Act, 2015 (as Amended), herein referred to as "the Act" and all other powers enabling it in that regard, the Agency makes these Guidelines which shall be referred to as:

The National Biosafety Management Agency (NBMA) Guidelines (2021) on Internal Administrative Sanctions for Breach or Non-Compliance of Safety Regulations under the NBMA Act, 2015 (as Amended)

1. Purpose

The Agency makes these guidelines for establishing a structured administrative mechanism for the resolution of violations arising under the Act, where a person, institution or body is in breach or in non-compliance of the regulation.

2. Scope of Application

These guidelines apply to any person, corporate body, institution, or organization who:

i. Contravenes any provision of the Act, regulations, guidelines, permits, or approvals issued thereunder; and

ii. Is in breach of the regulations, or has not complied either fully or partially and there is evidence or admission of such breach.

3. Conditions for Invocation

The Agency may invoke these guidelines where:

i. There is liability that contravenes the mandate of the Agency.
ii. The nature, gravity, and impact of the contravention does not constitute significant harm, or threat to biological diversity taking into account risk to humans, animals and the environment.
iii. The offender undertakes to comply with any sanctions prescribed by the Agency.

4. Procedures for Administrative Sanctions

i. The Agency shall upon its investigation communicate the nature, gravity, and impact of the violation accompanied with appropriate sanctions to the offender in writing.
ii. The sanction shall take effect and be executed within 30 days thereafter upon communication with the offender.

5. Administrative Sanctions and Enforcement Measures

The Agency may impose one or more of the following sanctions:

i. Administrative fines (to be determined based on the technical assessment of the gravity of the offence).
ii. Suspension or revocation of permits, approvals, or clearance.
iii. Suspension on any activity covered under the Act within any timeframe
iv. Mandatory compliance directives, including corrective and remedial actions.
v. Seizure, forfeiture, or safe disposal of transgenic or related materials.
vi. Dissolution or suspension of Institutional Biosafety Committees.
vii. Mandatory training or capacity-building requirements.
viii. Issuance of formal warnings or compliance notices.
ix. Any other administrative measure deemed appropriate by the Agency.

6. Procedures for Administrative Sanctions

iii. The Agency shall upon its investigation communicate the nature, gravity, and impact of the violation accompanied with appropriate sanctions to the offender in writing.

iv. The sanction shall take effect and be executed within 30 days thereafter upon communication with the offender.

7. Enforcement and Compliance

i. Sanctions under these guidelines constitute a binding administrative resolution of the violation.
ii. Failure to comply with imposed sanctions shall result in enforcement actions, including prosecution under the Act.

8. Record and Accountability

All proceedings and outcomes under these guidelines shall be documented and maintained by the Agency. The Agency reserves the right to publish enforcement actions in the interest of transparency and deterrence, subject to applicable laws.

9. Reservation of Powers

Nothing in these guidelines shall limit or derogate from the statutory powers of the Agency to investigate, prosecute, or enforce compliance under the Act.